

PINpoints

PROCESSES OF INTERNATIONAL NEGOTIATION

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Reconciliation as a Constant Negotiation

**Organizational Change as a Multilateral
Negotiation Process**

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COLOPHON

PINPoints

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Editorial

Is it not striking “that what separates men should generally be so minute, while the common ground on which they could come together is vast? We have far more reasons to get along than to quarrel.” This reflection is from a former diplomat, Francis Walder, author of the novel *Saint-Germain ou la négociation* – awarded the Prix Goncourt in 1958. The story unfolds in the year 1570 against the backdrop of negotiations between French Catholics and Protestants. While it happened long ago, the keenly described processes have remained remarkably topical ever since. All the basic elements are, indeed, still in effect today: the use of secrecy; the divergence of interests, bordering on incompatibility; managing emotions; power struggles; personal chemistry; ruses and strategies; juggling between cooperation and confrontation.

Others have evolved meanwhile. This 46th edition of *PINPoints* helps reflect upon these new negotiation challenges. It starts with a reflection on negotiation, mediation efforts, and challenges in Syria, North Korea, and North Macedonia. These cases illustrate the current rise of hard bargaining, the use of threats and ultimatums – leading almost inevitably to escalation. As William Zartman and Raymond Hinnebusch show, the resignation of Lakhdar Brahimi – after Kofi Annan’s departure, and before Staffan de Mistura’s resignation – is particularly emblematic of the intractable nature of the Syrian conflict. Guy Olivier Faure describes a “great game in deception” between North Korean leader Kim Jong-un and United States president Donald Trump. Ida Manton considers the Prespa Agreement signed by the Republic of Macedonia – now the Republic of North Macedonia – and the Hellenic Republic as the “pill” that the

former has had to swallow to be able to join the North Atlantic Treaty Organization and eventually the European Union. In this specific case, the parties did reach an agreement. However, the bitter nature of this pill calls into question the ultimate durability of the agreement.

Beyond these case studies, this new *PINPoints* edition emphasizes major lessons for practitioners and scholars. Paul Meerts stresses the challenges to the effectiveness of bilateral and multilateral negotiations between nations. He questions the future role of diplomatic negotiation processes in a globalizing world, one in which diplomats are losing their traditional predominance in international relations, and concludes with several recommendations for enhancing the effectiveness – and thereby the significance – of diplomatic negotiation going forward. William Zartman underlines the contrast between duelling and driving bargaining. In line with this dichotomy between hard-line and reconciling negotiations, Valérie Rosoux explores further the limits of reconciliation as a peace-building process. Mark Anstey broadens the picture further in depicting organizational change as a multilateral negotiation process.

As all these articles indicate, PIN continues to dialogue closely with practitioners and policymakers. This year marks PIN’s thirty-year anniversary (1989–2019), and it will determinedly continue to investigate the processes of international negotiation. Current trends may look discouraging. However, they remain compelling and do not radically call into question the ultimate challenge faced all over the world: namely, reaching a compromise – “a matter of imagination,” according to Walder.

■

I. William Zartman and Raymond Hinnebusch

UN Mediation in the Syrian Crisis¹ – Part II: Lakhdar Brahimi

Lakhdar Brahimi took the reins as UN-Arab League Envoy to Syria on 17 August 2012. He felt from the start that the mission was impossible, but took it on “because the UN cannot resign from its role [just] because crises are difficult.” Indeed, the conflict had become much more intractable from Kofi Annan’s time, as militarization, sectarianism, and state failure proceeded apace.

Brahimi’s Inner Circle Strategy: Reaching Out to the Parties

Brahimi began his mission by making contact with the conflicting parties, including Bashar Al-Asad, and with the regional patrons, including Iranian president Ahmedinejad. His repeated message, meant to ripen perceptions of a hurting stalemate (which arguably existed objectively on the ground), was that “there is no military solution to this devastating conflict. Only a political solution will put an end to it. And the basis for such a solution does exist. It is the [Geneva] Communiqué.” When Brahimi raised the question of resignation with Asad, the president reverted to his claim of elected legitimacy and the inconceivability of stepping aside – calling Brahimi biased, and ending all contact with him.

The mediator tried small concrete measures to foster trust and start reducing violence, with a four-day ceasefire on October 24 – a framework (with voluntary provisions) that rapidly collapsed. At the beginning of 2013 Brahimi brought government and opposition leaders to Geneva for two rounds of peace talks, producing a humanitarian ceasefire in Homs that lasted only

a week. Brahimi struggled to find a legitimate negotiating partner among the diversified opposition, split between the United States-supported moderate opposition based in Istanbul and a slew of more Islamist armed rebel groups plus some regime-recognized opposition groups situated inside Syria itself. On December 12 the US formally recognized the National Coalition of Syrian Revolutionary and Opposition Forces (COS) that Secretary of State Hillary Clinton and Qatar had cobbled together as the “legitimate representative” of the Syrian people. Fragmented into hundreds of groups supported by rival second-level powers – Turkey, Qatar, Saudi Arabia, – the opposition never became a truly national movement such as the FLN or the Vietcong, that could negotiate and deliver on any agreements reached. When the Arab League voted to give Syria’s chair to the opposition on March 6, 2013, Brahimi felt that the door to the second level was now closed, and with it the chances of mediation; consequently, he resigned. Pressed by all sides, he agreed to stay on because of the upcoming meeting in Moscow.

Brahimi’s Outer Circle Strategy: Betting on the Big Powers

Faced with the conclusion that no movement was possible among the first or second circles, Brahimi sought it, as had Annan, through the third circle – Russia and the US. He urged a meeting of great power foreign ministers to develop the Geneva Communiqué into a full transition plan. He laid more detailed proposals before Secretary of State Hillary Clinton and Foreign Minis-

ter Sergey Lavrov in Dublin on December 7, 2012, specifying steps and timing left imprecise in the Communiqué. It included provision for a transition government “with full executive power,”



Source: U.S. Mission Geneva / Eric Bridiers

but with no progress made on the specific consequences for Asad. He followed up the foreign ministers meeting with the “3Bs” meetings of Brahimi, the US under Secretary of State William Burns, and Russia’s Deputy Foreign Minister Nicholas Bogdanov to try to reach a consensus on which to base a move toward a peace conference. Although the meetings proceeded cordially, they repeatedly deadlocked on the same issue, the status of Asad, and the Russians rejected a US proposal to discuss the composition of a transitional government as an attempt to im-

pose a leadership change on Syria. In guaranteeing mention of a transitional government, the US thought it had won support for the notion that Asad would not participate in any transition, whereas the Russians believed the “transitional phase should begin with the regime and opposition sitting down together.”

Like Annan, Brahimi banked particularly on Russian cooperation, since the latter on occasion intimated flexibility. Noting that “Western countries have not realized yet how angry the Russians felt about what happened in Libya,” Brahimi hoped that proper recognition of the Russian role could convince it to work on getting cooperation from the Syrian government. In fact, the Russians maintained that they were not inexorably committed to Asad, and that if the opposition “got its act together” and a viable alternative emerged – as long as none of the Islamist groups took power – then Russia would support an interim transition body instead of an immediately negotiated outcome. But, at the same time, the Russians consistently said it was not up to them to ask President Asad to leave office. They seemed to want the transition council also to contain opposition figures from Damascus, whom the US and the opposition derided as Asad puppets.

Two events provided some impetus to kick-start Brahimi’s faltering mediation mission. First, on 7 May 2013, the US and Russia appeared to reach a breakthrough agreement during Secretary of State John Kerry’s first official visit to Moscow. “Something extremely important took place,” in

Brahimi’s assessment: a declaration of shared interests on Syria, and a plan for an international peace conference to end the escalating civil war – originally planned for the end of May 2013. For the US, which had been lukewarm on the idea of a peace conference, this was a major shift.

It took a second event, the chemical weapon attacks on the Damascus suburbs of East Ghouta, to jolt the global-level parties into intervening in the stalemate. UN Security Council Resolution 2118 of 22 September 2013, finally included a formal UN endorsement of the Geneva Communiqué – two years after it was first presented to the UNSC – and called for “the convening, as soon as possible, of an international conference on Syria to implement [the Communiqué].” Just getting the government and opposition to the table on 15 January 2014 was an accomplishment of sorts and might potentially have allowed an exploration

of common ground between the two. Brahimi was keen that Iran, the most active supporter of Asad, also be involved in negotiating the solution and enlisted the UN secretary-general’s help. Ban Ki-moon issued an invitation to Iran just days before the conference was set to begin, on 19 January, whereupon the opposition National Coalition threatened to back out. Ban withdrew the invitation under US pressure; the latter believed that since Iran had not endorsed the terms of Geneva Communiqué, it could not attend as a full participant.

Geneva II: Bringing Together the Regime and Opposition

Though the Geneva Conference held on 22-31 and 10-15 February 2014 marked the first time the Syrian government sat down with an opposition body, it failed to deliver a breakthrough. The government accused the opposition of terrorism, and never departed from its



Source: U.S. Department of State/Wikipedia

refrain that the first requirement was to deal with the terrorism problem. Yet on the conference's second day, 26 January, Brahimi announced one step forward, as the government agreed to allow some 6,000 women and children to leave the opposition-held central neighborhoods of Homs, to which pro-government forces' siege had denied humanitarian access for more than a year.² A second round of talks, reconvening in February, quickly collapsed after only thirty minutes. "I am very, very sorry and I apologize to the Syrian people," Brahimi told reporters at the conclusion of the talks. Less than two months later, following the government effectively terminating the Geneva process by announcing that it would hold presidential elections in June 2014, Brahimi tendered his resignation.

What Went Wrong?

Conditions resistant to ripeness: Geneva II failed, Brahimi concluded, because the conflict was not ripe for resolution, and he had no leverage to make it so. He continually repeated his message: "Devastating conflict, no military solution, political solution indicated by the Geneva Communiqué." Since no party really believed that there was no military solution, "it was a mistake to go to Geneva II; everyone was under pressure to just 'do something,' but went to Geneva II with very little conviction that it would ultimately lead anywhere. The government was clear [as] daylight in August that they were only there because of the Russians, and did nothing but parrot the claim that the opposition were terrorists. The opposition [...] did not represent anybody;

for them, getting rid of al-Asad would resolve all issues [...]. The players still think of military solutions and nobody is exhausted to such an extent as to accept a mediator voluntarily, the only thing that the UN can offer. It was very different in Taif [Lebanon 1989] when the warring parties welcomed any suggestion by a mediator because they wanted to end it."

Geneva II failed, Brahimi concluded, because the conflict was not ripe for resolution, and he had no leverage to make it so.

Resistance of the third level to a top-down strategy: In keeping with his view that the key to resolution had to be US-Russian convergence to help push their regional (level 2) and Syrian (level 1) clients into a compromise settlement, Brahimi pursued a top-down strategy – as had Annan before him. However, "neither Russia nor the US could convince their friends to participate in the negotiations with serious intent,"³ in part because they themselves did not agree on the way forward. Brahimi argues, in retrospect, that the failure of mediation grew out of the inability of the Western powers to achieve a realistic view on the situation in Syria. Underestimating the resilience of the Syria regime and overly impressed by the fall of dictators in North Africa, they were confident that Asad would soon meet the same fate. In contrast, the Russians had been more confident of the regime's staying power. The Russians conceded too little, and the mediator was caught between the two.

Contradictory analyses: The logic of the two sides was internally coherent. Russia felt that Asad was legitimate and that his sudden departure would cause a Libya-like vacuum, and so did not push him to leave. The US felt Asad was a murderer made illegitimate by the rebellion, and so worked above all to strengthen the latter; the opposition feared their own weakness in the face of Asad, and so agreed (even if not to the point of unifying). In between, the middle-level states merely supported their individual friends – Syria for Asad, Saudi Arabia, Qatar, and, in its way, Turkey their particular clients. Brahimi felt the Russian analysis was correct, but was tasked with producing a process that would – initially or eventually – remove Asad.

The more the Sunni states did join forces, the more it riled the Shi'i ones.

Non-engagement of the middle level: Ostensibly, the second circle of states offered a field for mediation. Because of the Great Islamic Divide and the individual ambitions behind it, there was simply no way to bring the disparate middle-level states – Iran, Iraq, Qatar, Saudi Arabia, Turkey – together on a common policy, and the more the Sunni states did join forces, the more it riled the Shi'i ones. Through Geneva II until the signing of the Joint Comprehensive Plan of Action (JCPOA), the US was firmly opposed to full Iranian participation. The fact that a succession of plans – Arab League, Annan Principles, Geneva Communiqué, Clinton-Lavrov, Kerry-Lavrov – were very similar potentially offered the Arab

states, the source of the original plan, a chance to unite behind this mediator so as to bring the two Syrian sides together. But because of the hostility of the Gulfis, who considered Asad an outsider just like Qaddafi, Asad would not hear of any such efforts – and because Brahmi was seeking a modification of that position, they would not abide him either.

Conclusion and Lessons

What were the techniques, styles, strategies of the mediators regarding the challenges that they faced, and what lessons can be learned for mediation? Annan focused on developing guidelines for a way out of the conflict, which were necessarily ambiguous in order to achieve a consensus even among the limited number of subscribers. Brahimi strove to get them implemented and put into practice, which brought to light the very details of dispute that had been hidden to even achieve passage. Brahimi's job was necessarily long, and further prolonged by the chemical weapons interruption – which paradoxically strengthened and legitimized the regime.

Mission and Mandate

Inadequate support for mediators: The mediators appeared to have broad mandates, enjoy high prestige, and face no competing mediation missions. Yet the members of the mandating agency – the UNSC – did not follow through and support the mediators' efforts. The mediators' reaction was to appeal to the UNSC to unequivocally back the mandate. Annan set up an Action Group on Syria to translate his

plan into the Geneva Communiqué; it was not endorsed by the UNSC until two years later in a different context (chemical weapon attacks), when it finally became the permanent template for the settlement of the Syrian conflict

Yet the members of the mandating agency – the UNSC – did not follow through and support the mediators' efforts.

Contradiction between normative discourse and power balance: The mandate foundered on the incongruence between normative discourse and material power balance. With the dominant frame targeting the regime's repressive measures and demanding political transformation, if not regime change, the incumbents were expected to make major concessions, dismantle themselves in the negotiations, and to submit to war crimes trials – even though the opposition was unable to impose this militarily, while the external powers were unprepared to force such concessions. Divided on whether sovereignty or responsibility to protect ruled their actions, the UNSC did not endorse the judgment of guilt on the government.⁴

Lack of impartiality: The aim of the mediation, in crude terms, was to engineer regime change and thus replace Asad. There are two types of mediation: that for reconciliation and that for transition. Strict evenhandedness (Impartiality, UN DPA Guidance, 10–11) is required for the first, a certain direction for the second. Yet even mediation for transition requires the fair and balanced treatment of involved par-

ties. Asad did not feel that he received such, and he took the efforts to create the realization of a hurting stalemate as proof of bias.

Strategy

End result treated as a precondition: Both mediators urged a relaxation of the precondition that Asad go to begin negotiations and have no part in a negotiated settlement, since as a general rule of thumb of negotiation one should not demand as a precondition what one hopes to eventually gain. To do so would remove an item of exchange for the other party. Breaking this rule meant that there was no way to begin negotiations.

Insufficiently hurting stalemate: Both mediators spent an initial period of time testing the first circle by trying to develop a sense of ripeness; that is, awareness of the inability to win and of the costs that this stalemate was imposing. They found that in the absence of the first, the parties did not feel the second – at least compared to the cost of succumbing. The reaction of Syrian government spokespeople to both mediators, beginning with Asad, testifies to the offense that they felt at such a prospect being raised.

Focus on the third circle: The mediators soon came to feel that the positions of the first and second circles were so firmly locked in that the only level on which to operate was the third: namely, on US-Russian relations. They figured that if the interests of the top layer could be synchronized and it could be brought to unhook them from those of the lower two levels, the latter would be obliged to fall in line. However,

the outer-circle members had their own interests in not moving, and they were able to hide behind the intransigence of the inner-circle parties – who were in turn strengthened by the intransigence of the former. The mediators had to be able to unhook the top-level powers from their reasons for being involved in support of their particular parties in the conflict, and to constrain the ability of the middle-level countries to act independently of the top in support of their own particular first-level clients. The third level either had to be disengaged from preconditioning attachments, or fully engaged behind mediators' efforts to work on the other two levels (which amounts to the same thing). So there was a catch-22 in the circle of choices, and the mediators picked the most promising among unpromising strategies.

Papered-over disagreements: The chosen strategy was to foster bilateral meetings at the great power level in the presence of the mediators that would then produce a document of agreement. The May 7 meeting in Moscow produced a joint acknowledgement that there was no military solution offered by either side and that the conflict was dangerous: a mutually hurting stalemate. But it was not extreme enough to impel more than cooperation on paper; as Brahimi noted, negotiating an agreement is one thing and implementing it is another. The carefully produced momentum ground to a (contentious) halt over the Asad issue, which had been papered over in the Geneva Communiqué as well as in the Clinton-Lavrov agreement. In this deadlock, the US position was un-

shaken – born out of its own view of Asad as a murderer, and the inflexibility of the opposition both inside and outside Syria. The opposition was bound by a compound fear of their opponent: they feared the government's centralized coherence in the face of their own disorder and its duplicity in all past offers of reforms and elections, and so were unwilling to run any risks. As time went on, the maneuvers of Ali Saleh in Yemen showed the rationality of these fears.

Negotiating an agreement is one thing and implementing it is another.

Conflict management over conflict resolution: All three mediators used ceasefires in an effort to bring some initial flexibility to the positions held. Twice (Annan and Stefan de Mistura, the third mediator and successor to Brahimi, who resigned in November 2018) they saw a ceasefire in a peace context as providing breathing space; in between, Brahimi's Homs ceasefire was merely – if importantly – a measure in a war context to evacuate civilians, and later de Mistura's ceasefires after 2015 were all the same. Ceasefires rarely hold without some parallel movement toward resolution, as this case has repeatedly shown. There can be no conflict resolution measures in the absence of disengagement/ceasefire (conflict management) ones, but one must not wait for the latter to be observed perfectly before working on the former. By the same token, there can be no effective management measures until a resolution project or process generally agreeable to the parties is a realistic prospect.

Entry and Consent

Lack of ripeness for entry: The fact that the objective conditions were at no time more than superficially felt by both parties and their supporters as a mutually hurting stalemate meant that the conflict was simply not ripe for effective mediation, and any strategy for ripening it was necessarily weak. Annan came with his principles and elaborated them into the Geneva Communiqué, from which he hoped to launch a process that would engage the parties at all levels, but they failed largely because the two sides had not yet tested their relative capacities in all-out combat. Brahimi tried but was unable to have the various conflicting parties' shake the illusion of military victory, and none wanted negotiations that would require incorporating the other side into a settlement. Working through the great power sponsors, the mediator was only able to drag the conflicting parties "kicking and screaming" (in Brahimi's own words) to Geneva II. This was also underlined by his comparison with the Lebanese civil war negotiations of Taif, when all the exhausted parties were ready for a deal and did not see their self-destruction in making one. Critics have said that Annan and Brahimi should not have called an end to their respective Geneva sessions. But the two experienced negotiators simply felt, with sorrow, that it was fruitless to continue until conditions changed.

Inability to capitalize on access: Mediators must cultivate the parties' perception of the hurting stalemate (joint inability to win), but they must also

keep their ear – by not reaching too far ahead or leaning too heavily on them. The mediators did have access to the parties (until Asad refused to see Brahim and his deputy Nasir al-Qidwa), but their attempts at persuasion fell on deaf ears. Rather, a self-serving – although scarcely soft – stalemate took hold in which the warring sides believed negotiations to be more and protracted stalling that was less costly for them than continuing a war. As for the multitude of external actors, the stalemate was very much one with which they could live.

Inclusivity

Insufficient inclusivity: Inclusivity was a major thrust for Brahim, perhaps more so than for Annan. Inclusivity referred to all the first-level factions, or at least those capable of disrupting an agreement if left out. But the more parties that are brought in, the more difficult agreement becomes. In Syria, inclusivity also meant bringing in Iran on the second level. The test of inclusivity is practical: whether any excluded party can disrupt an agreement or whether an included one can prevent agreement. At Geneva I, the excluded parties on the first and second levels did not prevent a useful agreement in the Communiqué but were needed to complement it with agreement on the details and its implementation, which even the included parties could not agree on.

Leverage

Substantive limits on leverage: Critics have maintained that the mediators could have focused more on the first

and second levels. That is to confuse the ideal situation with the actual context. The parties of the second level simply had no serious costs and liabilities in their autonomous support of various clients, and the mediators had no means of imposing costs or providing benefits. The parties of the first level were locked in an existential perception of the conflict, both believing that they not only could but also had to hold out. Secretary of State Hillary Clinton and the Qataris were able to foster a fragile National Coalition of Syrian Revolutionary and Opposition Forces (whose name alone testified to their lack of coherence) with arguments backed by extensive promises of support and assistance (that did not come); Brahim had no such resources.

Procedural limits on leverage: The most available resource was procedural leverage, urging the conflicting parties to attend Geneva II to defend their positions. Media reports continually used the term “urged” to capture the influence of the mediators. Without the means to threaten or promise, the mediators were reduced to warnings and predictions. The extremely high costs imposed on the population, who remained voiceless and unrepresented, were cited but ineffectively so, since each side felt that its own power was the best protection against further depredations by the other one. The lack of leverage took its toll on the mediators as well, who took on the job with no illusions. Annan resigned after five months; Brahim after seven and then eighteen months.

One can propose many alternatives, out of context, and many critics have

done so. They all run up against the situation on the ground, or the mediators’ experiential reading of it – operatively the same thing, which is authoritative. The mediators enjoyed the highest prestige and a finely honed sense of persuasion. They cultivated and counted on the great powers’ expressed need for an end to the conflict, and they outlined a process that could have taken them there. But the locals did not see it that way; they did not – and indeed dared not – see a process to be shared with the other side, and in this view they entrapped their patrons. The mediators urged hard, but the parties budged little.

■

ENDNOTES

1 For a full-text version and references, see: I. William Zartman and Raymond Hinnebusch (2016), *UN Mediation in the Syrian Crisis*, New York: International Peace Institute, www.ipinst.org/wp-content/uploads/2016/03/IPI-Rpt-Syrian-Crisis2.pdf. This article is drawn therefrom (republished with permission).

2 See: www.un.org/apps/news/story.asp?NewsID=47007#.VfXhZ2RVikp.

3 *Der Spiegel* (2014), *Syrien: “Keiner kann gewinnen”*, 7 June, www.spiegel.de/spiegel/print/d-127396645.html.

4 It is worth noting that this incongruence was also manifested in a certain split within the UN itself. While some in the Secretariat complained that the mediators were insufficiently supervised and took decisions without consultation, UN officials on the ground saw the rigidly Western-centric (anti-Asad) view dominant in the Secretariat as precluding effective mediation.

Guy Olivier Faure

The Two North Korean-US Summits: A Great Game in Deception, but also a First Step

Finally they met, after an incredible amount of posturing, threats, and theater-playing. North Korean (officially the Democratic People's Republic of Korea, DPRK) leader Kim Jong-un and United States president Donald Trump came together for a first summit on June 12, 2018, in Singapore, holding a five-hour discussion on the denuclearization of the Korean Peninsula. A common declaration was signed at the end of the meeting, stating that both countries agreed to:

- Establish new US-DPRK relations, heading for peace and prosperity
- Build a lasting and stable peace regime on the Peninsula
- Work toward a complete denuclearization of the Peninsula
- Recover the remains of prisoners of war and missing-in-action soldiers

To show their goodwill, both sides simultaneously each took a positive initiative: the DPRK to dismantle a nuclear-weapon testing site and the US to suspend military exercises with South Korea. However no precise objectives or timing were mentioned, and quite a few observers commented that the agreement was high on style but low on content. Some went as far as to consider all the benefits being for the DPRK, because no serious concessions were made on its part – but entering discussions with the leader of the world's most powerful country as an equal was an incredible gain in status, one highly instrumental for both international and domestic purposes.

Symbolically speaking, and symbols matter a lot in Asia-Pacific cultures, it was viewed as history-making. Still, one of the most important issues on

the table has not (yet) be dealt with: security for North Korea. This country will never give up its nuclear arsenal and its various ongoing projects to improve it if it feels that doing so poses a threat to its own existence. Furthermore, the heir of the Kim dynasty does not want to run the risk of ending up like Muammar Gaddafi or Saddam Hussein.

Then, as we know, values such as pride, dignity, and face are not very negotiable.

On August 25, 2012, Kim Jong-un stated that his country had “emerged as a world-class military giant and a dignified nuclear state” (McGuire 2018). Military might and especially nuclear weapons are not only a way to ensure the security of DPRK, but an important source of pride for a country that per almost all objective criteria is an abysmal failure – with, for instance, a gross domestic product per capita level more than twenty times lower than South Korea's. Then, as we know, values such as pride, dignity, and face are not very negotiable. This will be another challenge ahead for US diplomats.

A Heavy Legacy to Get Rid of

For more than half a century, relations between the DPRK and the US have been highly antagonistic. The North Korean government has been systematically defined by the US media as irrational, violence-prone, merciless, and erratic, precisely the type of counterpart nobody wishes to face in negotiations. At best, insults and threats were commonly used and, at worst, an extremely devastating war

that ended up with nearly four million dead. Both countries are still, legally speaking, at war as no peace treaty has ever been signed between them. The current situation is governed by a simple ceasefire. The DPRK calls that war the “victorious fatherland liberation war,” presents it as a US-South Korean aggression against the North, and adds that it was ended by a supreme victory over the US. We are far here from the common Western narrative about this historical event. The Cold War mindset remains a typical feature prevailing in the relationship, with a strong sense of victimization on the North Korean side. Obviously there is a long way to go, and it comes as no surprise that outstanding problems have not all been settled yet by a single discussion.

In fact, to understand the overall situation, one has to consider a third party playing an essential role in the possible changes underfoot: China. For a long time, China has been using the DPRK as a thorn in the foot of the US – a strategy that did not cost much and which could easily be concealed behind claims of North Korean sovereignty and independence from China. However, when the DPRK started to develop a nuclear arsenal the problem transformed because of the risk of a domino effect. The day that the DPRK becomes a bona fide nuclear power, South Korea, Japan, and others might take the same road. Maybe Taiwan would also consider that in the new context it should also develop a nuclear armory. So the new interest of China becomes to reign in the DPRK, and to avoid nuclear escalation in Asia-

Pacific. The economic existence of the DPRK is in the hands of China, and when necessary it is not so difficult for the latter to convince its smaller ally to behave more reasonably – which means to come seriously to the negotiating table. For the time being, China considers that sanctioning the DPRK is not an end, and that sanctions should be eased if Pyongyang were indeed to show compliance with United Nations Security Council resolutions. However, China does not give any precise details on the conditions to be met.

In fact, to understand the overall situation, one has to consider a third party playing an essential role in the possible changes underfoot: China.

Beijing believes that Kim is now ready to implement deep economic reform, and could drastically change his view on the necessity of having nuclear weapons to ensure state security. President Xi Jinping has also insisted that “the Chinese people’s friendship” with their North Korean counterparts will not change, which means that China fears that its attitude at the UNSC could be understood as taking some distance from the North Korean leadership. As usual, Beijing keeps managing in the gray area – with the obvious consequence of greatly upsetting the White House.

The DPRK-US Summit in Singapore

It is clear that the DPRK will not fully denuclearize as Washington expects, because its nuclear program is its

most important bargaining chip. The US is likewise not going to lift sanctions against the DPRK, for it believes that it is these tough measures that compelled Pyongyang to come to the negotiating table in the first place. However, taking into consideration what has been going on for the past sixty years, the first summit should be viewed as a great success – even if still-considerable time and effort are needed to achieve peace and stability on the Peninsula. A roadmap has to be negotiated at some point, and this summit is only a good start – however essential.

Both leaders, far outside the norms of ordinary diplomatic behavior, have some commonalities beyond their boyish style, as described by the media. They are showmen, with inflated egos, lunatics, temperamental, risk-takers, hypercompetitive, extremely tricky, unscrupulous, their decisions are very difficult to predict, and, on international matters, they are much more active and outspoken than their predecessors. They are affected by a narcissistic personality disorder; they have a special taste for grandiosity and systematically disregard facts. They both share the facts of being energetic, proactive, and bellicose. Both heads of states have abundantly demonized each other, keeping a kind of balance in this domain of reciprocal inflammatory rhetoric. Trump did not hesitate to call the North Korean leader “rocketman,” spoke about him as a “sick puppy,” and also as a “madman with nuclear weapons.” Kim, meanwhile, called Trump a “mentally deranged US dotard,” and the DPRK’s official news-

paper addressed him as “a hideous criminal sentenced to death by the Korean people.” Later on, the US president stated that his nuclear button was “much bigger and more powerful” than Kim’s and added that furthermore “it works.” In return, Pyongyang characterized these comments as the “bark of a rabid dog.” Then, Trump added “they will be met with fire and fury like the world has never seen,” threatening to “totally destroy” North Korea. In response, Pyongyang announced that it was preparing to fire missiles toward Guam, a US island in the Pacific. However, if both of these unusual leaders – especially in terms of diplomatic rhetoric – are now willing to turn fire and fury into friendly relations some time soon, something positive may come out of their meeting each other.

Strategies and Tactics

The DPRK has a long and successful history of using its nuclear program for economic gain, managing to extort money, equipment, resources, and goods from richer countries. Thus, US diplomacy was particularly cautious about the real goals and strategies of its North Korean counterpart. Before the two leaders met in Singapore, some not very diplomatic moves were orchestrated. In March 2018 Kim and Trump agreed to an encounter before May. Then, the meeting was postponed until June. In May, Kim threatened not to come and, in return, Trump canceled it. At the beginning of June, to the surprise of many observers, Trump announced that the summit was back on track, and finally the two met.

As a professional negotiator, Trump has formalized his method in his best-selling business book, *Trump: The Art of the Deal*: “I never get too attached to one deal or one approach. I keep a lot of balls in the air, because most deals fall out, no matter how promising they seem at first” (Trump and Schwartz 1987: 50). “The worst thing you can possibly do in a deal is seem desperate to make it. That makes the other guy smell blood, and then you’re dead.” (Trump and Schwartz 1987: 53) Trump favors practicing negotiation at the edge of the abyss, playing on the nerves of the counterpart to get a deal. When he issues a threat, he has the required credibility to make it effective. It is a method that can sometimes lead to results.

In many situations, it is better to engage than just to ignore problems, to leave them to the next leader, or to strike instead of discussing. Accepting to dance with the devil is already an important step in what has to be a long, shaky, and painful process. Since the 1993 crisis, no matter the diplomatic means tried the US has been unable to deal effectively with the North Korean nuclear threat.

The DPRK resorts to the classical means of the weak against the powerful: looking for allies, compensating for its low technical level with rhetoric, showing a determination to face the worst. Pyongyang knows well how to raise tensions when useful, and to conduct engagement when productive. Kim has brought to the game his own personal touch, as observed by former counterparts to North Korean negotiators. It does not seem to be, as



Source: Daniel Scavino Jr./Wikipedia

before, war by other means. His current behavior is not consistent with the usual North Korean way of dealing with the US. The traditional DPRK way of negotiating was first to modify the agenda, then to play on the timing, to deny the facts, or to distort them. Their negotiators would redefine the terms of discussion, an agreement would not be an agreement until the DPRK explicitly called it such – and even so, it still might not be an agreement if the substance of it was understood differently by the two parties.

During the whole negotiation process, they were not embarrassed to resort to carrot-and-stick tactics, playing hot and cold, stonewalling, delaying the process in order to wear down the opponent, and similar. On occasion, they would release trial balloons and leak their limits in terms of concessions. They practiced psychological warfare through incidents away from

the negotiating table, to destabilize the counterpart. Sometimes they would go as far as playing in a highly risky and irrational way, creating a sense of dramatic crisis to gain leverage and extract concessions against the fact of not following through on their threats. The North Korean negotiation mindset was fully a zero-sum game, whatever the situation. Furthermore, the DPRK was always suspected to be pursuing secondary objectives disconnected from those of the negotiation itself – such as getting to the forefront of international news and thus, every once in a while, overshadowing South Korea.

The overall negotiation is always under conditions of asymmetric information. The DPRK negotiators know much more about the US, its culture, mindset, values, interests, and patterns of negotiation than the other way round. Thomas Schelling (1960) considers that brinkmanship effec-

tiveness; the art of manipulating the shared risk of war depends first on beliefs and expectations. The US grasp of North Korea's beliefs and expectations is still only weak, highly debated, and not especially helpful. The weight of the respective public opinions and media perceptions also introduces a strong asymmetry, as Kim is not concerned about pleasing his "voters." Elections in the DPRK are a compulsory exercise, and there is only one party to choose from.

At the beginning of the negotiations resulting in the Singapore summit, highly typical negotiation techniques were implemented – such as taking an extreme initial position, even escalating to issuing threats and slamming the door. This is a typical starting point for negotiations between sworn enemies. After a time period wherein a high level of uncertainty was maintained until the very last moment, the summit happened. Kim delivered a profusion of smiles, brought his charming wife, spoke to everyone with due respect, greeted his counterparts in the most friendly way, and thus was able to demonstrate that he was not the psychopathic monster so often depicted by the US media.

The Second Summit

The much-anticipated second DPRK-US summit 2019 in Hanoi, aiming to finish with "the evil cycle of confrontation," ended abruptly without any agreement – even without a final joint declaration. The North Korean delegation did not release a statement at all, while the US president just said at a news conference that sanctions on the

DPRK could not be lifted without the full denuclearization of the Peninsula. The US suspects that North Korea is hiding most of its new nuclear projects, possibly sixteen out of seventeen of them, and will not abandon these easily as they are still its major bargaining chip. Thus, Washington is insisting on complete, verifiable, and irreversible denuclearization.

With the highly unrealistic demands made, the current situation – framed as a zero-sum game with an underlying Cold War mentality – will not produce any substantial gains as long as a dramatic lack of trust dominates the overall relationship. The game of liar's poker currently being played may still go on for quite a time yet. However, now that each side has revealed its security point, ambiguity is no longer the name of the game. Furthermore, meeting on a regular basis may slowly help each to develop a better understanding of the other by, on the US side, giving up the demonization stance and, on the North Korean one, abandoning fanciful representations of the US as ready to destroy its country and people. Establishing a US liaison office in Pyongyang could be a small but significant step toward more positive interaction in future.

The negotiation methodology should also be reviewed. A bottom-up approach may have yielded better results with a lot more preparation, especially numerous working meetings, until both teams sufficiently narrowed the divide so that some kind of agreement could be reached during the summit itself. It would have avoided the difficulties brought on by the personalities of the

decision-makers. Furthermore, dealing with diplomacy as if it was to strike a business deal is still not the most appropriate or effective way to interact with an Asian and communist counterpart. Negotiation cannot just be reduced to an art, but has to be conducted as a set of techniques coordinated within a well-conceived strategy.

The Chinese Interpretation for Internal Use

China has a twin way of assessing the current situation: the official diplomatic version and the one for internal use. Officially, Beijing regrets the lack of trust between the two sides and urges them to continue dialogue and to adopt a gradual approach to denuclearization and sanctions-lifting. This is exactly the DPRK's own position.

Internal discussions between Chinese analysts provide something that goes far beyond empty words and ready-made formulas, especially in terms of evaluating the real outcome of the two summits. These meetings, because they have been labeled "summits," have given significant "face" to North Korea as a genuine counterpart to the world's most powerful country. The DPRK has reached a "yang" position instead of being permanently contained in that of "yin," the weak one. In traditional Taoist terms, symbolically the overall balance of the system has been considerably modified.

The current situation is viewed as positive for China, because the DPRK is "one of the many coaches of the Chinese train." This close ally, often considered a tributary, is making plain the inability of the first military and eco-

nomic world power to bring back into the fold such a modest player. Still in the view of Chinese analysts, the mere existence of these summits tends to confirm the US's decline from the time of the Soviet missiles in Cuba in the 1960s, which had already revealed the incapacity of the global superpower to come to grips with such a tiny player on the international scene. The gains, if not the victory, are on the side of the US's adversary here.

Looking Ahead: Prospects and Challenges

During the Singapore meeting itself, Trump resorted to an unusual device in showing Kim a video illustrating two opposing scenarios for the future of the DPRK: in the first, the country remains isolated, on permanent alert, backward, and its population miserable. In the second scenario, contrariwise, the DPRK had a prosperous economy with foreign investments, new technologies (including medical developments), a wealth of resources, a much greater international influence, and its population was happy and grateful to its enlightened leader.

The content of the Singapore agreement could not go further than agreeing on some shared principles. This is

a much more positive outcome already, and an avenue has been opened. Now, even after the Hanoi failure, it is up to the three involved parties – China, the DPRK, and the US – to craft a peaceful and sustainable solution. The US considers that sanctions will have an effect, but not immediately. Prospects should be viewed as favorable, but only in the long term. Confidence-building measures should be devised to meet Pyongyang's security requirements, before seriously implementing any removal of its nuclear arsenal. Every party needs a radical change of course. One major issue to address would be to have the North Korean sense of the threat to national security substantially evolve. Reducing international sanctions would probably help, but the US would then lose its leverage in subsequent negotiations. The DPRK's "Juche" ideology of independence, self-defense, and self-reliance for "preserving the nation and its soul" has become so intertwined with the nuclear program that it is going to be quite a challenge to dissociate both, and to get the leadership redefining the legacy of its ancestors.

Looking at what the future might hold after these two summits, Kim knows that without nuclear weapons

he might be reduced to what he is already viewed as by many: the paranoid dictator of an extremely isolated, desperately underdeveloped country ridden by corruption, with the worst imaginable human rights record and, ultimately, an unbearable relic of Stalinism. Developing his country would be the only means to compensate for the loss of nuclear arms. However if this country drastically improved its economic level, with all the consequences that come along therewith, would his regime even survive such a change? This is a nonnegotiable outcome for Supreme Commander Marshall Kim Jong-un.

■

REFERENCES

- Schelling, Thomas (1960), *The Strategy of Conflict*, London: Oxford University Press.
- Trump, Donald, and Tony Schwartz (1987), *The Art of the Deal*, New York: Random House.
- McGuire, Kristian (2018), North Korea and the Prestige Dilemma, in: *The Diplomat*, 2 November.

Ida Manton

How Bitter is the Pill that Macedonia Has to Swallow to Join NATO and the EU Eventually?

With the Prespa Agreement the Republic of Macedonia agreed to change its name to “Republic of North Macedonia,” as requested by the Hellenic Republic, in order to start its accession negotiations for NATO and EU membership.

February 2019 marked the beginning of the use of the new name “Republic of North Macedonia” for a country that had to change its constitution to allow for a change of name. The so-called Prespa Agreement was the outcome of a negotiation process between the two neighbors. On one side was the country whose name was negotiated. The name acceptable to its people and institutions was the one already found in the country’s constitution, “Republic of Macedonia” (in the original Macedonian language, “Republika Makedonija”; written in Cyrillic alphabet, “Република Македонија”), which was recognized and used by 134 countries – among them, all of the United Nations Security Council permanent members except France.

On the other side was the Hellenic Republic. Signed beside Lake Prespa, hence the name, and ratified by the parliaments of both countries, it came into force on February 12, 2019, when the two countries notified the UN by sending a joint letter to the secretary general – following the ratification of the North Atlantic Treaty Organization Accession Protocol on February 8. The Agreement replaces the 1995 UN Interim Accord, and allows for the name

change from the Republic of Macedonia to the Republic of North Macedonia. The national language continues to be called Macedonian, and the constitutional amendments reject any territorial claims by North Macedonia over the Greek region of Macedonia. In exchange, Greece will no longer be an obstacle on the path to accession talks between the European Union and North Macedonia, which is now closer to joining NATO as well. However the price paid here is high, due to a flawed deal and to painful, dangerous compromises made to adjust the deal.

Short History of the Contemporary Conflict

Since the breakup of Yugoslavia, the Republic of Macedonia maintained the same naming pattern as all of the other constituent Federal Republics of Yugoslavia (the Republics of Slovenia, Croatia, Bosnia and Herzegovina, Serbia and Montenegro) after declaring its independence in 1991. Its attempts at international recognition proved to be rather complicated. The Arbitration Commission of the Peace Conference on the Former Yugoslavia declared that the Republic of Macedonia met the conditions set by the European Community for international recognition, but Greece opposed the international community’s recognition of Macedonian independence under its constitutional name. There were a number of objections raised about the country’s name, flag,¹ and constitution. The Greek government convinced the EC to adopt a common declaration setting conditions for recognition. The European Council issued a dec-

laration in December 1992 expressing willingness “to recognize that republic within its existing borders [...] under a name which does not include the term Macedonia” (European Council in Lisbon 1992). That was especially the case with admission to the UN. The new member joined the organization in April 1993, stating that: “[The] State [is] being provisionally referred to for all purposes within the United Nations as ‘the former Yugoslav Republic of Macedonia’ pending settlement of the difference that has arisen over the name of the State” (UN Documents 1993).

The name issue suddenly turned into an international dispute. Initially it was presented mainly as a security issue, since the region was surrounded by armed conflicts. In that context the “difference over the name” and its ramifications were seen as a serious matter, and Greece presented it that way to the UN too – claiming that its neighbor had territorial claims. The Republic of Macedonia, on the other hand, no longer had the protection of the Yugoslav Federation and after the breakup, it was more concerned about the possibility of the spillover of armed conflict from Serbia and Kosovo. It saw the hostile political discourse and the strong statements from its southern neighbor, Greece, as a threat in a very delicate moment. Serbia had no strength left to spread further south militarily, but if either Serbia or Bulgaria made a move Greece was prepared for such a scenario; it claimed: “Greece cannot remain indifferent, and stability in the Balkans will become a memory” (address of Foreign

Minister Adonis Samaras in Lisbon, 17 January 1992, cited in Tziambiris 2000: 218–232).

So it was a security issue, but not because the new state had the appetite, strength, or aspiration for annexing additional territory – as claimed by Greece. Trouble was brewing in the whole neighborhood in fact, and both states defined their positions out of fear and an overall lack of trust. There were many internal as well as external fears, but also possibilities – ones which unfortunately were not identified or addressed by local politicians in the region. Throughout history the Balkan countries have promoted the idea that they are surrounded by deadly foes consumed with nationalistic appetites, because “the threat of an external enemy has always been one of the most effective ways to maintain internal cohesion” (Hofstede, Hofstede, and Minkov 2010: 383). That notion adds to this dispute the aspect of constructed collective perception versus reality. Many leaders used the momentum generated to progress with nationalistic rhetoric domestically, which created a bigger divide internationally – and making concessions became more difficult.

But What Exactly Is the Issue?

It was said to be a matter of name. With the Prespa Agreement we discover there is more to the name, and all of the closely related topics required nineteen pages of text highly unusual for a bilateral agreement regarding an alternative view on the naming of one of the states involved. Monopolizing the name Macedonia, by either of the

sides, should not be an issue because many other places share the same name and that is not a cause for long-standing dispute. There is an Ithaca in upstate New York (close to Syracuse), Troy (close to Albany), a few Corinths, Dovers, Olympias and the like. There are even at least four Athens(es) outside Greece (one in New York State near the Catskills, one in Pennsylvania, one in Alabama, and one in the US state of Georgia). Closer to home in Europe, the name “Luxembourg” has not become an issue for it and Belgium (which has a province with the same name bordering that country) the same way Macedonia has become for Greece and the Republic of (now North) Macedonia.

So, there is something more in the name and its historical legacy, as the foundation of national identities.

Greece acquired the Northern Province of Macedonia as an integral part of its own territory only in 1913. And yet in the last twenty years, it has spent so much diplomatic energy on convincing the world that its northern neighbor has no right to use the name shared with its own province. Greece has been willing to make this issue relevant internationally, not because of the cultural heritage from the time before Christ, or because of Alexander the Great and his father Philip, but because of political decisions from the recent past that might have implications for contemporary Greece – like returning property to people it expelled in the first half of the twentieth century. The last twenty-

eight years have proved that the security threat of the 1990s was ultimately exaggerated and contextual. Even back then it was not taken seriously by those who knew the actual military might of the newly created state.

The UN has agreed to accept any final agreement on a new name resulting from negotiations between the two countries. In their bilateral dealings a number of countries, including Russia, China, and Turkey, have been using Macedonia's constitutional name over the years. Greece's fellow EU members have complied with Greece's wishes on this issue, and the fact that the latter is a member state makes it difficult for the EU to contribute to a fair negotiation process and a compromise reached through diplomatic cooperation.

The UN-led process had dragged on for some twenty-eight years, with only rather incremental movement from the respective entrenched positions. Both countries instead unfurled well-prepared strategies for bilateral advancement and attaining third-parties' sympathy and support. The one thing, however, that was expressed on both sides was that the negotiation process – or the lack thereof – was over the name of the country that has Skopje as its capital. Many years after, the negotiations end in a “Final Agreement for the settlement of the differences as described in the United Nations Security Council Resolutions 817 (1993) and 845 (1993), the termination of the Interim Accord of 1995, and the establishment of a Strategic Partnership between the Parties.”

Therefore, this agreement does not only solve the name issue of one of

the countries involved, but many other things as well. Over the course, as noted, of nineteen pages it addresses state-building, challenges the notion of sovereignty, and goes much deeper still, touching upon and regulating culture, heritage, education, identity, language, and many other topics that do not belong in a document of this nature. The opposition party's (VMRO-DPMNE) proposed presidential candidate, Gordana Siljanovska-Davkova, comments in her opinion piece on the Prespa Agreement that: "The difference and the name negotiations have transformed into differences and negotiations in history, Macedonian identity, Macedonian language, culture and education, political and administrative system, the CONSTITUTION, civil freedoms, and human rights" (Siljanovska-Davkova 2018).

The supportive view on the deal is that for both Alexis Tsipras² and Zoran Zaev³ it has taken political courage to get this far. "With the painstakingly negotiated Prespa Agreement, Alexis Tsipras and Zoran Zaev have brought to an end the decades-long dispute over the name of Macedonia. This success was made possible by two left-leaning governments, and the social democratic movement in Europe should use this to its advantage" (ElIereit 2019).

Any disapproval of the way that the process was handled, with an outcome promoted as "the best we could do under the circumstances," or with the prerogatives of those



Source: Tomislav Georgiev

who took upon themselves the claim of democratic legitimacy without acquiring the mandate, scope, or expertise for such negotiations were largely portrayed and undermined as nationalist – and as a discourse that belongs to the past.

Greece's main opposition leader at the time and a prime minister currently, Kyriakos Mitsotakis, denounced the deal, arguing that it amounted to Athens accepting the existence of a Macedonian language and nation. The nationalist Independent Greeks party, the junior partner in Tsipras' leftist-led coalition, pulled out of the government in protest over the agreement. The same happened with the opposition up north, too.

Supporters loyal to both of the prime ministers who negotiated this deal took exactly this dissatisfaction on the part of the opposition parties, the churches, and a significant group of nongovernmental organizations as a sign of success, arguing that if both sides are unhappy that means concessions were made equally and there is not only one winner. However, even brief analysis reveals that the concessions on the Greek side are minimal and the created obligations are directed only toward the "second party." The Agreement has a demander and an implementer, who in its quest to join NATO and the EU claims that there were no other options available. "The asymmetric deal, with obligations only on the weaker side and all rights on the stronger one, reflected the power relations between the two neighbors. Consequently, the political rhetoric differed a lot: instead of a win-win situation, Tsipras overtly

talked about his country/government achieving more than it could ever expect,” writes Biljana Vankovska (2019: 120). She also mentions a very relevant point that we should not exclude from a text that deals with this international negotiation process; that is the fact that while the Prespa Agreement cites many international documents in its preamble, while it violates them and undermines the spirit of dialogue. “The key contradiction is in the reference to the international documents that acknowledge non-interference in the state’s internal affairs and good neighbourly relations, while at the same time the Agreement prescribes total restructuring and redesigning of the internal order of a sovereign state (starting with the constitution, change of the names of the state institutions, symbols, money, history, culture, trade codes, etc.)” (Vankovska 2019: 125).

The UN-led process took the form of United States-sponsored mediation, starting with that country’s negotiator Cyrus Vance in the 1990s, who was later replaced by Bill Clinton’s emissary Matthew Nimetz. Both of them kept the negotiation process up at the top political levels, and did not manage to move the parties away from positional entrenchment for stated reasons of inflexibility. In almost three decades of mediation they had very limited success with their shuttle diplomacy, which while being effective in critical moments did not create a constructive atmosphere of continued dialogue. It was not a surprise that the process concluded with very little support from the UN, or from any other supranational regime or organization indeed. The

last round was mainly handled bilaterally, as recommended by the EU on a number of occasions.

However, some countries and their diplomats were more involved than others; this very flexible way of operating undermined the possibilities that a supranational – that is, multilateral – organized structure could provide, especially when it came to securing a framework and safeguards regarding what was even negotiable. It also deprived this last (unjustifiably bilateral) sequence of the possibility to involve expert mediators who would have been the guardians of the internationally regulating

fice. As such, they are not always willing to refute indecent proposals for the greater good and to reprimand parties for entrapment or a lack of ethics.

Consequently, the “bilateral” process was handled with ad hoc and uncoordinated foreign involvement. It was, in fact, only bilateral in appearance, and many international officials and political leaders – including Johannes Hahn, Donald Tusk, Federica Mogherini, Jens Stoltenberg, Jean-Claude Juncker, Emmanuel Macron, Justin Trudeau, Theresa May, as well as the regional politicians Bojko Borisov, Edi Rama, and others, whose staff



Source: Macedonian Information Agency

body of law, as part of attempts to identify the genuine space for possible agreement. Bilateral ambassadors and political officials have their individual interests and checklists, so they are more prone to short-term fixes in order to claim achievement while still in of-

were informally involved throughout the process – congratulated the parties for what they called a “historic victory.” Many of these leaders were part of the support campaign that the governments on both sides had prior to the referenda, which by parts of the

population was seen as too aggressive and almost a violation of the right to vote freely and to be offered information on both pros and cons.

The campaign was one-sided, and supported by foreign officials who wanted to see closure on this process as well as to push this initiative through in the very narrow window of opportunity still available before the political balance potentially changed in Europe in mid-May 2019, when EU parliamentary elections were to be held – alongside elections in Greece (parliamentary ones in October) and Northern Macedonia (presidential ones in April, when this paper was written), which would have complicated ratification in the respective parliaments. However political analysts note that local laws and international standards were violated in order to get to the gates of the EU and NATO, as well as express that some member states might find this problem-solving approach too short-sighted and problematic in the accession process – as they have higher expectations from a mature democracy that respects the *acquis communautaire*, regardless of the fact that it swallowed a bitter pill and renamed itself North Macedonia.

For numerous voters, the fact that Zaev linked the referendum on changing the country's name directly to the country's future within the EU and NATO, as well as how the question was even formulated,⁴ were very problematic. The announcement that if the outcome was not satisfactory then it would be sent to parliament left constituents with a rather redundant role, as their votes meant nothing and they

could easily be overruled. In addition to these prearranged safeguards (in case the demos spoilt a political deal designed to pass, and to declare the outcome a success notwithstanding any obstacles faced and resistance met with), numerous high-level political visits took place to support Zaev and his plan – something that many found to be intrusive.

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According to Macedonian law, the two key conditions to consider a referendum successful were not met. Those are that: a majority of listed voters would come out to vote, and that the majority of those who voted did so in favor of the asked question. There was a lot of speculation about what led to the outcome of the referendum, but the numbers make it a failed attempt to acquire legitimacy through the votes of the constituency. The reasons for that are plenty and highly complex, but despite its many varying interpretations the Prespa Agreement did not ultimately obtain the legitimacy of the demos. And yet it has already been implemented with unexpected vigor, including with that the violation of many international norms thereby creating new practices that might be problematic later in time and in other parts of the world.

Since the referendum failed, there was no legal base for the constitutional changes in parliament. These were achieved by yet another highly suspi-

cious process, that of changing the criminal code overnight in order to obtain the required backing of two-thirds of parliamentarians, i.e. (eighty votes). The governing coalition could not acquire that number unless they found a way to persuade some parliamentarians from the opposition to acquiesce. Suddenly, eight parliamentarians (three of whom were freed from house arrest, while all of them faced serious charges in various court cases) voted for constitutional changes and in contradiction to their own statements from just a few days prior to the vote.

The Way Ahead May Be Long if It Avoids Real Reconciliation and Lacks Democratic Legitimacy regarding Negotiators

The Agreement cannot be annulled, but can be challenged and its implementation stalled – plans which have already been announced by many political entities in both countries. Apart from stretching far beyond the name change and dealing with identities, culture, history, education, archaeology, and similar, the Agreement is also a bitter pill that engraves local appetites and mistakes into a legally binding document that disregards long phases of history, injustices, and disrespect for human rights laws and standards. However, it is a way toward European and Euro-Atlantic integration. It is definitely not the only path to that aspired-to destination, but it was presented as such to constituents who largely failed to be fooled by a leading question in the referendum held. The difficulty with the Prespa Agreement, among others, is that it legitimiz-

es practices that modern democratic states should not be proud of; it opens the door for continued nationalistic discourses of a prevailing and general disregard for good governance. On the other hand, it is promoted as an agreement that will close old wounds, allow for work on reconciliation, foster genuine friendship, and cultivate respect for human rights and international law.

PIN Steering Committee member Mark Anstey asked whether “a change in the nature and quality of relations between belligerents [can] be negotiated, and, if so, how do they use their power to achieve this; who does what at which stages in a conflict for effective reconciliation to occur?” (Anstey 2017: 52). To go deeper into these matters and attempt to answer this question, we would need more details on how the process unfolded, who the driving actors were, and also what their underlying motives were. From this it would be possible to assess if this is indeed a reconciliation process, or rather one sequence in a competitive, zero-sum game. In the same book Valerie Rosoux reminds us that the critical question is not only “What happened?” but also – and above all – “What shall we do with the past?” She also notes that one of the most fundamental issues is not whether to remember or forget, but how to remember and forget in such a way as to move forward (Rosoux 2017a).

There are concerns that this agreement not only does not settle the ghosts of the recent past, but might awake older ones too. It might even serve as a transgenerational affront, as grievances and humiliation on the Macedonian side will not be addressed by the proposed

mechanism. The bitter taste left after the flagrant violation of democratic social structures so as to push through a badly negotiated agreement may continue to linger long in the mouth.

In order to convince the world that this is a successful instance of conflict resolution, there was a mention of Nobel Peace prize nominations for Tsipras and Zaev – a populist way of recognizing efforts to reestablish dialogue. However better informed analysts would simply disregard this initiative, as it is too early to claim victory and the writing on the wall does not promise a change of attitude or mindset. It appears more as just one more occasion on which the strongman was given a chance to collect the fruits of desperation handed over by the weaker party, and it will take time to weigh whether the end justified the means – and to what extent this sacrifice will be acceptable to those who refused to bestow those involved with the legitimacy to end this rushed process with short-term fixes instead of long-term visions based on cooperation and reconciliation. Future research should look into the transformation of the relationship that has occurred, and whether this evolution resulted “from a process of reciprocal adjustments in beliefs, attitudes, motivations and emotions” (Rosoux 2017b: 17). That is, whether the new relationship will use the deep change that reconciliation can offer if well-structured and paced to reach out to the majority of the population – who should then be the future carriers of attendant social change. Only then we can determine how bitter the Prespa Agreement pill really has been.

REFERENCES

- Anstey, Mark (2017), *Power, Negotiation and Reconciliation*, in: Valerie Rosoux and Mark Anstey, *Negotiating Reconciliation in Peacemaking. Quandaries of Relationship Building*, Cham: Springer, 51–67.
- Ellereit, Eva (2019), *The Left's Great Success*, 20 February, www.ips-journal.eu/regions/europe/article/show/the-lefts-great-success-3269.
- European Council in Lisbon (1992), *Conclusions of the Presidency, Annex II*, 26/27 June, 43.
- Hofstede, Geert, Gert Jan Hofstede, and Michael Minkov (2010), *Cultures and Organizations, Software of the Mind*, New York: Mc Graw Hill.
- Rosoux, Valerie (2017a), *Time and Reconciliation: Dealing with Festering Wounds*, in: Valerie Rosoux and Mark Anstey, *Negotiating Reconciliation in Peacemaking. Quandaries of Relationship Building*, Cham: Springer, 69–91.
- Rosoux, Valerie (2017b), *Reconciliation as a Puzzle: Walking among Definitions*, in: Valerie Rosoux and Mark Anstey, *Negotiating Reconciliation in Peacemaking. Quandaries of Relationship Building*, Cham: Springer, 15–26.
- Siljanovska-Davkova, Gordana (2018), *За Преспанскиот договор и пошироко [On the Prespa Agreement and Beyond]*, in: Nova Makedonija, www.novamakedonija.com.mk/wp-content/uploads/2018/10/%D0%97%D0%90-%E2%80%9E%D0%9F%D0%A0%D0%95%D0%A1%D0%9F%D0%90%D0%9D%D0%A1%D0%9A%D0%98%D0%9E%D0%A2-%D0%94%D0%9E%D0%93%D0%9E%D0%92%D0%9E%D0%A0%E2%80%9C%D0%98-%D0%9F%D0%9E%D0%A8%D0%98%D0%A0%D0%9E%D0%9A%D0%9E.pdf.

Tziambiris, Aristotle (2000), *Greece, European Political Cooperation and the Macedonian Question*, Oxford: Ashgate Publishing Company, Appendix IV, 218–232.

UN Documents (1993), *General Assembly Resolution A/RES/47/225*, 8 April.

Vankovska, Biljana (2019), *A Diplomatic Fairytale or Geopolitics as Usual: A Critical Perspective of the Agreement between Athens and Skopje*, in: *OSCE Yearbook 2018, Baden-Baden: Nomos*, 113–134.

ENDNOTES

1 In 1995 Greece lifted a 19-month economic embargo after Macedonia agreed to do away with its flag's inclusion of the sun of Vergina, which Greece claimed is intrinsic to its own cultural heritage.

2 Tsipras is the prime minister of the Hellenic Republic, and a signatory to the Prespa Agreement.

3 Zaev is the prime minister of the Republic of North Macedonia, and a signatory to the Prespa Agreement.

4 The question on the ballot was: "Are you in favour of NATO and EU membership, and accepting the name agreement between the Republic of Macedonia and Greece?"

Paul Meerts

Challenges to Diplomatic Negotiation

As modern technology makes war more costly, negotiations within and outside diplomatic conferences are becoming increasingly important. This contribution to *PINPoints* 46 ponders the challenges to the effectiveness of bilateral and multilateral negotiations between nations, labeled here as “diplomatic negotiation.” It argues that negotiations are vulnerable unless they are protected by procedural frameworks, comprising rules and conventions – such as those adopted in conference diplomacy conducted by organizations like the United Nations. Since Donald Trump came to power, and Brexit started distorting the process of European unification, this protection has been eroding.

We might be entering an era of bilateral and multilateral sclerosis, which will affect international negotiation in a negative way.

At the bilateral level, we see cases like the failed bargaining process between Kim Jong-un and Trump; at the multilateral one, the failed negotiations between Theresa May and the leaders of the other European Union member states. This article raises questions about the future role of diplomatic negotiation processes in a globalizing world, wherein diplomats are losing their traditional predominance in international relations. It concludes with several recommendations for enhancing the effectiveness, and thereby the significance, of diplomatic negotiation in future.

Introduction

This contribution defines diplomatic negotiation as an

“exchange of concessions and compensations within a framework of international order accepted by sovereign entities” (Meerts 2019: 11).

It is limited to negotiations between states. The focus of this paper is on political and diplomatic negotiation processes. International negotiations in general also encompass ones between people, companies, and non-governmental institutions across borders, but this dimension is outside the scope of this article.

Bilateral diplomatic negotiations are relatively simple as far as structural complexity is concerned, but they can be difficult to handle if the positions of the involved parties are very polarized.

These negotiations might be in need of third parties acting as facilitators or mediators. Multilateral diplomatic negotiations are much more complex meanwhile, and that complexity will have positive and negative effects on the process of give-and-take between the representatives of the parties involved (Crump and Zartman 2003). One positive effect is the inclusion of stakeholders – that is, those countries as well as other concerned parties such as intergovernmental and nongovernmental organizations – that have an interest in the issues and negotiation process at hand. Including the relevant actors will enhance the probability that negotiated outcomes

are implemented. The negative side of inclusion, however, is the ability of spoilers among the stakeholders to prevent an outcome that is undesirable to them, or to weaken the final agreement in such a way that it will be harmless to their interests and thereby ineffective to the collective interests. Bosnia is an example of this. All parties were involved in the negotiation process, and the effect has been a backward-looking outcome. That is putting an end to the war, but also safeguarding all the major interests of the parties and thereby creating a rather unworkable state administration.

Most multilateral negotiations nowadays are part of a long-term, ongoing negotiation process, often within the framework of an intergovernmental organization such as the UN.

Being structured, having a history of precedents, as well as holding a perspective oriented toward the future, these conferences form relatively stable structures that allow for more or less successful outcomes by protecting the processes (Kissinger 2014). The example of the EU as an intergovernmental and supranational organization shows how important this is for effective decision-making. However, such organizations have an interest in being relevant on their own merit. They might thus give priority to their own needs, instead of to those of the community that they represent.

Challenges: Negative Aspects

There are an endless number of challenges to international negotiation; this paper finds four of them the most salient. First and foremost violence, because it is the main alternative to peaceful conflict resolution. Second complexity, as it hampers the effective management of the negotiation process in conference diplomacy. Third bureaucracy, as it slows down the negotiation process, thereby creating problems of time and timing. Fourth and foremost, the people: the negotia-

to envisage a mutually enticing opportunity – in other words, a peaceful exit strategy. However if one of the parties prefers war over words, the process of negotiation will be relatively helpless. This is why countries try to establish international frameworks like organizations to help them contain violence and to run negotiation processes that are protected by rules and regulations. In the last fifty years, two-thirds of the world's conflicts have been resolved through international negotiation; the remaining one-third ended by military victory meanwhile (Human Security

relative weakness of intergovernmental and nongovernmental organizations. Countries, while pushing for their own interests, will have a centrifugal impact on the negotiation process; organizations attempt to contain that impact and guide their members in the direction of desired outcomes. Vertically as constituencies become more and more influential, also because of the media allowing for parliaments and populations being more involved in the negotiation process through external pressures like lobbying. Furthermore, modern means of communication will enhance transparency; negotiators often need, though, a degree of secrecy in order to reach desired outcomes.

Bureaucracy: These international organizations have their own needs as well, and they will push for them even if this is not always in line with the interests of their member states. The EU is an example of the struggle between the whole and the constituent parts. In order to have successful diplomatic conferences and to encompass the main issues to be negotiated on, the organizations are growing – and thereby their bureaucracy increasing. While negotiations will have to be embedded in order to be successful, this structuring will also enhance a loss of effectiveness as a consequence of one of flexibility too. Diplomats try to fight negative rigidity by negotiating away from the table as much as possible, in corridor work, huddles, informal bilaterals, and the like. Nevertheless, structures and procedures are necessary instruments to direct the process toward closure (Kaufmann 1996; Walker 2004). While

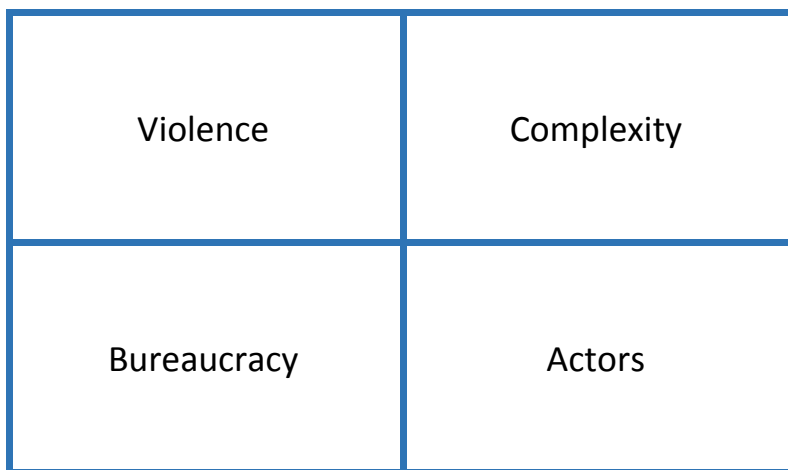


Figure 1: Challenges to Diplomatic Negotiation Processes

tors with their preferences and peculiarities.

Violence: Negotiation – as war by peaceful means – is under constant threat of being destroyed by violent actions if parties see them as a more effective instrument in defending their interests. When is a situation ripe for conferencing? The dominant opinion in academia is that ripeness can be expected if stakeholders are in a mutually hurting stalemate, while also being able

Project 2007). This trend is expected to continue along the same lines in the coming decades (HIK 2012).

Complexity: As the world becomes ever-more interdependent, the number of actors around the table and the number of issues on it are growing exponentially. This enhances the complexity of diplomatic negotiation enormously, both horizontally and vertically. Horizontally because of the relative strength of countries and the



Source: Bundesministerium für Europa, Integration und Äusseres, Österreich

informality is needed at the same time, it might create unnecessary fuzziness and ambiguity as negotiators will lose oversight and might be less able to control the process.

People: Negotiation involves humans, which brings all kinds of positive and negative consequences with it. Positive because politicians and diplomats want to be rewarded for the energy that they put into the process by concluding a fine agreement. Negative because humans can be moody, impatient, ego-centric, and just plain stupid. Mutual empathy will allow for a smooth process if the actors come to understand and perhaps even like each other. It will turn sour if their egos collide, if they entrap themselves and each other in “egotiation”: a phenomenon in which the defense of the reputation of the negotiator might become more important than the interests of his or her country. Trump can be seen as the main representative of this category of self-interested politi-

cian. His book *The Art of the Deal* gives us useful insight into his nonpolitical but rather business-oriented thinking: take an extremist first position and push for it as long as you possibly can (Trump and Schwarz 1987). Not so much for the glory of your country – although he is fond of articulating “America First” – but for that of yourself. Politicians, thanks to modern means of communication and travel, can more easily connect with each other and sideline their diplomats, which infringes on the relative autonomy of diplomacy – being threatened already by the growing involvement of non-international civil servants in diplomatic conferences. Competition between actors and their interests can result in deadlocks within multilateral negotiations, which represent the still points of all negotiation (Narlikar 2010).

Challenges: Positive Aspects

Every disadvantage has its advantage too. Applying the grid of violence-com-

plexity-bureaucracy-people to four topical negotiations might enlighten us on its positive role in creating negotiability in diplomatic practice. In the case of Iran, existing talks within the “five plus one” group were at a stalemate, notwithstanding the efforts of the high representatives of the EU. Ripeness for solving the nuclear issue was the consequence of context change resulting from: a) the war of Iran and the United States against the Islamic State in Iraq and Syria; b) the interdependency between Iran and the US in the Middle East; c) their leaders understanding the necessity of cooperation; and, d) the strong and effective bureaucracies of Iran, the US, and the International Atomic Energy Agency – who were able to work out a substantial agreement.

Ukraine shows us, meanwhile, that the interdependency between the four factors helped to forge the Minsk Agreement on a ceasefire in eastern



Source: kremlin.ru

Ukraine, though the problem of separating the Donbas region from the rest of the country has not been resolved – let alone that of the annexation of Crimea. The war between separatists – supported by the Russian Federation – and the Republic of Ukraine mobilized the Germans and the French to successfully mediate a stalemate. They had good reason to do so: a) the war threatened the stability of post-Cold War Europe; b) it endangered cohesion within the EU on both security and energy; c) by acting outside of the EU framework, the French and the Germans avoided being paralyzed by the different interests and visions of actors within it; and, d) President François Hollande and Chancellor Angela Merkel took personal responsibility for the process, which legitimized the talks – they could, furthermore, use their own bureaucracies to do the actual bargaining.

The third example is the negotiations with and on Greece. The EU negotiated an agreement with the Greeks because: a) it wanted to avoid internal

violence in that country; b) it tried to avoid a “Grexit,” as it would damage internal cohesion in the eurozone – which, by its sheer complexity, could have unforeseen consequences; c) under the immense pressure of the situation, all actors realized that an agreement would be better than no

agreement; and, d) the bureaucracies on the European side and of the International Monetary Fund were able to implement the agreement, though the weakness of the Greek bureaucracy has been a stumbling block.

The last example is that of the successful negotiations between the US and Cuba in normalizing their diplomatic relationship. It is the case that: a) the end of the Cold War facilitated a “rapprochement” between the two countries; b) potentially significant interdependency exists between the two neighbors; c) the actors changed over time (President Barack Obama has no prior history with Cuba, and Raoul Castro could distance himself from his brother); and, d) the bureaucracies on both sides are solid enough to successfully realize the agreement forged by political leaders.



Source: Chuck Kennedy/Wikipedia

Recommendations and Conclusions

One of the earliest examples of negotiation analysis is *The Art of Negotiating with Sovereign Princes*, by the French diplomat François de Callières (De Callières 1983). The pointers he gave to the future Louis XV in his work of 1716 are still of value to the conference diplomat of today. After the Second World War, research on negotiation increased massively. A range of academics tried to qualify or quantify the process of international negotiation, both inside and outside diplomatic conferences. The main aim of all these studies has been to explain outcomes by way of a process that unfolded biases. By enhancing the understanding of the intricacies of the negotiation process per se, academia has sought to contribute to the concluding of successful agreements.

In view of the observations above, and focusing on the role of the diplomat as a negotiator, four recommendations can be usefully made: First, it would be wise to give researchers and trainers more access to real negotiation processes. By studying the flow of these processes and the diplomats' behavior, valuable material for analysis – and thereby for training new practitioners – can be obtained. Additionally, these negotiation experts could be used as process consultants during actual negotiations, given that miscommunication, mismanagement of proceedings, and bad strategies and tactics are major problems herein. Negotiations often fail because of negotiators' inability to oversee the situation, and to understand the real sig-

nificance of their opponents' internally and externally adopted positions.

Second, the diplomatic negotiator might specialize further and become the main communicator in the process of merging the interests of both countries and organizations into one outcome that all parties can abide by. This means that the

diplomat will have to connect more effectively with other civil servants and representatives who operate in the international arena, instead of focusing so much on diplomatic colleagues.

This might breed "group think," resulting in becoming too inward-looking. If diplomats do not become more outward-looking, they will make themselves irrelevant going forward.

Third, diplomats will have to manage their political masters and their constituencies, and indeed the media, in a more modern and forthcoming way – which will not be easy. Public diplomacy is of the essence here, as the populace back home, and sometimes their politicians as well, have no real understanding of the possibilities and impossibilities of the negotiation process – and thereby might prevent it coming to closure (Zartman 2015).

Last but nevertheless most important, diplomatic negotiation itself will have to be more efficient; this might prove to be the most difficult task of all. It is very much a chicken-and-egg problem. This can be seen with the ongoing difficulties in reforming the UN Security Council, the EU's struggle to

restructure itself in order to be more effective following enlargement, and the failed attempts to make the Association of Southeast Asian Nations more effective in the face of Chinese moves to claim islands in the South China Sea.

Reforming the conferences themselves is difficult. It involves political will – and political will depends on synergy among member states' interests, and the (im)balance between cooperation and competition. The world's growing interdependence emphasizes the need for closer cooperation.

In order to cooperate more effectively, international negotiation is still one of the most important instruments in helping to create some world order.

This order is not self-evident or eternal. "Every international order must sooner or later face the impact of two tendencies challenging its cohesion: either a redefinition of legitimacy or a significant shift of the balance of power" (Kissinger 2014). It is up to the process and the people to satisfactorily manage these changes.

Diplomatic negotiation is a paradox: It is the most legitimate and inclusive mode of international governance and conflict resolution, and therefore the most representative – but the multitude of actors involved limits its effectiveness. The future of the international system depends on the decisions that countries and organizations take concerning, for example, climate change, the global economy, and the both internal and external conflicts that abound.

Negotiations inside and outside diplomatic conferences are the most effective tool for dealing with the opposing and concurring needs of all parties involved. Both the number of issues and parties are growing.

Negotiation is as old as human history. Diplomatic negotiation entered the world stage some five millennia ago. Conference diplomacy as a mode of international negotiation has been around for 300 years, but established its organizational format only in the last hundred. It is therefore a relatively recent phenomenon in the grand scheme of things. It is enormously helpful in protecting the vulnerable process of international negotiation. Keeping the negative aspects of the four identified challenges in check, and using their positive potential to further the effectiveness of international negotia-

tion, will be the future art and science of political and diplomatic negotiators, and indeed their academic supporters.

■

REFERENCES

- HIK (2012), *Conflict Barometer*, Heidelberg: Heidelberg Institute for International Conflict Research.
- Crump, Larry, and I. William Zartman (2003), *Multilateral Negotiation and the Management of Complexity*, in: *International Negotiation*, 8, 1, 1–7.
- De Callières, François (1983), *De la manière de négocier avec les souverains*, Paris: M. Brunet.
- Human Security Project (2007), *Human Security Brief: Featuring a Special Report*, Vancouver: Simon Fraser University.
- Kaufmann, Johan (1996), *Conference Diplomacy*, London: Macmillan.
- Kissinger, Henry (2014), *World Order*, New York: Penguin Press.
- Meerts, Paul W. (2019), *Diplomatic Negotiation, Essence and Evolution*, The Hague: Clingendael Institute.
- Narlikar, Amrita (2010), *Introduction*, in: Amrita Narlikar (ed.), *Deadlocks in Multilateral Negotiations*, Cambridge: Cambridge University Press, 1.
- Trump, Donald, and Thomas Schwartz (1987), *The Art of the Deal*, New York: Ballantine Books.
- Walker, Ronald A. (2004), *Multilateral Conferences: Purposeful International Negotiation*, London: Palgrave Macmillan.
- Zartman, I. William (2015), *New PIN Project 2015: Closure: How Negotiations End*, in: *PINPoints*, 41, 41–45.

I. William Zartman

Hardline and Reconciling Negotiations: Dueling and Driving Bargaining

The world is surprised, even shocked, at the current rise of hard bargaining, use of threats and ultimatums, escalation, inflexible demands, and tough behavior. It should not be. Such behavior is a normal part of negotiation (even if it is not carried out as rambunctiously as by President Donald Trump, and then his antagonists), although it offends opponents and upsets the sense of reconciliation and problem-solving that often dominates the image of negotiation. It does also disturb the idea of negotiation as giving something to get something, at least initially, by posing as threatening something to get something.

Hard bargaining is a normal part of negotiation.

Such hard bargaining, like populism in general, comes directly from the Realist school of International Relations, which portrays states as negotiating only for themselves in an anarchic world, trusting institutions only temporarily as long as that fits their interests, and bargaining for relative gains. This is what is taught in United States and other Western (and perhaps world) college curricula and has been for a long time, with some passing nods to alternative approaches on occasion. This is not distributive as opposed to integrative bargaining, which does give to get (donnant-donnant), but purely getting (prenant-prenant) and going home.

President Trump is a hard bargainer, one with a sense of the negotiation as a competition against opponents and also as an effort at maximum achievement at lowest cost – playing with alternatives and even with withdrawal (to

come back another day) as the core dynamics of negotiation. He is hard to advise, a risk-taker (following a highly risk-averse predecessor) with low responsibility aversion,¹ and can roll with defeats and punches (Edelson et al. 2018; Fleming and Bang 2018; Harnett, Cummings, and Hughes 1968). Risk-takers tend to prefer competitive games and make fewer concessions (Edelson et al. 2018; Rubin and Brown 1975: 201–213; Deutsch 1960; Shell 1999). He is a bullying negotiator, opening tough and hanging on to his position, breaking off talks if necessary, but making concessions at the end as required while still claiming victory. He has a wonderful ability to land on his feet at the end and claim victory, whatever the results actually indicate (Kruse 2018). Each agreement stands on its own and adds to the collection, rather than fitting into a grand diplomatic strategy (Zartman 2016, 2019b).

Risk-takers tend to prefer competitive games and make fewer concessions.

This is an excellent insight into a particular bargaining style. Per Machiavelian logic, of course, soft approaches to negotiation are only appreciated once a hard one has been exercised; concessions only become attractive once none are in prospect; parties only become interested in reconciliation when they realize that they cannot prevail through bullying; mercy is only appreciated once the capacity of the other for cruelty has been demonstrated. It works for those who have superior power to exercise it, therefore being able to bully their way to deals. From a

Realist perspective, power symmetry is seldom in evidence so the big guy can happily make this choice. But arguably it lacks nuance and “long-termism”; if you only have a hammer, everything looks like a nail; contingency bargaining is an unknown. Bargaining in any form scripts future relations. China and others have long memories. As an approach it lends itself to misjudgment. If one is used to power and always defeating others, boundaries are not understood and shifts in power requiring other approaches being taken may not be grasped. Gunslingers always run into a faster-fingered opponent eventually.

From a Realist perspective, power symmetry is seldom in evidence so the big guy can happily make this choice.

Negotiation begins, as is known, with the establishment of a mutually hurting stalemate (MHS), inducing both parties to look for a way out (WO) of their impasse (Zartman 2000, 2019a). When the ripener is one of the parties already hurting, selling that sense of a mutual hurt can involve some rough verbal and physical (economic and even military) pressures. “This situation hurts me and I want you to see how it is hurting you too (or perhaps hurt you back?), so we can talk to improve it.” To impose that realization – if it does not already exist in the parties – requires some tough talking by third parties, as the failed attempts at mediation by Kofi Annan and Lakhdar Brahimi in Syria attest to (Hinnebusch and Zartman 2016).

If ripening is not present and persuasion is not effective, the situation invites escalation, designed to produce a MHS (Zartman and Faure 2005). “Ripeness,” it has been noted, “is the godchild of brinkmanship” (Zartman 2000: 241). In the absence of a positive outcome, conflicting parties often pull back, lick wounds, and settle into a new level of stalemate while swallowing the pain; further escalation would be too costly, but so would negotiation. This is the state of the current Gulf Crisis between Saudi Arabia and the United Arab Emirates versus Qatar and supporters. But when the stakes are high for both sides, escalation continues and hard bargaining ensues – with pressures designed to induce pain and change positions. But the risk is that one or both of the parties misjudge, and simply run into one another – resulting in the destruction of one or both.

Prospect theory shows that people are more risk averse when preventing losses than when seeking gains, and that they tend to value a loss twice as much as a gain.

This situation underscores the weight brought to the negotiation process by prospect theory, a psychological understanding of human behavior (Kahneman and Tversky 1979, 1995; McDermott 2009). Prospect theory shows that people are more risk averse when preventing losses than when seeking gains, and that they tend to value a loss twice as much as a gain. This means that a move to impose losses

is a more potent motivator of behavioral change than is an offer of positive inducements, and, to go further, that the impact of contingent deprivation (threat and warning) in persuasion is more powerful than that of contingent gratification (promises and predictions) (Schelling 1960; Zartman and Rubin 2000). It underscores the tendency of competitive negotiators to focus on overcoming the losses of the past rather than on gaining a better future (Zartman and Kremenjuk 2005).

Tough behavior led to the stalemate, and hard threats kept it tight until agreement.

Analysts have long urged negotiators to look for positive inducements to sweeten their demands, whereas prospect theory indicates that the imposition of pain is more effective in changing behavior; doubtless both elements together can be most effective of all, but the weight of threats and sanctions stand out. None of this hides the importance of highlighting the joint benefits of an agreement, but it does emphasize the need to show that conditions will be worse if action is not taken to reach that better outcome – summarized in the role of alternatives (BATNA) in gauging the power of negotiators (Zartman and Rubin 2000). With both sides fighting themselves into a situation where they could do great damage to the other, the FMLN in 1990, the Moro Islamic Liberation Front in 2011–2014, and the FARC in 2014–2016 imposed on the governments of El Salvador, the Philippines, and Colombia respectively the need to negotiate, and kept them at the table by repeated threats to return

to violence if the government quit talks (albeit scenarios somewhat simplified). Tough behavior led to the stalemate, and hard threats kept it tight until agreement. There is no doubt that the threat of a return to violence in case of failure to reach a deal kept parties tied to the task. It is not the pressure that creates the deal in the end, but the release of it. A stick is created to get the attention of the other, and is removed contingent on a deal.

Pressure and sharp insistence are necessary to get demands across. To turn to current cases²:

- Negotiation of the North American Free Trade Agreement (NAFTA) into the less pronounceable US Mexico Canada Agreement (USMCA) ended in a photo finish with the acceptance of all three sides; without first pressure from the US on Mexico and then threats of exclusion on Canada, no agreement was in sight. The US did not get its way entirely in the final agreement, but reaching one was more important to all sides than continued standoff. It probably would not have been possible to obtain agreement on the changes without some hard bargaining, as occurred in the original NAFTA negotiations as well (Tomlin 1989).



Source: U.S. Department of State from United States

- The European Union and Greece each held firm with strong language in their positions over debt relief in 2015, until Greece finally relented (with subsequent slippages that continue the dispute today) (Panke 2019). Greece tried all possible maneuvers, including a referendum, to publicly back its obduracy, whereas EU spokespeople merely disparaged the other side with disdain. It has been argued that some serious and less public discussions could have produced the same result.

- US–China trade relations involve two huge issues: Chinese subsidies of domestic industry and Chinese extraction of US business secrets as the price for agreement. Given the importance of these issues, there is no likelihood of coming to an agreement with sweet talk (Hampson and Zartman 2010). Given the status of the respective parties, there is no easy prospect of either side climbing down from hard positions until the stalemate really hurts – reciprocally if not mutually.

- US–DPRK negotiations began in their current phase with North Korean hostile language met in spades by denigrating responses from the US that produced encounters over the Asian principle of building relations, punctuated by some sharp interludes (Zartman 2018). It will now be relevant to see what prolonged relations produce. It could be argued that a more amicable process of negotiation would have been possible in the second case, certainly not in the third, and maybe also not the first – with debate still raging on the fourth.

If this is standard negotiating behavior, why the outcry? The signs from



Source: hslgr1/Pixabay

prospect theory are indeed not happy news, with their discouraging implications. If parties could agree on the value of their exchange and were as attracted to making gains as to protecting losses, prospects for positive negotiation would be easier. As Homans' maxim (and the Nash Solution [1950]) indicates, "the more items at stake that can be divided into goods valued more by one side than they cost to the other and good valued more by the other than they cost to the first, the greater the chances of successful outcome" (Homans 1961: 62). If this is not possible, bargaining becomes hard and competitive (Walton and McKersie 1965). Even on equivalent evaluation, issues can simply be so huge that it is hard to overcome their inherently confrontational nature, as in the case of China and North Korea.

First, as noted, competitive bargaining tends to be backward-looking ne-

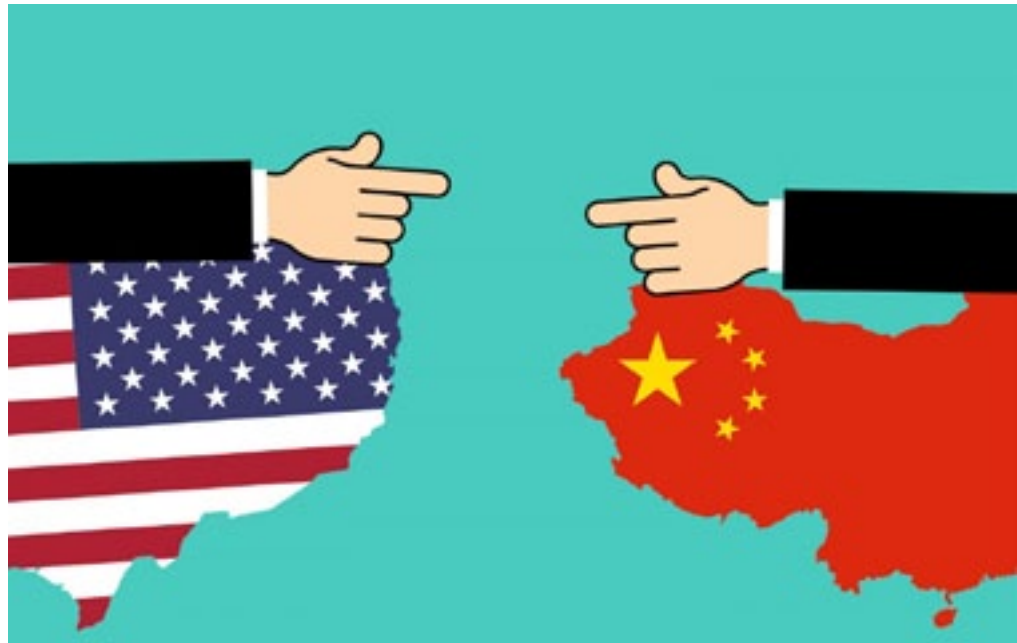
gotiation, caught up in the wrongs of the past that eventually stand as a barrier to agreement since they are difficult to totally surmount. This focus prevents a more positive orientation toward mutually attractive opportunities. As such, it is exclusionist – our interests are ours, you fit in as you can – as opposed to an attitude that says "our interests are common ones."

Second, hard bargaining creates a poor atmosphere for coming to an understanding – so that in addition to the value of the items at stake, there is also the offensive language barrier to overcome. The dynamic of coming to agreement is that of moving forward, at a strategically controlled pace; the dynamic of hard bargaining is holding back, entailing a loss. The escalation of demands and costs carries with it that of parties and images, so that there is an audience and linguistic entrapment effect (Zartman and Faure 2005).

Trade wars generally do not last more than one round of escalation, saved by dispute settlement provisions of trade regimes; contemporary trade wars involve deeper interests, and the existence of regimes themselves (Sjöstedt 2001: especially 190–193).

Third, although focusing on dueling in the endgame, the Greek case mentioned above brings out a characteristic of hard bargaining present in the other longer-lasting cases: the tendency to carry out negotiations in public, as opposed to the more diplomatic process of quietly building agreement. Duelers try to show for all to see that the other side cannot possibly live without an agreement on the first side's terms, and that the first side really does not need the agreement anyhow – its BATNA is just and acceptable, whereas the other side's BATNA is low and catastrophic. Since the message is typically issued by both sides, the atmosphere reinforces the difficulty of coming to an agreement.

Fourth, it would be wrong to make the negotiation process too friendly to emphasize the bad taste that hard bargaining leaves with the concerned parties. Although personal chemistry is not to be denied, negotiators are professionals, apt at swallowing feelings – whatever effect that may have. But their constituents, who they mobilize and who mandate them, are not professionals – and this relationship is part of the entrapment process. The more important negative effect of dueling is the difficulty it presents regarding eventually climbing down. Such measures invoke countermeasures, as the escalation spiral begins. Escalation



Source: mohamed hassan/pxhere

goes up, but entrapment goes down; de-escalation is a concept, “disentrapment” has not yet found its process or conceptualization (Meerts 2005).

*The more important
negative effect of dueling
is the difficulty it presents
regarding eventually
climbing down.*

When parties – and particularly those with an active notion of face – have climbed higher and higher on the podium, inhibitions about going back are enormous, particularly when the type and context of confrontation is one that calls for strident public statements. To complete the spiraling problem, the other party in such a situation is not poised to help their adversary climb down. Yet rising rhetoric in the Cuban Missile Crisis turned to mutual congratulations when an agreement suddenly eventuated; the USMCA was

met with diplomatic expressions of satisfaction; Trump and Kim beamed warmly after their meeting. It is up to the public and the press to show the same degree of agility too, to not weld negotiators to their previous tactical language.

■

REFERENCES

- Deutsch, Morton (1960), *The Effect of Motivational Orientation upon Trust and Suspicion*, in: *Human Relations*, 13, 2, 123–139.
- Edelson, Micah G., Rafael Polania, Christian C. Ruff et al. (2018), *Computational and Neurobiological Foundations of Leadership Decisions*, in: *Science*, 361, 6401, 3 August, <https://science.sciencemag.org/content/361/6401/eaat0036.full>.

Fleming, Stephen M., and Dan Bang (2018), *Shouldering Responsibility*, in: *Science*, 361, 6401, 498–450, 3 August.

Hampson, Fen Osler, and I. William Zartman (2015), *The Global Power Talk: Negotiating America's Interests*, New York: Routledge.

Harnett, Donald L., Larry L. Cummings, and G. David Hughes (1968), *The Influence of Risk-Taking Propensity on Bargaining Behavior*, in: *Behavioral Science*, 13, 91–101.

Hinnebusch, Raymond, and I. William Zartman (2016), *UN Mediation in the Syrian Crisis: From Kofi Annan to Lakhdar Brahimi*, New York: International Peace Institute, www.ipinst.org/wp-content/uploads/2016/03/IPI-Rpt-Syrian-Crisis2.pdf, condensed in *PINPoints* (2018), 45, 6–12 and in this issue.

Homans, Georg Caspar (1961), *Social Behavior. Its Elementary Forms*, New York: Harcourt, Brace & World.

Kahneman, Daniel, and Amos Tversky (1979), *Prospect Theory: An Analysis of Decision under Risk*, in: *Econometrica*, 47, 63–291.

Kahneman, Daniel, and Amos Tversky (1995), *Conflict Resolution: A Cognitive Perspective*, in: Kenneth J. Arrow, Robert H. Mnookin, Lee Ross et al. (eds), *Barriers to Conflict Resolution*, New York: W. W. Norton and Company, 44–61.

Kruse, Michael (2018), *The Lost City of Trump*, in: *Politico Magazine*, 29 June, www.politico.com/magazine/story/2018/06/29/trump-robert-moses-new-york-television-city-urban-development-1980s-218836.

McDermott, Rose (2009), *Prospect Theory and Negotiation*, in: Rudolf Avenhaus and Gunnar Sjöstedt (eds), *Risk and Negotiation*, Berlin, Heidelberg: Springer, 1–23.

Meerts, Paul W. (2005), *Entrapment in International Negotiations*, in: I. William Zartman and Guy Olivier Faure (eds), *Escalation and Negotiation in International Conflicts*, Cambridge: Cambridge University Press, 111–140.

Panke, Diana (2019), *Greek-EU Debt Dueling in the Endgame*, in: I. William Zartman (ed.), *How Negotiations End: Negotiating Behavior in the Endgame*, Cambridge: Cambridge University Press, 46–61.

Rubin, Jeffrey Z., and Bert Brown (1975), *The Social Psychology of Bargaining and Negotiation*, Cambridge: Academic Press.

Schelling, Thomas (1960), *Strategy of Conflict*, Cambridge: Harvard University Press.

Shell, G. Richard (1999), *Bargaining for Advantage*, London: Penguin.

Sjöstedt, Gunnar (2001), *Trade Wars: Keeping Conflict out of Competition*, in: I. William Zartman (ed.), *Preventive Negotiation: Avoiding Conflict Escalation*, Lanham: Rowman & Littlefield, 187–203.

Walton, Richard, and Robert McKersie (1965), *A Behavioral Theory of Labor Negotiations*, New York: McGraw-Hill.

Zartman, I. William (2019a), *Understanding Ripeness: Making and Using Hurting Stalemates*, in: Roger Mac Ginty and Anthony Wanis-St John (eds), *Contemporary Peacemaking*, Palgrave.

Zartman, I. William (2019b), *International Diplomacy after Trump, with Antecedents*, in: *Negotiation Journal*, 35, 1, 12.

Zartman, I. William (2018), *Negotiating in the Cultural Context*, in: *Wall Street Journal*, 26 June.

Zartman, I. William (2016), *Negotiation According to Donald Trump: Master of the Deal*, in: *PINPoints*, 43, 4–5.

Zartman, I. William (2000), *Ripeness: The Hurting Stalemate and Beyond*, in: Paul Stern and Daniel Druckman (eds), *International Conflict Resolution after the Cold War*, Washington: National Academy Press, 225–250.

Zartman, I. William (1989), *Ripe for Resolution. Conflict and Intervention in Africa*, New York: Oxford University Press.

Zartman, I. William, and Guy Olivier Faure (eds) (2005), *Escalation and Negotiation in International Conflicts*, Cambridge: Cambridge University Press.

Zartman, I. William, and Victor Kremenyuk (eds) (2005), *Peace Versus Justice: Negotiating Forward- and Backward-Looking Outcomes*, Lanham: Rowman and Littlefield.

Zartman, I. William, and Jeffrey Z. Rubin (eds) (2000), *Power and Negotiation*, Ann Arbor: University of Michigan Press.

ENDNOTES

1 “Responsibility aversion was the lowest in those with the highest leadership scores, indicating that leaders did not change their behavior, despite the additional responsibility for others’ welfare,” (Fleming and Bang 2018: 450).

2 This article does not address other more nuanced foreign relations issues, notably the current US policy of leaving or denouncing established institutional agreement – JCPoA, UPU, UNESCO, CCA, INF, and similar.

Valérie Rosoux

Lessons for Theory: Reconciliation as a Constant Negotiation

As was underlined in the book *Negotiating Reconciliation in Peacemaking* (Rosoux and Anstey 2017), the notion of “reconciliation” is per se fundamentally pluralistic. Rather than imposing one single definition, Mark Anstey and I chose to keep the concept open in order to grasp as many uses of the word as possible. This attitude is not particularly common, however. Scholars usually entrap nebulous notions like reconciliation in order to categorize, distinguish, and clarify the observed processes. However, we arrived at the conclusion that the open character of the notion of reconciliation can paradoxically be its strength. As Bridget Storie points out, “reconciliation works in a shadow land of nuance and subtlety” (2014). This fluidity allows the parties affected by past violence to decide what reconciliation means for them – if anything at all. Accordingly, we finished the book with a conglomerate of conceptions, rather than one consensual definition that would invalidate “erroneous” views.

This plurality is an invitation to study further the tensions and dilemmas that inevitably emerge in the aftermath of wars and mass atrocities. In all parts of the world, these tensions are particularly palpable on the ground. They confirm the danger of any normative perspective on this matter. We prefer to adopt a modest posture in stressing the limits of certain models rather than presenting the magical solution to be applied to any postconflict context. Far from a checklist of things to do in order to be reconciled, we would like to emphasize the complexity of the negotiation-reconciliation nexus.

A Paradoxical Nexus

More research needs to be done to specify the relationship of reconciliation to peacebuilding, and to determine which aspects of the latter are negotiable and under what circumstances. However, at least three scenarios are illustrated in the book. First, all contributions of the book indicate that the way in which negotiations are set up and conducted is decisive to favor or hinder reconciliation. Cases like Rwanda, Sri Lanka, Israel/Palestine, or Burundi make clear that a rapprochement between conflict protagonists simply could not happen without an arduous and long negotiation process. Thus, negotiation is a necessary but not sufficient condition for reconciliation. Second, in some specific cases, like South Africa, reconciliation – or at least reconciliatory intent – is the condition for an effective negotiation process. Third, in some other cases, nonreconciliation is paradoxically the condition for negotiation. The German-Israeli case is emblematic in this regard. In the 1950s, the negotiation process was permissible if and only if nothing would be ever forgiven or even forgotten.

These links lead to a conclusion that might seem paradoxical at first glance. On the one hand, reconciliation is all about negotiation. Case studies show that the so-called reconciliation process is a continuous negotiation after peace agreements have been reached – sometimes through informal channels, but sometimes through more conventional negotiations too. From that perspective, reconciliation can be depicted as a continued strug-

gle at all levels (multilateral or bilateral, systemic or domestic, public or inner, official or individual) to reach mutual accommodation. On the other hand, victims or their descendants question the authenticity of “reconciliation-as-a-mantra.” Outraged by the rhetorical use of the notion, they claim that genuine reconciliation has nothing to do with negotiation. To them, the continuing need for truth and justice cannot be reduced to practical deals.

Practitioners do not negotiate reconciliation as such. They negotiate rather the conditions that facilitate a progressive rapprochement between former adversaries.

This apparent paradox directly results from the multidimensional aspect of the issue. Each case study reminds us that so-called politics of reconciliation combine both political interests and moral principles. Thus, practitioners do not negotiate reconciliation as such. They negotiate rather the conditions that facilitate a progressive rapprochement between former adversaries. The chapters of the book that are devoted to the Polish-Russian, Burundian, and Israeli-German cases particularly highlight the practical negotiations between asymmetrical parties (that asymmetry being not only dependent on their respective power, but also on their identifications in terms of “victim” or “perpetrator”). This process of bargaining can take place between former enemies, in the case of reconciliation between societies. It can also happen between former perpetrators

and victims' representatives, in the case of reconciliation within societies (Cole 2014: 1), and even between political leaders and international donors, like in Burundi. Each of these levels can be enlightened by the traditional literature on negotiation. Notions like BATNA, bargaining range, entrapment, ripeness, resistance point, distributive bargaining, leverage in coalitions, risk propensity, shadow negotiation, or mutually hurting stalemate make sense here.

The specificity of the topic is that these negotiations are systematically linked with moral issues. The search for coexistence in the aftermath of mass atrocities inevitably raises the question of accountability versus denial. Several contributions underlined the existence of a moral "debt" toward the victims and their relatives. Far from being strictly backward-looking, this debt concerns future generations as well. Addressing historical grievances not only implies the negotiation of compensations and/or reparations – this process being inevitably incomplete. It also means a gradual change of narratives. In this regard, reconciliation can be conceived as a progressive narrative incorporation. Case studies show that the goal is probably not to reach one single shared narrative (plural and divergent views are inevitable in the wake of war), but to avoid contradictory and incompatible views. Such a process of rapprochement needs historical consciousness, education, and above all patience.

A last remark merits being made on the links between pragmatism and moral principles. Even though they are

often analytically distinguished, political and moral issues are de facto intertwined. Thus when Aung san suu Kyi calls for reconciliation in her country, she emphasizes a crucial need for national unity and forgiveness (Louvain-la-Neuve, October 19, 2013). This moral view could scarcely be understood without taking into consideration the political context in Burma. To the daughter of Myanmar's independ-

Theories and Remaining Questions

All chapters stress the importance of some major variables, be they explained through Realist, Liberal, Constructivist, or Critical Theory lenses. (1) The Realist view demonstrates how critical the balance of power remains. Thus, French and German leaders continuously negotiated their rapproche-



Source: Martinvl/Wikipedia

ence hero, General Aung San, the emphasis on reconciliation is in many ways a pragmatic need so as to avoid complete resistance to the military authorities. After years of detention, the leader of the Myanmar opposition probably considers that in such a context the emphasis on accountability and justice would not only be in vain but also counterproductive indeed.

ment for one major reason: they were facing a new common enemy. As for the Sri Lankan case, it shows to what extent weaker actors resist strong ones to preserve their independence. (2) Liberal accounts underline that reconciliation derives above all from common rules and institutions (like the European Union, for instance). They also stress the indispensable nature of fair economic redistributions among the

parties, and mainly consider their progressive interdependence. From that perspective, the South African case shows why land reforms and development issues matter in the long run. (3) Identity explanations highlight a deep need for acknowledgement and recognition in the aftermath of mass atrocities. The Rwandan, Burundian, and Palestinian cases, to name only a few, remind us how difficult it is to establish a shared narrative after armed conflict. (4) As for the Critical Theory perspective, it stresses the postcolonial dimension of some conflict transformation (like in the Franco-Algerian case, for instance) and stresses the influence of gender in terms of the inclusiveness and durability of the peace agreements (Nau 2009: 46).

Beyond this theoretical debate, scholars face several sets of remaining questions. The first concerns agency: Who is going to draw a line between the past and the present? Most non-governmental organizations stress the importance of national ownership and delineate various homogeneous groups of actors: the victims, the perpetrators, the population. However, as is suggested in various contributions to this book, such groups rarely actually exist. Victims, for instance, do not speak with one voice. Then, how can we understand recommendation based on the necessity to consider the so-called people's sense of justice (Seils 2013)? Often-suggested "broad consultative processes" are extremely difficult to manage. Beyond the practical difficulties faced to reach an entire nation via "massive consultations," the most difficult challenge lies in the in-



Source: Geralt/Pixabay

terpretation of potential splits within the population (certain persons being in favor of revenge, while other voices call for peace).

The question of mediation is also decisive in terms of agency. Do we involve a third party? If yes, when, who, and with what mandate? What are the specific characteristics of an effective mediator vis-à-vis reconciliation? Eventually, is it worth questioning the specific role of diasporas? Are they driving forces and/or spoilers in terms of reconciliation? The Rwandan case indicates that diaspora members who live in Belgium did not afterward always come to term with the fact that the war was over. Eventually, more research needs to be carried out in order to understand better the articulation between all these levels. How can we comprehend the interweaving between national, localized, and individual pro-

cesses? Knowing that these initiatives are neither predictable nor linear, more attention should be paid to the cross-cutting tensions that inevitably disrupt any planned sequencing.

As suggested by this first set of questions, we would like to call for a widening of the analysis. Rather than focusing on the warring parties in a strict sense, it seems useful to take into account the decisive weight of constituencies – encompassing indigenous groups, displaced persons, veterans, youth, women, and third parties like mediators and major donors. Reflecting on reparation and memory issues, one can even wonder to what extent the influence of "ghosts" could be seriously considered by social scientists (Davoine and Gaudillière 2004). At the individual level, anthropologists often observe the heavy burden of those who were massacred – not to

mention the specific weight of missing loved ones (Stover and Weinstein 2004: 85). As Rwandan survivors often rue: “People are not here any longer. But ghosts stay around” (Kigali, April 6, 2010). At the official level, the question is not totally irrelevant neither. As a former United States Ambassador to Iran explicitly put it, “there are always many more parties at the table than one initially has thought” (also Limbert 2009).

For reconciliation processes, the objective can vary from a minimal level of coexistence to harmony and/or national unity.

The second set of questions outstanding relates to evaluation. How can we measure reconciliation efforts? This interrogation indicates a major difference between the respective fields of negotiation and reconciliation. Beside certain parallels, they considerably differ with respect to the goals to be pursued. Negotiation processes are action-oriented. The common objective of the parties is to find a mutually acceptable solution in principle. As for reconciliation processes, the objective can vary from a minimal level of coexistence to harmony and/or national unity. This variety of purposes constitutes one major impediment in terms of evaluation. How can we assess reconciliation if the specific aim of the protagonists is unclear? How can we evaluate it knowing that parties may pursue different objectives under the same label of reconciliation? Which system of metrics can we use to grasp a multidimensional phenom-

enon like this? Some criteria are suggested, like the evolution witnessed in textbooks used after the war or the presence of mixed marriages postconflict. However, the existence of revised textbooks does not systematically imply a change of attitudes in the field. The case of Bosnia and Herzegovina is telling in this regard (Bessone 2014). As for mixed marriages, scholars rarely find complete figures in regard to these. Accordingly, the question of assessment remains largely open.

A final interrogation merits being taken seriously too: What if reconciliation is not required? Why should two independent states that are geographically and socially disconnected absolutely reconcile? What are the alternatives to reconciliation?

Major Variables

The contributions gathered in this book allow us to identify at least three variables to keep in mind regarding any postconflict situation. First, leadership is critical to generate a better understanding of the others’ interests and to initiate a sense of trust between former adversaries. All cases confirm the role of “consensus figures” in bridging divides (Simpson 2014: 8). In this regard, a pivotal factor lies in the personal past of the respective leaders. Case studies show that things will go more smoothly if the proposed rapprochement is advocated by a person who has previously accomplished heroic feats against the enemy with whom reconciliation is now being sought. This person then asks the population to undergo a transformation that he or she has already undergone himself – that is,

overcoming resentment toward the former enemy. For instance, the historical legitimacy of Charles de Gaulle probably helped the French people to change their views about the Germans. A similar point can be made with respect to Nelson Mandela in South Africa. This element raises a delicate question regarding many postconflict scenes: Are there any credible and legitimate leaders to launch the reconciliation process?

Robust and credible institutions allow the negotiation process to progressively affect all levels of society.

The second factor is connected with the robustness of institutions, both at the societal and governmental levels. The only reason why former enemies can favor a rapprochement based on a constant negotiation process is that all of them perceive such efforts as useful and ultimately profitable. Former belligerents will only try to commit themselves to such a move if it serves their own national interest. The best way to ensure that this is the case is to establish joint projects and to set up activities where all parties have to work together. Robust and credible institutions allow the negotiation process to progressively affect all levels of society. In many cases, the emphasis seems to be exclusively put on the national political leadership. Their role is undoubtedly critical, to give clear signals to the other party. However, without the support of the population, official discourses and public ceremonies are ineffective. To create domestic support

and to gradually change perceptions of the enemy, leaders need to establish joint projects where all parties have to cooperate.

This point is fundamental, since the outcome of the process depends above all on popular support. For even if a rapprochement seems necessary to the representatives of each party, it cannot be imposed by decree. Violent conflicts provoke an infinite series of individual fires that need to be extinguished one-by-one. The authorities can create a climate that encourages private steps toward reconciliation, but they cannot force individual initiatives. The response to past atrocities is ultimately an individual one.

Third, case studies indicate how essential timing is in situations where the objective is to transform an adversarial relationship. All case studies confirm that one of the crucial issues to keep in mind is the ripeness question (Zartman 2000): When is a protagonist ready for reconciliation efforts? As already suggested, such a process may not be imposed on a population that is still deeply hurt by the wounds of the past. As individual traumas often hinder any immediate rapprochement, one can reasonably put forward the following proposition: the shorter the time frame between the conflict and the reconciliation process, the sharper the resistance from among the population. This tension does not detract from the significance of efforts made to bring about rapprochement between former adversaries, but it is wise to have a clear idea of the scope – and also the limits – of its action.

The most obvious recommendation to emerge from this research is that the term “reconciliation” can no longer endure in government and NGO programs undefined and unquestioned. The mechanisms of reconciliation are frequently assumed to be self-evident or based loosely on the precepts of the contact hypothesis (i.e. regular meetings between enemies soften their hatred for one another). However, reconciliation is decidedly not something that occurs after a handful of dialogue workshops between local leaders, nor through meetings solely at the elite level. Patient mediators, donors, and/or implementers must ask themselves – before reconciliation programs are even considered – how committed they truly are to seeing this process happen, and whether reconciling conflict parties in the case at hand is even feasible. Several chapters have emphasized the dangers of unmet expectations. Therefore, it seems crucial to conclude this reflection by reiterating that reconciliation is not always possible (at least in the short term) – nor even always necessary. Unless we consider that, ultimately, the purpose here is maybe not to reconcile with the Other, but with the world as it actually is.



REFERENCES

Bessone, Magali (2014), *La réconciliation par l'histoire en Bosnie Herzégovine. L'impossible réception d'un modèle multiculturel européen*, in: *Revue d'études comparatives Est-Ouest*, 45, 3–4, 149–176.

Cole, Elizabeth L. (2014), *Reconciliation as a Peacebuilding Practice: New Questions, New Ideas*, in: *USIP Insights*, Fall, 1–4, <https://www.usip.org/sites/default/files/Insights-Fall-2014.pdf>.

Davoine, Françoise, and Jean-Max Gaudillière (2004), *Histoire et trauma. La folie des guerres*, Paris: Stock.

Limbert, John W. (2009), *Negotiating with Iran. Wrestling the Ghosts of History*, Washington: USIP Press.

Rosoux, Valérie, and Mark Anstey (eds) (2017), *Negotiating Reconciliation in Peacemaking. Quandaries of Relationship Building*, Heidelberg: Springer Nature.

Seils, Paul (2013), *Towards a Transitional Justice Strategy for Syria*, ICTJ briefing, September, <http://www.ictj.org/sites/default/files/ICTJ-Syria-Analysis-2013.pdf>.

Simpson, Graeme (2014), *Reconciliation beyond Conceptual Debates*, in: *USIP Insights*, Fall, 5–8, <https://www.usip.org/sites/default/files/Insights-Fall-2014.pdf>.

Storie, Bridget (2014), *Serbia. Back to the Future*, in: *Transconflict*, <http://www.transconflict.com/2014/10/serbia-back-future-160/>.

Stover, Eric, and Harvey Weinstein (eds) (2004), *My Neighbor, My Enemy*, Cambridge: Cambridge University Press.

Nau, Henry R. (2009), *Perspectives on International Relations*, Washington: CQ Press.

Zartman, I. William (2000), *Ripeness: The Hurting Stalemate and Beyond*, in: Paul C. Stern and Daniel Druckman (eds), *International Conflict Resolution After the Cold War*, Washington, DC: The National Academies Press, 225–250.

Mark Anstey

Organizational Change as a Multilateral Negotiation Process

In mediating labor-management conflicts and organizational-change processes in South Africa – from the Apartheid era, through the transition years, and into its new democracy – I was a privileged participant in some wonderfully creative initiatives between people in workplaces. These often demanded courageous leadership across levels and sides in organizations, and tough negotiation as parties with opposing ideologies and differing priorities tried to persuade one another to doing things differently. Using a case study, I share some acquired insights here.

While attention has been centered on the political negotiation process, much of the energy for change came from within civil society and the (sometimes stuttering) engine room of the economy. Business leaders had to locate a constructive role within the wider change process, respond to an extraordinarily militant workforce, and navigate their organizations from an import substitution economy protected by high tariffs into a global economy driven by an export ethos, low tariffs, and lean production systems.

The work of theorists on leadership, negotiation, social influence, and motivation is often conducted and presented in academic silos. The premise of this short paper is that businesses require leadership; that effective leadership is largely exercised through negotiation – and that both are at heart about motivating people to think about and do things differently in order to achieve a given objective. In short, they are all about persuasion.

Organizations are in Constant Change

There is nothing new now in observing that change is a constant, and that sustainability demands agile organizations capable of responding quickly to changes in their environments, turning these to their advantage. Business organizations operate as systems in

consequences. Quite suddenly the United States, as the nation that drove globalization, has embarked on a more protectionist path; the United Kingdom public, meanwhile, voted to depart the grand project of multinational collaboration that so successfully took Europe out of two world wars into its longest period of sustained economic growth and peace. Both are the consequence

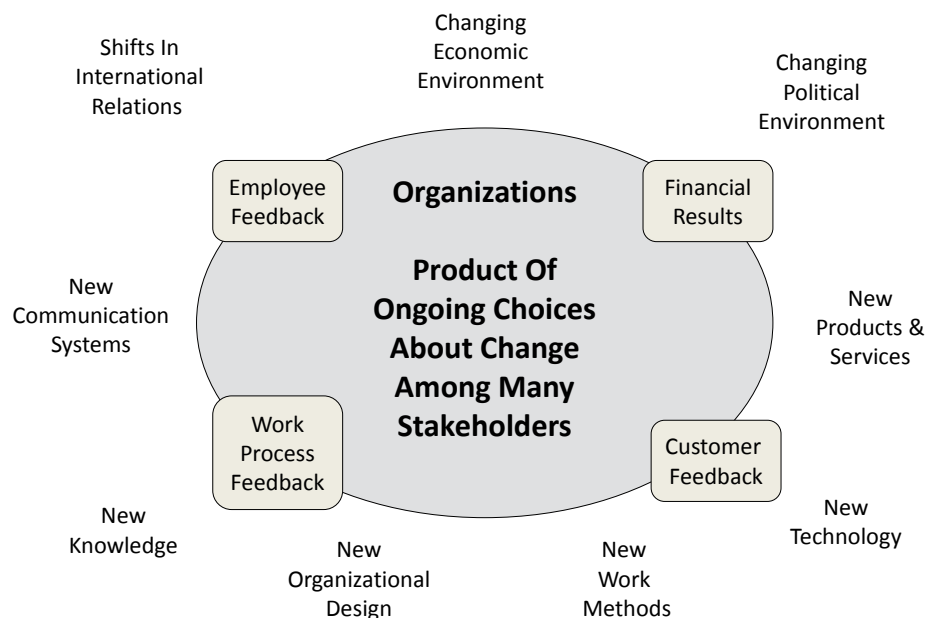


Figure 1: Change Is a Given: Choices are Critical!

the context of other systems – their boundaries are permeable. They are both shaped by and shape the environments in which they operate, and specifically by the choices of their leadership groups. In democracies, leaders are partly the product of voting systems; as we are finding out, the choices of electorates (not always using their power with great wisdom) can bring about quite sudden change, bringing to the fore unexpected leaders who make choices with significant

of votes by groups feeling marginalized within their own societies.

Effective organizational change requires simultaneous work along many different tracks, improvements in quality and delivery, cost reduction, organizational redesign, and management of people to optimize use of money, materials, data, and technology. A senior business leader, who had qualified and practiced as an engineer, said to me that the reason for his move into management was the joy of its constant

problem-solving. He was struggling a little however with the reality that problems can seldom be solved simply on one's own terms, or by technical objectivity – businesses must be responsive to multiple stakeholder interests, and that means in many instances that solutions must be found through negotiation with customers, investors, suppliers, employees and their representative trade unions, with groups of social activists, and with government officials. And each of these stakeholders has not only different interests but quite often operates out of a different frame of reference as to how the world works, or should work.

Negotiation is a goal-oriented process in which parties seek to overcome differences through persuasive communication exchanges. It is one method for dealing with differences within and between groups, and embodies a wide range of approaches.

Leadership

Businesses require leadership, but as Burns observed “leadership is one of the most observed but least understood phenomena on earth” (1995: 9). What can be said with some certainty is that it is an interactive concept. The role and the way it must be played out are subject to the interests of followers, and situational realities. Winston Churchill was Great Britain's leader of choice through World War 2 but not in peacetime. “Hitman”-style leaders may be necessary in helping businesses through crises of survival but quite inappropriate for long-term rebuilding processes.

Leadership within democratic societies requires first an ability to sway a voting public, and then to deliver on promises made to that public. These processes are exercised through negotiation – effective leaders know they



Source: Geralt/Pixabay

cannot lead for long on their own. Business leaders may be appointed rather than elected, but they too must deliver simultaneously to a range of stakeholders. However difficult their job may be, it is easier than that of those who must lead international organizations comprising major stakeholders sometimes in direct conflict with one another and unable to provide a clear or coherent mandate.

Leadership theory through time is centrally concerned with how people can be mobilized to work together to achieve a given objective. The research takes us through theories of traits, task versus relationship approaches, authoritarian versus democratic versus laissez-faire styles, charismatic versus instrumentalist types, the application of various motivation theories, and leader-follower-situation logics.

Once through the morass of literature on leadership – traits, styles, types – the most helpful guide in my opinion has come from a small book Results-Based Leadership by Ulrich,

Zenger, and Smallwood (1999), who propose that effective leaders are defined by results achieved for organizational stakeholders – and to this end how they:

- set direction
- analyze environments
- build organizational capacity
- mobilize individuals
- demonstrate personal integrity

In the case of business leaders, their critical external stakeholders are customers who generally demand high-quality products at accessible cost with prompt delivery and good service. A great deal of energy is invested in thinking through customer value propositions (in building customer relations) and branding. The other key stakeholder group that business leaders must deliver to is their investors, who demand returns on investment and harry them on growth, productivity, and sustainability. Whether a nonprofit or profit-driven organization, delivery to users and adherence to budget are key considerations. Every transaction undertaken with these groups is directly or indirectly a negotiation.

To enable delivery on the expectations of both customers and investors, a CEO has to get things right within the organization. Here several dimensions of the business are critical:

- Organizational design, with an emphasis on
 - process efficiencies and
 - structural alignment
- effective use of resources, with particular emphasis on
 - human resources – the people who make the systems work

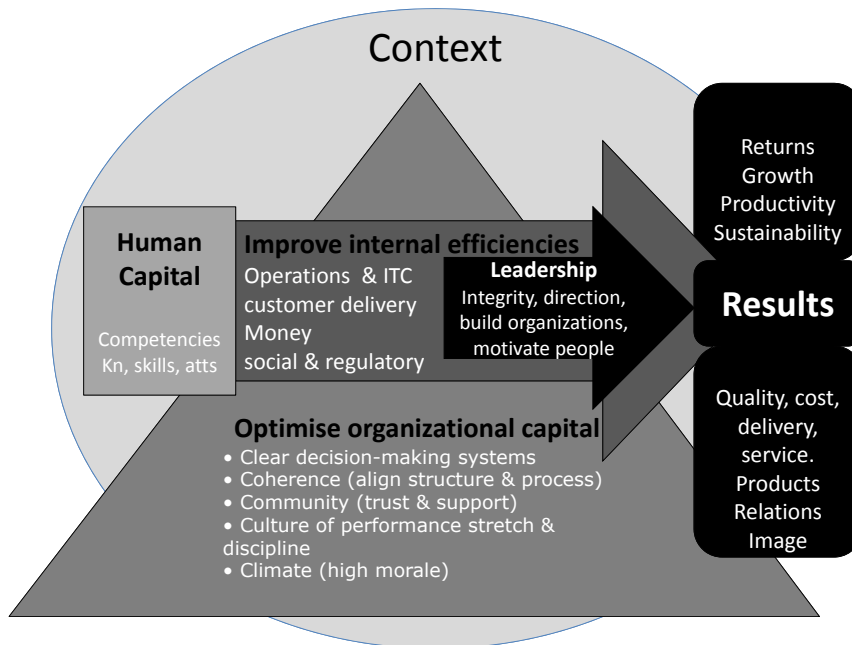


Figure 2: Effective Use of Organizational Capital

All these leadership activities demand competence in persuasion, a process exercised directly and indirectly through persuasion.

Shaping Contexts

In a moment of frustration with the ambivalence of the business community over Brexit, a senior Conservative British politician recently made the extraordinary comment “F*ck business.” This in the face of threats by automobile firms to relocate production to Europe, and all the complexity in reorganizing flows of goods and services between the UK and Europe in terms of border controls and customs capacities. As already indicated, business decisions have recently been powerfully influenced by changes within political and economic environments brought about by Brexit, and by the Donald Trump administration. Businesses are shaped

by the societies in which they operate, but they also shape them too.

If business leaders desire predictability in their environments, they must recognize their political role.

At an international relations level, experience indicates how important wider structural change can be in pressuring conflicting parties to the negotiation table and then manipulating certain outcomes. In South Africa powerful sanctions were introduced, some multinationals disinvested (though sometimes covering economic decisions of risk under the flag of political rectitude), some stayed “on terms” and negotiated with trade unions, while powerful domestic companies started meeting with the African National Congress in exile. Some quietly sponsored

early meetings between competing nationalist groups in confidence-building processes designed to get talks going. Following a wide-ranging debate over its role in politics, organized business joined with organized labor and the churches to sponsor a National Peace Accord with nationwide structures, to support a peaceful political process. Business seconded key personnel to enable the 1994 elections, not least in Information Technology and logistics – as well as providing a secretariat for the political negotiation process.

If business leaders desire predictability in their environments, they must recognize their political role. Business is key for instance to the climate debate, to national and international development projects, and therefore to larger projects of national and international stability. Business choices can undermine or strengthen democratic government, generate inequity and instability, or build confidence, fairness, and hope in societies. The business community may not be structured as a political party, but it is a powerful political actor – even if its leaders simply focus on doing what they are mandated to do: make their organization successful.

Persuasion

Persuasion is about getting people to change their behavior, beliefs, and/or position on a certain matter. It is central to the work of politicians, evangelists, and marketing and sales departments – and to negotiation specialists, in whatever field they operate (Anstey 2016).

Persuasion theory certainly recognizes the importance of arousing a level of tension or dissonance in a persuadee, but the art then is in showing how that tension can be relieved.

Quite often getting others to change requires change in oneself: how one relates to others, how to approach work. Effective persuaders:

- start with the persuadee (rather than the persuader); get their attention; actively listen to understand their positions; and, discover what matters to them, what they fear, what moves them
- identify or sometimes create a state of dissonance
- frame a persuasive message in terms directed at the persuadee rather than the persuader; it is a game of pull rather than push
- show how tensions generated can be relieved “do it this way; buy this product; believe this; vote for me,” or more menacingly “eliminate that group”
- determine a strategy with tactics based on the major levers: fear, pain reduction, rewards, reciprocity, belonging, influence, status, meaning
- think through who will be the most effective driver or agent of change in the framework of the persuadee

Prospect theory proposes that people are primarily motivated by a fear of loss rather than gain, and some interpret this as inviting simple strategies of threat and dominance. Persuasion theory certainly recognizes the importance of arousing a level of tension or dissonance in a persuadee, but the

art then is in showing how that tension can be relieved. Motivation is greatest when people see gains in a proposed course of action. Push is translated into pull.

Negotiating Organizational Change

The tools for organization change are both hard and soft—technical and people-oriented. What we know about people is that they often resist change: they doubt the integrity of change agents, they fear negative consequences, they doubt their capacity to do what is required, and the effort-reward mixes of work into the future. This depends also on their organizational geography, quite often with good reason! The challenge is how to move people from denial or passive or active resistance to change, to acceptance, and to commitment.

Demonstrate Personal Integrity

Whether the intention is to leverage technical expertise or values similarity, the key for a persuader is the perception of integrity.

I facilitated a merger between three higher education institutions. The law framing the process outlawed any downsizing essentially until the final shape of the new unified organization had been settled. The CEO of one of the organizations had to be persuaded to hold regular town-hall meetings to communicate developments in the process to everyone concerned. In a later survey we found that although 70 percent agreed that he had communicated regularly, only 19 percent actually trusted what he was saying. And it

turned out that some had done a background check and discovered that in the last organization he had led, large-scale retrenchments occurred. People may not like what you say, but they need to trust what you say. One problem is that distrust is seldom openly declared (Anstey et al. 2013).

A Case Example: Negotiating with Multiple Stakeholders for an Organizational Turnaround

The rest of this paper uses a case study to illustrate how a business leader as change agent negotiated diverse stakeholders – customers, employees, his management team, and suppliers – into committing to a rapid business turnaround strategy. In this sense, a CEO acts as a change agent.

T, a supplier of exhaust systems to regional automobile companies has replaced its CEO. The company has state-of-the-art technology and quality systems, but performance remains poor. Its major customers are complaining of wrongly labelled or empty boxes, mixed contents, inconsistent quality, and missed shipments. To complicate things further, the company's own suppliers are delivering poorly – T cannot deliver itself if these suppliers do not raise their own game. The suppliers, it seems, may not have the internal competencies to do so in terms of quality system management expertise. They become defensive when this is raised, and try to conceal this reality.

Relations within the company are shattered, with high levels of absenteeism, grievances and unresolved disciplinary cases, impending court cases,

and frequent wildcat strike action. Managers feel that their every effort to improve performance is blocked. Workers argue that managers refuse their union legitimacy and representation, block their development, treat them without respect, and that they are locked into conditions of poverty while being expected to deliver world-class standards.

The new CEO estimates that with optimal performance output could be raised by up to 80 percent, and export production and profits increased enormously. His idea of workplace teams has been blocked both by his management team as allowing workers too much “unearned” influence and by workers and their unions themselves, claiming that they are instruments of co-optation that deny these workers meaningful influence over company performance. Instead of workplace teams they want co-determination and participation at the highest levels of the company. Middle managers bitterly resist this; in fact the managerial team is angry and disillusioned, and thinks the fight must be taken to the union. The trade union comprises largely Xhosa-speaking workers who are ideologically committed to a socialist future and deeply suspicious of capitalist exploitation. Beyond this, some old unresolved angers with white managers remain. The time has come, they feel, to push back, to put these managers in their place and to get the respect that they deserve for all the years spent as workers in this factory during the Apartheid era.

Now the CEO has been called in by the CEO of the largest automobile

manufacturer in the region, and told: “You have been a longstanding and loyal supplier [...] but if quality and delivery are not lifted dramatically within a few months, and you cannot show us how a 5 percent drop in prices (in real terms) will be achieved annually over the next three years [...] the business will go elsewhere!”

Push-Pull

Push strategies tend to evoke resistance; while behavioral compliance might be achieved, commitment may not. Of Goleman’s (2000) six types of leadership, the authoritarian or coercive (“do it my way now!”) style – while it may be necessary in crisis situations – is the least effective way to mobilize people on a sustainable basis. Pull strategies are more effective, though one in particular – the pacesetter style (“keep up with me”) – can eventually translate into a disguised push strategy, exhausting followers and evoking resistance in its own right.

In effect, change is lubricated when people want it, see benefits in it for themselves, or at least perceive it as the best option among a poor set of alternatives. On one level business leaders must usually seek to minimize avoidable conflict, and to regulate unavoidable conflict. But these are largely containment exercises. On another, how do people become motivated to change? How do you move people through denial, through passive and/or active resistance, to acceptance of change, but more importantly to becoming committed to it? The literature is clearer on what to do than how to do it.

Setting Direction: Missions, Visions, and Values

All organizations have a mission or purpose – the reason for which they exist. Mostly these are of an external delivery nature – they deliver a product or service to an external customer. Pull comes from its vision – how well members of the organization intend to deliver. To have meaning, a vision requires integrity (do not speak of being world class if you know you are only the best in town), and being translated into measurable deliverables.

Visions have to be negotiated – resistance often starts here. If people cannot see a future for themselves in the new organization, or claim they are not ready for change, or that a vision has been imposed on them: problems! It is the employees who must deliver change, and usually they want to be consulted on it. The same with values – there are often gaps between espoused and lived values in organizations. Top managers tend to believe they are “walking the talk” far more than those that they lead. After push-back from employees on a conveniently contrived six-pack of values brought back from a weekend workshop, senior managers at South African Breweries knuckled down to the task properly, consulting with employees up and down and across the organization over a period of a year. The ten-pack of values that emerged was “owned” by employees, each being translated into a set of supportive behaviors that managers and workers could refer to when disagreements arose over workplace comportment.

Alignment

Management is an intensely practical activity. Charismatic leaders may mobilize groups around a new vision and values, but if they are to be believed in then they must be lived. Here the instrumentalists step up – implementation is as key as visioning. The challenges of persuasion are no less daunting either.

How Are People Persuaded?

Leaders, then, are expected to bring direction: a clear mission, to espouse values that they live out at work,¹ and a vision that pushes the envelope but that is also seen to be measurable, attainable, and rewarding. An efficacy approach to motivation makes clear that it rests on people feeling that with effort they can actually perform tasks required, and that their performance will lead to desired results that in turn will produce satisfying rewards.

Brief comment has already been made on two leadership styles and their limits: authoritarian and pacesetter. Other styles include authoritative, democratic, affiliative, and coaching, each working through different persuasive levers.

Authoritative leaders persuade through credibility (“follow me, I know what to do to get us to our goals”). They achieve compliance through perceived expertise rather than via position or bullying. They are assertive rather than aggressive; enthruse others through being positive rather than bullying them; and, are trusted because they are seen to be acting for the common good. Even when having

to accommodate bullying tactics from others more powerful than themselves, they still demonstrate a capacity to make things happen.

Democratic leaders on the other hand persuade through openness to participation (“we need to work together to achieve our goals – how best can we do this?”). They achieve leverage through being seen to be willing to share information and responsibilities, listening and responding to the organizational views of others, shaping structures that offer influence, and via per-

people’s needs for growth and success (“I can help you to achieve our goals”). Such managers offer opportunities for development, and build confidence.

Affiliative-style leaders leverage needs for support through a healing approach (“I care for you”). Relationship-building can be critical after periods of highly stressful change, particularly if it was driven by coercive “hitman” management styles.

These styles are all exercised through the medium of negotiation. Negotiation is an interactive process,



Source: Alexas_Fotos/Pixabay

ceptions of equitably shared rewards. Persuasive leverage occurs through needs for belonging and influence, social conformity, and reciprocity in which levels of “ownership” are exchanged for responsibility for delivery.

Coaching-style leaders leverage performance through responding to

and this means that there is always a risk that there may be a gap between intentions and actual interpretation. An authoritarian style may evoke resistance or compliance depending on perceived power relativities. Authoritative approaches require a belief that the person offering leadership is in fact

an “expert,” and importantly is “on our side.” There is risk too that affiliative or developmental approaches may be interpreted as co-optive.

The core message from the case study presented is that leadership – and, indeed, negotiation – cannot be exercised through a simplistic “unidirectional” template.

Effective leaders and negotiators are able to use a variety of approaches concurrently, depending on who they are seeking to persuade and what those parties are likely to be responsive to.

If they lack the competencies of a particular approach on a personal level, they build a team that covers the bases. So some self-reflection helps.

In this case, the CEO negotiated with the demanding customer using an accommodative style in recognition of a power reality: there was not much wriggle room on the issue of performance, or in terms of risk. But despite his position of weakness, he had also to use an authoritative style to retain customer confidence – he had to demonstrate a credible capacity to get things right.

Back in his own organization, he first induced a tension to obtain focus: “We are all at risk now if we do not fix things [...] we have differences in our relationship, and these have to be attended to. But if we lose our key customer, there will be no organization within which to work on these.” He then demonstrated an authoritative style to build perceptions of credibility that he knew what

to do to fix things for the good of employees (“I know what we have to do to fix them”). He did this by presenting everyone with the simple diagram (Appendix 1) of the value chain in which he had identified all the things that had to be attended to so as to meet customer demand, from the supplier, through manufacturing, to customer delivery. Then he argued that as a turnaround specialist he was not likely to be with the company for long; his interest was not in saving the company for himself, but in helping everyone in the company to do so in their own long-term interests (“the common good rather than a selfish interest”).

But he hit a wall when it came to implementation. He wanted to implement a system of workplace teams to monitor quality, but the union saw this as potentially co-optive and demanded instead representation at the highest levels of the organization in operational planning. They saw this as a form of co-determination. This was bitterly resisted by some managers, who argued it would erode their authority and that worker representatives did not have the necessary training for such participation. The situation was reframed from an either/or positional exchange into one of “Why not both?” Together with the union, a system of workplace representation was worked out throughout the company. The CEO realized that he could not get commitment to the workplace team initiative unless he accommodated the desire for participation at other levels within the organization. So a concession exchange occurred, but with a caveat – this was to be experimental for a year. This was

stated as: “All business is something of an experiment – it is about results. Let us try this for a year, and see if it helps us achieve our results. If not, we can try something else.”

This raised the issue of results, and drew the management team and union into the importance of having a shared vision to work to within the organization. This in turn led to discussion on what principles should guide the behavior of all employees – managers and workers alike – throughout the organization. Over the course of a few days, the union and management then committed to a shared direction, redesigned the structures of participation through which they operated, and de-



Source: kalhh/Pixabay

finied a set of shared values to guide their behavior in working together (Appendix 2).

In short, the CEO used an authoritative persuasive style to raise awareness of a common risk, built credibility in demonstrating he knew what to do, and indicated commitment to the common good rather than just selfish inter-

ests. In the same process, he used a democratic approach to get buy-in on “how” everyone should work together to make things happen: strengthening commitment to shared objectives, showing flexibility in aspects of organizational structure and influence, and committing to working out a jointly owned values paradigm together with employees.

With the suppliers, he could have simply replicated the bullying style of his own customer. But recognizing their competency problems, he instead used a coaching approach – offering to share competencies with his suppliers to help them raise their game to the benefit of all.

The key in persuasion is always that it operates through the levers of those to be persuaded – what matters to them, their perceptions and beliefs, their hopes and aspirations, or their sense of threat. Who has potential to lead, or to negotiate with effect, and what messages have resonance based on an understanding of the Other? It is complicated enough when there are just two parties involved, but hold-

ing together processes that require the concurrent persuasion of multiple stakeholder groups is a tall order. An effective CEO has the competence to deliver results simultaneously to many stakeholder groups, and this requires a capacity to negotiate flexibly according to situational and individual party interests. In some, coercive tactics may prove effective, in others compliance; in some, principles of democratic exchange may offer leverage for buy-in, in others building belief in people that they can deliver matters most. In short, taking a contingency approach to negotiation is key to effective leadership.

■

REFERENCES

Anstey, Mark (2016), *Persuading, Leading and Negotiating Within and Across Cultures*, in: *PINPoints*, 43, 27–37.

Anstey, Mark, Danie Venter, and Iona Wannenburg (2013), *Change Management Insights from a Higher Education Merger*, in: *Journal for Development and Leadership*, 2, 2, 11–34.

Anstey, Mark (2006), *Managing Change. Negotiating Conflict*, Cape Town: Juta and Company. (The case used here is reflected in Ch 9 of this text where a slightly different analysis is presented to illustrate a Relationship Building intervention).

Burns, James MacGregor (1995), *The Crisis of Leadership*, in: J. Thomas Wren, *The Leader's Companion*, New York: Free Press, 8–10.

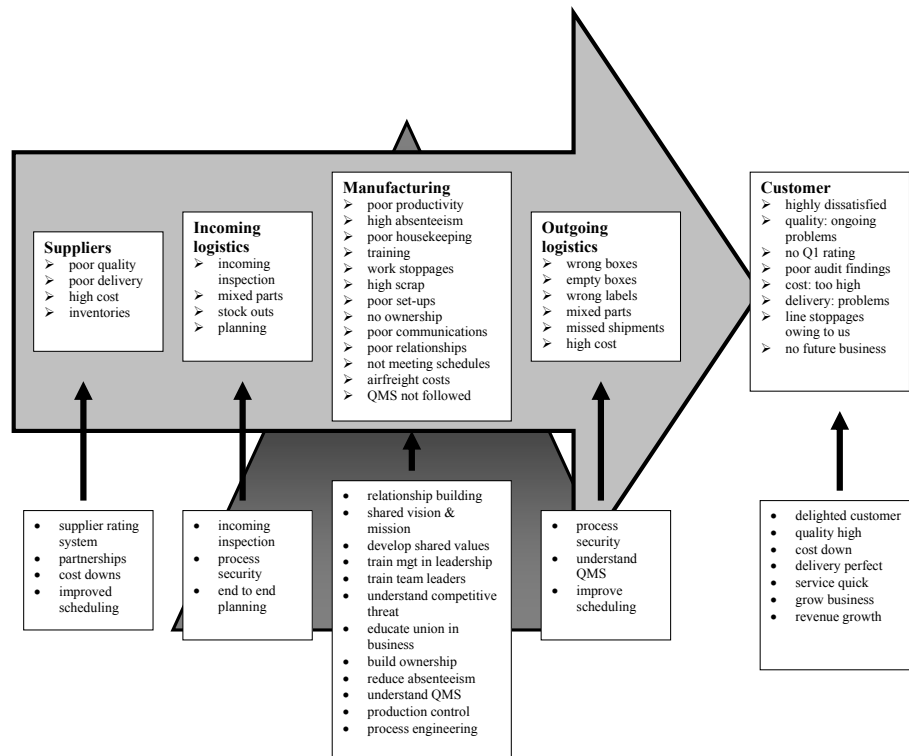
Goleman, Daniel (2000), *Leadership That Gets Results*, in: *Harvard Business Review*, March–April, 78–90.

Ulrich Dave, Jack Zenger, and Norm Smallwood (1999), *Results Based Leadership*, Boston: Harvard Business Press.

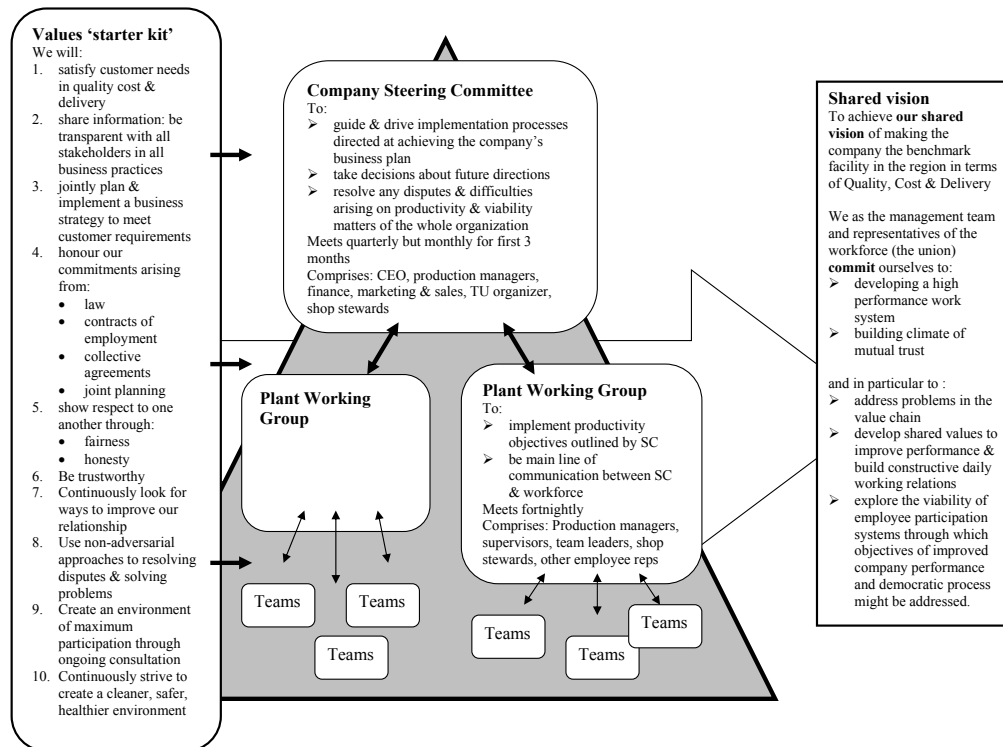
ENDNOTE

1 Lack of integrity on a personal level may be rationalized/overlooked if a leader is seen to be delivering satisfactorily on promises made to followers.

Appendix



Appendix 1: T's Problem Analysis & Fix Plan



Appendix 2: Shared Values & Jointly Designed Decision-Making System to Achieve the T Vision

Ida Manton

Event Review: PIN Road Show in Prague

The Thirtieth Anniversary of PIN in Prague Opened Up a Variety of Negotiation Topics and Launched its Training Program POINT

The 2018 PIN Road Show in Prague covered a variety of topics, as the Steering Committee scholars presented their papers. These addressed currently perplexing topics that strived to be of interest to audiences from a variety of professional backgrounds — International Relations, migration, diplomacy, security, and business. This format is a unique opportunity to meet all of these scholars and practitioners at the same time in the same place, and offers a platform for interaction with the general public, scholars, think tanks, civil society, and students.

The PIN road shows have been held in many countries worldwide, and the one that took place on November 19–20, 2018, was inspired by the national holiday that celebrates the Czech people's struggle for a free and democratic society. The meeting became even more authentic as this year Czech civil society organized protests against its government, and at the same time the celebration of November 17 echoed the reasons for and urgency to improve the ways in which countries relate to each other and how they negotiate and communicate — both internally and externally. This a national holiday in both the Czech Republic and Slovakia, known as Struggle for Freedom and Democracy Day, and it commemorates two student demonstrations against forceful foreign oppression. Our PIN experts were welcomed to Prague at a

time when its citizens were attending a street festival in the center of the city, which ended with thought-provoking messages projected onto the building of the National Theater. At the same time we witnessed demonstrations against Prime Minister Andrej Babiš, who has been called on to resign after yet another scandal. This introduction was augmented with a few other events that gave us a better understanding of Czech society, its historically crucial moments, as well as its place in Europe and the world today. We attended an exhibition called “Memory of Nations,” organized by Post Bellum, the Institute for the study of totalitarian regimes, Czech radio, and Czech TV, an important reminder that freedom is not given and that many people in Europe have sacrificed their lives to fight oppression, authoritarian, and totalitarian regimes.

We were also warmly welcomed by our hosts at the Center for Theoretical Study (CTS), Ivan Havel and Ivan Chvatik. We were informed about the work that they do, and had a chance to watch a short film about Jan Patočka, Czech philosopher and one of the spokespeople of Charter 77, who was detained by the communist police after having met Max van der Stoep (then Dutch minister of foreign affairs) in March 1977, after which he died. Ivan Chvatik has been working on archiving all of Patočka's work, publications, and on spreading his philosophical legacy — managing translations in various languages, as well as gathering documents and manuscripts concerning his life and work.

The PIN Conference was held on November 19 in the refectory of the Dominican Monastery, a baroque-style conference hall where our experts stimulated discussion on a variety of topics. The opening lecture on dueling and driving in the negotiation process was delivered by I. William Zartman,



Source: Ida Manton

being followed by a well-illustrated presentation on postwar narratives delivered by Valérie Rosoux. Paul Meerts and Sinisa Vuković presented their views on negotiating social changes, the specifics of the negotiation process with and within the European Union, as well as the models of cooperation and coordination employed by the variety of actors involved in conflict resolution. The business community and those who wanted to hear more

on institutional internal dynamics, on choices made by leaders on the human capital and resource alignment, had the pleasure of learning more about this from Mark Anstey. The younger researchers brought exciting topics to the table. Sinisa Vuković presented challenges in negotiating with criminal gangs and mediating intractable conflicts. Markus Kirchschrager demonstrated avenues for negotiation and mediation in the digital age. Guy Olivier Faure addressed the aspect of negotiating with different cultures and, having vast experience with the Asian cultures, he presented the crucial points that negotiators have to master when negotiating with the Chinese.

The last session saw the official launch of PIN's training branch: the Programme on International Negotiation Training (POINT). The trainers who attended the PIN Road Show in Prague discussed the value of teaching negotiation, mediation, and dialogue facilitation, and expressed their



Source: Ida Manton

willingness and ability to respond to various training requests, audiences, and tasks. The POINT network's added value is that it cuts across European and American training institutions, being associated with the PIN network of negotiation practitioners, researchers, and educators.

We are very grateful for the cooperation and devoted volunteering work of Ivan Chvatic from CTS, Katerina Zlatanovska-Popova and Expres.mk, the OSCE Documentation Center in Prague, the Junior Diplomatic Initiative (JDI), Vaclav Sochor, and the staff at the Dominican Monastery in Prague.



Guy Olivier Faure

Call for Papers: PIN 2020 Book Project

China Negotiating All Out: Mindset and Strategies

China has been transforming itself in what might well be considered the greatest experiment of the past few centuries. All visible aspects of daily life and of the macro economy have been significantly changed. Improving material living standards and nationalism, reframed as “patriotism,” has replaced Marxism in its Maoist form. Now the field of operations of China has become the whole world. This is a historical moment to start restoring the power and glory of the new “Middle Kingdom.”

Abandoning the low-profile international strategy adopted for decades, now China is vying to assert itself as a world power not only in economic and trade terms but also regarding political and geostrategic matters too. Furthermore, the new deployment of the Middle Kingdom includes the cultural dimension. Such an ambition requires a host of negotiations with the rest of the world, as China is no longer limiting its ambitions to its neighboring countries alone.

Different types of negotiation are conducted according not only to the nature of the deal (politics, trade, business, etc.) but also to the status of the country that China is dealing with: big power, competitor, friendly regime, new tributary, and so on. Three types of Chinese negotiation style may be differentiated within the “New Great Game,” according to who negotiates: the diplomatic style used by officials representing their country; the state-owned enterprises (SOEs) negotiating style when implementing big projects decided by their government; and, the business negotiating style used by

smaller Chinese companies (whether they be public or private, subcontractors of the SOEs, or companies just doing business, selling technology, equipment, or consumer goods), over which the Chinese government has very little control.

Apparently diplomatic negotiations are managed with the same terms and manners as any other country. However counterparts of Chinese diplomats may miss the most important part, the invisible one: mindset. Chinese negotiators have their own way of seeing the world, their position in it, their role, and they have their own judgment on what everyone should do in the international arena. Beliefs, values, relation to time and history, all play an important part in these definitions and perceptions.

China, even after this unprecedented raising of living standards and related strength, is still carrying a deep sense of insecurity, after decades of misery and humiliation. The political celebrations of the “greatness and righteousness of China” feed the pride of Chinese negotiators but do not make them comfortable. The influence of the Party is ubiquitous, and suspicion of having foreign powers trying to undermine China’s rise permeates all analysis. Following the communist tradition, even if the purpose and substance is no longer communist the Party still resorts to harsh rhetoric. However, China is not keen to take too many risks and would tend to limit its actions — as one-third of its growth comes from exports, and China knows well its own dependence on foreign markets. To summarize a complex situation, the Chinese negotiators’ mindset is conditioned

by these elements inherited from the past and indeed the present. They are proud but anxious and on alert, and, when dealing with foreigners, especially accountable to the Party, knowing that as stated in its constitution China is a “People’s democratic dictatorship.” Such a cultural and psychological load will weigh heavily on their strategic choices and behaviors.

The grand designs of China, ambiguously expressed in labels such as the “New Silk Road” — which is not new, has nothing to do with silk, and does not encompass many roads — has to meet many challenges, and overcome a host of obstacles. The current global situation can be characterized as volatile, uncertain, and complex. Negotiating is a key tool to achieve Chinese ambitions, as the country needs still the rest of the world for getting its most crucial resources and as markets for its products. What may be unique is that China has had to deal with these harsh constraints for millenaries, as they are basic components of its civilization. The Middle Kingdom managed to keep its civilization going uninterrupted for several millennia because of particular systems of thinking such as Confucianism and Taoism. These two systems are much more than a set of beliefs, or even methods to deal with others and the society. They are wisdoms, which means ways of thinking and handling problems — and they do so through managing a complex relational balance valid in any situation, including negotiations. Confucianism and Taoism govern in a complex and ambivalent way the code of conduct of Chinese negotiators. They are criti-

cal dimensions to explain, for instance, why Chinese negotiators are so comfortable with handling paradoxes.

Furthermore, Chinese culture may introduce additional issues to the classical interest-based approach, making negotiations far more complex. For instance, on the Spratly Islands dispute the Chinese foreign minister stated that flexibility on sovereignty over these islands would shame China's ancestors, and that if "the gradual and incremental invasion of China's sovereignty and encroachment on China's interests" were allowed to continue, China could not face its children and grandchildren. Such an argument based on the importance of identity in driving foreign policy frames the current conflict as a game of chicken. If each culture was mainly concerned about avoiding shaming its ancestors, there would be no possibility for peace and reconciliation. It is already most risky playing chicken with a rational actor, but if counterparts have an extreme sense of justice — set on several levels of rationality — it is even more problem-

atic, as they may well prefer colliding to swerving.

As China is now developing its influence and protecting its interests in all parts of the world, including even in regions such as the Arctic Zone, its negotiators are carrying out or have carried out a host of projects different in nature, scope, and degree of cooperation/conflict — even in the most unlikely places on the planet. Some of those projects will have been chosen as exemplary for research, and for their potential to bring to light new findings. Examples are China-US trade negotiations, China-European Union negotiations, Central Asia and the One Belt, One Road initiative, China-Taiwan negotiations, China at COP21, China-India negotiations, and joint venture negotiations with foreign companies.

Chinese negotiators have their own particulars such as their holistic approach, handling of paradox, search for a golden mean, playing fuzzy, being extremely concerned by face, playing indirect, resorting to faked data, using ambiguous control, flattering, brib-

ing. However, they can be very faithful to friends, generous, ready to accept sacrifices — thus presenting the characteristics of an oxymoron. They have a very unique approach to markets, and disregard rules and conventions, all being combined with an acute sense of their own importance and a basic distrust of others. They borrow from a very rich array of tactics such as stonewalling, playing chicken, hiding a knife behind a smile, playing the clock, threatening, divide-and-rule, bait-and-switch, renegotiating after an agreement, and similar.

The current project is of an inductive nature. From a great variety of cases, it aims to characterize what defines the Chinese negotiation style and what are the seminal components helping constitute "Chinese-ness" at the negotiation table.

If you have some expertise on these topics and wish to join the project, please apply to Guy Olivier Faure (go.faure@gmail.com).



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GIGA President Prof. Amrita Narlikar is member of the PIN Steering Committee. Since 2018 the GIGA hosts the secretariat of PIN.

Narlikar, Amrita (2019), Trade multilateralism in crisis: Limitations of current debates on reforming the WTO, and why a game-changer is necessary, in: Teddy Y. Soobramanien / Brendan Vickers / Hilary Enos-Edu (eds), WTO Reform - Reshaping Global Trade Governance for 21st Century Challenges, London: Commonwealth Secretariat, 21-31.

This collection of essays offers timely and expert commentary on some of the challenges confronting the multilateral trading system today, and what reforms could help modernise and strengthen the WTO as the custodian of global trade governance for the twenty-first century. It highlights the importance of keeping the multilateral trading system alive for the benefit of all states. It is designed to serve as a valuable resource for government officials, trade negotiators, journalists, academics and researchers who are attempting to sort through the complexities of the organisation and the role they can play in supporting a fairer, more inclusive WTO and multilateral trading system.

www.giga-hamburg.de

Rudolf Schuessler and Jan-Willem Van der Rijt (eds)

Focal Points in Negotiation

Palgrave Macmillan 2019, ISBN 978-3-030-27900-4, 212 pages



Focal Points in Negotiation is the first work of its kind to analyze the use of focal points beyond the controlled setting of the laboratory or the stylized context of mathematical game theory, in the real world of negotiation. It demonstrates that there are many more ways focal points influence real life situations than the specific, predetermined roles ascribed to them by game theory and rational choice. The book establishes this by identifying the numerous different, often decisive, modes in which focal points function in the various phases of complex negotiations. In doing so, it also demonstrates the necessity of a thorough understanding of focal points for mediators, negotiators, and others. A scholarly work in nature, *Focal Points in Negotiation* is also suitable for use in the classroom and accessible for a multidisciplinary audience.

Introduction: The Significance of Conspicuity

Rudolf Schuessler and Jan-Willem van der Rijt

The Search for a Rational Explanation: An Overview of the Development of Focal Point Theory

Jan-Willem van der Rijt

Focality and Salience in Negotiations: Structuring a Conceptual Space

Rudolf Schuessler

Focal Points and Salient Solutions

Jonas Brown and I. William Zartman

Focal Points in Arms Control

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CTBT Negotiations and the Split-the-Difference Principle

Mordechai Melamud and Rudolf Schuessler

Negotiating Peace Agreements: The Value of Focal and Turning Points

Valerie Rosoux and Daniel Druckman

EU Mediation in Montenegro: Satisficing, Formulation and Manipulation in International Mediation

Siniša Vuković

Conclusion: Lessons for Theory and Practice

Rudolf Schuessler and Jan-Willem van der Rijt

I. William Zartman (ed.)

How Negotiations End. Negotiating Behavior in the Endgame



Cambridge University Press 2019, ISBN: 978-1-108-47583-9, 356 pages

Whilst past studies have examined when and how negotiations begin, and how wars end, this is the first full-length work to analyze the closing phase of negotiations. It identifies endgame as a definable phase in negotiation, with specific characteristics, as the parties involved sense that the end is in sight and decide whether or not they want to reach it. The authors further classify different types of negotiator behavior characteristic of this phase, drawing out various components, including mediation, conflict management vs resolution, turning points, uncertainty, home relations, amongst others. A number of specific cases are examined to illustrate this analysis, including Colombian negotiations with the FARC, Greece and the EU, Iran nuclear proliferation, French friendship treaties with Germany and Algeria, Chinese business negotiations, and trade negotiations in Asia. This pioneering work will appeal to scholars and advanced students of negotiation in international relations, international organisation, and business studies.

Introduction

I. William Zartman

Part One: Cases

The Iranian Nuclear Negotiations

Ariane Tabatabai and Camille Pease

Greek–EU Debt Dueling in the Endgame

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Colombia's Farewell to Civil War

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Chinese Business Negotiations: Closing the Deal

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How Negotiations End. Negotiating Behavior in the Endgame

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P. Terrence Hopmann

Lessons for Theory

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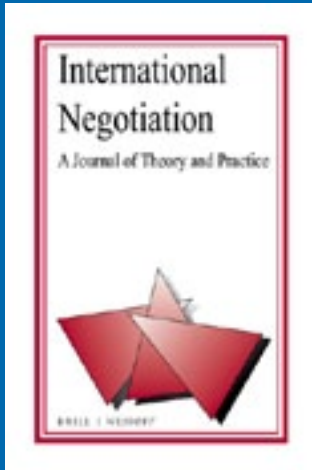
Lessons for Practice

Chester A. Crocke

Journal Preview

International Negotiation

A Journal of Theory and Practice



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