
Student Contests on Negotiation and Mediation: A Tool to Foster Specialists' Social and Professional Interaction Skills

A.A. Atabekova¹, K.P. Chilingaryan², I.I. Kruze³, L. Lutskovskaya⁴

Abstract:

The article explores student international contests on negotiation and mediation from their participation regarding skills' development to perform better in modern humanitarian contexts.

The proposed focus stems from a number of reasons including the recognized increase in migration due to humanitarian reasons, negotiation and mediation as part and parcel of the interaction among those who are part of the migration flows.

The research hypothesis argues that student international contests on negotiation and mediation bear social relevance and can be used as a tool for the above mentioned skills development.

The investigation aims to explore law students' perceptions of negotiation and mediation training with regard to their possible engagement in professional engagement within humanitarian contexts.

The research explores academic findings on the negotiation and mediation skills training, identifies major points students consider relevant regarding their participation in the contexts under study, reveals factors that shape students' opinions on the contests social/educational/ professional relevance, and concludes on factors that might be relevant for negotiation mediation skills training within university curriculum to meet current societal needs.

Keywords: Language and culture mediation, professional interaction, humanitarian context.

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¹Peoples' Friendship University of Russia - RUDN University, Moscow, Russia, aaatabekova@gmail.com

²Peoples' Friendship University of Russia - RUDN University, Moscow, Russia, chilingaryan_kp@pfur.ru

³Peoples' Friendship University of Russia - RUDN University, Moscow, Russia, kruseirina@rambler.ru

⁴Peoples' Friendship University of Russia - RUDN University, Moscow, Russia, laravas@list.ru

1. Introduction

The third Millennium faces unprecedented rates of global migration of diverse types. Unfortunately, unscheduled migration takes a serious percentage within the above. While international and national stakeholders debate over the tools to tackle migrants' flows towards Europe, scholars underline that consistent communication with migrant communities is required to solve the mentioned problem. This theme has become subject to diverse research on specifics of the interaction at the border (Mainwaring and Brigden, 2016), reasons and tensions due to migrants' claims (McNevin, 2013), transit/hosting country community reactions (Sigona, 2012), etc. The practitioners conclude that if stakeholders lack relevant experience in this field, the whole continent might fail in the face of unscheduled migration flows (Andersson, 2016). The language-related skills play a critical role in tackling the mentioned challenges (Lou and Noels, 2017). The above confirms the need for specific communication skills training of those who work with migrants (Lou and Li, 2017).

Furthermore, contemporary higher education widely promotes contest-based education and motivation of young students regardless of the education field. There are promising practices in the field of STEM (Achilleos *et al.*, 2018), informatics (Raman *et al.*, 2018), green engineering (Fantozzi *et al.*, 2018), management (Anderson, 2006), medical (Van Nuland *et al.*, 2015), and legal (Turner *et al.*, 2018) education regarding students engagement in professional contests. Scholars consider student contests value in terms of the possible adaptation of the competition model to societal needs, foreign language skills enhancement (Vandercruysse *et al.*, 2013), transferability of the acquired skills to socially significant contexts within the humanitarian sector (Matos, 2018), underline the role of competitions in negotiation pedagogy (Smolinski and Kesting, 2013).

Therefore, it is timely to explore student international contests from the angle of their participants' experiences regarding skills development to make it possible for young professionals to perform professional tasks in modern humanitarian contexts. The research hypothesis argues that student international contests on negotiation and mediation bear social relevance and can be used as a tool for the above mentioned skills development. The research question refers to those factors that should be taken into account when including the relevant training course in the university curriculum. The research goal is to explore law students' perceptions of negotiation and mediation training with regard to their possible engagement in professional engagement within humanitarian contexts.

The above goal required the implementation of the following tasks:

- to consider academic findings on the negotiation and mediation skills training and application;
- to explore major points students consider relevant regarding their participation in the contexts under study;

- to identify factors that shape students' opinions on the contests social/educational/ professional relevance;
- to consider factors that might be relevant for negotiation mediation skills training within university curriculum to meet current societal needs.

The present research integrates concepts from various fields. The study relates its issues to humanitarian contexts that are associated with zones affected by man-made social /political unrest, armed conflicts, as well as natural disaster hazard (Glossary of Humanitarian Terms, 2008). Conflict resolution and management are considered background concepts to discuss ways to tackle constraints that unscheduled and irregular migration flows bring to transit and hosting areas. The above concepts are considered part of discussion on international dialogue and peacekeeping process maintenance (Lundgren, 2016). The research takes into account that the concept of conflict management today extends to the refugee management umbrella (Reiss, 2018), views the cultural dialogue as critical conflict management tool (Martín Ramírez and Abad-Quintanal, 2018) and uses the concepts of negotiation and mediation as tools for human conflicts management (Druckman and Wall, 2017).

The present study follows the approach that considers negotiation and mediation as interrelated tools to balance human interests in multidimensional settings, including different professional, cultural, situational purposes (Crocker *et al.*, 2018). The authors acknowledge that such an approach is relatively new and has emerged, among other things due to challenges that human rights face within the 21st century humanitarian contexts (Alter, 2018).

2. Methodology

The research combined theoretical analysis and empirical study, including a number of steps and activities.

First, literature review helped shape the conceptual framework, identify aspects of analysis, and research methods.

Second, field studies were implemented to explore students' perceptions regarding their participation in the negotiation /mediation contexts.

Third, the empirical data was processed and discussed by the research team to draft conclusions.

Comparative analysis of the relevant literature allowed to weight different approaches to the background concepts and theories regarding the phenomena under study. The research rested on the qualitative approach as it allows to explore individuals' visions, perceptions and attitudes in the real world situations.

Field studies included two stages. First, students were invited to write an essay (with expected length of 300-400 words) on their experiences regarding the participation in the contexts on negotiation/mediation or the relevant simulations. The research team members identified all the topics that students mentioned in their essays and further considered the above topics as the codes for the procedure of students' essays coding and their content analysis. The analysis used ground theory techniques and conducted conventional content analysis that derives the codes from the data and defines them during data analysis as there is no list of predetermined codes on the topic under study. To reach the inter coder reliability, the coded essay texts were checked for consistency between the four coders.

Only codes whose appearance frequency across the texts overcame 51+% were kept for further analysis. The content analysis resulted in the following list of the main codes (topics) that students mentioned in their essays:

- reasons for participation in the contests;
- contests and participants' awareness of future their professional and social duties as that of future public officers;
- mediation/negotiation tools application;
- benefits that contests provide;
- university curriculum and the status of mediation/negotiation training;
- the nature of contests in terms of challenges they reproduce;
- knowledge/skills that were insufficient in the course of mediation/negotiation contexts;
- shortcomings of the contests under study.

This list was used as conceptual background to draft a questionnaire for students' surveys. Two researchers who acted as coaches for the respective students during five-year long period conducted individual interviews with the team members with the view to precise mentioned points. Individual surveys were used to explore the target audience perceptions as modern Academia considers the above instruments useful for intensive individual interviews with relatively small number of respondents to explore their perspectives on a particular idea, program, or situation (Clarke, 2018).

The questionnaire included open-ended questions with the invitation to provide students' own comments in the free style manner. A draft of the survey instrument was pretested among five individuals from the target population and revised based on their responses. The final instrument contained seven open-ended questions. Why do you participate in the contests?

1. What do you think of students' contests in terms of challenges they reproduce?
2. What do you think of the benefits that contests provide?
4. What do you think of shortcomings of these contests?

5. What do you think of mediation/negotiation tools application?
6. What knowledge/skills that did you feel as insufficient in the course of mediation/negotiation contexts?
7. What do you think of a module(a course) on mediation/negotiation training within University curriculum?

All interviews were completed within a three-month period during January-May 2018. Cluster and factor analysis were used to structure the empirical data from student essays' content analysis and individual surveys. SPSS was applied for data processing. The respondents' pool included Law Institute students of RUDN University. The total number of participants reached 25 students who participated in international student contests on negotiation/mediation and 40 students who took part in the simulations on negotiation/ mediation within the summer school for RUDN law students at the University of Salzburg (Austria). This number of survey participants was considered enough for pilot studies in academic environment (Johanson and Brooks, 2009).

3. Literature Review

Contemporary studies consider negotiation and mediation as “the mode of social regulation” (Bonafé-Schmitt, 2017; Berger, 2018). Recently there is a particular emphasis on mediation that stakeholder consider as an efficient tool to develop social and professional interaction in various domains (Wall and Dunne, 2012). The negotiation and mediation practices are widely exploited in public governance (Lovan *et al.*, 2004), medicine (Liebman and Hyman, 2004), sales and marketing (Singh *et al.*, 2017), education (Johnson and Johnson, 2005), to say nothing about legal domain (Lewinbuk and Gilbert, 2016). Therefore, negotiation and mediation skills are becoming a constituent component of graduates' skills repertoire. This leads to the recognition of societal needs for mediators' training (Lieberman *et al.*, 2005).

Currently researchers agree there is a bright array of mediation techniques depending on the stakeholders' profile and purposes, mediation settings, etc. (Moore, 2014). That is why recently particular attention is drawn to situated model of mediation training and to adaptive mediation skills training (Coleman *et al.*, 2017). Specific emphasis is laid on reflective practice on mediation procedure, students' analysis of their mediation steps, as such practices helps learners understand their strong and weak point at a certain stage of training (Arms, 2017). This refers to professional communication skills training in various socially significant domains (Baldwin and Gould, 2004). Further the Academia debates over the concept of neutrality and emotions in mediation (Cobb and Rifkin, 1991; Goodman, 2013).

Researchers also point out the efficiency of narrative discourse in mediation, the above approach aims to lead the Parties to common grounds through their storytelling activities (Winslade and Monk, 2000) and “resist the internalization of

negative cultural messages” (Semmler and Williams, 2000). The respective process can contribute to blurring inequalities that parties might feel, on the one hand (Wing, 2009) and helps the participants to mediation process enhance their own self-understanding, on the other (Seibt, 2011). Moreover, there might be unexpected benefits of the process under study as the participants might gain a new vision of the overall settings they discuss (Raines, 2018), and discover their inner abilities and perceptions (McGuigan and Popp, 2007). It should be taken into account that scholars mention personal changes that mediator him/herself experiences in the course of mediation due to the need to balance among various cultures, bias, beliefs, goals, strategies (Malizia and Jameson, 2018). Thus, mediator’s activities are subject to multidimensional analysis (Kressel *et al.*, 2012).

Furthermore, international landscape of skyrocketing globalization and migration paves the way to consider the phenomenon of cross language and culture mediation. Scholars focus on cross language and culture mediation in administrative, legal (Hale, 2004), educational (Davitti, 2013), healthcare (Gavioli, 2015) and other settings, as well. The current state of affairs confirms the importance of negotiation and mediations skills in various professional settings. However, no consistent attention is paid to the social dimensions of the skills training under study with regard to the reflection of university students who take part in the relevant training.

4. Results and Discussion

The content analysis and survey results made it possible to identify major clusters that characterized students’ perceptions regarding their participation in the activities under study (see table 1, designed by the authors). The clusters differ in terms of their density that reveals the percentage of the cluster relevant factors mentions in students’ essays.

Table 1. *Students’ reflection on the contests: Major clusters and their density*

Number of the cluster	Major clusters	Cluster density (%)
1	Reasons for participation in the contests	86,33
2	Contests and participants’ awareness of future their professional and social duties as that of future public officers	85,87
3	Mediation/negotiation tools application	84
4	Benefits that contests provide	80
5	University curriculum and the status of mediation/negotiation training	68,7
6	The nature of contests in terms of challenges they reproduce	61,5
7	Knowledge/skills that were insufficient in the course of mediation/negotiation contexts	55, 8
8	Shortcomings of these contests	54,33

Source: Authors.

The content analysis and individual interviews helped to identify those factors that provided the key characteristics of the above clusters.

The first cluster is characterized by three major factors:

1st factor concerns professional skills development (0,987), it was mentioned by 99% of the respondents.

2nd factor refers to the social development (0,885), 89% of the participants specified the point.

3rd factor reveals that participation in such contests is considered as relevant info for the CV and employment opportunities (0,712), 71% of the respondents confirmed the factor relevance.

The second cluster includes the following major factors:

1st factor confirms that participation in such contests enhanced students' awareness of their duties and responsibilities within broad societal needs (0,986), it was mentioned by 99% of the respondents.

2nd factor refers to the increasing awareness of the students regarding their professional duties (0,886), 89% of the participants specified the point.

3rd factor reveals that participation in such contests enhances students' awareness of diverse dimensions where mediation and negotiation skills can be applied (0,712), 71% of the respondents confirmed the factor relevance.

The third cluster is shaped by three major factors:

1st factor shows that students were aware of a certain set of mediation/negotiation tools that are universally known and applicable (0,956), 96% of the participants underlined the factor.

2nd factor confirms that students realized that the above instruments use would depend on the concrete settings, and participants (0,949), 95% of the respondents mentioned the point.

3rd factor refers to the narrative mediation (0,614%), 61% of the students mentioned they found it efficient to use story telling to foster an atmosphere of mutual attention and feeling of cooperation.

The fourth cluster is formed by five major factors:

1st factor is associated with negotiation/mediation skills training within real world contexts, (0,968), 97% of the respondents mentioned the item.

2nd factor concerns foreign (English) language skills training for mediation and negotiation purposes (0,931), 93% of the students underlined the importance of the factor.

3rd factor refers to social communication skills training (0,803), 81% of the students mentioned the position.

4th factor is mentioned with regard to enhanced awareness of future professional activities (0,659), 66% of those interviewed specified the point.

5th factor concerns the opportunity to establish new contacts with peers and professionals (0,628), 63% of the respondents mentioned the topic.

The fifth cluster incorporates three major factors:

1st factor reveals that students considered it useful to combine mediation/negotiation activities within both academic curriculum and extracurricular activities (0,814), 81% of the respondents spoke for such a variant.

2nd factor concerns the essence of the above mentioned training (0,671), 67% of those interviewed underlined that such a training should be implemented not just by a professor of university but by a coach who has experience in conducting mediation/negotiation activities.

3rd factor confirms the need to include the practice-oriented data on mediation/negotiation skills in the university legal school curriculum (0,576), 58% of the respondents mentioned that they got the background information regarding the development of negotiation and mediation skills training from external sources, the law schools professors just mentioned mediation as a tool within alternative dispute resolution procedure.

The sixth cluster is characterized by two major factors:

1st factor identifies the contests as procedures that reproduce general challenges that are typical for various professional domains related to legal-administrative domain, public governance, corporate environment (0,735), 74% of those interviewed mentioned this point.

2nd factor points to the contests specifics (0,491), as 49% of the respondents underlined that the contests reproduce the challenges that are specific for corporate environments.

The seventh cluster includes the following five factors:

1st factor concerns the practical ability to choose specific tactics at different stages of the mediation/negotiations process (0,747), the factor was specified by 74% of the respondents.

2nd factor refers to the lack of social background and culture-dependent information that seemed to be relevant through the mediation/negotiation (0,648), 65 of the respondents mentioned the item.

3rd factor relates to the oral communication skills (0,611), 61% of the survey participants underlined the point.

4th factor mentions gender and ethnic issues within the team members (0,411), 41% of the respondents mentioned the factor, explaining that sometimes they felt difficulties when interacting with their peers in the team due lack of knowledge regarding their peers' gender specific pathways of behavior and ethnic dependent views on a particular situation.

5th factor reveals the emotions importance (0,381), 38% of those interviewed underlined that they lacked skills to control their own emotions and that of the parties, as well.

The eighth cluster is formed by three key factors:

1st factor refers to time consuming preparation, (0,941), 94% of the respondents mentioned the item.

2nd factor is mentioned with regard to the modeled and not real professional settings (0,461), 46% of the students specified the point.

3rd factor concerns human subjectivity (0,231), 23% of those interviewed referred to this factor while discussing the jury opinions, training advisors' recommendations, the mediator/negotiator's choice of communicative tactics, etc.

The above results make it possible to state that the present research goes in line with understanding negotiation globally (Brett, 2014). The results confirm that negotiation and mediation skills can be viewed within global human interaction goals, settings, and dimensions, including humanitarian management (Grace, 2017). Therefore, there is need to identify the respective settings with regard to negotiation and mediation activities. As the data goes in line with recent studies on peacemaking and transformative potential of negotiation and mediation within social/political unrest (Saxon, 2018) the findings confirm that it is timely to include in the law students' curriculum modules on negotiation and mediation training with respect to humanitarian contexts.

Moreover, bearing in mind the shifts in discussion of negotiation and mediation process and strategy with regard to migration, specific focus on border receiving regions, etc., (Pugh, 2016), such modules/courses could integrate case studies from the field. The materials could be obtained from official digital media sources.

The research findings confirm earlier statements on the need to train negotiation and mediation skills through student quasi-professional contests (Chapman *et. al.*, 2017). Moreover, the results go in line with that point that opposes the myth of mediation techniques universality (Alexander, 2009). The present findings confirm that regarding internationally focused contexts mediation requires specific tactics at different stages of the respective process. As scholars agree empirical tests are really important to identify real world challenges (Baranowski and Weir, 2015), further analysis might be relevant in case it would focus on specifics of mediation with unscheduled migrants.

The data confirms the focus on culture in negotiation and mediation, the importance to view the themes as intercultural and interlanguage interaction to bridge divers populations (Baraldi, 2018), the crucial importance of mediator's cross-cultural awareness, flexibility and fluency in mediation among different cultures (Belenkova *et al.*, 2017; Yang, 2017). Moreover, the students' replies confirm the need to focus on these issues not only during student contexts on mediation and negotiation (Bond, 2013), but to draw systemic attention to these issues at the preparation stage. The data underlines the importance of oral communicative skills in students' preparation for real world professional challenges, goes in line with earlier arguments that mention skills gap' in higher education between written and oral communication (Chigisheva, 2018; Moore and Morton, 2017). The data supports previous studies on the potential of narrative mediation (Winslade and Monk, 2008) and confirms that this techniques should be taught to students as they intuitively uses story telling as a tool to create shared environment for negotiation and mediation processes.

The results showed that gender and ethnic issues have an impact on negotiation and mediation participants and process (Charkoudian and Wayne, 2010). Therefore, the team coach (the university teacher, in our case) should collect and analyze background information on the team members regarding the mentioned variables to forecast potential challenges and find organizational tools to avoid them. The research goes in line with the data regarding the emotions impact on the course of negotiation/mediation (Olekalns and Druckman, 2014). The survey confirms that a course on negotiation and mediation should include a module on emotions self-awareness, first, and simulations for students to realize and implement possible pathways regarding parties' emotions regulation, as well.

5. Conclusions

The research findings confirmed the hypothesis that student international contests on negotiation and mediation bear social relevance and can be used as a tool for the

young specialists training and engagement in professional activities within humanitarian contexts. The empirical studies revealed major points students consider relevant regarding their participation in the contexts under study. The respective topics formed major clusters of students' perceptions. Further analysis made it possible to identify factors that shape the above views with regard to the contests social/educational/ professional relevance.

The research results make it possible to conclude that negotiation and mediation skills training should become a part of law students university-based degree course (both within and beyond the academic curriculum). This training prepares students to communicate in unscheduled and non-standard legal-administrative settings, enhances law students' awareness of their social and professional responsibilities and tools to perform the respective duties within societal settings, including humanitarian contexts. The research findings revealed a number of critical factors were mentioned by the respondents and therefore, should be taken into account in the course of identifying skills to be trained, materials to be used, teachers to be engaged in the training under consideration within university academic landscape.

The course should use cases and assignments that come from the real world. These materials should be professionally and socially meaningful in terms of challenges that they bring to students for solutions. Moreover, the materials for training should take cases from diverse legal, administrative, cultural, social settings to make students adapt general negotiation/mediation tools to various settings. Particular emphasis should be laid on communication and oral skills development in a foreign (English) language.

Moreover, a course on negotiation/mediation requires training of students' information mining skills that refer to young specialists' abilities to identify the lacking information, to search for sources and techniques to obtain the needed data. Teaching materials require the use of such real world cases on negotiation and mediation where gender and culture-dependent information matters a lot for the procedure course and its output. Moreover, trainers are expected to show to their students that there might be different pathways of negotiation and mediation due to human subjectivity as an *a priori* existing fact. Further research is required to engage larger audiences taking into account such variables as the respondents' family, social, cultural, educational background.

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