

**PROGRAM ON NEGOTIATION**  
HARVARD LAW SCHOOL



# **ANNUAL REPORT**

ACADEMIC YEAR  
2018-2019



# 1. Summary of Academic Year 2018-2019

## **Executive Summary**

Founded in 1983, PON is a multi-disciplinary consortium program of Harvard, MIT, and Tufts, and a convening forum for negotiation faculty from those schools and others in the Boston area. Through PON, faculty work collaboratively with each other and with other university programs to create real cross-cutting synergy, drawing on expertise from the related fields of law, business, diplomacy, public policy, psychology, behavioral science, and education.

PON serves as a leading resource in the field as it supports scholarship, hosts events for the discussion of best practices and new ideas, provides training to professionals around the world, brings skilled practitioners to speak to students on campus, develops and disseminates negotiation teaching materials, publishes a quarterly peer-reviewed journal, two newsletters and a blog. To connect negotiation learning with current research and real-world contexts, PON sponsors conferences, research seminars, film screenings, lunch talks and a wide variety of special events, often partnering with Harvard or consortium partners. In addition, PON gives multiple grants to students developing their scholarship and careers in negotiation and dispute resolution, and provides opportunities for them to connect with faculty and other scholars.

Since July 2018, Professor Guhan Subramanian of Harvard Law School and Harvard Business School has been the Chair of PON's Executive Committee. The other members are: HBS professor Max Bazerman, HLS professor Gabriella Blum, HKS professor Hannah Riley Bowles, MIT professor Jared Curhan, Brandeis professor Alain Lempereur, HKS professor Brian Mandell, HBS professor Deepak Malhotra, Tufts University professor Jeswald Salacuse, HBS professor James Sebenius, and MIT professor Lawrence Susskind. Susan Hackley is PON's managing director and an ex officio member of the Executive Committee.

2018-2019 was again a busy and productive year for PON. A summary of the many highlights of the past year are included below.

PON supported the ongoing work of faculty-led research projects, including the Harvard Negotiation Research Project, the Harvard Negotiation Project, the Harvard International Negotiation Program, the Global Negotiation Initiative, the MIT-Harvard Public Disputes Program, Negotiations in the Workplace, and the PON Research Lab.

PON sponsored two days of discussions with former Colombian President Juan Manuel Santos and his team of peace advisors, including William Ury, Senior Fellow and co-founder of PON, to discuss how this innovative advisory team model can be used in other peace negotiations. The discussions were moderated by HBS professors James Sebenius and Deepak Malhotra and HKS professor Kessely Hong.

PON hosted four Graduate Research Fellows who conducted research on topics as diverse as regulation of financial markets through the enforcement of discrimination laws, and trans-boundary cooperation in the Eastern Nile River Basin. Four new Graduate Research Fellows have been selected for 2019-2020. In addition, student grants were given to six summer fellows for research projects.

The 2019 Roger Fisher and Frank Sander prize was awarded to Meirav Furth (HLS '19) for her paper on "The Harmful Effects of Unenforceable Contract Terms: Experimental Evidence." The prize is awarded to the best Harvard Law School student paper on a topic related to negotiation, dispute systems design, mediation, or ADR.

The 2019 Howard Raiffa Doctoral Student Paper Award was given to Bradley R. DeWees, Harvard University, for his paper, "The Peril and Promise of Unknown Odds; Reconceptualizing Choice under Ambiguity When Reputations Are on the Line."

PON continues to offer negotiation training for lawyers, executives and non-profit leaders at our Master Class, Harvard Negotiation Institute and Negotiation and Leadership courses. Through the Harvard Senior Administrative Fellowship program, PON provided negotiation training free-of-charge for six senior Harvard administrators in the Negotiation and Leadership course in 2018-2019.

PON Global, our blended learning negotiation course, continues to grow rapidly. In only its fourth year, PON Global has now been held in fourteen countries. Five new sites were added in 2018-2019. Additional instructors and a new staff assistant were added to accommodate this growth.

A special issue of the *Negotiation Journal* entitled "Negotiation and Conflict Resolution in the Trump Era" was published in January 2019. The issue included 35 contributors, who analyzed Trump's negotiation style and the implications of his leadership in the White House. After fifteen years as *Negotiation Journal* Editor, Nancy Waters stepped down in the spring of 2019, and Dr. Sylvia Glick became our new editor.

The Teaching Negotiation Resource Center, which publishes a range of teaching materials related to negotiation and alternative dispute resolution, completed the process of moving its fulfillment to a primarily digital delivery system. TNRC also organized seminars for area faculty, developed new cases, and shared insights with 13,500 educators through its weekly email. Plans are underway for a day-long conference on Negotiation Pedagogy to be held at HLS in November 2019.

PON hosted a series of events with entertainment lawyer John Branca, co-sponsored with the HLS Entertainment Law Clinic, including a student dinner, and a public talk moderated by Brian Price, HLS Clinical Professor of Law.

PON hosted 9 films in the PON Film Series in 2018-2019. Among them, PON co-sponsored a film screening of *bias*, a documentary film on how implicit bias shapes our decision-making, with filmmaker Robin Hauser and moderated by Audrey Lee, a PON-affiliated faculty member. The event was co-sponsored by HLS's Charles Hamilton Houston Institute, the Radcliffe Institute for Advanced Studies, and the Boston Law Collaborative.

The Middle East Negotiation Initiative hosted numerous events with experts from the region, including a talk by Hind Kabawat, Deputy Head of Syrian Negotiation Commission Office in Geneva, on negotiations in Syria, and a film screening of *the Oslo Diaries* with Shlomo Ben Ami, former foreign minister of Israel.

PON co-sponsored the 2018 Harvard Negotiation Law Review Conference on "Redressing Harm Through Restorative Justice." The keynote speaker was Dr. Carl Stauffer who spoke on "Restorative Justice: Transitional and Transformative Critiques."

In October, PON collaborated with the Massachusetts Bar Association Dispute Resolution Section in hosting a Conflict Resolution Day event at HLS. HLS Professor Robert Mnookin was the keynote speaker, and David Hoffman, John H. Watson, Jr. Lecturer on Law, was the recipient of the inaugural MBA Professor Frank E. A. Sander Award in Dispute Resolution.

Several other PON-affiliated faculty members were recognized for their work this year. In April 2019, William Ury received the Sokrates Award (Germany) for a lifetime achievement in the field of mediation and conflict management. Daniel L. Shapiro received the 2019 Harvard University's prestigious Joseph R. Levenson Memorial Teaching Prize for Excellence in Undergraduate Teaching. In June 2019, Jared Curhan received the student-nominated Teaching With Digital Technology Award. In August 2019, Deborah Kolb received the Scholarly Contribution to Educational Practice Advancing Women in Leadership Award in the Gender and Diversity Division of the Academy of Management.

Additional information on these activities and many others are detailed in the report below.

## 2. PON 2018-2019 Activities

### Faculty-Led Research Projects

PON oversees a number of faculty-led research projects and initiatives. These include: Harvard Negotiation Research Project (HNRP); Harvard Negotiation Project (HNP); the American Secretaries of State Project; the Great Negotiator Study Initiative; Middle East Negotiation Initiative (MENI); MIT-Harvard Public Disputes Program; Program on Negotiations in the Workplace; the PON Research Lab; and the Leadership and Negotiation Initiative.

Professor Robert H. Mnookin of Harvard Law School is Chair of the **Harvard Negotiation Research Project (HNRP)**. HNRP goals include strengthening the theoretical underpinnings and empirical scholarship related to negotiation and dispute resolution, and developing the practical tools that translate theory into practical processes for parties engaged in conflict. Recently HNRP has focused on the limits of negotiation and the challenge of making wise decisions about whether to negotiate or resist; and ethnic conflict in divided societies. In the Fall Semester, Professor Mnookin offered a reading course on the Israeli-Palestinian conflict at Harvard Law School which he will offer again in 2019. On November 27, 2018, Public Affairs published Professor Mnookin's *The Jewish American Paradox: Embracing Choice in a Changing World*. PON hosted a book launch event at HLS in December, and Professor Mnookin has given numerous talks on the book since it was published. Professor Mnookin also actively continued his research and writing related to the American Secretaries of State Project (SOSP), detailed below.

The mission of the **Harvard Negotiation Project (HNP)** is to improve the theory and practice of conflict resolution and negotiation by working on real world negotiation and conflict intervention, theory building, education and training, and writing and disseminating new ideas. HBS Professor James Sebenius, who serves as vice-chair for Practice-Focused Research at PON, is Director of the Harvard Negotiation Project. Professor Sebenius also serves as co-chair of the American Secretaries of State Project, the activities of which are detailed below.

HNP continues to develop case material under the auspices of the Great Negotiator Study Initiative. In October 2018, Professor Sebenius, HBS Professor Deepak Malhotra and HKS professor Kessely Hong co-moderated a panel discussion with Juan Manuel Santos, former President of Colombia, and the negotiation advisors who assisted him during negotiations with the FARC. Santos was the recipient of the 2018 Great Negotiator Award. His advisors during the peace process included: Shlomo Ben Ami, former foreign minister of Israel; Jonathan Powell, former Chief of Staff to British Prime Minister Tony Blair for fourteen years; Joaquin Villalobos, a former guerrilla commander of the FMLN in El Salvador, who later participated in the peace negotiations that ended the civil war; and William Ury, co-founder of the Program on Negotiation at Harvard Law School. The two days of discussions focused on the role of a team of negotiation advisors and how lessons might be drawn from the Colombian context to help resolve conflicts in other settings. It was filmed, and the insights

gained will be used in creating new teaching material. In September 2019, Professor James Sebenius taught a one-day course on “Lessons from the Great Negotiators” in PON’s executive education program. This course will be offered again in April 2020.

HNP also continues to be engaged in research and other activities related to negotiation in the Middle East, working closely with the Middle East Negotiation Initiative (MENI). Two additional initiatives that continue under HNP are the Harvard International Negotiation Program, directed by HLS Lecturer on Law and HMS Assistant Professor Daniel Shapiro, and the Global Negotiation Initiative, co-founded and led by William Ury, Distinguished Senior Fellow.

During the 2018-2019 academic year, the **Harvard International Negotiation Program (INP)** advanced its mission to create and disseminate tools to help decision makers across sectors understand and better negotiate the emotional and identity-based dimensions of conflict. Dr. Shapiro published an article called, “Negotiating the Sacred: Turning Impossible Divides into Opportunities for Peace” (*Interreligious Studies*, 2019), which presents four principles to overcome key obstacles to negotiating the sacred. Shapiro joined with Frank White and INP affiliate Bruce Shackleton to write an article (accepted for publication, 2019) on the role of the *overview effect* as a means for countering the *tribes effect* (described in *Negotiating the Non-Negotiable*). In another research stream, Shapiro and Mikhaila Fogel published an article identifying key factors magnifying divisiveness in the United States. They introduced a new measure, *The Societal Resilience Index*, as a basic metric from which social scientists can test for societal elasticity and which political activists can use to hone their efforts to promote societal resilience (2019).

At a major leadership conference in Europe headlined by President Obama, Shapiro presented a keynote lecture on how to combat the epidemic of tribalism that is dividing societies around the globe. In conjunction with the Museum of Fine Arts, INP affiliate Steve Nisenbaum organized and led a movie series and post-movie discussion on psychological dimensions of conflict resolution. INP affiliate Rebekah Getman and Shapiro developed and led a multi-day program on systemic dialogue for curators of multi-stakeholder dialogue.

For his undergraduate teaching, Shapiro was the 2019 recipient of Harvard University’s Joseph R. Levenson Memorial Teaching Prize for Excellence in Undergraduate Teaching, which has been presented by Harvard’s Undergraduate Council each year since 1982. The General Education Program at Harvard College approved Shapiro’s course on conflict resolution as one of its new undergraduate semester-long offerings. The course, entitled “Conflict Resolution in a Divided World,” will examine rational, emotional, and identity-based perspectives on conflict resolution. Shapiro has been working with a team of research assistants on development and refinement of new class materials on such subjects as reconciliation, civil dialogue, and ethics. INP also advises and supports its undergraduate partner organization, the Harvard College International Negotiation Program, an undergraduate student organization that works to bring workshops, information, and other opportunities to students across the College and around the world. This group also serves as a platform for INP to mentor the next generation of negotiation scholars and practitioners.

**The Global Negotiation Initiative (GNI)**, co-founded by Dr. William L. Ury and Dr. Joshua N. Weiss, bridges theoretical academic research with practical negotiation work. Both Ury and Weiss work in various conflict areas around the world conducting trainings, facilitating workshops, and advising negotiation teams.

GNI works in close partnership with the Abraham Path Initiative (API), which seeks to inspire and support the opening of a permanent cultural route of pilgrimage and tourism retracing the footsteps of Abraham in the Middle East. GNI oversees academic research on the Path's development, which has grown to span over 2000 km across the Middle East. Both Ury and Weiss serve on the Board of Directors of API. One key project is a burgeoning partnership with the United Nations Institute for Training and Research (UNITAR) to train diplomats along the path. Dr. Weiss will be leading the first group of diplomats on the path in October 2019.

GNI has launched a new version of the Third Side website —based on Ury's book *The Third Side: Why We Fight and How We Can Stop*— with a more user-friendly interface. Dr. Weiss and GNI researchers continue to put out new stories in a monthly blog on Third Side actions around the world.

Ury continues to work on the Korean nuclear negotiations, the conflict in Afghanistan, and the conflict in Venezuela. He will help identify obstacles and ways to overcome them as well as ways of activating the Third Side. In Dec 2018, he presented a talk at HLS on his work, entitled "Getting to Peace: From Colombia and Venezuela to North Korea and Afghanistan." He taught a one-day PON seminar on "The Art of Saying No", and co-taught a series of online courses called "Meditate & Mediate" with Thomas Hübl on the inner and outer skills needed today to transform conflict. He is currently working on a book titled *Making Peace Possible* on the lessons he has gleaned over his career in high-stakes negotiations.

Weiss published the next book in his children's book series. The new book, *Bullied at the Watering Hole*, provides children 5 to 10 years old with a story about bullying and many different options for dealing with it productively. The final book in the children's book series, *Phoney Friends, Besties Again*, will be published this coming year. The book is about a social media conflict that creates a rift between best friends Emo and Chickie. The two friends are forced to deal with a potentially destructive conflict and try to save their friendship in the process. He is also writing a book of real world negotiation case studies to be published by Wiley Press in 2020.

The strategic aim of the **American Secretaries of State Project** is to produce a new book and a series of documentary films based on interviews with the former Secretaries of State. This initiative is co-chaired by Professor Nicholas Burns of Harvard Kennedy School, Professor Robert Mnookin of Harvard Law School, and Professor James Sebenius of Harvard Business School. Dr. Eugene Kogan is the Research Director. The SOSOP's faculty directors have had unprecedented access to the former Secretaries of State, conducting multi-hour, video-taped interviews with former Secretaries Henry A.

Kissinger, George P. Shultz, James A. Baker III, Madeleine Albright, Colin Powell, Condoleezza Rice, and Hillary Rodham Clinton.

In 2018, Professors Sebenius, Burns and Mnookin completed *Kissinger the Negotiator: Lessons from Dealmaking at the Highest Level*, a book about Henry Kissinger's approach to negotiation. (New York: Harper Collins, 2018) They have also negotiated contractual negotiations with WGBH for the creation of a three-part public television series. With the work on *Kissinger the Negotiator* complete, effort has shifted to producing a book on American diplomacy from Kissinger to Kerry that will synthesize the insights of all of the Secretaries of State on diplomacy, negotiation and leadership. The book will draw negotiation, management, and leadership lessons from real world situations faced by the former Secretaries. To present American diplomacy in its true complexity, the documentaries and the book will grapple with both the successes and failures of America's chief diplomats as they assembled and managed negotiating teams, bargained with Presidents for negotiating latitude, made consequential (and often costly) decisions under great pressure, and acted to defend American interests worldwide. The book and the documentaries will portray how the Secretaries of State have exercised American power with China, in the Middle East and with Russia over the last 50 years (1968 – 2018).

Professors Nicholas Burns, Robert Mnookin and James Sebenius interviewed former Secretary of State Rex W. Tillerson in September 2019. They expect to interview former Secretary of State John F. Kerry in 2020. Additionally, SOSP plans to develop case studies to be used for teaching, and create an archive of research materials for scholars studying diplomacy, conflict resolution, mediation, and negotiation. These resources will serve as active teaching tools, enhancing the intellectual vibrancy of the Harvard educational community.

The SOSP inspired the creation of an innovative Harvard course, "Negotiation and Diplomacy," co-taught by Professors Burns, Mnookin, and Sebenius, which explores the ways in which modern diplomacy and negotiation can achieve agreements in civil wars, interstate conflicts, trade, and finance. This course will again be offered in Spring 2020, and is cross-listed at Harvard Law School, Harvard Business School and Harvard Kennedy School, and open to students from all three schools.

Faculty affiliates and research fellows of the **Middle East Negotiation Initiative** (MENI) conduct research and scholarship on key topics related to Middle East peace negotiations. PON Senior Fellow Shula Gilad leads the project, in collaboration with HBS Professor James Sebenius. Through publications, workshops, and multimedia resources, MENI disseminates problem-solving methodology and shares negotiation methods and techniques that can help resolve challenges in the Middle East. Gilad wrote a paper comparing two similar programs – the Israeli Palestinian Negotiating Partners (IPNP) and the Negotiation Strategies Institute (NSI) – which have contributed to a peace process between Israelis and Palestinians by providing joint "Harvard-based" negotiation training workshops to leaders in the respective societies. In the coming year, Dr. Shula Gilad and Dr. Hussein Tarabieh will complete a "Case Study of the Land Dispute between Sakhnin and Misgav."

MENI events in 2018-2019 included several in-depth talks by experts on the region. Mutasim Ali, the only Sudanese asylum seeker to be granted refugee status in Israel and Dr. Tally Kritzman-Amir, a leading legal scholar in this field, conducted a conversation entitled “A Refugee in the Land of Refugees: Lessons from the Israeli Asylum System.” Dr. Khalil Shikaki, Director of the Palestinian Center for Policy and Survey Research (PCPSR) in Ramallah and a fellow at the Crown Center for Middle East Studies at Brandeis University, returned to PON to discuss “Why, 25 Years After Oslo, Palestinian Support for the Two-State Solution is the Lowest Since 1993.” Visiting Scholar at PON Hind Kabawat brought a glimpse of hope from her work as Deputy Head of Syrian Negotiation Commission Office in Geneva by discussing “What the Syrian Negotiation Commission (SNC) Can Do for the Syrians While the War Goes On and Formal Negotiations Are Stalled.” “The Middle East between Trump’s Deal and the Israeli Elections: A Regional Outlook from Israel,” was a presentation at PON by Gilead Sher, former Israeli senior peace negotiator and former Chief of Staff to Prime Minister Ehud Barak, currently Head of the Center for Applied Negotiations at the Institute for National Security Studies (INSS) in Tel Aviv and a visiting professor at Georgetown University.

MENI hosted several film screenings throughout the year, as part of PON ‘s Film Series. A screening of the acclaimed documentary *Condemned to Remember* included a moving discussion with Holocaust survivor Tomi Reichental, the film’s protagonist, and film director Gerry Gregg. The film addresses the current rise in xenophobia and nationalism in Europe, and the importance of societies learning from the past. In partnership with Harvard Hillel, PON hosted a film screening of *The Oslo Diaries*, followed by a discussion with Professor Shlomo Ben Ami, Former Israeli Foreign Minister and Lead Negotiator for Israel at Camp David II, moderated by Professor James Sebenius of Harvard Business School. MENI and the Harvard Kennedy School’s Israel Caucus hosted a screening of *The Optimists*, followed by a discussion with journalist and author Eliezer Yaari, director of the documentary that recounts the story of Dr. Tareq Abu Hamed. Hamed is a Palestinian chemist who relocated with his family to Kibbutz Ketura in order to become the Academic Director of the Arava Institute for Environmental Studies. MENI also co-sponsored the screenings of *Naila and the Uprising*, and *Women, Peace and Power*, listed later in this report.

The **MIT-Harvard Public Disputes Program (PDP)** conducts research in the following areas: (1) conflicts over sacred lands; (2) US-Mexico energy and water negotiations; (3) science diplomacy; and (4) Cybersecurity for critical urban infrastructure in the United States. Professor Lawrence Susskind, Vice-Chair of PON and Ford Professor of Urban and Environmental Planning at MIT, remains the director of PDP. Dr. David Fairman, Mr. Patrick Field and Professor Paul Berkman from the Fletcher School of Law and Diplomacy at Tufts University serve as Associate Directors of PDP.

This year, PDP has broadened it’s Science Diplomacy work under the direction of Professor Berkman. With the Center for Science Diplomacy at Tufts, as well as senior colleagues at UMass-Boston, MIT, and Boston University, PDP once again offered a two-day Science Diplomacy Workshop for Boston-area graduate students in conjunction with the Science and Technology Diplomatic Circle of Boston. Professors Susskind and Berkman are pursuing the development of an online science diplomacy training program in conjunction with the Foreign Ministries of several nations. Their team

has produced a new eight party role play simulation (The Miconium Game) that is being used to teach science diplomacy in universities and diplomatic training programs around the world.

PDP has also expanded work on Cyber Security for Critical Urban Infrastructure with the help of Dr. Gregory Falco at MIT and Stanford University. In October 2019, PDP hosted a week-long visit by seven senior public dispute mediators from the Netherlands along with Mr. Frans Evers, one of the most experienced public dispute mediators in Holland. Mr. Evers gave presentations at MIT, Boston University and Tufts. Professor Susskind and Dr. Falco published an extended review of their work in the *Journal of Cyber Policy* (Volume 4, Issue 1, 2019).

Under the direction of Dr. Bruno Verdini, the US-Mexico Water and Energy Negotiations project will continue to offer advanced training in natural resource policy negotiations to senior governmental officials and leaders of major Mexican corporations in conjunction with a number of Mexican university partners. Their work in Mexico continues a multi-year commitment to train-the-trainer efforts in water diplomacy around the world. The Sacred Lands Project (SLP) of the MIT-Harvard Public Disputes Program, directed by MIT Visiting Scholar Ms. Susan Podziba will continue to explore the idea of sacred lands disputes as a subset of public conflicts, not only in the United States, but in the Middle East as well.

Faculty and affiliates of the **Program on Negotiations in the Workplace Project** have been active in research and intervention work as it concerns gender in the workplace. Simmons Professor emerita Deborah Kolb and HBS Professor Kathleen McGinn are co-directors of the project. In the January 2019 special issue of the *Negotiation Journal*, Kolb published an article on gender and negotiations in the time of Donald Trump, entitled “Her Place at the Table: Gender and Negotiation after Trump.” She also presented a talk at Brandeis on the same topic. With Jessica Porter, Kolb also published “It’s More than What You think: Moves and Turns in Negotiation.” This short paper has been adapted for attorneys in *Negotiation Essentials for Lawyer* (ABA). With Judith Claire (Boston College), Rachel Arnett (Wharton), Beth Humberd (U Mass, Lowell) and Katherine Chen (HBS), Kathleen McGinn revised and resubmitted a manuscript exploring the role that family-of-origin social class plays in women’s agency. With Christine Exley (HBS), McGinn is studying gender differences in people’s willingness to compete at the risk of incurring costs to the self. In August, 2019, Kolb received the Scholarly Contribution to Educational Practice Advancing Women in Leadership in the Gender and Diversity Division of the Academy of Management.

Kolb has a new paper coming out in the *Handbook on Gender in Negotiations Handbook* (Oleka and Kennedy) related to a negotiation training workshop for women in Sarajevo, which she developed in partnership with Lejla Ramic-Mesihovic and Anida Sabanovic of the Foreign Policy Initiative BH, under the auspices of the U.S. Embassy. The goals of the workshop were to empower the women politicians to negotiate for leadership roles in their respective parties, to secure the resources and backing necessary to get on their party’s ballot and to win a seat in the October 2018 elections. The paper reports on the structure of the workshop, the resistance encountered, and how

moments of resistance became turning points in the program that enabled the women to practice in time for the 2018 elections. Ten of the twelve were successful in getting on their party's ballots.

Organized by Professor Curhan (MIT) with help in Academic Year 2018-2019 from Professors Alison Wood Brooks (HBS) and Julia Minson (HKS), the **PON Research Lab** is a venue for scholars from the Greater Boston Area to gather and share insights on experimental-behavioral research related to negotiation, decision-making, conflict management, and human interaction. The PON Research Lab held nine sessions during the 2018-2019 academic year and plans to hold sessions roughly every 5 weeks in the 2019-2020 academic year. Scholars who presented include: Professor David Levari & Gus Cooney, Harvard University, Department of Psychology; Professor Netta Barack-Corren, Hebrew University of Jerusalem; Professor Jared Curhan, Massachusetts Institute of Technology, Sloan School of Management; Professor Julia Minson, Harvard Kennedy School of Government; Professor Maurice Schweitzer, Wharton School, University of Pennsylvania; Professor Selin Kesebir, London Business School; Jackson Lu, Massachusetts Institute of Technology, Sloan School of Management; Professor Ashley Whillans, Harvard Business School; and Professor Nir Halevy, Graduate School of Stanford Business.

As part of the **Leadership and Negotiation Project**, Professor Jes Salacuse, Fletcher School of Law and Diplomacy, Tufts University, has devoted significant efforts to the study and development of leadership within judicial systems. With the support of the National Center for State Courts (NCSC), which has appointed him its Senior Advisor on Judicial Leadership, Professor Salacuse has developed a new program to train judges in leadership skills, which NCSC has named "The Judiciary Leadership Academy." The first session of the Academy was held on October 5-7, 2019 in Boston. The Massachusetts Supreme Judicial Court has donated space in its court house for the program. Salacuse also conducted sessions at a conference of court administrators and judges in New Orleans and at a meeting of New York State administrative judges at the New York Judicial Institute in White Plains, N. Y. He presided at retreat of appellate justices and senior administrators of New York State's Second Judicial Department, the state's largest and busiest. Earlier in 2018, Professor Salacuse contributed a chapter, "Advice in Government and Policy Making," to *The Oxford Handbook of Advice* (E.L. Mac George & L.M. Van Swol, eds., Oxford University Press, 2018).

**PON Visiting Scholars and Fellows** contributed to the research efforts at PON in 2018-2019. Bruce Patton, Distinguished Fellow, Harvard Negotiation Project, is the Co-Director of the Rebuild Congress Initiative, which brings together Members of Congress "to explore and develop actionable strategies for addressing the systemic challenges that are preventing Congress as an institution from fulfilling its duties as an independent and coequal branch of our government." Bruce Allyn, Senior Fellow, is an Adjunct Faculty member at the University of Oregon Law School and former Director of the Harvard-Soviet Joint Study. He is also the former Associate Director of the Harvard Strengthening Democratic Institutions Project. He is writing a book on the nonviolent collapse of the Soviet Union, using it as a case study to derive lessons for regime change in current conflicts, particularly in the Middle East. Shula Gilad, Senior Fellow, conducts research and develops programming for the Middle East Negotiation Initiative at PON. PON Visiting Fellow Matt Waldman is Director of Center

for Empathy in International Affairs, and Adviser to the UN Envoy for Yemen. Paul Arthur Berkman, Founding Director of the Science Diplomacy Center at Tufts University, is Associate Director of Science Diplomacy for the MIT-Harvard Public Disputes Project.

### **Student Engagement**

Central to PON's mission is engaging with students and recognizing their contributions to the field of negotiation. In addition to taking negotiation courses, students are invited to a wide range of PON events, including special events like the Great Negotiator Award programs, and the American Secretaries of State Program events. Students are recognized for their research through the PON Graduate Student Grants and the PON Next Generation Grants. Students also regularly attend the PON Research Lab. Students are eligible for the two negotiation writing prizes awarded through PON: the Roger Fisher and Frank E. A. Sander Prize and the Howard Raiffa Doctoral Student Paper Award Prize. Other areas of student involvement include serving on the board of the *Harvard Negotiation Law Review* or as Student Teaching Assistants and Student Research Assistants.

PON welcomed four Graduate Research Fellows in 2018-2019. They are: Talia Gillis, Ph.D. candidate, Business Economics, Harvard Business School and Economics Department, Harvard University, and S.J.D. candidate, Harvard Law School; Gali Racabi, S.J.D. candidate, Harvard Law School; Benjamin J. Spatz, Ph.D. candidate, Fletcher School of Law and Diplomacy, Tufts University; and Yasmin Zaerpoor, Ph.D. candidate, Department of Urban Studies and Planning, MIT. Four new fellows have been selected for 2019-2020 academic year: Aria Ritz Finkelstein, Ph.D. Candidate, Department of Urban Studies and Planning, MIT; Rob Grace, Ph.D. Candidate in Political Science, Brown University; Fady Khoury, S.J.D. Candidate, Harvard Law School; and Samantha Lakin; Ph.D. Candidate, Strassler Center for Holocaust and Genocide Studies, Clark University.

PON offered **Summer Fellowship** grants to six students who are undertaking internships or unpaid summer research projects relating to negotiation and dispute resolution. The Fellowship's emphasis is on advancing the links between scholarship and practice in negotiation and dispute resolution by supporting students interested in exploring career paths, either professional or academic, in this field. The following fellows began their internships during fiscal year 2018-2019 and completed their respective internships in September 2019: Diksha Bijlani, Harvard Kennedy School; Tara Deonauth, Harvard Divinity School; Nathan Heath, Fletcher School of Law and Diplomacy, Tufts University; Alexandra McAuliff; Fletcher School of Law School Diplomacy, Tufts University; Sophia Park, Fletcher School of Law School Diplomacy, Tufts University; Safiya St. Clair Global Governance and Human Security, University of Massachusetts, Boston.

The **Roger Fisher and Frank E. Sander Prize** was established by PON in 2007 in honor of professors emeriti Roger Fisher and Frank Sander, co-founders of PON. The prize is awarded to the best Harvard Law School student paper on a topic related to negotiation, dispute systems design, mediation, or ADR. The 2019 Fisher/Sander Prize was awarded to Meirav Furth (HLS '19) for her paper on "The Harmful Effects of Unenforceable Contract Terms: Experimental Evidence."

PON's **Howard Raiffa Prize** is awarded to a doctoral student author of the best research paper on a topic relating to negotiation, competitive decision making, dispute resolution, mediation, or ADR. This prize was established by PON in 2008 in honor of Professor Howard Raiffa, Frank Plumpton Ramsey Professor of Managerial Economics, Emeritus. Professor Raiffa was one of the founders of the Program on Negotiation. In 2019, Bradley R. DeWees of Harvard University was awarded the Raiffa prize for his paper, "The Peril and Promise of Unknown Odds; Reconceptualizing choice under Ambiguity When Reputations Are on the Line."

The **Next Generation Grant** program supports research in negotiation and conflict resolution by non-tenured faculty and doctoral students who will shape the field with their work. Awardees in 2018-2019 were: Ariella Kristal, Harvard Business School; Samantha Lakin, Clark University; Christopher Umpres, Harvard University; and Naima Green-Riley, Harvard University

PON's **Student Interest Group** connects over 1,400 students from Harvard, MIT, Tufts, Brandeis, UMass Boston, and other Boston-area schools. PON supports student interest in negotiation in a myriad of ways, including inclusion in invitation-only events, support for conferences, student summer fellowships, research grants, writing prizes, and opportunities to serve as teaching and research assistants.

PON co-sponsored two student organized conferences in 2018-2019. In February, we co-sponsored the 2019 *Harvard Negotiation Law Review's* Symposium, entitled "Redressing Harm Through Restorative Justice." The keynote speaker was Dr. Carl Stauffer who spoke on "Restorative Justice: Transitional and Transformative Critiques." Other panels included: "Integrating Restorative Justice into the US Criminal Context", "Using Restorative Practices to Address Communal Harm, Internationally," and a film screening and discussion of "Fambul Tok" a film about truth telling circles that were organized in the wake of Sierra Leone's civil war. In April, PON co-sponsored *Shaping Colombia: Towards Sustainable Development*, the 6th Colombian Conference, co-organized by students at Harvard and MIT. The conference examined efforts in Colombia to implement the Sustainable Development Goals (SDGs) in the public and private sector, and included a keynote by Juan Manuel Santos, former president of Colombia, and the 2018 Great Negotiator awardee.

Nathan Heath was a PON student assistant in 2018-2019. Nathan Heath is a second-year candidate for the M.A. in Law and Diplomacy at the Fletcher School of Law and Diplomacy, Tufts University. In June 2019, Vanessa Simplicie joined PON as our Summer Search intern. Vanessa is an undergraduate student at Smith College in Northampton, Massachusetts.

### **Teaching Negotiation Resource Center**

The TNRC publishes a range of teaching materials related to negotiation, alternative dispute resolution and conflict management, including role-play simulations, case studies, instructional videos, and books. Many of these materials are used in the HLS Winter and Spring Negotiation Workshops, the PON Seminars, PON executive training courses, and the Harvard Negotiation

Institute workshops. TNRC products and services are made available to customers from all over the world; many of its teaching exercises are available in non-English languages.

More than 13,500 educators receive the *Teaching Negotiation* weekly email, featuring articles on negotiation pedagogy and updates on teaching materials which will continue into the upcoming year. The emails include information about the latest role-play simulations, books and videos sold through the TNRC that will help negotiation teachers, trainers, and scholars advance their missions. The emails also include articles, teaching tips, and videos to help educators learn from their peers about best practices for teaching negotiation.

The TNRC also hosts semi-annual faculty seminars related to negotiation pedagogy. In March 2019, the TNRC transitioned fulfillment of teaching materials away from the Center for Management Research (CMR) to the Professional Newsletter Management Service Incorporated (PNMSI). In conjunction with this transition, the TNRC automated electronic delivery of role play simulations. In the forthcoming academic year, the TNRC will continue to streamline delivery of negotiation teaching materials.

### **Negotiation Journal**

The *Negotiation Journal* is a quarterly, peer-reviewed publication that takes a multidisciplinary approach to negotiation and conflict resolution. The journal publishes cutting-edge empirical research, as well as theoretical essays, case analyses, book reviews, advice for practitioners, and articles of interest to negotiation teachers. The July 2018 issue of the journal featured a special section guest edited by Daniel Druckman that celebrated the legacy of Nobel Prize-winning economist and former *Negotiation Journal* editorial advisory board member Tom Schelling. Authors in the special issue included Graham Allison, Dean Pruitt, and Richard Zeckhauser.

The journal kicked off 2019 with a large special issue devoted to examining the impact of President Donald Trump on negotiation theory, practice, and teaching, entitled “Negotiation and Conflict Resolution in the Age of Trump.” The issue included contributions from thirty-five authors. Articles included a review essay that critically examined a new book devoted to analyzing Trump’s business negotiations, as well as two case studies. In addition, the issue included a series of “virtual” round tables in which authors weighed in on Trump’s potential impact on such specific areas as diplomacy, trade negotiations, peacebuilding, mediation, negotiation of gender and race-related issues, etc. Special issue authors included Peter Coleman, Stephen Goldberg, Deborah Kolb, Andrea Kupfer-Schneider, Alain Lempereur, Roy Lewicki, Robert McKersie, John Odell, Susan Podziba, Dean Pruitt, Mary Rowe, Daniel Shapiro, Richard Shell, and William Zartman.

After 15 years serving as managing editor, Nancy Waters announced that she planned to step down from this role in spring 2019. In May 2019, Silvia Glick joined the Program on Negotiation as only the fourth managing editor in the journal’s thirty-five-year history. Glick has an extensive background in

law, religious studies, and academic publishing, and makes an outstanding addition to the journal team.

In Fall 2019, the Journal will host a symposium on reexamining the role of “Critical Moments in Negotiation,” which was the theme of a special issue fifteen years ago. Many of the original participants will join the symposium, and their papers will then be published in a 2020 issue of the journal.

### **PON Public Events**

Each year PON invites scholars, practitioners and experts from all over the world to join us for public presentations and discussions with faculty. These events are open to students, faculty, staff and the wider community. Many of our public events in 2018-2019 were organized in partnership with other Harvard schools or departments, modelling inter-disciplinary and collaborative approaches to resolving conflict and enhancing negotiation theory and practice.

PON hosted several notable **book talks** in 2018-2019. MIT Professor Lawrence Susskind and Samuel Dinnar, a PON affiliated-faculty member, gave a presentation on their new book *Entrepreneurial Negotiation* in September; they have developed a new course on this topic at MIT. Donna Hicks, from Harvard University’s Weatherhead Center, presented a talk in March on her newest book, *Leading with Dignity: How to Create a Culture That Brings out the Best in People*. In December, PON co-hosted the book launch of *The Jewish-American Paradox*, by Robert Mnookin.

The Program on Negotiation again co-sponsored the **Herbert C. Kelman Seminar Series on “Negotiation, Conflict, and the News Media”**, in collaboration with the Weatherhead Center for International Affairs. Donna Hicks interviewed **Professor Herbert Kelman** in a special seminar entitled “Reflections on a lifetime effort to bring peace to the Middle East: An interview with Professor Kelman.” Jamil Simon, Founder and President, Spectrum Media, presented a talk on “Making Peace Visible: Engaging Journalists in Reporting on Peace.” Dr. Paula Green, Founder and Adviser, Karuna Center for Peacebuilding, and Sharon Dunn, Author, presented on “Using Dialogue to Bridge Political Divides Between Massachusetts and Kentucky.” Dr. Gary Mason, Founder and Director, Rethinking Conflict, spoke of “Handling Division in a Conflicted Society: Lessons for the U.S. from the Northern Irish Peace Process.” Kessely Hong, Lecturer in Public Policy, Harvard Kennedy School, shared “Strategies for Bipartisan Legislative Negotiation.” Matt Waldman, Senior Lecturer, Fletcher School of Law and Diplomacy, Director of Centre for Empathy in International Affairs, and Adviser to the UN Envoy for Yemen, addressed the challenge of “Engaging Enemies in the ‘War on Terror.’”

PON hosted several events with **John Branca**, Partner at Ziffren Brittenham LLP, a world-renowned entertainment lawyer with more than 30 members of the Rock and Roll Hall of Fame as clients, including the Rolling Stones, Bob Dylan, Fleetwood Mac, and Michael Jackson. He spoke at Harvard Law School at a lunchtime public event on “Celebrities, Attorneys, Deals: The Impact of Public

Opinion.” The talk was moderated by Brian Price, Clinical Professor of Law at Harvard Law School, and co-sponsored by The Recording Artists Project at Harvard Law School, and The HLS Committee on Sports & Entertainment Law. That same evening, Attorney Branca met with Harvard Law School students at a private dinner. He also spoke with students at Harvard Business School in a discussion facilitated by Professor James Sebenius.

The **PON Film Series** had an active year, with nine screenings, many of which were organized in partnership with other Harvard departments and schools. At the start of the academic year, PON partnered with the Radcliffe Institute for Advanced Studies at Harvard University and the Harvard University Native American Program, to host a screening of *Dawnland*, a documentary film about a truth and reconciliation program in Maine to redress harms against the Wabanaki people. Speakers included Esther Anne, co-director, Maine-Wabanaki REACH; Adam Mazo, co-director, *Dawnland*, and director, Upstander Project; Ronald Niezen, 2018–2019 William Lyon Mackenzie King Visiting Professor of Canadian Studies, Canada Program, Weatherhead Center for International Affairs, Harvard University; and panel moderator Robert T. Anderson, 2018–2019 Oneida Indian Nation Visiting Professor of Law, Harvard Law School; director of the Native American Law Center and professor, University of Washington School of Law.

In September, PON also screened *In the Name of Peace: John Hume in America*, with director Maurice Fitzpatrick and Professor Mari Fitzduff of Brandeis University. *In the Name of Peace* is a new documentary film about John Hume, a political leader in Northern Ireland who became one of the primary architects of the Northern Ireland peace process. The film examines how his unprecedented relationship with the White House and the US Congress helped mobilize U.S. and Irish leaders to work for peace. In the spring PON showed *A Call for Peace*, a documentary about the Colombian Peace process, followed by a discussion with Juan Carlos Borreo and Melodie Carli, filmmaker and producer of the film, moderated by James Sebenius, HBS.

In the spring, PON hosted a screening of “bias,” a documentary film by Robin Hauser, exploring the issues of implicit bias and how it affects our decision making. The event was co-sponsored by the Charles Hamilton Houston Institute, the Radcliffe Institute for Advanced Studies, and the Boston Law Collaborative.

In honor of International Women’s Day, PON co-sponsored a film screening of *Naila and the Uprising*, at Harvard Kennedy School. Panelists included: Erica Chenoweth, Professor of Public Policy, Harvard Kennedy School; Hilary Rantisi, Director, Middle East Initiative; and Suhad Babaa, Executive Director of Just Vision. The event was co-sponsored by the Belfer Center, Harvard Kennedy School; the Program on Law and Society in the Muslim World at Harvard Law School; the Religion, Conflict, and Peace Initiative, Harvard Divinity School; The Committee on the Concerns of Women at Harvard, and the documentary’s producers, Just Vision.

PON partnered with the Kennedy School Negotiation Project, Women in Defense, Diplomacy, and Development, and Women in Power at the Harvard Kennedy School to co-sponsor a screening of

*Women, Peace, and Power*. The film was followed by a discussion moderated by **Sarah Boyd**, MC/MPA at HKS and an expert on women, peace, and security. The panel included **Erica Chenoweth**; **Dr. Kessely Hong**, Faculty Chair, MPA Programs, Lecturer in Public Policy, HKS; **Hind Kabawat**; **Zoe Marks**, Lecturer in Public Policy, HKS; and **Marie O'Reilly**, Senior Advisor, Peace is Loud.

In addition to events listed previously, PON offered four additional talks as part of its **lunch talk series**. Esther Anne, Co-Director, Maine Wabanaki REACH, spoke on "Truth, Healing and Change: Lessons from the Maine Wabanaki-State Child Welfare Truth & Reconciliation Commission." Hind Kabawat, Deputy Head of Syrian Negotiation Commission Office in Geneva, spoke on "What Can the Syrian Negotiation Commission (SNC) Do for the Syrians While the War Goes On and Formal Negotiations Are Stalled?" PON Graduate Research Fellows Yasmin Zaerpoor, Gali Racabi, Benjamin J. Spatz, and Talia Gillis each presented on their research in two sessions entitled "New Findings in the Field of Negotiation."

PON partnered with the Religions and the Practice of Peace Initiative at Harvard Divinity School to organize a talk with Dr. Gary Mason, Founder and Director, Rethinking Conflict, at HDS. Dr. Mason spoke on "The Role of Reconciliation, Memory, and Theology in Shaping the Public Stage," drawing from his personal experience as a peace-maker in Northern Ireland.

In October, PON collaborated with the Massachusetts Bar Association Dispute Resolution Section in hosting a special event at HLS in celebration of **Conflict Resolution Day**, which is the third Thursday of October. Professor Robert Mnookin was the keynote speaker. David Hoffman, Lecturer at Harvard Law School, was honored with the inaugural MBA Professor Frank E. A. Sander Award in Dispute Resolution 2018 Award. The event was co-sponsored by the Massachusetts Collaborative Law Council and the New England Association for Conflict Resolution.

### **Executive Education**

The Program on Negotiation is among the world's outstanding executive negotiation training institutions. More than 2,000 people participated in PON's negotiation trainings in 2018-2019. Lawyers, mediators, business executives, government officials, military leaders, public sector employees, union representatives, and non-profit managers were among the many professionals who attended courses with PON.

The three-day Negotiation and Leadership program, PON's flagship program, was offered six times this year. Following each three-day program, PON also offers an in-depth one-day program. These were "Lessons from Great Negotiators" with James Sebenius, "Difficult Conversations" with Sheila Heen and Doug Stone, "The Art of Saying No" with William Ury, "Leveraging Emotion as You Negotiate" with Daniel Shapiro, "Negotiating the Impossible" with Deepak Malhotra, and "What You Can Learn from the World of Diplomacy" with Gabriella Blum. In July 2019, PON will expand this popular offering by adding a new summer session to be held each July on the Harvard Law School

campus. In 2018-2019, PON provided six complimentary seats at Negotiation and Leadership to senior Harvard staff, as part of the Harvard Senior Administrator Fellowship program. PON will offer seven fellowship spaces in 2019-2020.

PON continues to partner with Harvard Law School in offering the Harvard Negotiation Institute courses on campus. These five day courses on negotiation and mediation are held over a two-week period in June and are attended by professionals from across the United States and more than 50 different countries. Courses include: Negotiation Workshop: Improving Your Negotiating Effectiveness; Negotiation Workshop: Strategy, Tools and Skills for Success; Negotiating Difficult Conversations; Secrets of Successful Dealmaking; Mediating Disputes; and Advanced Mediation Workshop: Mediating Complex Disputes. PON also offers the popular HNI Mediating Disputes course in October each year. Our fall 2018 course and June 2019 HNI program welcomed 48 (capped at this number) and 374 participants, respectively.

This was a year of continued growth for PON's newest executive education program, PON Global, which was launched in 2015-2016. PON Global is an innovative course that uses on-site facilitation, video modules, and video-conferencing to deliver negotiation training to international locations. There were 17 courses delivered in the academic year, with 5 new partners, and 804 participants. Courses were held in Aarhus (Denmark), Dubai, Hong Kong, London, Riyadh, Maynooth (Ireland), Mexico City, Montevideo, Santiago, and Tel Aviv. In fall 2019 PON Global will be held in two new locations, Bogota and Milan.

In November 2018 and April 2019, the Program on Negotiation offered the Advanced Negotiation Master Class, a two-and-a-half-day program designed to provide graduates of PON executive education courses with an opportunity to further refine and strengthen their negotiation skills. Limited to 60 participants, and taught by four PON affiliated faculty members, the Master Class continues to be very successful. In 2019-2020, the course will again be offered in November and April.

PON also offers two open enrollment seminar length courses that are open to HLS students, staff and community members. These are: **Negotiation and Dispute Resolution**, taught by Toby Berkman, Associate at the Consensus Building Institute, and Carri Hulet, Senior Associate at the Consensus Building Institute; and **Mediation and Conflict Management**, taught by David G. Seibel, Co-Founder and President of Insight Partners, and Stevenson Carlebach, Director of Eque LLC. In 2020, PON will begin offering the Spring PON Seminar as a remote learning course.

PON offers webinars that allow individuals to learn from PON affiliated faculty remotely. PON offered each of the following webinars twice in 2018-2019: "Thanks for the Feedback" presented by Sheila Heen; "Negotiating the Nonnegotiable" presented by Dan Shapiro; and "Bargaining with the Devil" presented by Robert Mnookin.

## **Connections to the Wider Community**

PON's website serves as an information hub for people interested in negotiation, conflict management, and mediation. The website has 150,000 visits per month, and PON has an email list of 78,000 subscribers who receive updates on PON research and other offerings. PON is active on social media and hosts several Linked In groups, where program participants, practitioners and scholars interact and discuss ideas.

PON produces a monthly newsletter, *Negotiation Briefings*. With Professor Alain Lempereur of Brandeis University as faculty editor, the newsletter offers current negotiation strategies and methods to improve management, decision-making, and communication skills from PON negotiation experts and scholars in a quick-reading, practical format. The newsletter is available in print and digitally.

Managing Director Susan Hackley celebrated the release of her documentary film *Veteran Children* with an event in Indianapolis. She will give a presentation with her co-director at an upcoming Kelman seminar, and has been invited to screen the film at the Alliance for Peacebuilding annual meeting in Fall 2019.

Assistant Director James Kerwin is serving as president of the New England chapter of the Association for Conflict Resolution.