PIN·Points

Processes of International Negotiation

Negotiation according to Donald Trump, 'Master of the Deal'
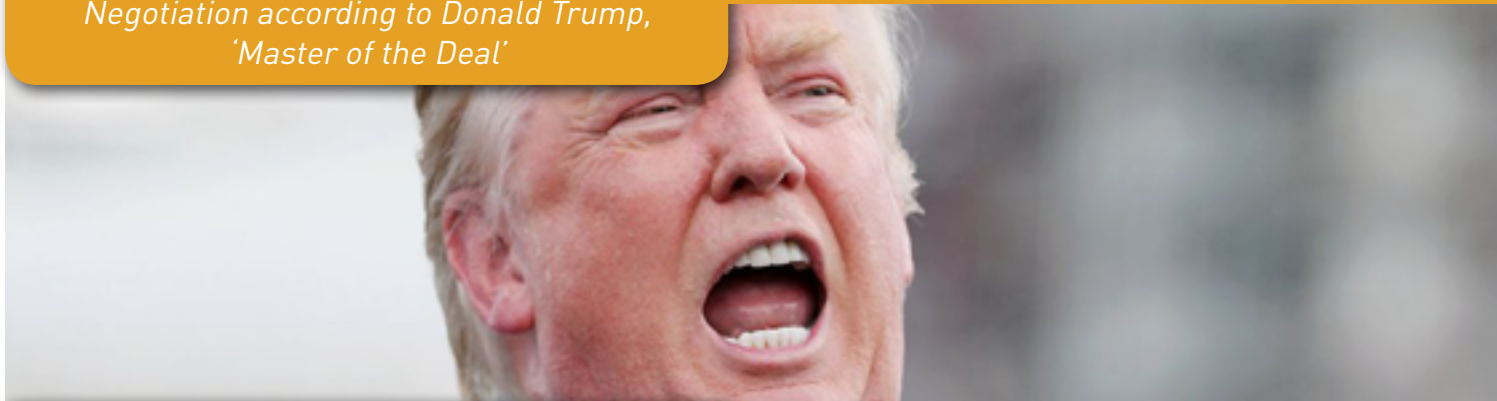
Lessons from the Colombian referendum

Aligning justice and self-interest in negotiations: some normative considerations

Persuading, leading and negotiating within and across cultures

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EDITORIAL

The tension between negotiations and public opinion: if asked to name the trend to sum up 2016 for the world of negotiation analysis that would be the answer. Naturally the dilemma goes back much further and we have alluded to it in the PINPoints several times in the past years, but 2016 is another story entirely.

Criticizing negotiation results played an important role in the election of Donald Trump. He turned against behind closed door deal making in Washington – drain the swamp – with success. His biggest campaign themes were built around criticism on international negotiated trade deals such as NAFTA and TPP. With the benefit of hindsight it is possible to say that the interests of white blue collar workers have been unrepresented as a stakeholder group in the mandates of trade negotiators working for successive American presidents. The challenge for a President Trump is to include these voices in (re)negotiating trade agreements and make the 'best deals for America' or, minimally, for the people who voted him into office. How Trump will manage his constituency and how he will deliver on his campaign promises we will learn soon enough. I. William Zartman gives an idea of what to expect by describing the expected negotiation style of President Trump in the opening article of this PINPoints.

Trump has called his possible election as president, while still on the campaign trail, 'Brexit plus plus'. Indeed from a negotiation point of view there are quite some similarities. One can argue that in essence Brexit is the result of a badly managed constituency whose problems were not heard or whom felt they had

not been heard in the many negotiations Britain was involved in as part of the EU. The EU has not delivered for many Brexit voters what they expected and a sense of renewed control over their own destiny was more important than remaining inside the EU and its murky decision making procedures. The irony is of course that the future of the UK, just like the success of Donald Trump as a president, will largely depend on future negotiations,. For the UK these are not only trade negotiations, for which they are hiring trade negotiators from New Zealand as advisors since the UK has not done this kind of negotiations since becoming a member of the EU. The UK also has to negotiate with the EU on the terms of the exit, which first hangs on a hard of soft exit. If prime minister May chooses the latter - keeping the UK in the internal market of the EU - much of the wanted independence and control will be an illusion. The UK will still have to implement many EU rules and regulations, but now without their negotiation chair in Brussels. Mark Anstey and Guy Olivier Faure reflect together on what Brexit means in an article written immediate after the vote to leave.

A more direct example of a constituency turning against a negotiation result is the referendum in Colombia. Three articles (Zartman, Rosoux and Anstey, Oliver and Gawn) discuss the result of the referendum. The general analysis is that the deal between the Colombian president and FARC was a good peace deal, but that it got lost in national politics. For now the willingness to reach a final agreement has been strong and the parties have not fallen back to violence. Just before the printing of

this issue a renewed agreement was announced. Let's hope that this time the deal will be ratified and the really hard work – implementation – can begin.

Other articles in this edition are reflective and looking for renewed understanding of how negotiations work, all to improve the effectiveness of negotiations as the tool for decision making where arbitration and coercion are either not possible or considered too costly. Schüssler discusses moral dilemmas during negotiations. Meerts looks back to historic peace conferences and which lessons we can learn from them; The Hague Peace Conferences were one of the first diplomatic negotiation processes were public opinion played an important role. Anstey has an in-depth analysis of the role of culture in negotiations. Zartman and Troitskiy provide versions of their contributions to one of the running PIN book projects – closure in negotiations. They look at mechanisms and dynamics which lead to finalizing a negotiation agreement and the actual closing of the process.

With tensions still rising geopolitically and nationalistic movements gaining prominence inside many countries the tool of negotiations remains vital in ensuring peaceful cooperation. At the same time increased demands for democratic control and transparency threaten to seriously limit the effectiveness of negotiations. PIN will continue to bring new insights and analysis to assist practitioners and policy makers in navigating the uncharted waters we find ourselves in.

Wilbur Perlot

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BY I. WILLIAM ZARTMAN
NEGOTIATION ACCORDING TO DONALD TRUMP, 'MASTER OF THE DEAL'

Donald Trump, the US President-elect, has written (or co-authored) an instructive work on negotiation, *The Art of the Deal*. Much of the work consists of accounts of the deals he has made. They read much like the *Autobiography of Benvenuto Cellini*, with zeros instead of sword flourishes and shining towers in the place of chased silver vessels. In the book, the co-author obviously marvels at his own skills. But the first chapter is a handy little guidebook to negotiating and may give insight into the modus operandi of the incoming president.

Trump's guidelines are sound, if summery, inspired by Norman Vincent Peale's *Power of Positive Thinking*. A negotiator should think big and seek to protect his interests by achieving the best outcome possible (the best deal). To begin with, he should begin by diagnosing the details and possibilities of both clients and competition: "know the market." He should make his interest in an agreement known, to widen the market.

Once in the negotiations, the negotiator should make use of all his sources of leverage; he should maximize options and keep his alternatives (BATNA or security points) alive and up-to-date. He should also seek to prevent losses and externalities and contain the costs of the project; in Trump's formula, "protect the downside and the upside will take care of itself." In the bargaining, he should fight back, improving his offer and undercutting the competitors, notably the opponent's BATNA. He should be prepared to walk away, but should never give up. In the end, once the

deal is sealed, the negotiator must be sure to deliver on his commitments. And he should have fun in the process.

Reading into these maxims, one can deduce that Trump is a hard bargainer, with a sense of the negotiations as a competition against opponents and also as an effort at maximum achievement at lowest cost, playing alternatives and even withdrawal (to come back another day) as the dynamics of the negotiation. If he regards the US as his company, he will be a committed and engaged pursuer of outcomes and agreements that serves its interests, as he sees them. His goal is an agreement or outcome on his terms, and he appears to hold a businessman's Realist notion of bargaining as a distributional rather than integrative encounter. Each agreement stands on its own and adds to the collection, rather than fitting in a grand diplomatic strategy.

It is difficult to identify a clear notion about how he will handle the decline in American world leadership, and to establish whether that decline is the result of his predecessor's proclivities or of an objective context. Ironically, he shares with his predecessor a greater interest in domestic issues than in foreign affairs, although from different points of view. There is a timeworn American tradition of staying out of the world's squabbles and insufficiencies until they become infectious, then roll up the sleeves and jump in to set things aright; this is a mixture of isolationism and internationalism that may well return, even though we should have learned that it is not the best strategy. Multipolarity is a structure, leadership is a policy that

operates within the structure, just as deals are discreet encounters but strategy is an orientation of the ensemble. President Trump has not yet tied the points together. The three immediate priorities – Supreme Court nomination, repeal of the health care enlargement, and extension of the wall – and the two additional items of early attention – removal of restrictions on energy production and re-examination of free trade agreements – are all domestic policy except the latter, where hard bargaining can be expected.

Trump asserts that he can talk to Putin, especially about Syria, a needed initiative since the Obama/Clinton reset button failed so badly. It has often been discussed that an arrangement by which the US pulls off its support for the New Syrian Army and friends and the demand for regime change, and focuses on eradication of Da'esh would restore good relations with Russia. This is a cop-out and an illusion, since there are plenty of other issues of friction with Russia that remain.[1] It is not yet clear how President Trump views "corporate interests" in this situation. In the same area, Trump is uncommitted in the Palestine-Israel conflict, not pro-Israel but unlikely to lead a pro-Palestinian crusade. If he decides to engage in a search for a settlement, he will come down heavily behind an agreement, but this does not seem to be a priority until the moment is judged ripe. Moving the US Embassy to Israel to West Jerusalem could well be seized as an opportunity to set up an American Embassy in West Jerusalem accompanied by recognition of a Palestinian state, a

move that could help ripen the conflict for negotiation. Trump can slow down on deliveries on the Iran agreement and will certainly not get very far in urging Iran to slow down its supports of its allies in the Mashreq, but he may try to use threats and "leverage" to sharpen confrontation with Iran. It is doubtful that he would push it to war. The subject of Atlantic cooperation has been misinterpreted. Trump's stand is not to question the need for Western allies but to insist on a more equitable distribution of costs for Euro-American defense, a demand that has been aired for more than two decades. European can pout or play, but the choice will be theirs, not Trump's, who has announced the rules for cooperative defense. He has also announced disinterest in

overseas military involvement (while at the same time building a larger and more modern defense establishment) but the lines and limits of this policy are not yet clear.

Similarly, the structure of relations with China and with the outpost strategy of defense cooperation with Japan, South Korea, Taiwan, Philippines (despite Duterte) and Vietnam that geopolitics imposes on the US also remain unclear (and maybe also in Trump's mind), beyond the idea of more equitable defense burdens. One might suppose that if he engaged in a diplomatic confrontation over the South China Sea, he would come down heavily for an agreement but there is no indication how Trump would get along with the Asian approach to negotiation. There is also no indication of a policy toward the Global South, beyond the issue of illegal immigration with Latin

America. The US under Trump will be more critical supporting some UN activities such as the Human Rights Council and may be more cantankerous in the Security Council.

Trump's negotiating guidelines leave little space for incentives, win-winning, reciprocity, or other elements that make diplomacy bilateral. International reactions for world leaders have shown a wary hopefulness (except for the German Foreign Minister). Foreign countries will have an important role in helping the new president define his view of world relations. There is a real opportunity to use his own terms to turn attention to policies of joint interest, rather than seizing the fears and caricatures propagated by the press on both sides of the Atlantic to date.

BY MARK ANSTEY & GUY OLIVIER FAURE
OP-ED: BREXIT

On 23rd June 2016, a high turnout (72%) referendum in the UK saw its citizens vote (17 million for to 16 million against) to leave the European Union. They were not asked about a preferred shape of future relations with the EU, simply whether to leave or stay.

> "17 million English voters have exerted powerful influence over the lives of 400 million other citizens spread across the 27 other member nations of the EU"

IMMEDIATE CONSEQUENCES

It was an unexpected outcome – and was immediately reflected in global markets with drops in the value of the pound, falls in the stock market, a downgrade in credit rating by Standard and Poor, threats of jobs re-location out of the UK, and forecasts of a slowdown, even a recession. It was an outcome welcomed not only by the UK's Nigel Farage, but by the likes of Vladimir Putin, Donald Trump, Ms le Pen of France and Geert Wilders of The Netherlands – all advocates of 'take back our country' brands of nationalism.

It was a vote swung by older con-servative British citizens to the north of London anxious over immigration, encroachment on the independence of its judiciary, loss of control over terms of trade and an overarching

desire to 'take back sovereignty'. The logic of making Britain 'great again' has yet to be tested in a new reality of course – it may be that its influence was considerably greater in the context of the EU than it will be out of it. And it may well be a much littler UK in future – from Great Britain to Little England!

In exercising their 'within state' demo-cratic rights 17 million English voters have exerted powerful influence over the lives of 400 million other citizens spread across the 27 other member nations of the EU. It is quite likely for instance that the departure of the UK will strengthen movements in other states demanding termina-tion of membership of the EU. But equally it is a vote that may well see a much littler UK with Scotland mooting a desire to remain with the

EU, and Northern Ireland seeking a future in a consolidated Ireland as a means of achieving the same end. It is an outcome that saw the resignation of David Cameron as British prime minister, but also deep divides exposed within both the Conservative and Labour Parties with Jeremy Corbyn also falling as leader of the latter. Leadership will be critical in reshaping relations not only politically but at the level of the civil service.

In short it is a vote that has generated an immediate sense of chaos not only in Europe but global markets. 17 million English voters pulled at a strand that may see a much larger unravelling of both the EU and UK balls of wool. The uncertainty has opened new political and economic space in internationa l relations.

IMMEDIATE CONSEQUENCES ARE NOT NECESSARILY LONG TERM ONES BUT A LOT OF REPAIR WORK LIES AHEAD.

The immediate consequences of the Brexit vote then are undeniable – but much has still to unfold.

1. The UK has not pushed the article 50 departure button yet and must sort its new political leadership issues out before doing so – with potential for further internal division. There is much to be resolved in terms of policy direction and it will not be an easy process as parties struggle within themselves, and the politics of the Scotland and Ireland and even Wales play out.

2. Voting out did not give a mandate for the shape of future trade relations between Europe and the UK, nor have negotiations to reshape any of these relations even begun – many may regret their vote as these unfold, especially if European partners are motivated by a sense of betrayal rather than cold economic rationality. Whatever the figures tabled by campaigners in the lead up to the vote they were largely hypotheses. We knew the problems as they existed but not how the actors would deal with them in a new regime or what new negotiations in a revised system of relations might produce.

3. The European Union may be a flawed institution that has gone the way of all maturing organizations in an overbearing bureaucracy, but the importance of its mission and achievements remain critical. Its great value has been to transform what was often a bloodily competitive relationship between its member states into ones of larger cooperative endeavour. Europe as a consequence has enjoyed its longest period of peace and sustained economic growth in history. The out voters may believe that modern Europe is beyond proclivities to war, that positive and cooperative relations can be sustained outside current institutions but they have chosen to relate to Europe from outside its bureaucracy rather than from within it. And it looks like a vote of selfishness – the logic of a cooperative of nation states operating with each other's interests in mind must fall now for a period to the realm of 'goodwill' and be shaped on an issue-by-issue basis rather than within a wider regulatory regime. If nations within Europe start to shape their economic and political and international relations choices simply along lines of narrow self-interest it has very serious implications for its strength as a region. No wonder Mr Putin appreciates the vote – the 'wall building' GOP representative Mr Trump can perhaps most politely be understood as part of his wider myopia on international relations. The critical question is whether half a century of institutions designed to foster cooperation and free movement of people and money and goods can be torn down and rapidly replaced with a set of bilateral relationships that retain its benefits without its bureaucracy or obligations. A very ambitious project awaits the UK's negotiators over the next few years!

4. The UK is arguing that the EU is only listening seriously to its problems with the organization now that it has a mandate to leave; and that departure does not mean that a new set of cooperative relations cannot be negotiated between a more independent UK and the EU. But despite the conciliatory tone of Angela Merkel, there are others wanting the divorce quickly over. The climate is not being helped by Mr Farage threatening the EU that any unreason on its part in trade relations would see it suffer more than the UK – and warning its members 'not to cut off its nose to spite its face'.

Immediate consequences do not have to be long term ones – immediate hysteria will subside, markets are likely to settle, a new regional order will emerge. However much will depend now on how new leaders within the UK negotiate future relations with Europe – and the spirit within which such negotiations take place. Let's hope Mrs Merkel's conciliatory sentiments prevail, and that calls for reasonable trade and political relations can survive Mr Farage's unsavoury interpersonal style. There may even be a second referendum on the terms of a new regime though how this might be framed and managed is hard to see at this stage.

Source: Camilo Rueda López / Flickr

QUESTIONS AND ANSWERS WITH I. WILLIAM ZARTMAN ON THE OUTCOME OF THE COLOMBIAN REFERENDUM

"IT IS A CHEAP SHOT ON THE PART OF URIBE TO TURN A PERSONAL VENDETTA INTO A NATIONAL CATASTROPHE"

1) Now that a small majority of the Colombian voters have rejected the agreement – largely it seems on granting pardons not the FARC and no punishment – the question becomes whether the Colombian administration lost touch with their constituency and overstepped their mandate. Do you agree with that assessment?

The voter rejection (with a small turnout) of the Colombian peace plan is a catastrophe in the annals of peace processes. The agreement was the outcome of a serious, prolonged series of engagements, the sustained result of lessons learned from 30 years of previous failures, pursued with patience and determination down to the endgame earlier this year, and it was rejected by a nation split down the middle between hope and fear.

As always it was rolled into a prickly bumble of national politics: inspired by an implacable hatred of his former ally, former president Uribe gave a voice and an organization to the voters who had their qualms about the lightened penalties for former FARC guerrillas (similar to those accorded by Uribe to the rightwing militias who fought them). President Santos worked hard to get the best deal possible. As any shopper knows, it is easy to say as one emerges from bargain hunting, "on second thought I bet I could have gotten a better deal". This is a common ailment of the negotiation process. It is a cheap shot on the part of Uribe to turn a personal vendetta into a national catastrophe.

Santos tried to crystalize and lead his public into support. He made one mistake (which I and doubtless others signaled in Bogotà two years ago)--he didn't reach out early to convince the people. Such negotiations need to be secret (which Uribe criticized), but they need to be sold to the public at the same time. The "anti" campaign, irresponsibly, did a better job, playing in fears with untruths.

2) What are the consequences of the rejection of the agreement by the Colombian people? Is the result to go back to the negotiation table and what can be done?

Now the game has changed. Before, there was no standard for judgment of an attainable outcome, just guesses. Now, the defeated agreement becomes the stalking horse for future negotiations. Can it be bettered, and how hard can the government push against how much greater punishment the FARC will accept in exchange for peace. Both sides say they will keep on searching, but Santos has to guess how much of an "improvement" it will take to

pass the public the next time. Uribe will try to dictate the conditions. As the spoiler, he will try to appear as the savior of peace and push Santos' face into it, and Santos will have to negotiate with Uribe over what it will take to call off opposition, then negotiate with the FARC to get that new package accepted.

3) How to proceed from here in Colombia?

Future, as past, negotiations, will be a race of hope against fear. Now that hope has been dashed, it's always easier to continue riding fear. Success will depend on the governments' ability to overcome the public's fear while keeping FARC's hopes alive. However, the rejection might also strengthen the government's hand in re-negotiating with the FARC, testing the rebels' real desire for peace and participation, and showing them what they sacrifices they have to make to make a publicly acceptable agreement. Without any doubt the coming months will take careful bargaining from the Colombian government and a skilful public relations campaign to build public support.

QUESTIONS AND ANSWERS WITH VALERIE ROSOUX AND MARK ANSTEY ON PEACE, RECONCILIATION AND THE COLOMBIAN REFERENDUM

"THE DEAL WAS NOT ABOUT FORGIVENESS, BUT ABOUT MOVING FORWARD"

1) It seems that a small majority of the Colombian voters have rejected the agreement, largely because of questions of justice and reconciliation. Could you quickly describe how these issues were addressed in the peace agreement?

Under the agreement, rank-and-file fighters could be granted amnesty, while those suspected of being involved in war crimes, crimes against humanity and genocide will be judged in special tribunals. That means that no pardons will be granted for these crimes (taking of hostages, torture, forced displacement or disappearance, extrajudicial executions, or sexual violence). By contributing to truth-telling and admitting wrongdoing, defendants could get reduced sentences and alternative sentences such as community service work, like removing land mines planted by the FARC).

This transitional justice regime attempts to balance the rights of victims to justice, truth and reparations with the government's obligation to prosecute and punish the crimes that were committed.

2) Issues of peace versus justice, of rewarding perpetrators and punishing victims, but also a focus on the crimes of only one side and not the other, typically need to be addressed in a peace process. Do you think these issues were addressed sufficiently in the Colombian process and what could have been done to avoid the current rejection?

The issues of peace versus justice were central during the whole negotiation process. Several experts consider that there is probably no other peace process in the world where victims have occupied such a central role. Thousands of victims presented proposals to the talks. Under the agreement, new transitional justice mechanisms give priority to truth-telling and repairing the damages inflicted on victims, without renouncing the need for justice. The rural regions in Colombia, which have been the most affected by the conflict with the FARC, voted in majority in favour of the peace deal (such as Chocó, Vaupés, Cauca, Putumayo, Nariño and La Guajira), while the votes against the agreement were largely cast in the urban provinces. Mr. Uribe, the former president, had argued that the agreement was too indulgent on the rebels, who should be prosecuted as murderers. However, the parties could hardly have done more in order to balance all needs. A punitive approach offers leaders of the rebels no way back and locks the parties into further rounds of violent conflict.

The rejection of the agreement cannot only be understood as the symptom of a lack of consideration regarding the issues of peace versus justice. In the aftermath of a civil war that lasted more than 50 years, wounds are not only open, but also festering. Six million people were displaced, and 220,000 people were killed in the fighting. Therefore, the current distrust towards the FARC is not

surprising. Moreover, the question of sincerity is always problematic. Are the former rebels sincere? What are the genuine reasons behind their statements? These questions remain open.

However, the deal was not about forgiveness, but about moving forward. It is striking that a referendum of this sort can be framed for voter in terms of whether past crimes should be 'forgiven' (in a legal sense) for foot soldiers and managed within a logic of leniency for leaders. Such a framing is past oriented. A future oriented approach might frame the referendum whether voters prefer to put their own or their children's lives at risk in a continuing war, or end the war through a system of lenience. In some instances the purpose may be less a reconciliation of parties with one another, more a reconciliation with the world as it really is.

Of course rebels might have only become interested in a deal if they are at risk of defeat – in which case the government might want to pursue the war to total (unlikely) victory but there will be costs in such an approach in lives and the economy. The fact that the FARC is interested in staying with the process despite its rejection by voters indicates that a deal has become preferable to continuing hostilities. In which case it will be a pity if the moment is lost for a deal that might reduce a loss of life.

3) Assuming that the parties remain committed to peace, what can be done now in terms of reconciliation which would enable the peace process to continue?
The negotiation process will likely continue, but with other parties at the table. Beyond the conflict between the Colombian government and the FARC, a deal has to be found between Mr. Santos, the Colombian president, and Alvaro Uribe. In this regard, the zone of potential agreement is extremely thick. How can we negotiate reconciliation in seeking harsher punishments for former rebels?

The willingness to simply "redo" the process in being tougher might be illusionary. If the ceasefire ends, will a pretty large part of the Colombian population consider that those who campaigned for 'No' are now responsible for new deaths and victims? There is much at stake. Post-conflict situations are precarious. Up to forty percent of peace agreements slip back into violent conflict within a decade. Therefore there is probably no alternative to a process of joint problem-solving. Although terribly frustrating for victims, incomplete justice sometimes appears as a practical necessity. The Colombian case illustrates a general question raised by Hannah Arendt: how to exercise justice after crimes "that one can neither punish, nor forgive"?

In order to cope with that issue, the central question is maybe not whether justice is done, but rather how one goes about doing it in ways that can also promote peaceful coexistence between parties. In the long term, justice does not only concern the way to compensate victims as much as possible, but also – and even more – the necessity to revise the system in which parties are in relations so that injustices perpetuated in the past would no longer be possible in the future.

QUESTIONS AND ANSWERS WITH QUINTIN OLIVER AND RYAN GAWN ON THE COLOMBIAN REFERENDUM.

"THE VOTERS ANSWERED THE WRONG QUESTION"

1) You have worked on the Yes campaign in Colombia. Although it is still early days, could you briefly say what went wrong in Colombia that led to the rejection of the peace agreement?

First, the voters may have answered the wrong question. For example voters used the referendum to express discontent with President Santos, who is in the mid-term doldrums, presiding over a stagnant economy and polling badly. The regions voting in favor of YES were very much the same who voted President Santos into office in a tightly fought 2014 Presidential contest. These were also the rural areas which in general were much harder hit by the war, but could see and feel the benefits, as could the more advanced Bogota, Cali and Barranquilla.

Furthermore the No campaign successfully appropriated the YES campaign's peace discourse by proposing a "better peace". What this peace would actually look like and whether this "better peace" is achievable in the short term is very much an open-ended question. This kind of negative assault advantage is typical in referendums, which are very different from elections. It made it easier for the NO camp to trap the YES side in detail and a defensive attitude. The YES side was unable to formulate its change proposition coherently, cogently and above all, consistently. The many diverse voices, promoted creatively and colorfully by YES, were trumped by fear and negativity.

Third, the two campaigns were clearly very differently organized. The YES campaign was largely built on multiple civil society campaigns, with many political parties in favour, versus the single cohesive, tub-thumping, assertive NO voice led by ex-President Uribe. He did not have obvious civil society or celebrity support – but he did enjoy total consistency in his harsh messages of impunity for terrorists, caused what Uribe calls Santos's betrayal of democracy.

Finally, even the weather seems to have had an impact. Hurricane Matthew just before Sunday's poll left certain rural and coastal areas dealing with floods and damaged roads. Considering the very slim margin the vote could have easily have turned out differently.

2) The agreement was the result of a long and painful process with many difficult choices and trade-offs. The long and detailed agreement is than put to popular vote which is simply yes or no. Do you believe that the results of negotiations such as these - which largely happen behind closed doors and confidentially - can and should be put to a vote?

Yes – the successful implementation of commitments made in peace agreements requires political nerve and political capital from leaders. Putting a peace agreement to a popular vote can provide that, as well as providing accountability mechanisms for civil society and the media to hold leaders to account for the agreement's implementation. A popular endorsement of an agreement can also silence detractors and spoilers who may wish to see the agreement fail at implementation stage. But that popular endorsement naturally only really exists with a high voter turnout. This was the case in the referendum that followed the Good Friday Agreement in N. Ireland, in which we participated. Without that 72% endorsement, implementation would have been so much harder. The reasons to go to referendum remain.

The last all-white referendum in South Africa, was run by de Klerk, pre-negotiation, seeking a mandate to talk to the ANC and end apartheid – that gave him a huge mandate to proceed successfully; compare that to Scotland's independence vote in 2014, which was also pre-negotiation, but attempted to resolve the question, before the details of currency, borders, funding and EU membership had been settled; it fell.

That said, the limitations of referendums have become increasingly clear. Research conducted into referendums tends to show that the comment above, originally coined by President Charles de Gaulle, after his final plebiscite defeat, about voters answering the wrong question, is quite common. Also the framing of the referendum is crucial, which we have now seen in Colombia, but which also played a vital role in the UK's Brexit referendum.

3) What are lessons that we can learn on campaigning on referendums like these?

Some of these lessons are referenced above, such as framing the terms of the referendum as quickly as possible, not being bogged down in detail, and differentiating the campaigning in a referendum from

electoral campaigns for posts and people. There must also be better responses from the media, who tend to seek personality-based gladiatorial conflict, rather than textured dialogue.

Other lessons come forth out of the general tips on how to run a referendum:

- emotion vs rationality. Voters think of the past, of crimes committed, of raw hurt and might be driven by fear instead of rational choice focused on the future - hope;
- top down vs bottom up campaigning. As mentioned above, the YES campaign was rich and diverse – a strength – but also varied and divergent – a weakness in winning votes! The unpopular President Santos insisted on leading the YES efforts, which both attracted, like a magnet, the Santos vs Uribe gladiatorial imagery, and mitigated against a 'people to people' discourse.
- Referendums allow for many voices. Voters especially like to see traditionally opposing politicians putting aside their differences in the national interest and sharing platforms to promote their unified case. This did not happen enough in Colombia, causing mixed messages and divergence (the 'blunderbuss' effect), rather than the coherence and simplicity of the No (the rapier approach).
- 'change' vs status quo. Advocating change tends to be harder, especially if the negotiated text is complicated, lengthy, recently published and full of tough concessions. This also can explain the difference between the urban and rural vote in Colombia; the violence was not recently so prevalent in the cities, so voters were already more immunized from violence – why then change? Bogota, Cali and Barranquilla did vote Yes, nevertheless.

In the end the most important lesson might lie in the increasing unpredictability of voters and the inability of pollsters and pundits to provide accurate information leading to a surprise outcome.

We saw similar problems with the Brexit referendum. A solution might be to demand a high voter turnout (as in the same day Hungarian case) and a premium percentage recording either yes or no, say 60% or two-thirds.

Even if the referendum had passed narrowly in Colombia, by the same few thousand votes as it lost, it would hardly have been with broad popular support and the political legitimacy needed. It almost certainly would have meant a very difficult implementation phase.

BY VALERIE ROSOUX

NEGOTIATING FRIENDSHIP: FRANCO-GERMAN AND FRANCO-ALGERIAN CASES

"War es gestern unsere Pflicht Feinde zu sein
Ist es heute unser Recht Brüder zu werden"

Charles de Gaulle[1]

The purpose of this analysis is to compare the failed Treaty of Friendship between France and Algeria with the successful Elysée Treaty between France and Germany. Why was closure impossible in one case and not in the other? Both case studies clearly illustrate the scope and the limitations of conflict transformation processes. Among all the historical cases of reconciliation, Franco-German reconciliation is often considered to be the success story. On the international stage, the rapprochement between these European 'hereditary enemies' is frequently presented as a textbook

[1] "If yesterday it was our duty to be enemies, today it is our right to become brothers" (Hamburg, 7 September 1962).

case to be studied and replicated. Whether in Tokyo, Karachi, Islamabad or Warsaw, the Franco-German case is depicted as an inspiring model and even sometimes as "the biggest product of reconciliation in history" (Kurbjuweit, 2010). However, can this historical reconciliation be replicated in any circumstances?

Since the end of the Algerian war in 1962, French and Algerian authorities have frequently referred to Franco-German relations as a model for moving forward. In November 1983, Chadli Bendjedid undertook the first ever State visit by an Algerian President to France, and directly described Franco-German relations as a model of how to deal with a tragic

past: "Why couldn't there be identical relations between France and Algeria?" (*Le Monde*, 6-7 November 1983). However, twenty years later, the failure of the negotiations leading to a Friendship Treaty shows that the Franco-German model did not turn out to be an effective model. For what reasons? An analysis of the endgame of the negotiations initiated by French President Jacques Chirac and Algerian President Abdelaziz Bouteflika reveals a number of variables that explain why Franco-Algerian relationships can apparently not be "normalized".

This analysis is divided into three parts. The first examines the Franco-German process which started in

French president François Hollande and his Algerian counterpart Abdelaziz Bouteflika (Algiers, 15 June 2015)

1958 and ended in January 1963 with the signature of the Elysée Treaty. The second part focuses on the Franco-Algerian process that started in 2003 and was abandoned in 2007. The third part stresses four critical factors that explain why closure was possible in one case and not in the other: leadership, context, domestic resistance and the nature of the past violence.

THE FRANCO-GERMAN CASE: THE FEAR OF A NEW COMMON ENEMY

In a devastated Europe, the decision to favor a rapprochement was not a matter of altruism but, rather, was seen as being in both French and German national interests. The complete and radical nature of Germany's defeat explains its crucial need for political rehabilitation and return of sovereignty. Moreover, to German leaders, the economic future of their country was an additional reason to favour as quickly as possible the normalization of relationships with their neighbors. In this particular context, a rapprochement with France was perceived as indispensable. For France, also, it was a question of necessity. Since the end of the war, French grandeur was being called into question. Its economy was

reduced by half, its infrastructure was devastated, its demography was undermined by the human cost of the conflict, and its colonies were close to being lost. Both countries needed one another.

In addition to these domestic issues, the configuration of the broader international system was also propitious to a rapprochement between former enemies. Among the political, economic, and security considerations that encouraged this process, one was particularly significant: the existence of a common enemy - the USSR - and therefore external, mostly American, support for rapprochement.

The Franco-German rapprochement proceeded in three "waves" (Grosser, 1967: 6). The first was that of a small minority of pioneers. The second consisted of the "Europeanists". The third occurred under Charles de Gaulle and Konrad Adenauer.

PROCESS

Preliminary contacts between 1958 and 1962 by de Gaulle and Adenauer involved considerable efforts to persuade the public of the necessity for a Franco-German rapprochement.

They carried out frequent trips on both sides of the Rhine to help their populations overcome preconceived ideas and fears rooted in past events. Charles de Gaulle's State visit on September 4-9, 1962 was an unprecedented success. Whether in Duisburg, Hamburg or Munich, Charles de Gaulle did not hesitate to speak German to his audiences. He finished all his speeches by throwing his arms up in the air and shouting out in German: "Es lebe Deutschland! Es lebe die Deutsch-Französische Freundschaft" ("Long live Germany! Long live Franco-German friendship!"). Each time, this vibrant exaltation of Franco-German friendship brought cheers from the crowd.

This attitude of openness on the part of the officer who, in 1940, embodied resistance against the occupier aroused a great deal of emotion in Germany. The reactions of German officials confirmed the emotion expressed by the population. The president of the German parliament, Eugen Gerstenmaier, asserted: "It was the gesture the German people had expected the least, and his generosity touched deep layers of our history and our emotions that no other person had reached before. It not only put an end to the chapter

from 1940 to 1945. More than that, a debt two centuries old was erased " (Gerstenmaier, 1962: 2).

This trip can be considered as a precipitating factor leading to the Elysee Treaty. In a joint communiqué on September 7, 1962, Charles de Gaulle and Konrad Adenauer announced that they wanted to take "practical measures" to strengthen the ties that already existed between the two countries. On September 19, 1962, the French President sent the German Chancellor a draft version of a protocol calling for closer cooperation between the two countries in two specific areas: foreign and defence policy on the one hand, youth and cultural issues on the other. Four months later, this initiative resulted in the Friendship Treaty, which was signed on January 22, 1962.

Argumentation between September 1962 and January 1963 focused the main discussion between French and German experts on the modalities of a new audacious linkage: the requirements for regular official consultation and the promotion of interaction on a "people-to-people" level. (1) The institutional mechanisms provided for by the Élysée Treaty created a structure of constant dialogue through biannual meetings of Heads of State, consultations between foreign and technical ministers as well as joint councils in all fields. (2) The negotiations also led to the creation of the Franco-German Youth Office, set up to vitalize youth exchanges, conferences, and reciprocal language teaching.

The endgame came as a provocative crisis before the deadline. At a famous press conference on 14 September 1963, Charles de Gaulle's veto of British entry into the Common Market provoked a crisis in Franco-German circles. However, Konrad Adenauer's determination was not shaken. His objective was to sign the Treaty before the end of his mandate. The symbolic deadline that both Charles de Gaulle and Konrad Adenauer had in mind was the changeover in Bonn. This eagerness to reach an agreement was not affected by the increasing opposition of the German people, who wanted to clearly set the Treaty within the general Atlantic framework. The Elysée Treaty was signed on January 22 as planned. On June 15, the Bundestag ratified the Treaty, adding a Preamble that stipulated "the maintenance and consolidation of understanding between free peoples, with particular close collaboration between Europe and the USA", "joint defence within the framework of the North Atlantic Treaty Alliance", and "the unification of Europe following the path traced by the creation of the European Community and including Great Britain and the other nations willing to accede" (quoted by Fackler, 1965: 30), suddenly extending an endgame to the negotiations that had been considered ended.

CONSEQUENCES

This addition of the Preamble was severely criticized by Charles de Gaulle. However, it did not prevent the Treaty acting as an impressive force to develop "habits on both governments to keep the relationship productive" (Wallace, 1986: 137). In the field of youth and culture, the outcomes of the Treaty were impressive. In 1964 alone, the Franco-German Youth Office contributed to meetings of 180,000 youths from both countries at 6,500 gatherings, seminars and study trips – a process that gradually affected all levels of society. In just a couple of decades, the Franco-German relationship had reached an unmatched level of intensity. Each country is now the other's most important trade partner. More than 2,500 towns are involved in twinning programmes and partnerships. Almost 75% of the French and German populations live in twinned cities or towns, while more than seven million young people have been involved in student exchange programmes.

THE FRANCO-ALGERIAN CASE: THE NEED FOR AN INTIMATE ENEMY

The Franco-German case is often referred to when discussing Franco-Algerian relations. In 2001, the former French President wondered how to emulate Franco-German relations, to turn the page on a difficult past: "The weight of the past finally fades with time. The weight of the past was much more difficult to erase between Germany and France (...). The dispute was age-old, considerable and added up to millions and millions of dead, during successive wars. Thus I am deeply convinced that the relation between France and Algeria is in the nature of things (...) and that it can develop" (Algiers, 1 December 2001). Two years later, Jacques Chirac again underlined the same belief: "What I wish is that we emphasize the elements that unify us, without forgetting those which could divide us naturally, but these belong to history - as we could do with Germany" (Paris, 1 March 2003). From that perspective, it was not surprising that Jacques Chirac explicitly called for an "Elysée Treaty in the Franco-Algerian style" (*Le Point*, 19 August 2004).

[2] *In Algeria on May 8, 1945, just as people were celebrating the allied victory over Germany (in which Algerian native troops participated), banned demonstrations of Algerian nationalists took place in several towns. In Sétif, the demonstration turned into a riot after the police forces intervened. Ninety French settlers were killed. The severe repression organized by the army left many thousands dead - between 10,000 and 45,000 victims, according to sources.*

PROCESS

Preliminary contacts. As in the Franco-German case, the first steps were taken by both the French and the Algerian Presidents. They undertook trips on each side of the Mediterranean. Abdelaziz Bouteflika was welcomed in Paris in 2000. Without trying to downplay the "wounds of history", Jacques Chirac referred to the common heritage of both nations and recalled a legacy "that history has done and cannot undo" (14 June 2000). In 2003, Jacques Chirac paid a state visit to Algeria, the first by a French president since independence. Throughout his stay, the president spoke warmly of the "key moment in history" in which two nations "who loved each other and were torn apart, find themselves" at last. He called on the two countries to confront the "complex, yet painful past" from the conquest of 1830 to the years of a "murderous, sometimes unforgivable war", to move on towards the future and organize a "community of destiny" (4 March 2003). In a joint declaration, both leaders undertook to draw up and finalize a Treaty reflecting their willingness to establish an "exceptional partnership" (*partenariat d'exception*), respecting their history and their identity" (2 March 2003). This Algiers declaration can be seen as a precipitating factor, leading to the negotiations of the Friendship Treaty, which began a couple of months later.

In argumentation, none of the party was acting for side effects such as reputation, publicity or time. From April 2004 onwards, experts from both sides met regularly in order to prepare the document. Five main issues were to be discussed. The first concerned regional cooperation between the two sides of the Mediterranean in the framework of the Barcelona Process. The second related to an economic

and financial partnership. The third referred to cultural and scientific cooperation between both countries, especially the establishment of the "Franco-Algerian High Council for university and research cooperation". The fourth concerned the movement of people between France and Algeria. This issue was particularly sensitive in the eyes of all Algerians living in France, and above all those waiting for visas to become residents in France. The fifth and final issue was the nature of the "memory work" - or rather the work on memories in the plural – to be carried out by France and Algeria.

The endgame came as a fatal crisis before the deadline. Neither Bouteflika nor Chirac mentioned an explicit date for signature of the future Treaty. However, all observers expected an official closure – in all senses of the term (technically and symbolically) – before the end of the French president's mandate in 2007. At the end of December 2004, most technical aspects of the projects were already settled. Several observers foresaw the signature of the Treaty in 2005. However, on February 23, 2005, French MPs passed a law that highlighted certain "positive effects of colonization" (Art. 4, para. 2). Initiated by a group of French settlers repatriated after Algerian independence, this unanticipated event was immediately perceived as a scandal in Algeria. The gulf between what Algerians considered to be an unacceptable law and the "memory work" that they expected quickly jeopardized negotiation of the Friendship Treaty.

Two days after the voting through of this controversial law, the French Ambassador in Algiers pronounced a historic speech in Sétif, an average-size town in the Eastern part of Algeria, where the French committed a massacre on May 8, 1945[2]. His

words were unprecedented in the French official narrative: "I have to bring to mind a tragedy that plunged your region into mourning. I mean the massacres of May 8, 1945, almost 60 years ago: an unforgivable tragedy" (Sétif, 27 February 2005). In Algeria, this official acknowledgement was hailed as a historic event. However, it did not calm Algerian claims. The powerful victims' association "8 May 1945 Foundation", for instance, considered that it was not enough and insisted that France should not only acknowledge the inhuman acts committed from 1830 to 1962 (i.e. the colonial period) but should also ask for forgiveness, along the lines of the official acknowledgment made by Jacques Chirac in 1995 regarding French responsibility in the deportation of Jews during WWII.

"Any great country has to deal with its history, with its glorious pages and with its dark times"

In July 2005, the two chambers of the Algerian Parliament condemned the French law. The French Minister of Foreign Affairs, Philippe Douste-Blazy, attempted to break the deadlock in the negotiations by demanding the establishment of a commission of historians. As shown by this development, the dynamic was then reduced to a strictly backward-looking negotiation process (Zartman, 2005). In September, Bouteflika himself considered French repentance to be a condition for signing the Friendship Treaty (Batna, 20 September 2005). Under pressure from victims' associations and military circles, the Algerian President officially required the full acknowledgement by French representatives of the sufferings inflicted
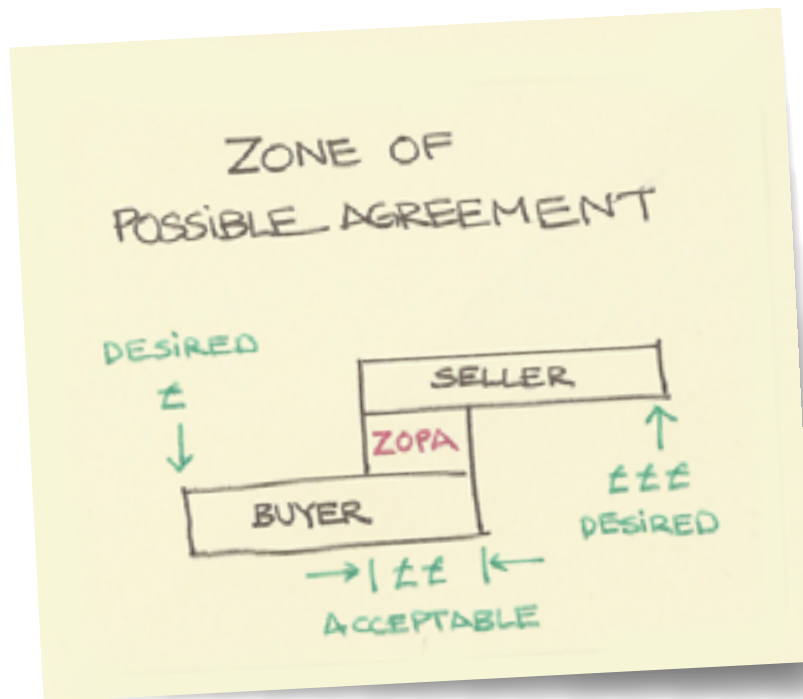
on the Algerian people during 132 years of occupation.

The French President attempted to change things by disavowing the law of February 23, 2005. To him, the accentuation of the positive aspect of the colonial legacy was "unjustified", if not "indecent" (Chirac, 2011: 435). In January 2006, he decided to abrogate the disputed article in the law. Nonetheless, he did not accept the principle of a Treaty Preamble based on formal repentance by France, as was required by Bouteflika. Chirac could not accept an "official recognition of guilt" in the treaty (quoted by Pervillé, 2014: X). The concession that he was ready to make was a distinct declaration (separate from the Treaty) to highlight the "hardships and the torments that history had imposed on both countries" (*ibidem*). They had reached a total impasse. There was clearly no zone of potential agreements (ZOPA) between the parties. Heavily constrained by the wishes of their populations, both presidents were stuck in their respective positions somewhere between the requirement for full repentance on the one hand, and the recognition of the hardships imposed by history on the other.

CONSEQUENCES

The French president tried several times to relaunch the project. For two years, French representatives went to Algeria in order to find an acceptable compromise. In January 2007, Jean-Louis Debré, who was then the President of the National Assembly, called upon French and Algerian citizens to undertake "essential memory work": "Any great country has to deal with its history", "with its glorious pages" and "with its dark times". "France, like many other nations, will not fail to do so" (*Le Monde*, 20 January 2007). These initiatives could not prevent an escalation of the tensions between the two sides of the Mediterranean. Obviously disappointed, Abdelaziz Bouteflika gradually adopted a more aggressive attitude towards the former colonial power that had committed "a genocide against the innocent Algerian people". At several times, he made clear that in such conditions Algeria was better off with no treaty.

This posture was followed by a drastic step backwards when Nicolas Sarkozy was elected. Refusing categorically to express guilt, he did not agree to consider memory issues as conditions

When we have friends, we don't need to write it down, we need to live it

for negotiating further agreements. In a press conference with Bouteflika, he claimed that young generations on both sides are "forward looking and not backward looking", and symbolically stopped the whole process of negotiating a Treaty: "I never thought that the Friendship Treaty was a solution". "When we have friends, we don't need to write it down, we need to live it. (...) So let us not divide the future by resurrecting the past" (10 July 2007).

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[3] *The figures still vary according to the sources.*

FOUR MAIN VARIABLES

This analysis of the case studies indicates the significance of four critical factors: leadership, context, domestic resistance, and the nature of past violence.

LEADERSHIP

In the Franco-German case, both Charles de Gaulle and Konrad Adenauer understood that it was in their national interests to favor a rapprochement with the "hereditary enemy". Both individuals had sufficient historic legitimacy to entitle them to condemn Nazism. They became deeply involved in a personal friendship that would demonstrate the possibility of a dramatic change in attitude towards the other and established a ZOPA.

In the Franco-Algerian case, both Chirac and Bouteflika considered the Friendship Treaty as a historic opportunity to turn the page on the colonial past. Both fought during the Algerian war. Chirac was 24 years old when he was sent to Algeria: "From this experience", he explains, "no one came back really unscathed". (Paris, 11 November 1996). For him, the effect of time was decisive: "Thirty years, forty years", "it is a time when, for those who have known the stupor of hardship, efforts to survive and attempts to forget, comes the hour of serenity and appeasement" (*ibid*).

On the other side, Bouteflika was one of the closest collaborators of Houari Boumedienne. As a former *moudjahid*, he largely based his legitimacy on his fight against the former colonial power. After the vote of the French Law of February 23, 2005, his eagerness to become the equivalent of "Charles de Gaulle" in Algeria gave way to a much more traditional anti-colonial posture.

CONTEXT

In the Franco-German case, most protagonists agreed on the "absurdity of dueling" (Binoche, 143). The communist threat encouraged a more concessionary approach, which remained constant, even during the final stages of negotiations. This ability to move towards each other's position was scarcely to be seen in the last stages of the Franco-Algerian process. Even though the standard arguments of realpolitik (whether in the field of economics, geopolitics or strategy) pressed Paris to work for reconciliation with Algiers, and vice versa, none of the parties could escape the sparring and subsequent impasse.

One major distinction between these cases is the political instability that characterized Algeria during the bloody civil war which devastated the country during the 1990s. In September 2005, Bouteflika launched a referendum on the "Charter for Peace and National Reconciliation" in order to bring closure to the civil war, by offering an amnesty for most of the violence committed during the black decade. The Charter was implemented as law in February 2006. In these circumstances, as numerous specialists observed, the constant condemnation of the French "neo-colonial attitude" became a way to calm down internal crises. In other words, Bouteflika could have used the anti-colonial – and therefore anti-French - feeling in order to increase his legitimacy among the population.

DOMESTIC RESISTANCE

The two case studies vary greatly in terms of their popular basis. In Germany and in France, the Treaty of Friendship was supported by a vast majority of the population. The concerns expressed by the "anti-gaullist" Germans did not prevent the signature of the Treaty. A creative solution was found thanks to the addition of the Preamble. The Franco-Algerian context is radically different. At first glance, relations between the countries have pretty much been normalized. France is Algeria's largest trading partner. Hundreds of thousands of Algerians live in France. Both Presidents were originally convinced that a Friendship Treaty was critical. However, domestic spoilers constantly interfered. The adoption of the controversial Law by French MPs following the initiative of a group of *Pieds-noirs*, and the subsequent indignation expressed by the Algerian population, illustrate the intensity of the resistance to any form of rapprochement. Many testimonies remind us that the wounds described by various groups (pieds-noirs, former moudjahids, harkis, former French combatants) remain open. The Algerian Minister of Foreign Affairs, Mohammed Bedjaoui, emphasized this point in April 2006: "The objective and subjective conditions that are necessary to the signature of a Treaty are not sufficiently favourable today". In his view, "this Treaty is not a treaty between two presidents but between two peoples. We have to prepare public opinion to arouse the adherence of all the actors of our societies" (11 April 2004).

This lack of ripeness (Zartman, 2000) is tragically illustrated by the incompatible perceptions of the *harkis* (Muslims who fought alongside the French against their fellow Algerians). Following the French withdrawal, up to 150,000 *harkis* were slaughtered in Algeria[3]. More than 40,000 *harkis* were able to escape to France after the war, but they were badly treated once they arrived. Most of them described a double betrayal (not only by Algeria but also by France), and considered

themselves as second-class French citizens. The descendants of the *harkis* nowadays insist on the long-term impact of this double rejection: financial distress, a high unemployment rate, and frequency of suicides in their families. To them, this issue is far from being closed. During the negotiation process, Jacques Chirac suggested that the *harkis* be mentioned at the moment of the signature of the Treaty, while Algiers did not want to hear anything about these traitors.

PAST VIOLENCE

The initial assumption behind this paper is that the intensity of domestic resistance towards a rapprochement with the former enemy directly depends on the nature of the past violence. In the framework of the Franco-German wars, the other was the enemy to fight. In the colonial image, the other – as depicted by the colonial authorities - was a backward child to be educated and/or a *barbarian* to be exploited. These representations are not incompatible. However, they do not have the same long-term effects on the affected population. Many observers use the same label of "reconciliation" in both the Franco-German and the Franco-Algerian cases. They explain that both images involved massive human rights abuses (be it during WWI, WWII or the Algerian war) and thus that there was a common need for a Friendship Treaty. However, these images differ fundamentally as regards the figure of the *other*.

The Franco-German case was characterized by a paradoxical mixture of hatred and esteem. In fact, respect for French culture was commonplace among the German elite. Likewise, a long tradition of French intellectuals and artists expressed their admiration for German writers and composers. This reciprocal admiration, as ambivalent as it was, guaranteed a form of symmetry between the enemies despite the battlefields and even the defeats. The Franco-Algerian image is totally different. First, colonialization can hardly be characterized as a period of reciprocal admiration. Scorn and humiliation were felt on a day-to-day basis. Secondly, the nature of the war was very different. Far from being a war between similar combatants on both sides (as in the case of Verdun during WWI for instance), the fighting between the French army and the *fellagha* cannot be qualified as symmetrical. Thirdly, the war ended in a particular way. In Algeria, the hostilities ceased after a negotiated agreement (the Evian Accords in 1962), and not after a crushing defeat by one of the parties. From that perspective, the notion of winners/losers is obviously less relevant than in other circumstances. Therefore it seems appropriate to question the notion of friendship. Does friendship imply an ability to move forward together and/or an ability to acknowledge the inflicted sufferings to "purge" the past? Besides, is friendship possible - and even, necessary - in all circumstances?

Conclusion

The two case studies show that among all the factors impacting the endgames, memory issues should be taken seriously into account. The question is then: how do we know whether it is useful to launch a negotiation process despite the weight of the past? How do we know whether the memory issues are explosive? One dimension to consider, among others, is the existence - or not - of a consensual narrative of the past. Between France and Germany, the narrative was clearly based on (a) the distinction between Germans and Nazis, (b) the notion of European reconciliation (Rosoux, 2014). In the Franco-Algerian case, there is absolutely no consensus on the meaning of the Algerian war. The gap is not only between the French and Algerian sides. It is also - and above all - between various groups in France ("pro-Algérie française" - and some of their descendants - who did not take part in a mourning process, *harkis* who cannot see the war as a war of Liberation, members of the military who felt betrayed by the French politicians who negotiated the Evian Agreements, etc.). All these groups are still struggling with the meaning of the past. In such circumstances, a modest and pragmatic attitude can probably be more efficient than a maximalist one. It is only if all the groups affected by the past violence gradually negotiate a common narrative that they will finally see an end, and a beginning.

References
• Binoche, J. (1990) *De Gaulle et les Allemands*, Brussels: Complexe.
• Chirac, J. (2011) *Le temps présidentiel*, Paris: Editions NiL.
• Dubois, C. and Tabet, M.-C. (2015) *Paris Alger : une histoire passionnelle*. Paris: Stock.
• Fackler, M. (1965) "The Franco-German Treaty: The End of Hereditary Enemy," *The World*
• *Today*, vol. 21 (1), 24-33.
• Grosser, A. (1967), *French Foreign Policy under de Gaulle*. Boston: Little Brown.
• Kurbjuweit, D. (2010) "Let Down by the US: Why Germany Needs Europe," *Der Spiegel*,
• *December 14*.
• Pervillé, G. (2014). "Une politique de l'oubli: La mémoire de la guerre en France et en
• *Algérie*", Le sociographe, n° 46 (2), 85-95.
• Rosoux, V. (2014) "Portée et limites du concept de réconciliation. Une histoire à terminer, »
• *Revue d'études comparatives Est-Ouest*, vol. 45 (3-4), 21-47.
• Wallace, H. (1986) "The Conduct of Bilateral Relationships by Governments," in *Partners and Rivals in Western Europe : Britain, France, Germany*, Adlershot: Gower Publishing Company, 137-155.
• Zartman, I. W. (2000) "Ripeness: The Hurting Stalemate and Beyond", in Paul Stern, and Daniel Druckman (eds), *International Conflict Resolution after the Cold War*. Washington, D.C.: National Academy Press, 225-250.

BY PAUL MEERTS

MULTILATERAL NEGOTIATIONS REVISITED: THE HAGUE PEACE CONFERENCES

Delegation to the First The Hague Peace Conference' (photograph from Peace Palace Library, originally pictured at Huis ten Bosch, 1899)

The Hague Peace Conferences of 1899 and 1907 can be regarded as the first multilateral negotiations in the modern sense – the start of the 'Conference System' (Karns and Mingst, 2010: 67) – because of the relatively large number of countries participating on an equal footing while under pressure from individuals and non-governmental groups and organizations, some of which were allowed to attend. They were distinctive because they were not connected to a particular war – past, present or prospective (Holls, 1900: 352). Furthermore, the conference of 1899 was 'the first ever occasion on which an intergovernmental, in technical terms a "diplomatic", conference was accompanied by a great show of organized public opinion in its support, not to mention what we now call "media interest"' (Best, 1999: 623). The idea was to have at least two follow-up meetings, but only one came into being: the 1907 convention. The First World War prevented further negotiations in the context of the 'The Hague System', as well as implementation of the decisions reached during the two Hague Peace Conferences (Hoogstraten, 2008: 131).

The initiative to hold the conferences was taken by Tsar Nicholas II of Russia and they were hosted by his niece, Queen Wilhelmina of the Netherlands (Scott, 1909: vol. I,

39–47). There were good reasons to hold such conferences, in view of the arms races at the end of the nineteenth and the beginning of the twentieth century. They can be perceived as an attempt to prevent a world war. The Tsar was worried in particular about the technological disadvantage of Russia vis-à-vis Germany and Austria and was therefore striving to prevent war as it would damage his efforts to modernize Russia. Moreover, there was a general feeling – especially among elements of public opinion – that modern technologies would lead to immense human and material losses. The world was becoming more international in outlook, countries were becoming more dependent on each other and war would therefore inflict severe damage on the developing international fabric.

From a theoretical perspective, there was not a mutually hurting stalemate (Zartman, 2000: 159), but the fear of it. In that sense, the Peace Conferences could be perceived as a mutually enticing opportunity (Zartman, 2000: 159) to prevent a potential war. Not every country and not all public opinion saw it this way, and this might be the main reason why the conferences did not produce very substantial results. One can even be doubtful of the intentions of the Russian Tsar. Did he want to prevent or regulate war because of his non-superior position at that moment? Was his initiative an attempt to buy time in order to prepare for a successful war at a later stage? Were the Russians to be trusted? 'The chancelleries of Europe handled [the Russian proposal] like a parcel that might contain a bomb' (Best, 1999: 622). Nevertheless, 26 countries accepted the invitation to the first conference; 44 countries to the second conference.

The participating countries in the first conference were the major powers plus some medium- and small-sized states. Nineteen countries were from Europe, and seven from the Americas and Asia: the United States and Mexico, as well as Turkey, Iran, China, Japan and Thailand (Siam). Although this was not very representative as a worldwide conference, it should be remembered that colonialism was at its pinnacle. The colonies were represented by their European colonizers. In the second conference, there were twenty European, nineteen American and five Asian countries present. The non-state actors had a chance to lobby representatives of the states and they organized informal side-events, which allowed for an exchange of opinions, especially with diplomats and military officers from democratic countries. 'Besides being the first international jamboree, it was surely also a landmark on the road to women's equal participation [... M]any women were in The Hague, and one of them was the celebrated peace worker and writer, the Austrian noblewoman Bertha von Suttner' (Best, 1999: 624). At the same time, the press came closer to these conferences than ever before. While the press was still confined to the fringes of the first conference, it was officially admitted to the second. With press involvement, the general public became more engaged and thus also the constituencies of the participating states. The true two-level game was about to begin.

The problem with the conferences was the 'ambivalence of the agenda, concerned on the one hand with peace by arbitration and on the other with the conduct of warfare' (Tuchman, 1966: 251). They nevertheless reached some results, of which the decision to create an International Court of Arbitration would be the most important and most durable.

The Court would be based in the Peace Palace (opened in 1913) in The Hague. The 1899 conference adopted thirteen conventions, some declarations, recommendations and protocols. Furthermore, the conference discussed the laws of war, but it failed to reach agreements on multilateral disarmament because of resistance from Germany. The 1907 conference was proposed in the first instance by President Theodore Roosevelt of the United States. These negotiations were more inclusive than those of the first meeting, but by having more countries around the table they were also more difficult to handle. Thirteen conventions and one declaration were adopted. Moreover, the second conference proposed the creation of a International Judicial Court and called for a third Hague Peace Conference before 1915. This never materialized because of the outbreak of the First World War, but in 1915 the International Women's Movement convened an unofficial peace conference.

Negotiations during the two peace conferences were quite ineffective because of seven obstacles in the process. First, there was the relative multitude of actors. Second, the more powerful of these actors were unwilling to surrender their technical advantages over the smaller actors. Third, the issues to be dealt with were quite disconnected from each other. Fourth, decisions had to be taken by consensus, meaning a veto for every participating state. Fifth, public opinion played a role, making negotiators very cautious in view of their own constituencies. Sixth, a unified chair was lacking. Seventh, there was no experienced secretariat that could channel the processes in the desired direction.

On the positive side, however, there was a certain willingness to prevent an upcoming catastrophe. However, the

national interests of the participating states and the weak structure of the conferences could not overcome the inherent weaknesses of the collective effort to cooperate more effectively. It took two world wars to institutionalize international negotiation processes in such a way that they became relevant in dealing with the international order. Control over internal and external actors through regime-building (Meerts, 2015: 322) may have started in 1899 and 1907, but it took another hundred years to materialize, and is still far from perfect.

Apart from being the first truly multilateral conferences, because of the multitude of actors who were – at least in a formal sense – negotiating on equal footing, the two-level aspect deserves attention. As has been noted, media and public opinion entered the stage and especially for the democratic countries this was a new experience they had to cope with. Until now the connection between democracy and negotiation has not been thoroughly researched. It is however of eminent importance, as shown by Brexit recently. While the United Kingdom became a member of the EU through negotiations between the political elites, the populous rejected this deal forty years later. Negotiation is – next to voting - the main tool of democracies to decide within and between their constituencies. At the same time negotiation will be obstructed if there is too much transparency. How to deal with this intrinsic tension between democracy and negotiation as peaceful tools of power sharing and conflict resolution?

Until 15 January 2017 the Petit Palais in Paris hosts the exhibition '*The Art of Peace – Secrets and Treasures of Diplomacy*'

References
• Best, G. (1999). 'Peace Conferences and the Century of Total War: The 1899 Hague Conference and What Came After'. In: International Affairs, vol. 75, 3.
• Holls, F.W. (1900). The Peace Conference at The Hague. New York, NY: Macmillan.
• Hoogstraten, S. van (2008). 'La guerre à la guerre'. In: Vriezendorp, D., Nelissen, F.A. and Wladimiroff, M. (eds). Liber in Honorum W.J. Deetman. The Hague: Hague Academic Press, 127–133.
• Karns, M.P. and Mingst, K.A. (2010). International Organizations: The Politics of Global Governance. Boulder and London: Lynne Rienner.
• Meerts, P.W. (2015). Diplomatic Negotiation, Essence and Evolution. The Hague: Clingendael Institute.
• Scott, J.B. (1909). The Hague Conferences of 1899 and 1907. Baltimore, MD: John Hopkins University Press, vol. I, 9–13.
• Tuchman, B. W. (1966). The Proud Tower: A Portrait of the World before the War, 1890–1914. New York, NY: Macmillan.

Conférence du Désarmement Général' (litograph from Peace Palace Library, originally drawn by Alphonse Hector 'Moloch' Colomb and printed in Le Rire, 20 May 1899, vol. 5, 237)

BY RUDOLF SCHUESSLER

ALIGNING JUSTICE AND SELF-INTEREST IN NEGOTIATIONS: SOME NORMATIVE CONSIDERATIONS

Empirical studies show that justice matters in negotiations, but they also document that the parties' views on justice usually correlate with their self-interest.[1] That is, the parties apparently choose conceptions of justice outcomes of which are close to the position their self-interest suggests to them. This is only possible, of course, if several (interpretations or) conceptions of justice are available from which agents can choose. Given the prevailing pluralism of moral positions in modern societies this premise is nearly always satisfied. Thus it happens that negotiators from developing countries call for historical justice in climate negotiations (many moral philosophers from developed countries, including me, reject this view of justice), whereas negotiators from developed countries find 'grandfathering' just, the calibration of emission reductions to existing emission levels.[2] The justness of the latter approach is, needless to say, denied by representatives of developing countries. Justice is therefore no straightforward guideline towards collective climate policies but often rather proves to be a roadblock on the way to a solution because opposed views on justice breed contention.

There are alternative views on justice even among impartial spectators

This predicament does not imply that justice is a mere mask for self-interest. Rawls' thought experiment of distributing goods behind a veil of ignorance is commonly believed to neutralize self-interest and to safeguard justice. However, a pluralism of notions of justice also emerges behind a veil of ignorance.[3] If evaluators without any stake in an issue and with no clue to the identities of the agents are asked to fairly divide a cake among individuals with different preferences, some evaluators choose an even distribution, others one proportional to the strength of the preferences, and others still another mode of distribution. There are alternative views on justice even among impartial spectators – moral pluralism does not depend on egoism.

We need to remember this now we ask whether it is morally permissible for agents to actively choose their position on justice according to their self-interest. Let us assume that there are n positions of impartial spectators concerning the just solution of a political problem. (That is, an experiment behind a veil of ignorance with sufficiently many well-informed and reasonable persons would produce a distribution in which each of the n positions is chosen by a significant number of persons). Agent i adopts position k, which correlates with her self-interest better than any other position. Is there anything wrong with this choice from a moral point of view, or more specifically, from the perspective of an ethic of negotiations? To motivate the question further, we will shortly discuss its relevance for Political Realism.

POLITICAL REALISM AND THE INTEREST-BIASED VIEW ON JUSTICE

Political Realism, one of the leading paradigms in international relations

[1] On justice in international negotiations in general, see, e.g., Albin C (2001) Justice and Fairness in International Negotiation. Cambridge: Cambridge University Press, Welch D (1993) Justice and the Genesis of War. Cambridge: Cambridge University Press. On the correlation of views on justice with self-interest in climate negotiations, see Lange A, Löschel A, Vogt C and Ziegler A (2010) On the Self-Interested Use of Equity in International Climate Negotiations. European Economic Review 54: 359-375.

[2] See generally, e.g., Arnold D (ed.) (2011) The Ethics of Global Climate Change. Cambridge: Cambridge University Press; and for my own views Schüssler R (2011) "Climate Justice – A Question of Historic Responsibility?". Journal of Global Ethics 7: 261-278; Schüssler R (forthcoming 2016) "A Luck-Based Moral Defence of Grandfathering", In: Climate Justice and Historical Emissions, (eds.) L Meyer and P Sanklecha. Cambridge: Cambridge University Press.

[3] For the concept of a veil of ignorance, see Rawls J (1971) A Theory of Justice. Cambridge/Mass.: Harvard University Press; for the plurality of notions of distributive justice, see Gosepath S (2007) "Equality" (Article, last version 2007). In: Stanford Encyclopedia of Philosophy, ed. E. Zalta, http://plato.stanford.edu/.

[4] See, e.g., Bell D (2008) Political Thought and International Relations. Oxford: Oxford University Press.

Cesare Borgia (1476-1507), an Italian tyrant who inspired Niccolò Machiavelli to write the realist treatise Il Principe (The Prince)

theory, has an uneasy relationship with the concept of justice. The more extreme Political Realists deny that justice plays a significant role in international relations, which are all about power and national interest as they claim.[4] In contrast, moderate Political Realists accept a minor role for considerations of justice in the international arena. Such a reduced role is explained by the inapplicability of universal laws of justice or by moral relativism, the view that each community breeds its own, equally legitimate notions of justice. Yet most Political Realists fail to realize that moral pluralism is a much better foundation for their claims than full-scale amoralism or moral relativism. Moral pluralism need not deny the existence of abstract universal moral values such as freedom, peace, and justice. It only states that these notions usually do not help to guide conduct. In practice, a plurality of reasonably adoptable, but conflicting interpretations of 'guiding values' such as justice will nearly always exist. This variance occurs within communities, while each of the interpretations also has adherents from different communities. Hence, relativism, the claim that moral positions reflect shared community views, is wrong. On the whole, moral disagreement fosters contention or even conflict. It is therefore hardly a recipe for escaping from the international anarchy on which Political Realists of many colors build their theorizing.

At first glance, Political Realists (or at least many of them) will not worry about the legitimacy of choosing a view on justice according to one's self-interest. They will simply assume that this is in the nature of human beings. Yet some Realists understand that their approach can profit from an ethical justification.[5] First of all, an ethical justification would show that Political Realism is a decent enough doctrine to be used in modern democracies, and not only an instrument for the worst (and in the end unsuccessful) sort of Renaissance machos, such as Cesare Borgia. Even extreme Political Realists admit that the public standing of their doctrine does not depend on its moral image to which its practitioners have to pay lip service even if they deny it behind closed doors.[6] This seems to be an argument for moral camouflage, but the real thing is always the best camouflage. A real ethical justification for an interest-based choice of one's view on justice would be truly helpful for Political Realism.

ARGUMENTS AGAINST

Let us first discuss why aligning one's view on justice with self-interest might not be morally correct. Impartiality is a precondition of justice. We think that justice gives each person her due, it is not merely granting what is in our interest or what our sympathies suggest. Procedures for the fair division of goods have to be impartial, such as the veil of ignorance, which we used to determine the positions of impartial spectators. In fact, the figure of an impartial spectator in ethical theory is a model of a just person. In contrast, choosing one's notion of justice according to one's self-interest seems the opposite of being impartial. It might, however, be objected that self-interest and justice need not be as antagonistic as it is popularly assumed.[7] Interests are framed by social context, and people can identify with justice so much that they turn justice into their self-interest.[8] Moreover, some theories of justice include self-interest in their conception of justice. For instance, all theories that rely on welfare or well-being as a measure of a just distribution of goods include the welfare or well-being – hence the interests – of the agent in their consideration. Speaking of self-interest here, I therefore should clarify that I have a peculiar sort of self-interest and self-interested action in mind: domination of others, own welfare without regard for the welfare of others, security at the expense of other agents' risk. Such kinds of self-interest are familiar enough in the political sphere to be acknowledged as relevant, and they stand in contrast to just political solutions which adequately recognize the interests and moral claims of others.

Of course, it is assumed here that the set of positions from which the agent chooses emerges from behind a veil of ignorance. The positions in question are therefore those of impartial spectators, and any chosen position is therefore in some sense impartial. Why should this not suffice to satisfy the requirements of justice? The point is probably best explained with respect to fair procedures. It is not enough for being overall

fair if a procedure is fair in some of its steps. Partiality in other steps derails the fair processes and renders them unfair all things considered. If a jury's decision in a criminal case is rigged, the correct evaluation of circumstantial evidence does not save the trial – or its impartiality. In the same way, a self-interested choice of a notion of justice renders the actions of the choosing agent partial. The agent in question is no longer giving justice its due. As outlined, however, the agent's position as such can be considered impartial because it is one of the possible positions of impartial spectators in the respective case. Yet justice requires more: impartial positions must be assumed for the right moral reasons.

A further complication arises from the fact that many agents, negotiators included, do not consciously choose their views on justice to satisfy their self-interest. Empirical studies only show that an ex-post correlation exists between views on justice and self-interest, which only allows for a subconscious influence of self-interest on our moral positions. Allowing for a conscious influence would conflict with the self-image of most people. Most of us would reckon it unjust to calculatively select a view on justice so as to maximize their self-interest, and thus render such a venture self-defeating. Hence, keeping blinders on with respect to the powers of self-interest enables us to choose a self-interested position as just. However, after its

correlation with our self-interest is revealed, the position appears as what it is: biased.

ARGUMENTS FOR

Wait a minute. Is not the position we talk about a possible position of an impartial spectator and hence impartial? The only flaw we found was that the agent chose it for the wrong moral reasons. (Had the agent chosen it behind a veil of ignorance, all would be good). But in the case of a mere correlation of a view on justice and self-interest, the agent does not act for the wrong reasons. Her reason-guided action is directed at finding an impartial or generally morally sound solution, pretty much as it would behind a veil of ignorance. The agent need not assume that her choices are predominantly chosen because of self-interest. That is, her intentions are moral enough. On the whole, therefore, an impartial position is chosen with legitimate intentions. There is nothing morally objectionable here. Take the example of NATO's expansion to Eastern

[5] *The issue of ethics and Political Realism is discussed, e.g., in Donelly J (2008) "The Ethics of Realism", in: The Oxford Handbook of International Relations (eds. C Reus-Smit and D Snidal). Oxford: Oxford University Press.*
[6] *See Mearsheimer J (2001) The Tragedy of Great Power Politics. New York: Norton & Co, p. 25.*
[7] *For a good account of the variety of notions of impartiality, see Barry B (1996) Justice as Impartiality. Oxford: Oxford University Press, especially Chapter 1.*
[8] *From an applied perspective this insight is developed, e.g., in Muller H and Wunderlich C (2013) Norm Dynamics in Multilateral Arms Control. Interests, Conflicts, and Justice. Athens: University of Georgia Press, see in particular the introduction.*

Europe and the strengthening of NATO's ties with non-NATO countries in what Russia considers its Eurasian backyard. It can be defended on the political-cum-moral principle that sovereign countries are free to engage in military cooperation with any country or alliance that suits them.[9] Of course, applying this principle fits the traditional interests of NATO as conceived in the Cold War era. Is the principle therefore less valid or less eligible? Even from a moral point of view, many observers would hardly think so.

Moreover, the behavior of the agent's opponents should also be taken into account. Negotiations are strategic interactions, and thus the approaches of others matter for the moral evaluation of an agent's actions. Some moralists deny that. They demand that we should follow moral laws even if nobody else complies with them. Kant is usually invoked as the patron saint of such views, because he demanded that we always follow the moral law (for him, the Categorical Imperative). Yet for Kant, the Categorical Imperative does not require us to cooperate in providing goods if nobody else cooperates.[10] Hence, attempts to enlist him as patron saint for naïve moralism are misleading. A robust morality that allows agents to reciprocate uncooperative or hostile behavior is reasonably tenable and probably the only morality suited for real politics and negotiations. In the present case, one can therefore argue that others' interested views on justice justify the acceptance of interested views on justice by oneself. Like in

adversarial competition between two attorneys, justice is served by the equilibrium of antagonistic forces inherent to both positions. As long as complete impartiality of all parties at the negotiating table cannot be guaranteed (and when could it?), a negotiated equilibrium of interested positions is the best justice we can get.

CONCLUSION

These were some arguments for and against the moral legitimacy of interest-based views on justice in negotiations (and more generally in strategic interaction). They offer a taste of a likely outcome, namely that the issue can be argued on both sides, although it should be clear that a full ethical investigation would require deeper argumentation and more space. Nevertheless, we may by way of conclusion shortly reflect on what would be the case if both sides could be reasonably defended. Given the prevalence of persistent disagreement among well-trained moral philosophers on almost all levels of ethical analysis, this is hardly far-fetched. Thomas Scanlon has formulated the widely accepted claim that everybody is entitled to uphold (ethical) positions that cannot be reasonably rejected.[11] Positions on which the best moral philosophers disagree cannot be rejected on grounds that every reasonable person must accept (this is the operational criterion for reasonable rejectability). Hence, those who argue for the legitimacy of employing interest-based views on justice can legitimately uphold their view as

long as reasonable disagreement concerning this issue persists.

We are approaching a point of general relevance here. Under the premises of ethical pluralism and reasonable moral disagreement, legitimacy needs to be assessed on a second level of ethical consideration. That is, it has to be asked which positions are legitimate given that even the best moral evaluators disagree on the legitimacy of positions. As long as this disagreement persists (and it is not going to vanish anytime soon), we seem to be morally free to choose the positions that we consider best for whatever legitimate practical reasons we have, self-interest included. This brings us back to Political Realism. Political Realism advises its adherents to focus on interests in international negotiations. The present considerations suggest that this might be legitimate and prudent even from a moral point of view. A compromise between interests will often be the best way to break a deadlock between rival views on justice.

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[9] See Schimmelfennig, F (2003) *The EU, NATO, and the Integration of Europe*, Cambridge: Cambridge University Press, Part II, and the special issue of *International Negotiation* 19 (2014) on justice in security negotiations.

[10] See Verbeek B (2002) *Instrumental Rationality and Moral Philosophy*. Dordrecht: Kluwer, Chap. 3 on the misinterpretations of Kantian cooperation in game theory (usually amounting to a mere caricature).

[11] See Scanlon T (1998) *What We Owe to Each Other*. Cambridge/Mass.: Belknap.

BY MARK ANSTEY

PERSUADING, LEADING AND NEGOTIATING WITHIN AND ACROSS CULTURES

CREDIBILITY · TACTICAL VISION · LANGUAGE · PSYCHOLOGICAL ANALYSIS · CULTURAL SENSITIVITY · TIME PERCEPTION · NEGOTIATING SKILLS · CAPACITY TO MEDIATE · PATIENCE · SELF-CONTROL · KNOWLEDGE OF THE DOSSIER · MASTERING PROCEDURES
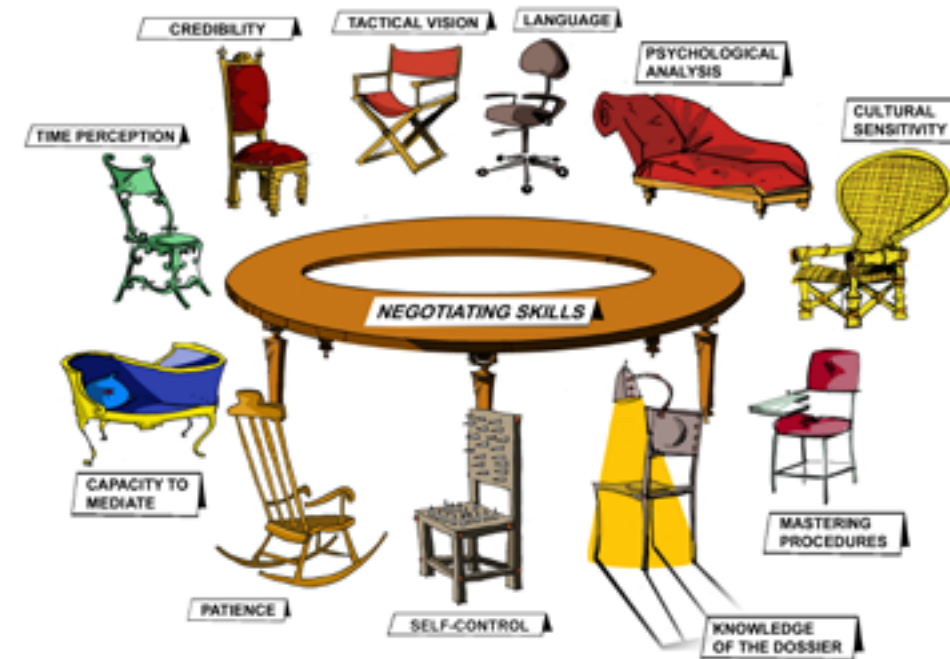
Concept: Baldi Ilustration: Veljašević

Sceptics see the influence of culture in negotiations as overstated. There are several reasons for this: the influence of culture is imprecise and hard to measure; the concept is a fluid one and hard to nail down even with the dimensions articulated through research; its boundaries are diffuse (is negotiator behaviour the consequence of personal characteristics or culture?); and in the end aren't the outcomes of negotiations defined simply by the issues on the table, hard objective facts, economic, legal-technical and power realities rather than any character or culture considerations?

At the frontline, negotiation takes place usually between individuals operating with small support teams. Individuals influence problem-solving processes so it is helpful to have some understanding of individual behaviour and its impact on negotiation and problem-solving processes. Then, in

the worlds of diplomacy, peace-making within or between nations, business dealings, and labour-management relations individuals negotiate as representatives on behalf of others. In such instances negotiation processes run along and must be coordinated along many contours – across a bargaining table between individuals; between these individuals and others within the teams they sit with; and within and between stakeholder groups, collectivities, organizations or nations the teams represent. A complex strategic process of mandating, report-backs, intra- and inter-group problem-solving, pressure tactics and concession-making evolves.

Along all these contours the process is essentially about persuasion. Frontline negotiators must be able to influence not only one another to move off positions to achieve a deal, but also those within their own immediate teams and wider

constituencies. And groups may have different cultures (shaped by genetic groupings and shared social learning) and are, as a consequence, persuaded differently. Cultural influences shape the manner in which people perceive the world. Negotiators in search of an agreement try at one level to persuade people across a table who may understand the world from a frame of reference quite different from their own, and at another to influence those within their own cultural grouping to change. Beyond the issues under negotiation a complex weave of values and social norms must be navigated. The objective of course is generally not so much to change the other's culture, but to leverage or limit cultural leanings to achieve a deal on some matter such as the design of a constitution, a trade deal, a difference over territory, a security matter or a wage agreement. In other instances of course (and with greater complexity) problems arise not as a consequence

of cultural differences of approach, but over aspects of a culture itself. It is not a gap in communications that divides the world over issues such as women's rights or gay rights for instance.

To what extent is a negotiator in action reflecting a particular culture or simply giving expression to their individual character – and does it matter? Neuroscientists explain human behaviour largely in terms of genetic programming, chemicals in the brain, shaping in the womb and early development experiences (Swaab 2014), but the influence of social learning remains undeniably powerful. And a group's culture is evolved through processes of social learning (Hofstede and Hofstede 2005; Bandura 1977). Individual personality types are usually understood within the shape of the OCEAN model – openness, conscientiousness, extraversion, agreeableness and neuroticism – and are the product of genetic hardwiring and social learning. These personality types appear to hold across many cultures (Triandis and Suh 2002). Anyone who has participated in negotiations will have witnessed the influence of individual personalities on the process. An understanding of cultural influences helps understand individual negotiator's choices and behaviour in relation to their own groups and those they are negotiating with – and is helpful in thinking through the persuasion strategies that are key to effective negotiation.

CULTURE – WHAT IS IT?

Culture has been defined as a form of mental programming, 'a software of the mind' that distinguishes groups from one another. Members of cultural groups share distinct patterns of greetings, ways of clothing themselves, eating habits, gender relations, approaches to child-rearing, and to worship. They share symbols (which often only they understand), *rituals* (such as forms of worship or greetings), heroes with whom they identify as embodying core qualities of their group, and *values* or preferred standards of behaviour (Hofstede and Hofstede 2005). Culture embodies a set of shared and enduring values, meanings and beliefs of a group orienting its actions - it 'gives meaning to actions and significance to symbols' (Faure and Rubin 1993:3).

Huntington (1997) proposes that religion is central to the eight distinct major civilizations he identifies as having survived through time, offering each an overarching cultural coherence across other divides. The 'political religions' which displaced the idea of God with ideologies of nationalism or communism also bonded and mobilized followers through ideology, mass rallies, uniforms, songs, chants and rituals (Burleigh 2005).

IDENTITY, UTILITY AND CONFLICT

Culture is key to defining identity groups. Through such sayings as '*the son of a snake is always a snake*' and '*even in a hundred years a log can never become a crocodile*' primordialists reflect a belief that social identities (clans, tribes, races) are fixed or zero-sum in nature - and that they generate intractable conflicts. But strong as cultural bonds may be, they are also layered, malleable and expressed contingently. Many people belong to several cultures, the dominance of each being defined by situation. Thus people may share a national culture, be differentiated at another level by regional, ethnic or religious differences, and at other levels by gender, generation, social class linked with education and profession, or affiliation to a work organization or trade union. These are not always in harmony especially within societies undergoing rapid development and change. Individual and group identity choices then depend on the mix of a group in which an interaction is taking place. Thus in a foreign country, a doctor may declare herself a South African; in the company of South African male doctors, argue that she brings a woman's perspective; or in the company of white doctors that she merits special opportunities for advancement as a black person.

> "Conflicts (...) reflect deep cultural divides over values themselves, not just gaps in communicating about them"

Social identity comprises three important elements (Tajfel and Turner):

- *categorization* (in which people place themselves and others into categories thereby framing expectations of each other's behaviour);
- *identification* (in which people define themselves and are defined by others as belonging to a particular group); and
- *social comparison* (in which people evaluate their worth in relation to other groups).

Markers such as race are still common in identity group definition, not least because they are visible and easy to mobilize around. But definitions of 'the other' are essentially social and political rather than biological constructs. We learn our identity through social programming but people still make choices about how

to define themselves in situations, and how to define others. Identity – the definition of self, 'in-groups' or 'us', and out-groups or 'the other' - is therefore subject to a degree of manipulation. Core values (belief systems, religious affiliations) are more resistant to change than practices (modes of dress, consumption patterns, sports and leisure activities).

Processes of categorizing, identifying and comparing are of course not passive – they translate into systems of discrimination and differential access to resources and opportunity. They have utility in meeting human needs for protection, participation, power, privilege and purpose (Zartman, Anstey and Meerts 2012). They inform, and are informed by conflicts. Samuel Huntington has observed *'we know who we are only when we know who we are not, and often only when we know who we are against'* (Huntington 1998:21). In short conflict has value in some instances in defining and cohering a group identity. However conflict is not a given between identity groups – for the most part identity groups live harmoniously as neighbours without conflict. Laitin (2006) has argued that only about five of every 10000 potential ethnic conflicts in Africa become violent. Europe following centuries of bloody ethnic wars found a means to survive its ethno-nationalist divides in the project of cooperation that is the European Union (Muller 2008), but of course only after two World Wars.

Class theorists see culture as a form of 'false consciousness' used by capitalists to divert attention from real issues of poverty and control and uprisings against owners of the means of production – but class is a form of identity grouping in its own right. In societies cleaved by cultural divides and stratified by class membership

of a particular identity group may offer inclusion or exclusion from political power, access to economic opportunity, to marginalization or participation in social affairs, and to meaningful positions of influence. Once one group declares itself by clan, or tribe, or race, or religion it is often difficult for others with whom they interact not to. Once the Kenyan crisis had been declared an ethnic one, Kikuyus and Luo's mobilized in these social categories for both defensive and offensive purposes. Once whites in South Africa had declared themselves an in-group and installed protections for themselves on the basis of race, it was difficult for resistance movements not to organize around race. There was utility for South Africa's white population in the political and economic exclusion of the nation's black population; and there is utility in the continuation of those racial categories for blacks under a banner of redress and transformation. There is utility for blacks in accusing whites of racism – it leverages guilt amongst whites, mobilizes a common bonding amongst blacks as an historically disadvantaged group, sustains a sense of group purpose through the language of ongoing struggle, and keeps critics of poor governance at bay. It is why race is likely to be central in the country 's future – it facilitates a sense of coherence and security within each of the groups involved. There is utility for far-right groups in the USA and across Europe at present in identifying Muslims in general as a security risk. The fear generated by terror attacks fuels polarizing group mobilization strategies based on communal markers – colour, head-coverings, places of worship and prayer rituals – and has value for vote-gathering purposes. As Huntington suggests - people may need difference to define themselves.

CULTURE AND NEGOTIATION

So identity is key to many conflicts and to the use of negotiation in their resolution. Not surprisingly there is a welter of websites offering travellers and business leaders advice on intercultural understanding and tips for how to negotiate with Arabs, or Japanese, or Chinese, or Germans or Kenyans …

These are not without usefulness – but they are also rich with risk of stereotyping. They usually have foundations in some of the research in the field and direct experience of people working within intercultural environments. In a global economy driven by transnational corporations intercultural negotiation skills are obviously very important.

CAUTIONS WITH CROSS-CULTURAL MEASURES

Several major cautions need to be exercised in understanding measures of culture. These are very well explained by Brett (2007) and Meyer (2014):

1. culture scores are prototypes (measures of central tendency) which can easily (and dangerously) translate into stereotypes;
2. rather than 'hard' scores they are relative scores, locating cultures along a continuum (relative to one another on a dimension);
3. even huge studies such as those of the Hofstedes (2005) which covered 100000 respondents across x countries have validity questions – their subjects were all IBM employees and would have had a profile that made them employable by IBM rather than necessarily average person in the street characteristics.
4. Do people behave in interaction with other cultures as they would within their own cultures? Would someone

from a hierarchical culture who shows deference to a status figure necessarily show deference to a senior figure from another culture? Is the conative tendency only within culture or does it express across cultures?

Scores for cultures across nations are ones of central tendency and as such they are prototypes – they do not reflect the range of scores around the mean or median. When used without discernment as definitive guides they become stereotypes. Sitting down to negotiate with an Arab business leader armed with a template of the 'typical Arab way' based on a national survey of average citizens may be a problem – you may be sitting down to negotiate with an Arab woman who grew up in the USA, completed an MBA, heads a large corporation and is experienced in international negotiation practices.

South Africa is a nation with 11 official languages reflecting distinct racial and tribal groups. Is there a South African style of negotiation? What would a measure of central tendency mean in such a reality? One might distinguish between blacks and whites or within the black population between Xhosas and Zulus and Sothos, or within the white population between Afrikaners and English speakers. But this may also lack validity – in a transforming society why don't we use other criteria such as values, or religion, or urban-rural divides? Burgess in a work on consumer behaviour for instance identified sixteen 'buying tribes'.

CONFLICTS OVER CORE VALUES ... OR SIMPLY COMMUNICATIONS GAPS?

Tensions arise between identity groups for many reasons but a distinction can be made between (1) situations in which parties simply misunderstand one another's ways of

communicating and negotiating, and (2) those in which some fundamental aspect of a culture itself is in question.

It is not a problem of miscommunication or understanding that informs divides over issues such as female circumcision; abortion; views on crime and systems of punishment such as the stoning of women accused of adultery; depictions of God; whether gays should be allowed to marry; female or gay priests; animal sacrifices; appropriate dress; women's rights; systems of justice. The saying is *'no peace without justice'* – the problem is that conflicts are often generated by competing perceptions of what justice is. These are core values issues. They reflect deep cultural divides over values themselves, not just gaps in communicating about them.

Not all conflicts become deadly of course. As Zartman (2015) points out conflicts within and between nations have for the most part been quite effectively handled over the last half-century. Conflicts within nations tend for the most part to be effectively regulated through constitutional means, parliaments, courts, and specialist dispute resolving commissions. Careful political design can enable space to minimize avoidable conflicts, regulate unavoidable conflicts and defuse tensions between identity groups. Depending on the extent to which parties want to integrate or work together political systems may take different forms (Berry 1980). Where everyone wants a shared identity systems of assimilation or integration (fruit blend) may be workable; where groups want to retain their own identity but are willing to work with and provide space for other groups retaining theirs, the design may be one of *accommodation* (fruit salad); where they cannot agree to function

in the same system but are desirous of peaceful relations an agreed separation or partition may be worked out. Of course parties may then engage in conflicts not simply over their core differences but also over the design of the political system itself such as constitutional arrangements, voting systems, powers of the courts, rights protections, boundaries and so on. Conflicts between nations can be eased and resolved through effective diplomacy, references to international tribunals and courts, and international mediation and problem-solving. Things become dangerous when identity groups perceive others as an existential threat, or as thwarting ambitions for protections, land or wealth or other resources.

"In a global economy it is not just diplomats who engage across cultures"

In a global economy driven by transnational corporations and international tourism it is not just diplomats who engage across cultures. Much of the writing on cultural differences emanates from business schools or international travellers – and here the focus is on more effective communication and commercial transactions. Business writers argue that clumsy mismanagement of differences can sour potentially cooperative relations and see business deals lost. Cultural differences can inform communication gaps and misunderstandings and these may have negative implications for negotiations. Guides to preventing common communication pitfalls can be often be found in easily accessible form in small books or websites, but more in-depth works offer greater

insights into the origins of norms and appropriate behaviour. In relation to the Middle East for instance Ali Alsaloom (2010) in his guide to foreign business people in the United Arab Emirates suggests they hang the portraits of national leaders in their offices and indicates the correct order of presentation (17); provides a short introduction to Islam as a faith and how it might be given respect (19); explains regional dress codes (21); how to greet women (25); customary views on cohabitation (26); attitudes to animals (28); and practices such as tipping (72). Jabnoun (2008) provides a detailed application of Islamic principles to management. Al-Marzouki, (2005) offers a perspective on human rights in Human Rights in Islamic Law, as does Hathout (2006) In Pursuit of Justice: The Jurisprudence of Human Rights in Islam. In more rigorously prescriptive mode Muhammad bin 'Ali Al-Arfaj (2003) explains the rules of Islam and their origin in *What Must be Known About Islam*.

COMMUNICATING, PERSUADING, LEADING … AND NEGOTIATING ACROSS CULTURES

Communication is in the first instance about how people convey information and opinions and transfer facts to one another. Differences exist across cultures in how people communicate, with some (such as the USA, Australia, and Netherlands) reflecting direct or low-context styles while others are indirect or high-context in nature (such as China, Japan, Korea and Kenya). Largely those in the former group are from egalitarian individualistic cultures, the latter from hierarchical and collective ones – a dimension to be addressed a little later. Those from direct communication cultures tend to ask direct questions, get straight to the point, expect reciprocity of information exchange, are open in their rejection

of proposals and expect negotiations to be quick and efficient. Those from indirect communication cultures make proposals indirectly, work off implicit messages, seldom open or directly reject proposals and prefer slower deal-making processes. Where direct communication styles are precise and blunt, indirect speech is layered with meaning often implicit rather than directly stated. Tensions can arise across cultures when those from low context cultures miss the nuances of messages indicated by high context ones, finding their communications unclear and confusing – and vice versa with the latter finding the former pushy and too forceful.

Communication styles matter – and in some instances more is at stake than some tensions over style and a little misunderstanding between individuals and groups. In a chapter entitled 'An Ethnic Theory of Plane Crashes' in his book Outliers (2008) Malcolm Gladwell reviews the analysis conducted by Korean Air following a series of airliner disasters. The planes were new, technically sound, and the pilot and crew were experienced and well trained. Black box analysis however exposed a communication gap – in the last seconds a co-pilot was heard trying to warn a captain of an impending disaster through mitigated rather than direct speech. Culturally appropriate as it might have been in a hierarchical culture to comment to the captain *'isn't it wonderful the technology we have today to fly in bad weather'* (indirect feedback) it would have been more appropriate to demand that *'he swing sharply to port and climb NOW!'* (direct command to a superior). Some years back I was part of a group asked to present a stimulating interactive day on advances in human resource management to a group of Taiwanese MBA graduates from an American university who were

bringing their CEOs to celebrate a decade of graduations in the program. The morning session was a disaster from an interactive perspective – the young people in the front clearly wanted to engage; the old men at the back were expressionless in their non-participation. In a break someone explained to us 'the young people are very excited and want to engage but custom prohibits them talking before a senior person – *the senior guys haven't a clue how to engage with this material and they are not going to embarrass themselves with any questions – so … we have an engagement obstacle!'*

As these examples illustrate, we do not communicate simply to transfer information or ideas – we communicate to persuade others to do something we want, to change their behaviour or beliefs. A sales agent tries to get someone to buy a house or a car or some other commodity; a manager tries to get his team to work harder to achieve business objectives; a politician tries to convince voters that his approach is better for them than a competitor; a teacher tries to get children to do homework; a company negotiator tries to persuade a union counterpart to accept a wage freeze for a year; diplomats try to persuade one another to change policies on trade or border controls or nuclear power or treatment of their citizens to avoid a more violent confrontation between their nations. In short much of human activity is about persuasion, an activity much researched by social psychologists, analysts of consumer behaviour, as well as investigators of culture and leadership.

People across cultures respond differently to how things are communicated – for instance while some may be persuaded to change their behaviour on the basis of blunt public feedback, others may feel

LOW CONTEXT / EXPLICIT
Good communication is precise, simple, clear, expressed and understood at face value. Repetition appreciated if it helps clarify a communication.

Australia Netherlands Germany Denmark	USA Canada UK
Israel Spain Russia Italy France	Brazil Argentina Mexico India Saudi Arabia Kenya Thailand China Japan

DIRECT NEGATIVE FEEDBACK
Negative feedback frank, blunt and honest and not softened by positive messages. Use of absolute descriptors ('totally inappropriate'). Criticism may be given to an individual in front of a group.

INDIRECT NEGATIVE FEEDBACK
Negative feedback soft, subtle, diplomatic; negatives wrapped in positives, and use of qualifying descriptors ('a little inappropriate'). Criticism only in private.

Good communication is sophisticated, nuanced, layered – spoken and understood between the lines with messages implied rather than directly expressed
HIGH CONTEXT / IMPLICIT

Figure 1: communication-feedback mixes (based on Meyer, 2014: fig 2.3, p. 72)

humiliated or insulted by it and be resistant to change (China, Japan, Korea). Those used to such feedback (from the Netherlands, Russia, Israel) may not feel a 'quiet word' (UK) or one couched first in positive points (USA) is a serious message and fail to change as expected (Meyer 2014).

Tactics for persuasion achieve their ends through leveraging the needs, wants and conative tendencies of people, which Cialdini (2007) suggests are common across cultures. These include a proclivity to reciprocation (give and take); to obedience (compliance with authority); to desires for social proof (what others are thinking and

doing in situations of ambiguity); and liking (the desire to be like or liked by others). At the core of these techniques lies the theory of cognitive dissonance. People across cultures desire internal coherence – they feel discomforted when disconnects occur in the way they see and feel things, and act. Persuasion is about creating and leveraging dissonance.

Cognitively based persuasive tactics are directed at showing up flaws in the logic of others' arguments and the negative consequences of doing what they propose. Discomfort is created through revealing a disjuncture in the thinking or logic of the other. A

tactic used by sales personnel and by lawyers in court rooms is to get a person to agree to a series of carefully contrived build-up principles in – a series of 'yes' responses – before putting a final proposal to which it is hard to say 'no'. Following all the 'yes' responses, to say 'no' would be to appear to contradict oneself (and create dissonance). Even cognitive tactics differ across cultures. Meyer (2014) proposes a difference between cultures that seek to persuade first through principles (Germany, Russia) or through applications (USA, Australia). In the former people are best persuaded when a theory or concept is developed leading up to a

conclusion or opinion; in the latter the process is reversed – people want an executive summary or tight set of points or a conclusion to be supported later as necessary by theory or concepts. The emphasis is on the practical rather than the conceptual. However 'rational' argument may have little effect on some if they are swayed more by socio-emotional factors, find themselves having to choose between objective logic offered or loyalty to a group or a chief in a hierarchical system, or are operating out of another frame of reference or ideology. Thus hard-line communist union leaders discredit a CEO's business-based arguments as inherently flawed being rooted in a capitalist logic – and vice versa. Members of a doomsday cult deepened rather than lost their faith when an 'end of days' deadline passed, explaining to themselves that it is their prayers that have saved the world rather than being persuaded that their beliefs were flawed. In South Africa members of the ANC vote in support of their President despite the findings of the Constitutional Court that he failed to uphold the constitution that he took an oath to defend, rationalizing that he apologized and had been misled.

Members of a doomsday cult deepened rather than lost their faith when an 'end of days' deadline passed, explaining to themselves that it is their prayers that have saved the world (...)

The reciprocity lever is used in various forms but essentially involves giving something in order to achieve leverage for something else. In a permutation of this trade unions sometimes use hardball strategies in which they make an extreme demand, wait to the point at which a breakdown in discussions is about to occur and then collapse the demand to one just beyond the assessed fall-back position of the employer. This creates a dilemma of costing for the employer (costs of meeting the demand and settling a matter against the costs of a possible strike), but also leverages the need to reciprocate – *'if they have moved so far, we should offer something meaningful in response'*. The extreme demand, rigid positioning tactic is used to allow for the big drop at a key moment for persuasive purposes. In sales, pressure to reciprocate through a purchase increases on the prospective buyer when a salesman appears to go to great lengths to get a customer a special deal and help with administration and paper work. The dependency created through one nation offering another aid in a time of trouble serves to help when the lender needs a vote of support in an international forum later. And its not just about dropping demands or offering the extra, asking for favours can also be persuasive as Benjamin Franklin discovered. He asked an old enemy if he could borrow a rare book that he knew was in his library. After the loan he noticed a softening of attitude towards himself. A dissonance had been created and was being resolved – *'how could I lend a book to this person I loathe? He can't be so bad if I would do such a thing'*.

Milgram (2009) put people through a distressing scenario in which they were faced with a dilemma of causing deepening pain to others (breaking a social norm) or defying an authority figure instructing them to do so.

Most complied with the instructor they explained later on the basis of his authority and the apparent legitimacy of his instructions. Perpetrators of genocidal acts rationalize their actions be saying they were just following orders, or that circumstances made their acts necessary at the time, or denigrating victims and arguing *'they deserved it'* in an effort to make coherent or justify their actions (Zartman, Anstey and Meerts 2012). While the tendency to obedience to authority figures is common across cultures – in some it is exerted through the apparent expertise of someone giving a command or making a proposal (toothpaste ads use dentists to promote their products; Milgram conducted his experiments as a professor in a white coat in a reputable university); in others it is exerted through status in a hierarchical social structure (*'we think it's wrong but not as wrong as failing to obey our superior / the chief'*). Thus in the face of a recent constitutional court judgment that the President had violated the constitution, the ANC majority in the National Assembly (itself found to be wanting in the judgment) chose not to impeach him.

People don't only conform to requirements of authority figures, they also *conform to expectations of groups* of which they are members (referent) or of which they hope to be members (aspirant reference groups). Marketing people leverage this desire into sales through advertisements – adverts for brand clothing, electronic devices, cars, watches and so on are populated by pop stars, sports heroes, or people who are clearly 'cool'. Individuals look to reference groups for guidance or social proof in situations of ambiguity or inadequate information. When unsure they wait for indicators

from other group members, and as Asch (1955) showed in a simple set of experiments, often vote with a group against what their own senses are clearly telling them is a wrong choice. Workers go on strike as part of a collective to back a demand when clearly it is going to cost rather than gain them economic returns and then justify the action as important for mobilization and group solidarity purposes. Collective cultures place more open emphasis on group decision-making and a communal identity (the philosophy of 'ubuntu' in which identity is expressed as *'I am through my group'*) than individualistic ones, but individuals in rich western still aspire to identify with others in a consumer sense at least. And any observer of political rallies in so-called individualistic western nations will see a huge degree of group sentiment and conformity in play.

PERSUASION BY INDIVIDUALS IN ORGANIZATIONS

At an organizational level Peters and Bacon (1998) propose that persuasion (or social instrumentality) is based on **T**actics, **O**rganizational power, **P**ersonal power and **S**kills (the TOPS model). To influence another person effectively a persuader must use the right influence technique for that person at that time, have sufficient sources of power for the influence technique being used, and be sufficiently skilled at using the technique to make it work well. People try to persuade one another through logical argument, use of position to legitimize proposals, credible exchange proposals and assertiveness (*rational tactics*); by appeals to a relationship, alliance building or consultation (social tactics), or appeals to values and behaviour modelling (emotional leverage). They draw power from their

roles and placement in an organization, access to and control over resources such as money and equipment and information, and reputation within a social network (*organizational power*); and individual knowledge and expertise, expressiveness, character, attractiveness and history of relations with another (*personal power*). As indicated above these are likely to be differentially effective according to cultural contexts

High impact persuasion skills include *assertiveness* through use of a compelling tone of voice and non-verbal signals, use of authority without appearing heavy-handed, acting with authority; *communication and reasoning* through probing and finding creative alternatives; *interpersonal skills* in having insight into what others value, building rapport and trust, supporting and encouraging others; and interactive skills in convincing people to help influence others, resolving conflicts between others, building consensus, negotiating, and taking the initiative to show others how to do things.

The model is useful in recognizing how individual behaviour influences interpersonal exchanges and that influence is a layered process, expressed through tactical choices, drawing on personal and organizational power sources and demanding some skill in putting these effectively into practice. It also has shortcomings. It is not clear whether the model addressed cross-cultural practices or was developed only within western organizations. In some cultures individual expertise for instance may matter less than status in a system as a source of influence, and social-emotional tactics may have greater bearing than logical argument (see below). It also is silent on the use of coercive tactics common in organizations in which

hierarchies of authority are brought to bear through threats and bullying to achieve behavioural compliance. Ignoring it does not make it go away! Coercive power triggers tendencies to obedience when it is exercised by an credible authority figure; desires for group membership and acceptance can be manipulated to facilitate behavioural conformity, especially in situations of ambiguity.

Along another dimension it is important to understand *authority relations* across cultures. In egalitarian or low-power distance cultures authority figures are expected to act as facilitators amongst equals with communications often skipping strict hierarchical lines in flat organization structures. Negotiators are appointed according to their expertise in a field and empowered to negotiate deals within relatively open mandates. They tend to make positions clear, offer and expect information about interests and make direct proposals for resolution of differences. They expect a back and forth exchange of positions, interests, options, conditions and concessions to achieve a deal. 'Face' matters less than getting the deal done. Internal disagreements may be presented around a negotiating table. In hierarchical cultures on the other hand authority figures are expected to take decisions, and lead from the front. Authority resides in status and position rather than expertise and expresses through clearly tiered structures through which communications flow in an ordered top-down line. Negotiators may be appointed less for reason of expertise than status or rank in a culture. They do not send junior members of a group to negotiate and are insulted if the other does so regardless of expertise. The process is slowed through extensive internal consultation and mandating processes. The emphasis is on face-saving rather than hard

content. Internal disagreements are not aired in front of the other and status determines who speaks and when in a process. Any disagreements are offered in mitigated language.

The research of social psychologists tells us a great deal about social influence, and how people are persuaded to act or believe in certain ways.

LEADERSHIP AS PERSUASION

Leadership too is essentially a process of persuasion – it is about influencing people in a team to achieve a group goal, persuading them somehow to lift performance in a way that sees them achieve a business goal, or prevail over competition in a sports tournament, or in more deadly exchanges over an opponent in a war. Few subjects have received more intense research attention than leadership.

It is a process that has been considered from the perspective of 'great people' characteristics, desirable traits (dimensions of age, physique, intelligence, personality, social skills, expertise) follower-fit considerations (individual-group relations), situational or contingency approaches (how individual competencies interact with task and circumstance demands), charismatic – instrumental (visionary mobilizing vs implementation) comparisons, and different styles (autocratic, democratic, laissez faire approaches, or task vs relationship leanings). In his famous advisory in The Prince (1532) Machiavelli considered the use of fear and love, hate, mercy, compassion and image building for purposes of achieving and sustaining power. While it is desirable for a leader to be loved and feared he argued, if it comes to a choice it is better to be feared because people are fickle in their affiliations and 'love at their convenience', while fear is a constant – and people 'fear at the convenience of the prince'. Wherever possible though a leader should avoid being hated – hate is the consequence of taking things from people. In this regard a leader does not have to generous in giving, but should avoid taking things of value from others. A leader should be seen to have a capacity for cruelty in order to be seen as kind. Where a leader is universally generous and kind it is not recognized or respected. When a few of those who oppose or break rules are dealt with harshly it reveals a leader who has capacity to punish and is willing to do so. This has deterrent value, and people come to see the leader as kind because punishment is not widely used and is not directed towards them. Then he offers a 'do what it takes' missive suggesting that while a leader should always present an image of integrity, faith, and compassion he should be willing to act contrarily to ensure retention of control over others. Achieving and sustaining control over others in short may require a capacity for duplicity! This politically incorrect approach to leadership is not lauded in modern texts, but it is not without foundation in reality.

In essence Ulrich et al (1999) see leadership as primarily a goal-driven activity, assessed often by results achieved. It is an interactive concept – leaders are usually defined by a 'followership' and deliver results within particular situations – conditions not always replicable. At base leaders achieve results through enabling teams or organized groups to achieve defined goals. Effective leaders analyze environments, motivate individuals, build organizations, create efficiencies, and deliver to stakeholders – and are marked by their integrity (rather than a capacity for duplicity!). It helps to see leadership as a process of persuasion. Leaders are defined by how effectively they persuade others to do things that will enable goal achievement. Effective leaders recognize situations,

The mediator sensed that the negotiations were in trouble.

understand and interact effectively with followers, and have a repertoire of skills to draw on either personally or within their teams.

Goleman (2000) for instance, identifies six different styles of leadership, each appropriate to different circumstances and with different impact on group climate. These reflect different kinds of persuasive styles amongst leaders but it is important to recognize that these might have differential resonance with diverse target groups, and in different situations. Authoritarian leaders use coercion and threats to get what they want done, and may be best to get the job done in crisis situations and where there are cultural tendencies to compliance but in more egalitarian, consensus driven cultures they induce a negative climates and may evoke resistance. *Authoritative* leaders on the other hand demonstrate expertise and a willingness to use this for the common good, inspiring confidence and trust amongst those to be persuaded to a particular course of action. In TOPS terms they use their authority assertively without

being heavy handed. *Pacesetters* are conscientious and try to motivate simply by being out front working harder and faster than anyone else and demanding that other keep up. In TOPS terms they model behaviour - but the persuasive approach may fail if others cannot keep up or meet expected standards. Pacesetters may lack the empathic connect with those they are trying to lead to get something done or a change executed. Democratic style leaders are collaborative, promote participation, working together and good communications to get buy-in for a project, or new rules and procedures. They work effectively in egalitarian and consensus-based cultures but may not be as effective in hierarchical ones or where circumstances demand a quick result. *Affiliative* leadership styles reflect an approach of 'people come first' with a strong emphasis on relationship building and social cohesion. They hold groups together and may be useful for purposes of healing within or between groups after traumatic periods. They leverage peoples' desire to belong to and participate in a group

to get things done. But they may not get tasks accomplished as efficiently as authoritarians, authoritative styles or pacesetters. Coaching style leaders motivate others to get things done through a development approach, leveraging their needs for personal growth, support and recognition.

Leadership then is founded in the skill of persuading people to work together to achieve a goal – it is a negotiation. Approaches to leadership are differentially useful across cultures and circumstances … different negotiation tactics are required in each for optimal outcomes.

CONCLUSIONS

Negotiation is essentially about persuasion – about parties trying to get others to change their positions, behaviours or beliefs in order to overcome a difference between them. Effective persuasion strategies start with the positions (demands or current beliefs or behaviours) of 'the other' and then an understanding of the needs, wants, fears and

interests that inform these. It is this deeper understanding that enables a persuader to derive a change strategy.

Change strategies are essentially about getting the attention of the other; prompting a discomforting emotional arousal; and then showing how that tension can be relieved through doing something differently – changing a bargaining position, making a concession, buying a product, voting for a particular political candidate, achieving a production or a sales target, making a contribution to a welfare organization. Understanding differences in how people think, feel and act; in what matters to them; in how they perceive the world to work or want it to work is what enables effective persuasion by leaders, negotiators, sales personnel, therapists. It starts with the 'other' and is achieved through flexibility of approach. Generally 'pull' strategies work better than 'push' strategies – change is better effected when people want to change. Coercion often elicits resistance. Getting people to want to do something requires understanding of what matters to them as individuals with their own characters, and as members of particular cultures with specific behavioural norms, ways of communicating and modes of exercising authority.

Stereotyping should be avoided but an understanding of broad cultural differences enables critical choices for negotiators. In thinking through a persuasive strategy negotiators should ask themselves whether desired changes in behaviour by the other will be better effected through:

• rational, social or emotional levers;
• if rational argument – is the other operating out of the same or a different frame of reference; will

contrary facts open or close people to change; should the approach be principles or applications based?
• coercive tactics or rewards and incentives;
• direct or indirect communications;
• leveraging reciprocity - and how concessions might be contrived and conditioned;
• a consensus-based or top-down exercise of authority – consultation or directives?
• a strictly task-based business contractual approach, or one based on social relations?
• through experts or peer influence - and how this might be managed;
• a specific order of participation and speaking;
• the participation of senior leaders or just technical experts;
• dealing on an issue by issue basis (close out issues one by one) or building a loose package of a deal (nothing is agreed until everything is agreed).

References
• Alsaloom Ali. 2010. Ask Ali: A Guide to Abu Dhabi. Abu Dhabi, Ask-Ali.com. Inc
• Al-Marzouki, IA. 2005. Human Rights in Islamic Law. 3rd ed. Abu Dhabi.
• Hathout,M. 2006. In Pursuit of Justice: The Jurisprudence of Human Rights in Islam. Los Angeles, Muslim Public Affairs Council.
• Asch, SE. 1955. Opinions and Social Pressure. Scientific American, 193, 31-35.
• Bacon, Terry. Influence and Power. Websites: www.terryrbacon.com, www.theelementsofpower.com
• Bandura, A. 1977. Social Learning Theory. Englewood Cliffs, New Jersey: Prentice Hall Inc.
• Berry (1980). Acculturation as Varieties of Adaptation. In Padilla A (ed) Acculuration: Theory, models and some new findings. Boulder, Westview.
• Brett, JM (2007). Negotiating Globally. San Francisco, Jossey-Bass.
• Burleigh, M. 2006. Sacred Causes: Religion and Politics from the European Dictators to al Qaeda. London, Harper Perennial.
• Cialdini, RB. 2007. Influence: The Psychology of Persuasion. New York, Harper Collins.
• Faure G and Rubin J (eds). 1993. Culture and Negotiation. London, Sage
• Gladwell, M. 2008. Outliers. London, Penguin
• Goleman, J. Leadership that gets results. Harvard Business Review. Mar-Apr: 78.

• Hofstede G and Hofstede G. 2005. Cultures and Organization: Software of the Mind. New York, McGraw Hill.
• Huntington, S. 1998. The Clash Of Civilizations and Remaking of the World Order. New York, Simon and Schuster
• Jabnoun, N. 2008. Islam and Management. Riyadh, International Islamic Publishing House
• Laitin, D. 2006. Nations, States and Violence. Oxford, Oxford University Press.
• Meyer. E. 2014. The Culture Map. Decoding How People Think, Lead and Get Things Done Across Cultures.
• Milgram, S. 2009. Obedience to Authority. New York, Harper Perennial Modern Thought.
• Muller, JZ. 2008. Us and Them: the Enduring Power of Ethnic Nationalism. Foreign Affairs. Mar/Apr: 18-35
• Muhammad bin 'Ali Al-Arfaj. 2003. What Must be Known About Islam. 2nd ed. Riyadh. Darussalam
• Peters, R and Arnold, M. 1998 Survey of Influence Effectiveness: A Research Report. International LearningWorks®, Inc. All rights reserved. Corporate Headquarters 1130 Main Avenue Durango, CO 81301 (800) 344-0451 FAX (970) 259-7194
• Shoniwe, S. 2006. The Effective Cross-cultural Manager Johannesburg, Zebra Press
• Swaab, D.F. 2014. We Are Our Brains. London, Penguin.
• Thompson, L. 2001. The Heart and Mind of the Negotiator. 2nd ed. Upper Saddle River, NJ, Prentice Hall.
• Triandis, HC and Suh, EM. 2002. Cultural Influences on Personality. Annual Review of Psychology. 53:133-160.

• Ulrich,D, Zenger J, Smallwood N. 1999. Results-based Leadership. Boston, Harvard University Press.
• Zartman IW, Anstey M, Meerts P. 2012. The Slippery Slope to Genocide: Reducing Identity Conflicts. Oxford, Oxford University Press.
• The core reference for those interested in cultural studies is that of Geert and Gert Hofstede (McGraw Hill 2005) Cultures and Organization: Software of the Mind – this research started in the 1980s informs many other works in the field. Its influence is strongly evident in the GLOBE studies covering
• 62 countries reported in Culture, Leadership and Organizations by Robert House and colleagues (2004). And it informs the work of Jeanne Brett in Negotiating Globally (John Wiley 2007); Erin Meyer's The Culture Map (Public Affairs 2014); and Global Negotiation: The New Rules (Palgrave Macmillan 2008) by I . William Hernandez Requejo and John L Graham.

BY I. WILLIAM ZARTMAN
CLOSURE: HOW NEGOTIATIONS END

The current PIN project focuses on the final phase of the negotiations or endgame. It seeks to understand how and why negotiators act when they see themselves in a more-or-break phase of the negotiations in order to bring about a conclusion (successfully or not). Five typical patterns of behavior are used to provide a structure for the analyses. This inquiry is particularly relevant to the exciting instances of major negotiations currently taking place, and indeed coming to a head at this very moment. Of major significance in international politics are the negotiations between the P5+1 and Iran over nuclear disarmament that drove to an agreement, the Joint Comprehensive Plan of Action (JCPoA), where the replacement of absolute demands by terms of trade marked the 2012-2015 endgame, analyzed in this study by Ariane Tabatabai of Georgetown University. Of major significance in international economic relations were the negotiations between the EU and Greece, a clear case of dueling over two conflicting economic philosophies before our eyes in the current headlines, analyzed by Diana Panke of Freiburg University. On the level of intrastate conflict, equally significant is the peace process between Colombia and the FARC, and also ELN, where the endgame is more prolonged than in the previous cases and therefore vulnerable to spoilers' interruptions, issues analyzed by Angelika Rettberg and Carlo Nasi of the Universidad de Los Andes.

While these are the headline cases that make the inquiry so timely,

other cases stand out as well to attract out attention. In negotiating friendship treaties, the French and Algerian were never able to come to satisfaction on the deep scars that they had to overcome (much like the Americans and Iranians) in a case of dueling in the endgame, whereas the French and Germans were able to come to closure on a similar history of wounds, as analyzed in the chapter by Valerie Rosoux of Louvain University. Closure is a major issue in Chinese-Western business negotiations, where relationships are the key and the agreement itself is incidental and epiphenomenal, but marked changes in personal behaviors signal an endgame, as Guy Olivier Faure of the Sorbonne shows in his chapter. Larry Crump of Griffith University in Australia shows that endgame in trade bilaterals is sharpened by deadlines and taken over by political decision-makers. Finally in this list of examples, Mark Anstey of the Mandela Metropolitan University lays out the remarkable array of strategies that fall into regular patterns in labor-management negotiations as practiced in South Africa.

Parties cannot switch too often, or they will confuse the other and destroy the process

We posit that there are specific dynamics and behaviors in the endgame, different from behaviors

before this turning point during the previous course of negotiations (Douglas 1962; Pillar 1983, Gulliver 1979; Zartman & Berman 1982). What behaviors are typical and required to get the parties to Yes (to refer to the title of a book that does not focus on this point in the process)? What variables are helpful in analyzing the situation? *In a word, how do negotiators behave when they feel that they are close to the end of negotiations, and why? Are there common dynamics and identifiable patterns of behavior in the endgame.* Our challenge here is not to predict which course negotiators will pick but rather analyze and explain how they behave once embarked on a particular pattern.

PATTERNS FOR ANALYSIS

Five different patterns of behavior stand out very clearly in model form (and probably muddily but nonetheless distinguishably in reality): *dueling, driving, dragging, mixed and mismatched*. The first two patterns are reciprocal; the parties react to each other in the same terms and expect that reciprocation: toughness leads to toughness, as in dueling, and softness leads to softness, as in driving. (Pillar 1983, 101; Zartman 2005). The other patterns are not reciprocal or matched. The first two are related to Rubin & Brown (1975) High Interpersonal Orientation (competitive) and High Interpersonal Orientation (cooperative), taken as behaviors rather than as personality types, with similar results identified for mismatching (see also Shell

Three of the patterns can be appreciated by their behavioral characteristics, sometimes a bit caricaturally:

Dueling	Driving	Dragging
Confrontation	cooperation/ convergence	disengagement
Cliff hanging	regular progress	don't like the way this is heading
Hanging tough	hanging positive	how can we end this gracefully?
End in doubt	end in sight	approach-avoidance
Steely nerves	creative mind	soft landing
Hold out, face it off	move ahead, wrap it up	prepare LCD outcome
Classical chicken	creative chicken	chicken stalemate
Uncertain information	exploring information	uncertainty
Harden support for position	prepare support for outcome	prepare for failure or LCD
Threaten	warn: If not, I'll have to...	disengage
Ball is in your court	ball is in our court jointly	ball is in the net
Deal is far	deal is attainable	deal is avoidable
Bad cop	good cop	backing out
Late compromise, if at all	early compromise	LCD compromises
Demand more	reciprocate	second thoughts
Emphasize bad collapse	emphasize good agreement	emphasize gentle collapse
Reexamine BATNA/sec.pt	explore ZOPA	strengthen BATNAs
Entrapped in commitment	caught up in dynamics	slow down dynamics
Deadline	extend deadline if progress	time running out
Prepare home for failure	evaluate success so far, Crest	cut losses, make best of it
Concession	compensation, construction	set issues aside

1999, although there is relevance but less of a direct equivalent with his five styles or Thomas-Killmann categories); dragging may be related to Low IO behavior if it covers the whole endgame and not just a single issue.

The choice of the pattern is path determined by the previous bargaining behavior of the parties. Thus the patterns capture both the individual parties' behavior and also the behavioral pattern of the encounter if shared. The patterns of behavior are not sealed trains in a tunnel; the parties can shift, probably inducing a shift or at least a strain in the other's behavior, but they cannot shift very often without destroying the engagement of the other. A shift can occur at the very end: dueling in the crunch after almost complete agreement by driving, or driving at the edge of the cliff after the dueling has run its course, but such shifts probably require a shift in negotiating or deciding personal as well.

One pattern is *dueling* (Kisantonis & Alderman 2015; deGaulle 1962), also know as cliff-hanging and brinkmanship, in which the parties face each other down to the wire until one of them blinks. This is a pattern of reciprocal behavior, in which toughness has led to toughness and a low critical risk on the part of both parties leads the process either to confirmed deadlock or to a prolonged shoot-out before one side gives in (Bishop 1964). In critical risk terms, each side bets on the chances of the other side's capitulation and of the acceptability of a deadlock if it does not.[1] This is a hardened version of a Chicken Dilemma Game (CDG) (only portrayable in a cardinal, not ordinal, depiction), which incorporates the capitulation calculation but not the relative cost of deadlock. Thus dueling parties attempt to persuade the opponent that they will not move

[1] *here a number of calculations for critical risk; the most complete one is the ratio between the difference between victory and losing (SW and NE corner in a Prisoners' Dilemma Game matrix) and between Victory and Deadlock (SE corner). (Zeuthen 1930, 147; Pillar 1983, 93; Snyder & Diesing 1977, 49-52). Critical risk is a useful heuristic but more difficult to calculate than its definition would suggest.*

and that a deadlock would be quite acceptable to them, that is, to each the "expected cost [of breakdown] equals the expected benefit [of victory]" and it is indifferent between the two, and they also try to convince the other that its calculation is wrong and that deadlock is indeed costly to the other (Pillar 1983, 92-93). Expressed as security points, the alternative to a negotiated agreement (BATNA) for each is—or at least is portrayed as—equivalent in value to an agreement, the parties are equal in power and work to reinforce their indifference rather than seeking an accommodation with the other party's position, thus setting up a situation of deadlock or surrender. As a result, an interesting aspect of the dueling pattern is that it drives the parties to bargain on their security points rather than on the terms of a possible agreement, pointing out quite publically how acceptable for them deadlock is as an alternative and how unbearable the concessions needed to come to an agreement, especially on the other party's hardline terms, and how awful deadlock would be for the other, without doing much to improve the terms of an agreement. In other words, both parties proclaim that they really don't need an agreement, at least on the other's terms.

Another characteristic of dueling is that there is no agreement on a formula going into the endgame. The parties still hold different notions of the nature of the problem, the terms of trade and the notion of justice underwriting the negotiation and hence the agreement. The parties never got out of the competitive stage into a cooperative frame of mind (Pruitt 134; Zartman 1997). Hence the duelers have an overcharged agenda with little to have built up in preparation for cooperation. If there is finally an agreement among duelers, it is most likely to favor one of the parties.

Decisions in each pattern will have their characteristics. Decisions in *dueling* will be strategic, i .e determined by examining (intrapersonal) or comparing (interpersonal) BATNAs, or personal/political, i.e. determined by the strength of commitment to oneself or to the home audience, portraying the offers, deadlines and BATNAs as fixed reference points. Strategic decisions depend on uncertain information about what one's and the other's security point really is; political decisions depend on a judgment of what one can get away with without breaking commitment. Dueling may take place over a single issue but is more likely to occur over an entire agenda or general concern

or relationship that is not subject to decomposition or fractioning, making compensation more difficult. Even when a single issue is, literally, the stumbling block, it tends to take its importance from its representation of the entire relationship. Parties will run down to the wire (and push the wire if possible) to show their unshakability, strengthening their position by public commitments, throwing away the steering wheel in their chicken course while underscoring the catastrophe in the other party's security point (Schelling 1960; Coddington 1968). Thus, the cost of capitulation increases as the parties move toward a decision.

Dueling is done before a public audience and is used to enforce commitment; negotiators are always looking over their shoulder to create a public opinion that then holds them prisoner. There is no question of handling the major issues or any others early to create a positive bargaining atmosphere; the Big One stands to the end as the symbol of the confrontation. Various devices of presentation and misrepresentation as highlighted by prospect theory will be employed (McDermott 2009, Kydd and Stein in this volume). Parties are unlikely to have similar purposes in the negotiation; concessions are the only alternative to one side's

giving in completely but the posture of the parties makes concessions difficult; compensation is difficult and construction is uninteresting. Furthermore, there is no room for mediators in a dueling encounter. They are not welcome, and if they do perchance appear in hopes of being helpful, they are ignored, or worse, by one or both parties.

Not surprisingly, the best examples of dueling come from failed encounters, although the Cuban Missile Crisis negotiations were a concise case with a positive outcome. The 2015 Greek debt negotiations, including some interesting manipulation of the public to back the dueling, are a sharp case of examined by Diana Panke in this book. Negotiations over Kosovo at Rambouillet in February 1999, over Syria in Geneva I and II in February 2012 and February 2014, negotiations in Sri Lanka in 2006 through 2008 were all cases of dueling. In the first two cases talks were later revived when the situation on the ground (including disposition if external players) changed. For this reason, the choice of the EU-Greece case is particularly instructive; one side finally capitulated. Negotiators can of course stop dueling any time they want, but they have to make sure that the decision to change is reciprocated, i.e. that both sides agree to change, or else one party's move will simply be seized as capitulation. So duelers can come to an agreement, since their mode is reciprocation if they snap, after appropriate and delicate soundings, to an outcome that takes the best of both positions into account. Thus may involve selected concessions or, better yet, compensation through an exchange of items to which they assign different values (Nash 1950; Homans 1961) The breakout of the deadlock in the first (2005) Iranian negotiations was accomplished

this way and permitted a pattern of driving in the second (2013-2015) round. An unusual, well-executed reciprocated change from dueling to driving occurred after the opening of the Israeli-Palestine talks at Oslo in 1993 (Zartman 1996). Like all the others above and below, illustrations are illustration, not perfect fits.

The second is *driving*, in which the parties push and pull each other gradually toward a convergence point, matching concessions and compensations, as the parties work on each other down toward an agreement. This too is a pattern of reciprocal behavior, in which softness has led to softness and a high critical risk on the part of both parties leads the process toward agreement, although only a comparison of the critical risk can tell how long the concession game will go on or which side the outcome will favor (if at all). In critical risk terms (Zeuthen 1930; Pillar 1983), each side bets on the chances of the other side's concessions and of the acceptability of a deadlock if it does not. This is an enlightened version of a Chicken Dilemma Game (CDG) where the parties want to avoid a deadlock and so see the situation as an incitement to create a mutually enticing outcome (MEO) (Goldstein 2005) (again only a cardinal depiction of the CGD can show which side the MEO will favor, if any). Thus driving parties attempt to establish an ethos of requitement, persuading the opponent that they will reciprocate any positive move and expect the other to do the same, and also that a deadlock would be quite unacceptable to them, that is, the expected cost of breakdown is much higher than the expected benefit of agreement. (Pillar 1983, 92-93). In terms of security points or alternatives, the alternative to a negotiated agreement (BATNA) is— or at least is portrayed as—lower in

value toward an agreement, and both parties are motivated by this shared difference, playing their bargaining against it to gain concessions, both sides caught between "it cannot fail" and "we cannot give in." This element of undergirding agreement is possible because in driving the parties have come to an understanding on the formula for their negotiations (Zartman 1997). They are now in the stage of details and, although they can backtrack if the formula is not adequate, they have a basis on which to bargain as they seek to correctly implement the formula.

However, where the agreement will land depends on the position of one party's security point relative to the others, and on the parties' ability to reframe their issues to produce a more positive sum that before, as often happens within an endgame, as Druckman develops on a later chapter and illustrated in figure 1.1 below. If one party can get much the same result without negotiating and so its security point is high (BShi) and the other's is low (ASlo), a likely agreement (E') would be more favorable to the first (B) than to the second (A). If the reverse obtains (BSlo/AShi) the reverse outcome (E") is likely to eventuate. However, if the parties are able to reframe the issues in a way that produces benefits for both of them (the Ar/Br curve instead of A/B), an outcome more attractive to both can be produced, with fewer unaddressed issues left on the table, even if the security points of both parties are high (Er), as discussed further in the last chapter by P. Terrence Hopmann. (Figure 1.1 also shows that if both parties BATNAs are high, as portrayed in the dueling pattern (BShi, AShi), the will need to reframe the issues if they are to reach an agreement at all).

Figure 1.1: Effects of high or low Security Points (BATNAs) and of reframing
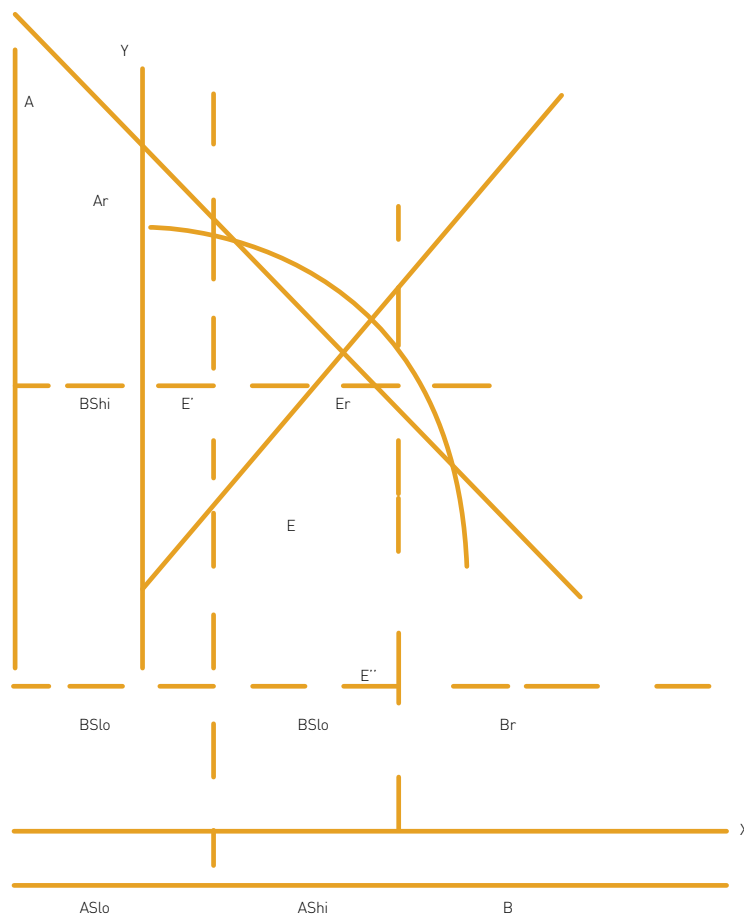
B=0-sum frontier; ArBr=reframed pos-sum frontier;
BShi or lo=B's security levels/BATNAs; AShi or lo= A's security levels/BATNAs

possibilities of enlarging an outcome and crafting an agreement that maximizes the reach toward the minimum requirements of the parties. They will depend on an evaluation of accumulated benefits, against "must-have red lines" and low BATNAs. Although operating under the shadow of their security points, parties tend to be convinced of the value of an agreement within their ZOPA and decide individual issues on the basis of their requirements and the issues' contribution to maintaining the landing pad in prospect. As agreement is given a value of its own, the cost of failure increases as the parties move toward closure. Negotiators try to maintain confidentiality during the final

handled early, to create momentum and atmosphere. But at the same time, controlled communication is important to keep public confidence but managed expectations, assured support but controlled information. Parties try to build mutual trust to facilitate the process, although they may turn tactically to dueling as a threat or goad to remind of the push of a painful stalemate, but not too much or too often or they will create a mismatched pattern and destroy trust, as De Klerk did in 1992.

Driving parties may have shared or different purposes, but will look for concessions and compensations to build an agreement; where different purposes make these difficult, parties

will seek construction to reframe the issues. In a driving encounter, parties tend to take apart issues and handle them either seriatim or grouped for trade-offs. Focal points such as split-the-difference will be useful where other, substantive criteria fall short of agreement (Schüssler 2016). Working groups on individual issues inhibit compensation among issues but facilitate mosaic agreement. Deadlines can have a catalytic effect in producing agreement but can be postponed to make eventual agreement possible as well, as Angelika Rettberg and Carlos Nasi, and Larry Crump discuss in their chapters (Chasek 1997). Although these actions appear positive, they require effort and creativity to construct an agreement over stringent "red lines" playing against low security points for both sides, where the deep unattractiveness of no-agreement (southeast corner) in the chicken game create a strong incentive to fill the northwest box with an mutually enticing opportunity (MEO), as Andrew Kydd discusses. Deadlock on a stumbling block to the whole package often requires a senior political figure to take over the bargain and make for closure, as shown a number of times in the later chapter by Larry Crump and in the Sudan negotiations (Johnson 2011). The 2015 Iran non-proliferation negotiations for a Joint Comprehensive Plan of Action (JCPOA) are a rich case of driving.

Again not surprisingly, driving is likely to produce a MEO somewhere between the parties' positions going into the endgame, although it must not be thought that the parties will lock arms and dance to an agreement or that the endpoint will be exactly in the middle. The preceding sentence gives the key to the hard bargaining as each side, knowing/believing that

the other wants an agreement and therefore is willing to accept less than its maximum, moderate or even bottom demands, and tries to publically wave the danger of collapse at their opponents—again the matter of critical risk. It is at this point that the danger of approach-avoidance analyzed in a later chapter by Dean G Pruitt comes into view, threatening to turn the driving process into a sudden duel. At some point, a "crest" or final turning point may occur, after which the rest of the items are rapidly resolved and the general feeling is one of being in the "home stretch" (Zartman 1982, 188; Druckman 1986; Johnson 2011, 141). A crest is a point in the negotiations where enough is agreed upon to constitute an acceptable accord, whatever else may be raised (and is therefore a temptation to raise whatever else). A rich illustration is found in the JCPoA negotiations of 2014-2014 with Iran. French negotiations with Algeria vs Germany vividly illustrate how negotiations at the crest can be upset or untouched by external events, depending on the strength of the commitment built up to that point, as laid out in the chapter by Valerie Rosoux. The 1990-1994 negotiations between the National Party and the African National Congress in South Africa, with all their ups and down, are another example, as was the Northern Ireland negotiations of 1998. The examples amply show that driving often produces an agreement but does not guarantee that outcome, and does not obviate hard bargain along the way.

For that, it may require third party attention, so that the mediator becomes the driver, bringing the conflicting parties along in its efforts. Although mediation was seen to be unwelcome in dueling, there is frequently an important place for it in creating a driving pattern, as Chester Crocker emphasizes in his concluding chapter. The most important phase of the mediator's work, at the beginning of the mediation and before the endgame, is to ripen the parties' perception that they are in a stalemate and it hurts, and that a way out is available. Only then can the mediator turn to helping fashion a MEO in the endgame. Thus, the mediator needs to awaken the parties' awareness to all the elements—reciprocity, requitement, ZOPA, realistic security points—that they would have developed by themselves in preparation for a directly negotiated endgame but could not, and to keep them on track to the end. In a word, the mediator begins by wanting an agreement more than the parties, contrary to the popular assumption, and then has to transfer that desire and need to the parties—or they would not need a mediator. This was the case in the Namibian-Angolan negotiations, beginning in 1980 with the endgame in 1986-87 (Crocker 1993), in the Sudanese negotiations beginning in May 2002 with the endgame from October 2003 to May 2004 (Johnson 2011), in the Mozambican negotiations beginning in the last version in July 1990 with the endgame between August and October 1992 (Hume), and in Mindanao negotiations in the latest round in 2010 with the endgame in 2014-2015, among others. In these and other cases, closure was completed through the action of the mediator as the driver.

The third pattern involves the same two types, but unilaterally and non-reciprocally mismatched, that is, one party may behave as a dueler and the other as a driver. Each party expects the other party to operate on the same model; if this is not the case, the bilateral logic of the behavior is destroyed, or indeed betrayed, and the parties become suspicious and hostile of the other in mismatching. Each expects to find requitement in his own terms, but when it is not forthcoming, the relationship turns very sour. The dueler sees the driver as a softy and a patsy, the driver sees the dueler as an exploiter, and the pattern is upset since it is not clear which pattern is dominant (Rubin & Brown 1975, 158-159.) Gorbachev and Reagan at the end of Reykjavik and Frederik deKlerk and Nelson Mandela at the end of the CODESA phase are telling human examples. These are interpersonal illustrations but when the two sides met, each may be bearing a different pattern and expectation. Prime Minister Menachem Begin came to Camp David I as a dueler and President Anwar Sadat as a driver; the mediation of President Carter aside, the meeting would have fallen apart of Begin's staff were not bent on driving and despite the fact that Sadat's staff was mainly bent on dueling, and were able to come to a partial agreement (Parker 2004). Many negotiations are mismatched, leading either to collapse or to mutual socialization in one direction or another. The socialization-on-the-job has to be dominated by one side/pattern or the other, lest it merely solidify and intensify the mismatching. Parties and Western mediators have often worked on rebel groups with no sense of negotiation except dueling, to try to inculcate some ideas of driving behavior, as in Darfur, Rwanda, El Salvador, Colombia, Bahrain, Casamance, Sri Lanka and elsewhere.

The fourth is *dragging*, in which the parties alone or severally come to see the outcome toward which they are heading and realize that they do not like it, then work instead to provide a soft landing that ends the negotiations without damage. The realization can come in many terms:

Soviet Union president Mikhail Gorbachev and his American counterpart Ronald Reagan (Reykjavik, 11 October 1986) – an example of the dragging negotiation style

that the formula is not really agreed or adequate, that the details do not lend themselves to an agreement that translates the formula, that the negotiations are simply not heading toward an enticing outcome, that insistence on a precise solution or an issue would derail the rest of the agreement, and so on. The result can be an effort to call it all off, or simply to push an issue or several aside, putting off for later attention and solution. Reciprocity, critical risk, formulas and reciprocity do not a systemic role if at all. Camp David II was not either of the first type but simply Arafat's reluctance to negotiate at al, while everyone else was busy coming up with ideas. Reagan dragged on the Strategic Defense Initiative (SDI) at Reykjavik in 1986 and dragged down the entire pending agreement when Gorbachev threw in the issue at the last minute. Dragging can also be partial and

positive, indeed the key to an outcome containing all the other points on which agreement was possible but omitting the bone that got stuck in all parties' throats. The question of what issues to include without breaking the back of an agreeable agenda is crucial; it is unlikely that the Jerusalem question could have been included at Oslo or the Kosovo question at Dayton, but the decision to put off a resolution of Brcko at Dayton (1994) and of the Panguna mine at Arawa (2001) were the keys to the last lock on the Bosnian and Bougainville negotiations. Constructive ambiguity on key issues permitted agreements on German unification in 1990, at Oslo in 1993, on the Ukraine in 20013, and even on Iranian weapons denuclearization in 2015, as detailed on a later chapter by Mikhail Troitskiy. The same type of calculation can go into agenda setting in preparation for the endgame,

leaving out a major issue or aspect of the conflict and then going on to seek closure on the remaining matter. Michael Butler 's chapter divides outcomes into demotion of the means of conflict from violence to politics (Conflict Management [CM]) and settlement of the ends or issues of the conflict (Conflict Resolution [CR]), showing that if, for several reasons, parties decide they cannot take on the latter, they can at least settle for the first.

Decision in *dragging*—Type II negotiations where not Enough is enough—will depend on calculations of BATNAs and also accumulated and foreseeable benefits. When it appears that a satisfactory agreement in whole or in part in unattainable, parties will attempt to draw down negotiations rather than stalk out with a fuss. The outcome may simply be a petering

out of negotiations but is more likely to end in a lowest common denominator (LCD) or ambivalent agreement. *Dragging* can also apply to only a part of the negotiations as in a decision to drop certain issues and move on to a less significant outcome on items where agreement can be achieved. The following chapters by Dean Pruitt, Mikhail Troitskiy, Michael Butler, and Sinisa Vukovic explore this effect at various points in relation to the endgame, with examples.

Every dichotomy or other sharp categorization always need contain a residual category, in this case, *mixed*. None of these patterns is pure and consistent; they are general characterizations of behavior in a given instance and are perceptible not only to the analyst but to the parties involved as well. But the parties can switch or slip from time to time, sometimes without destroying the pattern, at other times confusing the train of events and expectations. Duellers may well slip in a driving moment to bring the opponent's guard down or to take advantage of fatigue on the part of the opponent. More frequently, drivers may turn to dueling on a crucial point, at a crucial moment, at a special time in the process. Again, Gorbachev did, and he failed. Parties cannot switch too often, or they will confuse the other and destroy the process. The other patterns are already not sharp enough in the assumptions and characteristics that mixing is less upsetting. The list may not be complete; possibly other patterns (but not too many more, in the name of parsimony) and certainly other traits could be added, but the direction of development is indicated.

References
- Bishop, Robert 1964. "A Zeuthen-Hicks Theory of Bargaining," Econometrica XXXII 3: 410-417.
- Coddington, Alan 1966. "A Theory of the Bargaining Process: Comment," American Economic Review LVI: 522-530.
- Coddington, Alan 1968. Theories of the Bargaining Process. Aldine.
- Cross, John 1969. The Economics of Bargaining. Basic.
- De Gaulle, Charles 1962. "Speech to the German Military Academy, Hamburg, 7 Sept," cited in Jacques Binoche 1990. De Gaulle et les Allemands. Bruxelles: Complexe, 143.
- Druckman, Daniel 1986. "Stages, Turning Points and Crises," Journal of Conflict Resolution XXX 2:327-360.
- Evans, Peter, Jacobson, Harold, & Putnam, Robert D., eds. 1993. Double-Edged Diplomacy. California.
- Faure, G.O., ed. 2013. Unfinished Business; Why International Negotiations Fail. Georgia Fixdal, Monica 2014. Just Peace: How War Should End.
- Goldstein, Joshua 2010. "Chicken Dilemmas: Crossing the Road to Cooperation," in I. William Zartman & Saadia Touval, eds., International Cooperation. Cambridge Gulliver, P.H. 1979. Disputes and Negotiations. Academic.
- Hedden, William 2016. Cited in David Roberts, "Grand Canyon on the Edge," Smithsonian XXXXVI 11: 69 (March).
- Iklé, Fred Charles 1964. How Nations Negotiate. Harper & Row.
- Iklé, Fred Charles 197l. How Wars End. Columbia.
- Kitzantonis, Niki & Alderman, Liz 2015. "Greece Defers Payment," New York Times, 5 June.
- Kreutz, Joakim 2010. 'How and when armed conflicts end,' Journal of Peace Research IIIL 2: 243–50.
- Licklider, Roy 1993. Stopping the Killing: How Civil Wars End. NYU.
- McDermott, Rose 2009. "Prospect Theory and Negotiation," in Rudolf Avenhaus & Gunnar Sjôstedt, eds., Negotiated Risks. Springer.
- Pillar, Paul 1983. Negotiating Peace. Princeton.
- Rose, Gideon 2010. How Wars End: Why We Always Fight the Last Battle. Simon & Schuster.
- Rubin, Jeffrey Z. & Brown, Bernard 1975. The Social Psychology of Bargaining and Negotiation. Academic.
- Shell, G. Richard 1999. Bargaining for Advantage. Bantam.
- Stanton, Frederik 2010. Great Negotiations. Westholme.
- Stein, Janet Gross & Pauly, Louis, eds. 1993. Choosing to Cooperate. Johns Hopkins.
- Thompson, Leigh 2009. The Mind and Heart of the Negotiator. Prentice Hall.
- Zartman, I. William, ed. 1978. The 50% Solution. Doubleday.
- Zartman, I. William 2009. Negotiation and Conflict Management: Essays on Theory and Practice. Routledge.

PIN book in progress:
'Closure: How Negotiations End'

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NEGOTIATION TRAINING AS A CONFLICT RESOLUTION INSTRUMENT

During peace talks, success and failure at the negotiation table are largely determined by the negotiation skills of the representatives of conflicting groups or the facilitation skills and expertise of the mediator. Yet in conflict resolution the importance of the stakeholders' negotiation and mediation capacity in achieving a successful outcome is often underestimated. Enhancing the negotiation skills and knowledge of parties involved in peace processes can greatly increase the chances of success.

The Clingendael Institute sees the need for negotiation training support as part of the larger international conflict resolution toolkit and has therefore, with the support of the Ministry of Foreign Affairs of the Netherlands, taken the initiative to provide negotiation training for:

1. Representatives of groups in conflict
2. Mediators

The goal of the initiative is to strengthen the capabilities of participants in peace and mediation processes. To do so, Clingendael aims:

• To enhance the quality and competences of mediators and representatives of groups in conflict taking part in negotiation processes;
• To contribute to conflict resolution capacities locally and regionally;
• To support peace initiatives of international and regional organisations.

The Clingendael Institute cooperates with international organisations and partner institutions to identify groups in conflict in need and demand of training, thereby increasing the chances for peace and complementing existing efforts. This means that the training courses are:

Demand driven
• In order to contribute to conflict resolution where it is most relevant and needed, the courses will be provided to representatives and mediators in need of and willing to receive training as identified by international organisations;

Flexible
• Clingendael has the capacity and flexibility to quickly respond to specific training requests from mediators, parties in a conflict and international and regional organisations involved in a peace process;

Tailor-made
• The training needs will determine the type and focus of each course, taking into account the different stakeholders, topics under discussion and regional context. The timing, length and location of the training will be determined depending on the needs.

The foreign chiefs of Germany, China, the UK, the EU, France, USA and Russia gather for Iran nuclear talks (Vienna, 24 November 2014

BY MIKHAIL TROITSKIY
"HOPEFUL AMBIGUITY" IN NEGOTIATION CLOSURE[1]

This article looks at the role of ambiguity in the closing phase of negotiation. For our purposes here, ambiguity stands for the lack of clarity about the meaning of an important aspect of a negotiated agreement—whether substantive or procedural or both. I argue that sometimes ambiguity in the negotiated agreement does not prevent a constructive closure of negotiations. On the opposite, once embraced, ambiguity can facilitate closure and form the basis for a viable solution to the negotiated problem. If the sides agree to leave some aspects of their agreement to chance—how these aspects get resolved will depend on the future developments that are difficult to predict at the moment of closure—they may be able to bring negotiations to a close and portray the final agreement as their common victory.

THE PROS AND CONS OF INCONCLUSIVE ENDGAMES

Quite often the appearance of a win-win outcome is what negotiators actually seek to achieve—either from the beginning or from a later stage in their engagement. However, it is also thinkable that good-faith negotiations, in which the sides are genuinely trying to derive benefits from a voluntary agreement that they believe is possible, end in "constructive ambiguity"—consent by all negotiating parties not to try and clearly define all conditions related to the uncertain future. For example, Japan and China attempted several times since the early 1970s to declare their Senkaku/Diaoyu islands dispute "shelved for future generations to resolve."[1] This allowed the stakeholders to leave the negotiation table (in which the islands dispute usually played a minor role) with their own vision of the future and hope for the desired outcome eventually to materialize even if their negotiation counterparts were reluctant to guarantee that outcome in the final agreement. Equally viable appears a more "short-term" approach to ambiguity whereby the final contours of the negotiated solution are supposed to transpire within months or a few years.

In many instances, the quest for certainty can derail the agreement because it would reveal differences in expectations among the parties about the end result of the negotiations, the distribution of benefits, and possibly even the very rationale of

[1] This article is based on the chapter titled "Leaving It to Chance: Ambiguity in Closure" written for the forthcoming volume on "Closure in Negotiation," edited by I. William Zartman.

[1] Cf. O'Hanlon, Michael E. and James Steinberg, Strategic Reassurance and Resolve: U.S.-China Relations in the Twenty-First Century, (Princeton and Oxford: Princeton University Press, 2014), pp. 139-143.

negotiating. On the contrary, allowing for ambiguity can tamper down fears among the parties involved of being forced into an unfavorable deal. If the sides can put up with ambiguity in the final agreement, flexibility in their positions increases and the chances of resolving their dispute go up.

"allowing for ambiguity can tamper down fears among the parties involved of being forced into an unfavorable deal"

As has been widely noted, the whole process of negotiation becomes useful and therefore possible because of the uncertainty surrounding the bottom lines of the negotiating parties. If they could openly put their utility and preference structures on the table, and agree on the principle guiding them to an optimal outcome, negotiation as a process would become unnecessary. In such context, negotiation can then be seen as the business of mutual signaling and ground-testing by the parties. Their signals are intended to communicate to the other side the configuration of their respective ZOPAs and the extent of commitment to particular solutions within that zone. Parties enter negotiation assuming that the outcomes that they announce as preferred can evolve as the parties engage and that at some future point in this process the gap between their preferred outcomes can narrow down.

This being an accurate rationalist description of the purpose and essence of the negotiation process, the clarity of the final agreement can supposedly differ. Negotiation can end with enough ambiguity surrounding the deal. For example, the language used to spell out some of its terms may allow for more than one interpretation, or the number of ways to implement the agreement may not be limited to one. The key to closure in ambiguity is the readiness of the negotiating parties to rely on the flow of subsequent events as the force that will determine the final solution.

Two factors play a key role in enabling "constructive ambiguity." The first is the difference in projections of the future by the negotiating parties. Reaching an agreement becomes easier if each party believes that, while the exact outcome still remains unclear, the future flow of events will be favorable to its interests. This would imply that the parties' expectations of the future are contradictory, if not mutually exclusive, but each party is nevertheless confident in its respective projection and willing to test it. The second is discounting of the future—underestimation of possible losses in the distant future. If finalizing an agreement immediately provides tangible benefits to the negotiating parties while the costs of doing so are only expected to materialize in quite a while, those costs tend to be discounted by the negotiators. This reconciles them to the ambiguity contained in the agreement and uncertainty with respect to the ultimate results of its implementation.

PRACTICING AMBIGUITY
Three cases illustrate the way "hopeful ambiguity" can work during negotiation closure.

Dragging occurred in the process of searching for a sustainable solution to the conflict surrounding the breakaway parts of Ukraine between 2013 and 2015. Domestic political turmoil in Ukraine started in November 2013 over the country's association with the European Union and morphed into a full-blown international crisis by spring 2014. Citing defensive motives but acting opportunistically, Moscow moved to take over the Crimean peninsula and facilitate armed resistance to Kiev in the east Ukrainian region of Donbass. Three major rounds of multilateral top-level negotiations in Normandy, France and then Belarussian capital Minsk were conducted, respectively, in June and September 2014 and February 2015. Backed up by lower-level talks, each Minsk agreement was expected to put an end to the armed conflict in eastern Ukraine. The warring sides and several mediators, including Russia, Germany, France, and the OSCE, agreed twice on a ceasefire and a line of control. They also developed roadmaps charting political and legal measures needed to reach a permanent settlement.

The first Minsk agreement collapsed late in 2014 with the resumption of heavy fighting in the conflict zone. Minsk I was then superseded by a second accord that altered the line of actual control in rebels' favor, but contained a more clear-cut and detailed, yet ambiguous, roadmap. While at the time of signing both Minsk I and II were hailed by all the parties as successful outcomes, virtually all of their terms allowed for multiple (usually two opposing) interpretations.

Despite persistent contradictions, both rounds of Minsk negotiations lent themselves to closure largely because the blueprint for conflict resolution embedded in the signed agreements was

Russian President Vladimir Putin, French President Francois Hollande, Ukrainian President Petro Poroshenko and German Chancellor Angela Merkel (Minsk, 11 February 2015)

ambiguous. Successful closure was in the highest interest of the two mediators—German Chancellor Angela Merkel and French President Francois Hollande—while the conflicting sides—the presidents of Russia and Ukraine and the rebel commanders—were not as keen on reaching an agreement. At least one of the parties believed that time was on its side. However, their intransigence was reduced to a level allowing for a deal by ambiguity in the final document. Under ambiguity each conflicting party expected its interpretation of the agreement's uncertain terms ultimately to prevail and therefore agreed to a closure.

Even if there are reasons to consider Minsk II a failure, its fate, as anything else in the world, was not pre-destined—considerable chances existed of the agreement being clarified and implemented. As the sides were facing an increasingly painful stalemate on the ground after signing the Minsk documents, they could have opted for a compromise

on the most controversial issues of local elections and control over the separatist enclaves' border with Russia. In the absence of major breaches of the ceasefire, the Minsk process could have drained the resources of both Kiev (facing the constant threat of a financial meltdown) and Moscow (suffering under western sanctions) and eventually dragged them to a lasting political solution.

> "The Minsk process could have drained the resources of both Kiev and Moscow and eventually dragged them to a lasting political solution."

Another illustrative case of ambiguity as a facilitator can be

found in the negotiations on the reunification of Germany that took place between January and September 1990. At initial stages in these negotiations, both top German and US diplomats floated the idea of imposing restrictions on the future enlargement of NATO. Such promise was then officially withdrawn, with the United States instructing allies to stop any discussion of the prospects for NATO enlargement with the Soviet leadership. Moscow, however, preferred to believe that the pledge of NATO's non-enlargement beyond unified Germany had actually been made and tried to invoke it as NATO began its expansion later in the 1990s. Whether the Kremlin was deceiving itself or had legitimate grounds to demand that NATO should not enlarge to Central and Eastern Europe, such ambiguity helped to seal the deal of German reunification by September 1990. Soviet Communist Party Chairman Mikhail Gorbachev and others in the Soviet leadership were hard-pressed

by the manifold economic challenges the Soviet Union was facing at the time. However, while they were interested in reaching an agreement on relocation of the Soviet troops withdrawn from East Germany, they could have bargained much harder rejecting the deal that eliminated the last material obstacle to the reunification. Signing the final document between the four former occupying powers and Germany was made easier by Moscow's belief that its security interests would be honored in the post-Cold War Europe. The West and the Soviet Union were mainly driving each other towards a solution. The most interested party—West Germany and its leader Helmut Kohl—was ready for major concessions, including the 12 billion deutsche marks ($7.7 billion in 1990) to pay for the return home of the Soviet servicemen. However, recent research points to possible attempts by Western powers to mismatch Gorbachev's cooperative strategy by the bid to extract maximum possible concession from the USSR.[II]

A final twin case of an "ambiguous closure" is found in the negotiations between six world powers (China, France, Germany, Russia, the United Kingdom, and the United States) and Iran on Iran's nuclear program. These talks dragged for more than a decade—from 2003 to 2015—and passed through two closure stages: in 2004-2005 and 2012-2015. Comparison of these

two sub-cases provides important insights into the role of ambiguity in successful termination of negotiation. Unwillingness of the six powers to allow for sufficient flexibility in the final deal prevented them from reaching an agreement with Iran early in the talks. The full ban on enrichment activities turned out to be unacceptable to Tehran and delayed a compromise for about a decade. When it was finally reached, it came under criticism for failing to achieve such ban.[III] The agreement did not leave the six powers and the world with uncertainty about Iran's ultimate intentions in the nuclear field. And yet such ambiguity allowed to break out of the impasse and reap significant benefits, including a strengthened nuclear non-proliferation regime and—potentially—a host of regional security issues in the Middle East being resolved. Tehran obtained a long-sought sanctions relief that is likely to influence its calculations should it ever contemplate walking out of the agreement and acquiring a nuclear bomb.

While at the time of this writing some of the deals examined above—primarily, the Minsk agreements and the Joint Comprehensive Plan of Action on Iran's nuclear program—could still unravel—or at least were not being fully implemented according to the initial design—they did come to fruition at the time of their making, with all negotiating parties taking away the sense of success. The collapse of any of the discussed agreements was in no way pre-determined. If it happens, that would occur largely for the reasons unrelated to the "hopeful ambiguity" inherent in the deals.

The cases examined above demonstrate that ambiguity in positions of the sides during negotiation closure and in the resulting agreement can sometimes be sustained until a final resolution of the unsettled issues is shaped by external developments. For many disputes, especially those involving an armed confrontation, an ambiguous agreement is better than no agreement.

Aside from putting an end—even if temporarily—to a conflict, an ambiguous agreement can provide a number of benefits to the sides. First, it can help negotiators to convince second-level (usually, domestic) constituencies that no significant concessions have been made to the opponent. Second, the availability of a number of interpretations of the negotiated agreement can send the needed signals to the third parties—for example, the regional competitors of negotiating countries in whose eyes the negotiators may not wish to appear weak. For example, Iran's preserved enrichment capability showed its regional rivals that Tehran would be able to acquire a nuclear weapon should its vital interests come under threat.

In the meantime, having reached a deal, even if an ambiguous one, negotiators will be in the good position to claim credit for removing a disturbing and potentially costly dispute from their respective countries' agendas through peaceful and costless negotiations. For example, by signing the Minsk agreements, Russia sought to convince the West that it was not opposed to Ukraine's territorial integrity (minus Crimea) while shifting the (potentially unbearable) burden of restoring that integrity to Kiev.

[II] Cf. Sarotte, Mary Elise, 1989: The Struggle to Create Post-Cold War Europe, (Princeton, NJ: Princeton University Press, 2014).

[III] Cf., for example: Kroenig, Matthew, "Why Is Obama Abandoning 70 Years of U.S. Non-Proliferation Policy?" Tablet, June 15, 2015, http://www.tabletmag.com/jewish-news-and-politics/191479/obama-iran-nonproliferation

BY I. WILLIAM ZARTMAN
PIN REMEMBERS ITS GODFATHER, HOWARD RAIFFA (1924 - 2016)

Howard Raiffa (1924-2016)[1]

Dr Howard Raiffa was the godfather of PIN. In 1972 he became the first director of the International Institute of Applied Systems Analysis (IIASA) in Laxenburg, Austria. The first IIASA programs were negotiated by the Cold War opponents in a moment of détente. Raiffa immediately vowed to add a program on the study of negotiation. His dream was realized in 1987 after he had returned to Harvard to help set up its Kennedy School of Government. PIN kept in touch with Raiffa. Rudolf Avenhaus and I. William Zartman even dedicated their publication Diplomacy Game; Formal Models and International Negotiations (Springer 2007) to "Howard Raiffa: the Formal Modeler of PIN".

[1] "Howard Raiffa, IIASA's 1st director", 2016, https://youtu.be/jwRzS-jvfkA.
I. William Zartman, 'CaspiLog 3: Bridging
[2] Gaps Through Cooperation and Partner- ship', PINPoints 31, 2008.

Raiffa once said to PIN: "you study negotiations, why don't you do some of it?". PIN had just done a roadshow at the School of International relations in Tehran where it was asked to analyze the Caspian Sea/ Lake negotiations. It picked up the challenge and launched CaspiLog, an annual conference of NGOs and some diplomats from the 5 littoral countries of the Caspian to discuss common problems. The project held only 3 meetings (2006-2008) and ended due to a lack of funds. However, the third CaspiLog meeting did yield the 2008 Almaty Resolution which fed into the ongoing official meetings on the UNDP-sponsored 2007 Tehran Convention on the Caspian Environment.[2] I. William Zartman will report on their results during the forthcoming PIN workshop on 'Negotiating Security in Eurasia' at Clingendael in September 2016.

Howard Raiffa obtained his degrees in mathematics from the University of Michigan and held a chair in managerial economics at the Kennedy School. His major work on negotiation was The Art and Science of Negotiation: How to Resolve Conflict and Get the Bes out of Bargaining (Harvard 1982), revised as Negotiation Analysis (Harvard 2012). He moved away from analyzing negotiation as a process to a calculation of outcomes so as to provide optimal outcomes that obviated the need for bargaining, a mechanism that found use in business. Nonetheless, the span of his creative mind, the avid interest in combining theoretical insight with practical application, the inspirational encouragement for new ventures, and the gruff mien and twinkling eye were an enormous legacy that will remain with PIN and its work as long as our memories. Howard Raiffa died on 8 July 2016 at age 92.