PIN•Points

Processes of International Negotiation

Winter in Paris: COP 21

South Sudan's Conciliation Challenges

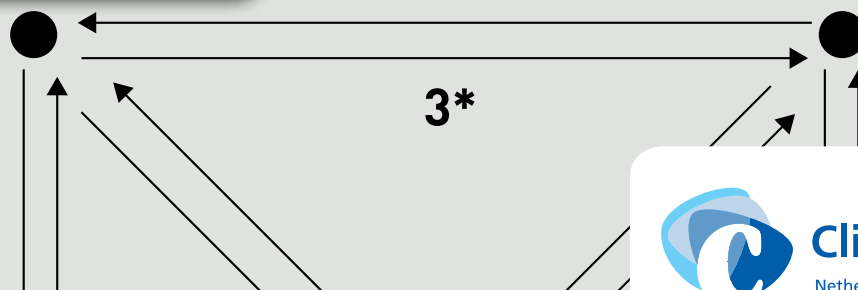*Narratives and Meta-narratives in the Israeli-Palestinian Conflict*

Conflict Behaviour in Negotiation

4   Collaborative

3*

Clingendael
Netherlands Institute of International Relations

EDITORIAL

Since this year has almost come to an end, this 42th edition of the *PIN*-Points reflects both the strengths and weaknesses of negotiations. The Iranian nuclear deal demonstrates that even an increasingly divided international community can work together if necessary, and additionally, the Paris climate talks seem to have delivered more than any climate summit since Kyoto. Another positive outcome has been the successful conclusion of the trade talks in the Pacific.

Meanwhile, the Minsk process has largely stalled indicating increased tensions and security threats in Eurasia. The chances for new Syrian talks have suddenly increased in recent months. However, the chances for success are more difficult to estimate. In South-Sudan an agreement has been reached, but it remains to be seen how permanent the agreement actually is. The European Union saw some of its most divisive and destructive negotiations in its history with extreme bargaining between the Eurogroup and Greece as well as the massive tensions surrounding refugees putting strain on notions of solidarity and consensus in EU-decision-making.

Whether the negotiation glass is half full or half empty depends whether one is an optimist or a pessimist. Despite reservations about whether the international community is capable of dealing with problematic and complex peace processes, and hence, the effect of geopolitical competition on international regimes (which have played such an important role in protecting vulnerable multilateral negotiations), the

picture is less gloomy then last year around this time. Notably, last year the strengths of negotiations were less noticeable, as stated in the editorial of *PIN*Points #40.

This edition of *PIN*Points starts with very clear limits to negotiation. By utilizing his previous work as the primary basis for the discussion of these events, Guy Olivier Faure writes about the Paris attacks of last November and the French response as to these events. More specifically, by consulting his work on the PIN books *Negotiating with terrorists and Engaging Extremists* proposes a possible path for the coming years in response to these terrorist threats. Unfortunately, however, Hollande did not opt for the same path. Paul Meerts continues with an analysis of the Greek-Eurozone negotiations. Although much more can be said, and Meerts does, here is a crude summary: Greek Minister of Finance Varoufakis a well-known game theory expert gets lost in EU consensus.

Rudolf Schüssler turns us to the successes. He assesses the outcome of the successful UN Climate Conference in Paris, using both released and upcoming PIN works.

The contributions by Mikhail Troitskiy and Mordechai Melamud derive both from the May roadshow of PIN, on mediation organized together with CITPAX in Madrid. Troitskiy emphasizes the importance of a mediator's commitment during negotiations by distinguishing between different types of mediators. Notably, the stronger the commitment of the mediator, the higher the chances of finding a solution,

provided the mediator acts in a careful manner in order not to lose flexibility.

Melamud analyses the (meta) narratives in the Israel-Palestinian conflict. These narratives differ greatly from one another, because both sides have framed these events differently since the start of this conflict. By discussing these narratives in a chronological manner, it becomes clear that both Palestinians and Israelis have enforced their own narrative causing them to drift further away from each other. The author is carefully optimistic that these narratives might be bridged by mediation.

Mark Anstey examines the peace process in South-Sudan: a mediation process that led to an agreement only after considerable pressure from the international community. Partly motivated by his recent work for Clingendael in Juba, he assesses the prospects of success of the recent South-Sudan peace accord, by reflecting on the issue of how to ensure its effective implementation. By analyzing the agreement in detail, he observes that chapter five of the agreement (i.e. which deals with reconciliation) leaves a lot of room for interpretation, giving rise to possible tensions in the future.

In the article by Sander des Tombe and Paul Meerts, the authors make use of a dataset by Meerts. This dataset has been constructed on the basis of data that was distilled from the application of the Thomas-Kilmann model on conflict handling modes during different training seminars on negotiation,

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which have been organized for over many years. The main objective of this research was to analyze possible cultural differences in terms of preference for certain handling modes. On the country-specific level, some striking differences become apparent, but in regional comparisons the similarities between the regions are perhaps the most surprising.

As the work of PIN is dedicated to increasing the understanding of negotiations, this edition also includes an article by Andrea Kupfer Schneider and Christopher Honeyman in which they describe their edited volume *The Negotiator's Fieldbook*. The book represents a very comprehensive overview of the current state of affairs of negotiation knowledge.

This issue of *PIN*Points closes with two reports of PIN activities, the roadshow and book conference on *closure in negotiations* (the subject for an upcoming PIN book) in Montenegro and a policy lab on inclusivity in peace negotiations.

However, the real end of this edition of *PIN*Points is fittingly the description of PINs 2017 project which deals with the fall-out of some of 2016s negotiation failures: *Negotiating Security in Eurasia*.

GUY OLIVIER FAURE
THE NOVEMBER PARIS ATTACKS: AN ASSESSMENT

The shock produced by the recent multiple coordinated attacks in Paris with the scenes of indiscriminate bloodshed and terror on the streets elicited a real trauma far beyond France. Jihadist violence made to the "far enemy" has met its goals: spread fear and push France to escalate. It implements a strategy aiming to diversify and broaden the strikes against the Crusader-Zionist enemy in every possible place of the world. To be effective, attacks should be launched against soft targets that cannot be easily defended, demonstrating thus the inability of the state to protect its own citizens. Ultimately, these violent attacks should be meant to draw the West as deeply and actively as possible into a global inter-religious belligerent conflict.

French President Hollande's promise to be "merciless" in the war against the "barbarians of the Islamic State" is precisely what ISIS wanted. The greater the hostility toward Muslims in Europe and the deeper the West becomes involved in military action in the Middle East, the closer ISIS comes to its goal of creating and managing chaos.

The good news is that M. Hollande does not have the resources to launch a third world war. He is mostly posturing and making martial announcements to serve his media strategy. To take over Mosul and Raqqa requires more than bombings even if they are "intense" as he stated. It needs land troops that no one among Western powers is eager or has the means to provide. The French population, as such, is not as bellicose as M. Hollande. People rather stick to the motto of the city of Paris "Fluctuat nec mergitur", which

means "tossed about but not sunk", by just keeping its life style.

There were obvious cracks in the French intelligence dealing with terrorism when considering that probably two or three dozens of Jihadists have been involved in the overall operation. The most important piece of intelligence was supplied by the Moroccan security services. Besides the 129 dead and 350 wounded, another possible victim of the attacks could be the Schengen agreement which was never thought in terms of security but of free travel for E.U. citizens and easy travel for foreign tourists. Jihadists benefit of a system that provides a highway for themselves and their weapons from the Balkans to Western Europe.

Nowadays, France has the largest Muslim minority in Europe. Muslims are an underclass in the French society, a legacy of France's colonial past. They make up 8 to 12 percent of France's population but over 70 percent of the prisons population. A very large number of young French Muslims are vulnerable to absorbing radical ideas in these prisons, and, once out, they are a serious threat to society. As a dreadful consequence, France has contributed more foreign fighters to serve ISIS than any other Western country.

Defining the Islamic State as a source of "terrorism" or "violent extremism" is a caricatured short cut that does not help to deal properly with the Da'esh problem. Dismissing the radical Muslims as "nihilistic" is ignoring the most important component of their identity: the mission Jihadists believe in, that is to save the world. ISIS's followers involve themselves

French Foreign Minister Laurent Fabius and US Secretary of State John Kerry laying a wreath next to restaurant Le Petit Cambodge after the attacks.

in a campaign of world purification through sacrificial killing and self-immolation. Launching the "volcanoes of Jihad" means creating an international jihadist archipelago that will unite, destroy the present world and create a new world of universal peace and justice under the Prophet's banner. Hitherto, 36 groups around the world have declared allegiance to Abu Bakr al-Baghdadi, the caliph.

French counterterrorist security has identified over 11,000 radical Islamists, 25 percent of whom are women and 16 percent minors. Among the minors, females make up the majority, radically contradicting the common beliefs and stereotypes on women. Keeping full track of those suspected of being prone to terrorist actions is practically impossible because an around-the-clock surveillance of a single suspect requires fifteen to twenty security agents. It is therefore important to employ a novel system based on international cooperation.

A poll run by a British research center (ICM, 2014, p. 2) indicated that more than one in four of the French youth of all creeds between 18 and 24 have a favorable or very favorable opinion of ISIS. Many youngsters want to be rebels with a cause, which is to defend their Muslim brothers they see as oppressed. Furthermore, fighting against France is fighting M. Hol-

lande, a self-declared atheist, thus serving even better the cause of God. For them, the point is not to be just a good Muslim but to become a warrior for Islam through self-sacrifice. They tend to view the Caliphate as a dream coming true just like the Jews with Jerusalem. The Caliphate is in their hearts, even if considerably fancied. For the Western powers and their Middle East allies, an all-out war would be another tragic mistake. The real point should not be to kill a few thousands Jihadists. It will not solve the problem as they will be replaced easily. Even if the Islamic State was to be destroyed and the post-colonial borders re-established, Da'esh would not vanish. It would go back to its initial form of action, which is guerrilla warfare almost impossible to erase by military means.

Bombing, killing, and repressing Islamist groups will not put an end to the conflict. The deep causes of the current drama have to be addressed. As long as a substantial number of Muslims keep developing a hyped-up sense of Sunni victimisation and, as long as young urban Muslims in Europe yearn for heroism the conflict will go on.

These terrorist groups have to be defined properly. Terrorism is not an identity but just a means of action. In reality one has to discuss both with radical Islamists and with all

the stakeholders of the Middle East quagmire, including Iran and Russia. At some stage negotiation has to come to the fore but, in the short run, negotiating is not on the agenda. No party sees an advantage to engage in a dialogue. The French consider that their way of life, values, and freedom of expression are not negotiable. Da'esh has no reason to negotiate with those it considers to be creatures of the devil. Furthermore, there is no clear counterpart to possibly talk to within such a fuzzy entity.

There is no zone of potential agreement in the current conflict. No compromise coming out of a concession-making process could thus be foreseen. Compensations, as exchange of advantages, are not to be seriously considered because each party seems to only be eager to escalate the conflict. In the long run, no less than a re-construction of the problem could lead to a viable solution. Otherwise, even if ISIS is destroyed, its message could still fascinate countless young Muslims in the future and Jihadism could rise again from its ashes. These conclusions are simply the teachings drawn from the Afghanistan and Iraq wars.

The essential point will be to reintegrate the Jihadist groups in the civil society by reframing the conflict in such a way that it could have a satisfying solution for all parties. This is not an impossible task when, for instance, considering what is to be soon achieved in Colombia after 50 years of bloodshed. Still, it may take a generation or more to reach a new and sustainable balance for the Middle-East region.

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PAUL MEERTS
NEGOTIATING THE GREEK WAY

> "Distrust the Greeks, especially if they come with presents."

At least according to Virgil in his Aeneid, 'quoting' the Trojan priest Laocoön when he warned his Trojan fellow countrymen against the decision to demolish part of the city walls in order to drag the Wooden Horse of Ulysses into the city. If anybody ever said this, it must have been Virgil himself and we don't know what are the reasons for such a strong statement. Anyway, according to legend Laocoön and his two sons where attacked by enormous sea snakes when they made offerings to the Gods on the see shore. The Trojans saw this as a sign that it was safe to draw the horse into the city and Troy perished. However, the Greeks are not more untrustworthy than any other people on this globe and it is anyway more correct to ask the question if governments can be trusted. The problem is the government of a state – any state – not its people.

Trust is an important ingredient in successful negotiations. No trust, no effective negotiation process. What about trust in negotiating with Greece some 3000 years later? A problematic issue. Agreements have not been kept, the atmosphere during the negotiations on the Greek budget

has been icy, and the Greeks don´t trust the European Union anymore and vice versa. How did this situation occur and what can be done about it? While it is true that the Greek governments have not been straight on the figures from the very moment they entered the Eurozone, EU financial and monetary experts did not check these figures, and even if they did – probably they did – there were good political reasons for getting the country into the Eurozone. Most likely the EU ignored reality and by that it is as responsible for the present crisis as Greece itself.

Although trust is an essential ingredient to negotiation, there is no reason why states should trust each other.[1] The 'raison d'état' will normally prevail and if the interests of any government demand breaking promises and stabbing the opponent – be it in a diplomatic way – most governments won't hesitate. It is therefore absolutely vital to compensate the lack of trust in international politics by political control over each other. Control can replace trust as the stabilizing factor in the negotiation process. This is why we observe – at least from the Peace of Westphalia till today – a growth of regimes to facilitate negotiation processes by establishing controllable contracts, multilateral conferences and finally international and supranational organizations like the European Union.

The European Union – being first of all a process of cooperation and mutual control - is relatively effective because of its inner strength. Its structures protect the processes needed to move forward. Nevertheless, this is of no avail if, for political or other reasons, the EU institutions

and regulations are not allowed to function as they should. In that case the whole idea of protecting processes of give and take by constructing a strong context to force member states to live-up to their agreements is lost in translation. The euro is a good example of this. The decision makers were well aware of its shortcomings but they trusted in the future. A future that would for sure become problematic if tax, pension and social welfare systems would not be harmonized. In fact, the idea was that their way out of the crisis could only be achieved through further integration – for example by consolidating the banking system. Henceforth, this would eventually strengthen the Union.

Taking a closer look at the negotiations between Greece and the European Union, striking trends can be observed. Both Greece and the EU took a very tough stand from the very start. In negotiation terms they applied distributive, that is win-lose, strategies and tactics. This is quite amazing as win-win or integrative approaches are the norm in international organizations and in the EU even more so. Of course, distributive negotiation does occur , but it is normally imbedded integrative bargaining. Obviously, both parties hoped that such polarization would lead to a good deal somewhere half-way but this mutual approach destroyed personal relationships which are more important in the EU than often thought.

Note the importance of good personal understanding between political leaders like Kohl and Mitterand, Schröder and Chirac, notwithstanding opposing interest. Also note the

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[1] Indeed the only reason—other than moral—why negotiators should trust each other is that if they did not they could not bluff. If we assume all parties are untrustworthy bluffing in all its forms—withholding, exaggerating, brinkmanship, etc.—is not impossible because assume that all statement are or can be false. Only if we assume that all statements are true can we bluff.

"Euro problems, maybe, but we have no intention of making a Drachma out of a crisis"

far-reaching consequences and the short circuit between the last two and Berlusconi. According to negotiation theory, it is vital to create a good atmosphere especially if the positions are so far apart. Such an atmosphere can help to bridge the gap. Nonetheless, if ego's collide things will turn even more sour. 'Egotiation' must be avoided at all costs. This is a difficult task for the diplomats, since they have to keep their bosses on track in order to move from confrontation to cooperation.

On the Greek side, the rationale of trying to win as much as possible by heading towards collision worked as long as the EU had to fear for a 'Grexit' instead of an 'Agreekment' –keeping in mind that Spain, Portugal and

Ireland where endangered as well. After this problem was settled, the EU suddenly had a 'Best Alternative to a Negotiated Agreement'. Namely, 'Grexit' was no longer a major disaster for the Union. This context change severely weakened the Greek attack but it appeared nearly impossible to turn the Greek phalanx into a more peaceful direction. The government had entrapped itself and its population. Public opinion did not seem to be willing to go for appeasement and public opinion is probably the most decisive factor in any international negotiation process. At least for democracies.

We have seen what the Greek elections brought; Tsipris was the consummate politician, kept his position

and engaged in working for the EU. Terms he had earlier fought. In many cases the populous has been wiser than its government, e.g. the Scottish politicians and their constituency. It is interesting to note that game theoretical expert Varoufakis wasn't the right man at the right place. Coming back to the issue of trust, Lord Salisbury (1830-1903) said 'No lesson seems to be so deeply inculcated by the experience of life as that you never should trust experts. They all require to have their strong wine diluted by a very large admixture of insipid common sense.'

RUDOLF SCHUESSLER*

WINTER IN PARIS: THE COP 21 CLIMATE CONFERENCE 2015

The world of global warming again held its breath and followed the events of a UN climate conference from 30 November to 18 December 2015 (COP 21, the twenty-first conference of signatory parties).[1] The wildly meandering road of climate politics has led from Kyoto to Paris, where, as most of us had hoped, a legally binding agreement was negotiated with the aim of limiting global greenhouse gas (GHG) emissions to an amount compatible with less than 2°C anthropogenic global warming. This article was originally written before these events and assessed the prospects of the conference. Now, after the Paris agreement, this gives me occasion to compare my expectations with the actual outcomes.

Why was there reason to think that climate diplomacy would this time be more successful than in the past? Of course, there is the karma of Paris, one of the mother cities of diplomacy, and French preparations could certainly be expected to be optimal. (This expectation turned out to be true. The choreography of the Paris conference was close to perfect.) Nevertheless, further reasons were required to render our hopes of success as rational. In fact, more reasons than ever

spoke for success this time; limited success, of course, but real success and not merely diplomatic hot air. This article will outline the grounds for my optimism, refer to links with PIN research, and also mention some problems and risks.

The most salient feature of the Paris climate conference was its dependence on previously submitted pledges by the negotiating parties. The pledges are called INDCs (Intended Nationally Determined Conclusions) and specify what a country or a group of countries, such as the European Union (EU), is willing to contribute to international mitigation and adaptation efforts with respect to global warming.[2] By November 2015, 119 INDCs had been submitted, representing 146 countries and practically all of the large-scale global emitters. This is very good news, because it implies that the United States, China and India, which are notorious agreement busters, have voluntarily commited to a CO_2 mitigation effort. In the case of the United States and China, the commitment is substantial, although smaller than most climate activists would wish. The United States (or rather US President Obama, for we must wait to hear what the US Congress has to say once ratification becomes an issue) promises a reduction by 2025 of 26 to 28 percent of CO_2-equivalent GHG relative to the 2005 level, and a 17 percent reduction by 2020. This is worthy of mention, because in terms of GHG emissions, the United States will in 2020 be roughly where it was in 1990, and not anywhere better.

China perceives itself to be a developing country and is not therefore committing to GHG reductions, be-

cause so far UN climate diplomacy has proceeded on the assumption that only developed countries need to accept this commitment. Yet China is promising to increase its CO_2 efficiency – that is, to produce more wealth with less emissions and greener technology – and it has announced a peak for its emissions before 2030. Critics say that this announcement merely reflects what China needs to do anyway to mitigate its enormous air pollution. It is all pure self-interest, in other words, but it is still self-interest with beneficial side-effects. India was motivated to make promises only after China had done so, and therefore: 'Thank you, China!' India also pledged to increase its CO_2 efficiency substantially (33 to 35 percent) by 2030, relative to 2005.

The EU threw in an overall 40 percent GHG reduction by 2030, relative to 1990; Russia agreed to a 25 to 30 percent reduction for the same period; and Brazil offered a 37 percent reduction below 2005 levels by 2025. In fact, Brazil stands out as a decent example of a big developing country that is willing to shoulder significant reductions. All in all, the unilateral pledges of the big emitters so far add up to a GHG mitigation path that limits predicted global warming to 2.7°C, according to one research insitute.[3] The magic target was, of course, 2°C, but the negotiators were not very far

[1] For prior publications by PIN on climate negotiations, see Sjostedt, Gunnar and Ariel Hernandez (eds) 2013, Climate Change Negotiations (London).

[2] See http://unfccc.int/focus/indc_portal/items/8766.php. There are helpful comparisons of the submitted INDCs. See, for example, www.c2es.org/indc-comparison.

[4] Climate Action Tracker Update, 'INDCs Lower Projected Warming to 2.7°C', online at http://climateactiontracker.org/assets/publications/CAT_global_temperature_update_October_2015.pdf.

off the mark before the negotiations had even begun.

There is, however, a drop of bitterness in most of the pledges for anyone who is interested in climate ethics. Many pledges use 2005 as the base year for reductions, although 2005 has no moral significance whatsoever. 1990 is usually accepted as the last year when politicians and nations could be innocently unaware of the risks of global warming.[4] All efforts at mitigation should therefore on moral grounds refer to 1990 emission levels. In consequence, many apparently generous pledges appear morally less aspiring, and ratifying 2005 as the base year would, to a considerable extent, incapacitate the moral compass of climate politics. Yet in the end, all of the parties could be expected to consider agreement as more important than the minutiae of climate justice – and that is what they did.

[4] Meyer, Lukas 2004, 'Compensating Wrongless Historical Emissions of Greenhouse Gases', Ethical Perspectives 11, 20–35.

[5] See online at http://news.gcfund.org/. See also Müller, Benito 2014, 'Concentration of GCF Resources: What is at Issue?', Discussion Note, Oxford Climate Policy, online at http://www.oxford-climatepolicy.org/publications/documents/Concentration_of_GCF_resources_final.pdf.

[6] Zartman, I. William (forthcoming 2016), When is Enough? How Negotiations End.

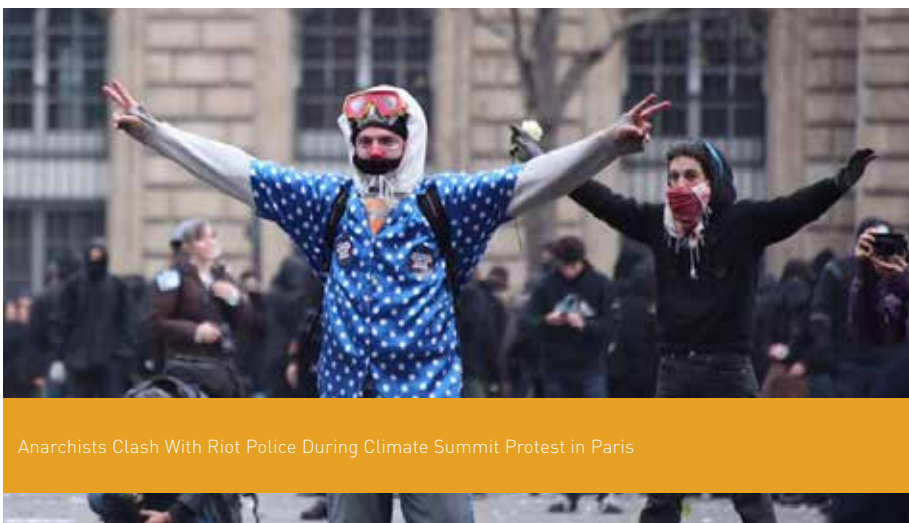Anarchists Clash With Riot Police During Climate Summit Protest in Paris

The price for a satisfactory mitigation path seemed more worrisome in terms of *Realpolitik*. It should not be forgotten that adaptation was as much on the Paris agenda as mitigation efforts, although this fact was veiled by the mitigation focus of most INDCs. For adaptation and mitigation in developing countries, the United Nations has created a Green Climate Fund (GCF).[5] The GCF was already, before Paris, designed to be invested with US$ 100 billion annually by 2020 – that is, the parties to COP agreed on a sum, but nonchalantly failed to mention who would pay. So far, contributions have begun to trickle in all too slowly, but – needless to emphasize – they fall far short of US$ 100 billion annually.

It was difficult to imagine, at least for me, that the developing countries (including China and India) would accept a legally binding agreement for mitigation that was anywhere near their pledges without a substantial input to the GCF from developed countries. It is true that many observers consider a hefty financial burden for developed countries to be fair, but it was not so clear whether their governments' willingness to pay would satisfy this expectation. The situation is not improved by the fact that the GCF rules are not focused on the climate-related needs

of the poorest and most vulnerable countries on earth. The GCF rules state that every vulnerable country should get its share and that a wide geographical dispersion of monetary support is mandatory. In short, the focus of the GCF is not exclusively on the most needy countries, as some of the more developed developing countries also stand ready to receive their share. To put it bluntly, the GCF risks becoming an instrument for side payments to countries that otherwise might block CO2 mitigation, rather than a fund for helping those who cannot help themselves (and shame on all who think that it was designed for this ignoble purpose).

One of the surprises of the Paris agreement, for me, was that the developing countries did not decisively push for guaranteed higher funding. After all, the GCF is to be stocked with US$ 100 billion per year by 2020 – a not so distant date. Yet it still remains unclear where the bulk of the money is to come from, exept from an abstract and not legally actionable universal concept called 'the developed countries'. One of the reasons for reticence may have been the decision not to improve on the pledges. Since no country had to make greater efforts than it had promised, it could also not expect to receive much hard currency for its efforts. The French hosts left the issue at that, favouring elegance and success over substance and failure.

This brings us to what I suggest calling a 'closure trap'. The closure of negotiations is presently one of the main issues of discussion and shared research in PIN. PIN is investigating a variety of reasons that impede the successful conclusion of negotiations, and hence 'closure'. (See the upcoming PIN book on closure.)[6] I rather want to highlight a converse problem; namely, that closure can come prematurely, or at an exaggerated price. This was one

The bright side of climate change.

of the dangers of the Paris climate negotiations. It has long been a main objective of international climate policy to generate legally binding commitments on a satisfactory GHG mitigation path. Representatives of developed countries might hence be induced to spend much of the money that they could have used to get a better (but not binding) agreement to get instead a legally binding agreement. In fact, it is an interesting question of how much mitigation they should be willing to forego to reach a binding agreement. The question is not moot, because future haggling over the GCF might lead to such a trade-off. Remember that INDC pledges mostly represent what their submitters anyway plan to do. Some countries even openly state to what extent their promises are unconditional. Thus, why pay foreign countries precious tax-payers' money (US$ 100 billion a year) for what they will do in any case out of self-interest? Moreover, it is not really essential to bind agents legally to activities that they anyway have compelling reasons – and in the case of China and India the means

[7] See Neumayer, Eric 2000. 'In Defense of Historic Accountability for Greenhouse Gas Emissions', Ecological Economics 33, 185–92.

[8] Schüssler, Rudolf 2011. 'Climate Justice: A Question of Historic Responsibility', Journal of Global Ethics 7, 261–278.

– to do. Fixation on the traditionally paramount importance of legal commitments might therefore lead to a 'closure trap'. Parties might pay dearly for legal closure, although a non-binding agreement would also do the job.

In Paris, developed countries avoided the closure trap. They did not pay too much for a legal fetish, but not because they judiciously settled on a fair price. The developing countries accepted payment with little cash and some further unspecific promises. In other words, the developed world got a legally binding treaty almost for free, but mainly because the treaty does not contain anything that could bind anyone to specific actions. This is not fully satisfactory for small island states and the least developed countries, which want to survive and cannot adapt without outside help. On the other hand, the result seems fitting with respect to China and India, which are not exactly economically the most powerless countries in the world. Yet surely there is something like a historic climate debt that is owed by developed countries to China and India? Many climate activists, and also some theorists of justice, think so.[7] The problem, however, is that a significant number of theories of justice exist. In many respects, every country and every person can pick the perspective on justice that suits their interests best and still remain within the scope of reasonable notions of justice. From the perspective of Western ethics, for instance, there was no such thing as a historic climate debt for emissions before 1990.[8] There is, consequently, no universally valid moral reason to acknowledge a Western climate debt for long-past emissions. True climate justice should thus primarily focus on the most pressing and uncontroversial cases – that is, the focus should be on the most needy people and countries, truly the least

developed ones, among which I, personally, do not reckon China and India. Both China and India can, with due internal effort, help themselves without GCF funding.

So far, it seems that the delegates got everything right at the Paris climate conference. They avoided traps and failure, and achieved an agreement that is being praised as historic at the time of writing. All sides seem very pleased with the Paris agreement: the ecologically ambitious and the oil producers; the United States and China; India and the EU; and the islands that might go below the sea and poor countries that fear droughts. Yet this is also a clear sign that the Paris agreement lacks bite, although it makes a virtue out of this fault, not least because of superb French diplomacy. The Paris agreement fully concentrates on sending signals, such as the bold aim of limiting global warming to 1.5°C. Before Paris, 2°C was considered highly ambitious, if not unrealistic. Now it is 1.5°C, and everyone is happy, although the pledges in the very same agreement are not even enough to reach 2.5°C.
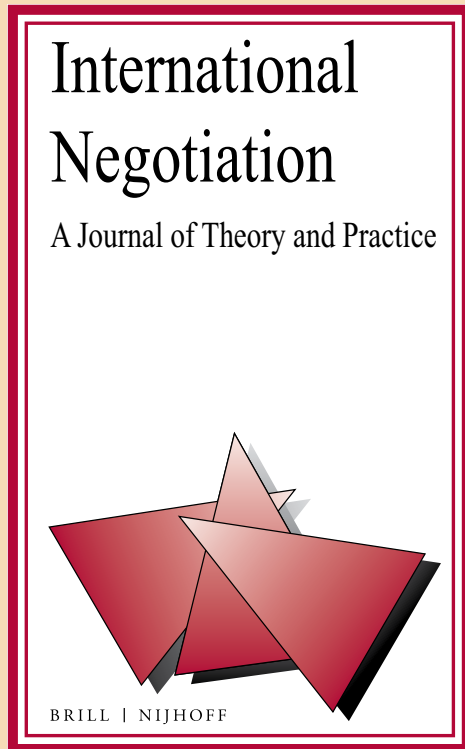
Paris elicits romantic feelings in everyone, and signs of hope are being sent to all sides. The eco-ambitious see a signal that the carbon economy will not survive 2050, while their opponents need not despair of stalling this process at least until 2099. What finally matters, however, is how big business perceives the Paris agreement. If big business concludes that the carbon economy might be at serious risk of imploding within the next big asset investment period, the ecologically ambitious have won the game. If not, however, the agreement will nevertheless be historic – as a sorely missed opportunity to create a climate treaty with bite.

INTERNATIONAL NEGOTIATION
A JOURNAL OF
THEORY AND PRACTICE

International Negotiation

A Journal of Theory and Practice

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IN THE NEXT ISSUE OF | INTERNATIONAL NEGOTIATION

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.

MIKHAIL TROITSKIY
THE POWER OF COMMITMENT IN MEDIATION

This article looks at how the ability to commit can help the mediator to resolve a conflict. For the purposes of this analysis, to commit means to propose a way out of the mediated conflict and throw enough weight behind your proposal, so that rejecting it would be costly for the conflicting parties.

I argue that it is the ability to commit which makes an effective mediator. Some conflicts can indeed be resolved by mediators who cannot credibly commit to anything – be it full informational transparency, a focal solution, or punishment for defection. But these conflicts antagonism between the parties in such conflicts is usually low. Successful mediation of highly antagonistic conflicts requires not so much brute force, but rather the ability to make credible commitments.

Mediators are commonly classified into three groups: facilitators, formulators, and manipulators. *Facilitators* help to build trust and serve as intermediaries transmitting information between the conflicting parties. *Formulators* creatively help to invent a solution or to choose among available options. *Manipulators* apply pressure to the parties in order to force them to settle their conflict.

Experiments and formal research have shown that communication through a mediator is more effective than direct communication between conflicting parties. The most relevant experimental result for the purposes of this article is that the most credible mediator is the one who can complement communication with punishment. It effectively means that to be effective the mediator must be able to make a credible promise to punish uncooperative parties. All types of mediators – facilitator, formulator, or manipulator – need to have the will and resources to impose a procedure or a framework for solutions or a final and only solution on the conflicting parties.

Let us look at what exactly each type of mediator can commit to and what the effects are likely to be.

A "*facilitating mediator*" can commit to communicating full and/or truthful information to the disputants, that is, to ensuring transparency. Such mediating tactic would be based on the focal principle of full access to relevant information. That gives the mediator powerful leverage against the parties who are inclined to cheat. As a result, even without enforcing a particular solution, such tactic can narrow down the set of available solutions. Even if transparency eliminates all solutions but one, the case for that solution will be very powerful because that solution will result from a very conspicuous focal principle – full and universal accessibility of relevant information. Unconstrained freedom of speech enshrined in law is a good approximation of such tactic. In this case, the government acts as a mediator in disputes among citizens by enforcing the principle of free speech which usually prevents concealment of relevant information from stakeholders.

For example, commitment by international mediators to transparency (that is, disclosure by the mediator of information from sources other than the disputants themselves) has lately produced moderating influence on the parties in the conflict around Ukraine. The OSCE, the United States, the EU and others have been making public at least some of their observations and assessments of the situation on the ground. These reports and statements made purposeful deception by the parties of each other and of the outside actors more difficult and forced parties to at least partially abandon the tactic of denial and settle for a compromise solution – the Minsk II agreements of February 2015.

Information-focused mediation tactic becomes more effective if the mediator is able and willing not just to disclose the concealed information, but to punish the "crook" – the party which tries to deceive the opponent.

A "*formulating mediator*" has more options for making an effective commitment. Such mediator can commit – albeit without the ability to enforce – to a focal point in the form of a principle allowing for a range of potential solutions. Such commitment would be a way to set boundaries for a settlement. The principle that the mediator may choose to propose can derive from anything – even from mediator's own convictions – but it should be focal, that is, conspicuous and salient. Such principle could be, for example, the preservation of territorial integrity of a disputed state (which happened with regards to Bosnia or Ukraine) or self-determination of the disputed state (East Timor, Kosovo, or Montenegro). Another famous focal principle that a formulator helped to hammer out and then tried to enforce is "land for peace" in the Arab-Israeli dispute.

In 1993 the European Union committed to the Copenhagen criteria – a set of requirements on democratic rule

Mediating the hard way.

and peaceful resolution of conflicts – that represented a focal principle for the settlement of actual and potential disputes among post-Communist states in Central and Eastern Europe. Specific ways of settling different disputes (between Hungary and Romania, Hungary and Slovakia, Poland and Czechoslovakia etc.) varied, but they all fell within the boundaries set by the Copenhagen criteria.

While mediating the Bosnia conflict the mid-1990s, NATO and the United States applied the principle of Bosnia's territorial integrity to set the boundaries of conflict resolution. This principle was seen as favorable to one of the sides – the Bosnian Muslims who would have had almost nowhere to stay if Bosnia were to be partitioned. Territorial integrity forestalled many other solutions, such as self-determination for the Bosnian Serbs. Yet it was based on a powerful

focal principle of status quo/integrity, and therefore enough stakeholders and non-stakeholder alike perceived it as fair. An equally powerful alternative principle here could have been boundless fragmentation that would have clearly been dangerous. The power of commitment derived here from the focal nature of the principle: it is attractive because it is conspicuous, represents an equilibrium, embeds justice, etc. Overall, one finds surprisingly few fundamental concepts on which a proposed conflict settlement can be based.

Focal principle-based mediation may be one of the most interesting trends in contemporary mediation. Whether such mediation delivers tangible results in the foreseeable future may be a good litmus test of whether we are moving towards a rules-based international order or a more ad hoc and chaotic one.

There is yet another implication of the tactic of commitment to focal principles. If the mediator has a stake in a specific outcome and can frame it in terms of a fundamental concept, then such mediator stands good chance of imposing his preferred solution on the conflicting parties. However, that also applies to the negotiating position of any of the parties, even in the absence of a mediator – it is always useful to wrap one's position in fundamental – and therefore focal – concepts or principles.

If we look at commitment to conspicuous formulas or principles, we shall see that one does not need to be a great power to effectively use the power of commitment in mediation. If a principle to commit to has a strong ethical value or moral power, a smaller nation (such as, for example, Switzerland or Norway) can assert it

powerfully to influence negotiation outcomes.

A "manipulating mediator" believes that he is able to enforce settlement by imposing additional costs and offering incentives.

Just like a formulator, a manipulating mediator need not necessarily commit to a specific solution. Instead, he can, for example, impose costs on continued conflict by sanctioning both sides at the same time if they are unwilling or unable to reach an agreement. He can also commit to a certain negotiation timeframe and thereby pressure the parties into reaching an agreement (that could be, for example, centered around a focal principle).

Overall, improved access to information might eliminate or reduce the uncertainty about the future that is usually conducive to compromise. Certainty about bottom lines or the distribution of capabilities among negotiating parties can lead to continued conflict as long as the most resourceful party will

not want to forswear its advantage. So it may be more effective for a mediator to commit to a range of possible solutions rather than to full information transparency. Such transparency did not help to end the conflict in Ukraine – at least, as of late 2015.

There are also challenges to commitment in mediation that cannot be neglected.

First, a solution for the mediator to commit to must be acceptable to all sides in a dispute. The focal nature of such solution may not be enough to convince the sides who may believe accepting the suggested focal point would undermine their negotiating position. If the mediator proposes a certain principle, the disputants will need to see how using that principle benefits them. In the most successful case, they will have to believe that abiding by that principle is fits within their range of preferred solutions. A reasonable level of uncertainty about the end result of applying a certain mediated solution may therefore be sometimes eces-

sary for this solution to be embraced by all conflicting sides.

Second, a strong commitment by the mediator to a certain solution can undermine prospective agreement if the mediator fails to the grasp the essence of the negotiated problem or the interests of the parties. Especially if the mediator is more powerful than each of the parties, such failure can result in obstruction rather than facilitation of a compromise. For example, history is replete with examples of how the United States and other mediators botched the Arab-Israeli peace process by failing to commit to the right procedural or substantive outcome or by committing to a suboptimal solution.

Lack of flexibility in mediator's commitment to a certain framework idea may lead to bad consequences in the longer run. For example, preserving unity of a state as an imposed negotiation outcome can only postpone the crisis so that it will break out at a future moment when mediators are worse prepared for it.

And finally, commitment by the mediator to a certain principle can create a moral hazard. This can happen if the solution imposed by the mediator favors one of the parties. In the future, the favored party may be inclined to pursue riskier policies knowing that the mediator is likely to "provide a cover." For example, ethnic Albanian groups did exactly that in Macedonia in 2001, having been supported by NATO in Kosovo two years earlier.

The general conclusion is that much can be achieved by the mediator who carefully calibrates and flexibly adjusts proposed solutions, but shows credible willingness to enforce that solution if necessary.

Still more commitment needed to a negotiated solution?

MARK ANSTEY
SOUTH SUDAN'S CONCILIATION CHALLENGES[I]

Salva Kiir (centre), President of the Republic of South Sudan, signs the agreement on the resolution of the conflict in South Sudan at a ceremony held on 26 August 2015 in Juba South Sudan.

Wracked by conflict before and after its independence, South Sudan's prospects of a lasting peace are in the immediate held together in a fragile agreement between major belligerents signed in August 2015. Its history and context suggest that an immense effort will be required if a sustainable peace is to be achieved. Conciliation like war must be actively led – and at many levels. Violence over a long period becomes normative – a shift to non-violent exchange, and trust in a rule of law with impartial protections for all under a government of national unity requires deep cultural change. Much will depend on the pace and shape of development, and perceptions of equity within that development process.

A BRIEF HISTORY
Sudan has a long history of tribal groups competing over cattle, grazing and water. Tensions reshaped

and intensified after it fell under Anglo-Egyptian control in 1899, but internal peace was not achieved with independence in 1956. An Arab-Muslim north – African-Christian south divide polarized into a civil war in 1962 with Anya Nya leading a separatist movement for the south. Hope was offered when Col Numeiri seized power of Sudan in 1969 granting a measure of autonomy to the south in 1972. When he withdrew this however it sparked a second civil war in 1983 with the Sudanese People's Liberation Movement (SPLM) led by John Garang fighting a twenty- year war for secession. In 2002 the SPLA, the armed wing of the SPLM signed a renewable 6-month ceasefire agreement, and talks in Kenya saw a deal in which the south would seek self-determination in 2008. In 2005 the Comprehensive Peace Agreement ended the civil war with autonomy for the south, a power-sharing government in Khartoum and a power-sharing referendum in 2011. The death of John Garang in

a plane crash sparked clashes but then held steady and a rebel-dominated government was established under Salva Kiir in the south. After a succession of break-downs in the peace agreement, a referendum for independence for the south in 2011 returned a 99% vote in favour. South Sudan joined the community of independent nations on 9th July 2011.

It has not been a happy independence however. Its run up and its immediate post-independence period were characterized by disputes with Sudan over territory and oil fees in Abyei state, and violent ethnic clashes particularly in the states of Jonglei and and Unity. Eventually in March 2013 Sudan and South Sudan agreed to demilitarize the Abyei region. No sooner was this done however than a full-blooded civil war erupted in South Sudan.

In the context of rumours of a coup President Kiir restructured the leadership echelons of his government and police and military, dismissing a large number of generals. In June 2013 he dismissed Ministers Kosti Manibe and Deng Alor over an alleged financial scandal, and in July his entire cabinet, as well as vice-president Riek Machar. Those dismissed accused him of seeking to install himself as a dictator and undermining South Sudan's hopes for a democracy while denying any intentions of a coup. Much of the power struggle in the SPLM has played out along Dinka-Nuer tribal lines, with the President a member of the former and Machar a member of the latter. Although commentators see it as far more complicated than a division along this age-old cleavage the alleged move of the President

to disarm all soldiers and then re-arm only Dinkas did little to counter the tribal analysis. The SPLM army tenuously united against the north dissolved into competing militias with the Dinka-Nuer divide salient. A ceasefire signed in January 2014 failed seeing up to a million people displaced in heavy fighting, with five million more estimated to be in need of humanitarian aid. Other agreements signed in Arusha in January 2015, and in Addis Ababa in February 2015 also failed to stop the fighting. Attacks occurred not only between the groups but also against international bodies such as the UN seeking to end the violence and provide humanitarian assistance.

Intense international pressure with threats of sanctions was brought to bear on the parties through the Intergovernmental Authority on Development (IGAD) comprising regional nations (Ethiopia, Sudan, Uganda, Djibouti, Kenya, Somalia), the United Nations, the African Union, China, the European Union, the USA, United Kingdom and Norway. The belligerents and other stakeholders signed the Agreement on the Resolution of the Conflict in the Republic of South Sudan, in Addis Ababa in August 2015.

THE AUGUST 2015 PEACE AGREEMENT

The Agreement makes provision for a Transitional Government of National Unity to (Ch1); arrangements for a permanent ceasefire and transitional security (Ch2); humanitarian assistance and reconstruction (Ch3); resource, economic and financial management (Ch4); transitional justice, accountability, reconciliation and healing (Ch5); parameters of a permanent constitution (Ch6); a monitoring and evaluation commission (Ch7); and a section confirming the supremacy of the agreement (Ch8).

It provides for a Transitional Government of National Unity (TGoNU) for a period of thirty months, extending the tenures of the President, Vice-President and State Governors for this period and requiring elections to be held 60 days before the end of the period. The TGoNU is tasked with restoring peace and stability to the nation, reconciliation, and putting in place systems of sound governance and development with some devolution of powers to the states. It comprises the current government under President Kiir, the South Sudan Armed Opposition under Riek Machar, former detainees and other political parties – and returns Riek Machar to Vice-President. The Agreement articulates the functions of leaders, the proportions of representatives and their form of decision-making processes on procedural and substantive matters (though not always that clearly). Provisions for the permanent ceasefire include: the disarmament, demobilization and repatriation of non-state security actors; and the disengagement, separation, withdrawal and cantonment of forces on all sides; and the release of prisoners of war. These to occur under joint supervision of the warring parties, and the IGAD monitoring and verification mechanism which transitions into the ceasefire and transitional security arrangements monitoring mechanism (CTSAMM).

The ceasefire requires all security forces to withdraw outside a radius of 25km from Juba within 30 days of signature save for the Presidential Guard, guard forces to protect military establishments and a joint integrated police service.

Agreements should of course be read as a whole rather than in parts and certainly the wider provisions of the agreement affect the focus of this commentary – but the focus here is on Chapter 5, dealing with aspects of transitional justice and reconciliation.

TRANSITIONAL JUSTICE, ACCOUNTABILITY, RECONCILIATION AND HEALING

Chapter Five of the Agreement is titled *'Transitional Justice, Accountability, Reconciliation and Healing'*. Its implementation is likely to be difficult – and tragically may even turn out to be a section in the agreement that causes its breakdown.

At first glance the chapter has all the right elements. It is how their work has been framed that might prove problematic. Three structures must be created by the Government of National Unity: a Commission for Truth, Reconciliation and Healing (CTRH); a Hybrid Court for South Sudan (HCSS); and a Compensation and Reparation

Authority (CRA). They are tasked with '*independently*' promoting the common objective of facilitating truth, reconciliation and healing, compensation and reparation in the country, and the government of national unity is tasked with supporting their endeavours. The government is also tasked with seeking the assistance of bodies such as the African Union and the African Commission on Human and Peoples Rights to make these bodies effective. In here lies some hope. But the agreement also commits itself to several debatable implementation factors. One assumes the parties will have to agree if these are to be revised.

The first set of potential problems lies with the clauses framing the life and focus of these bodies. The life of the transitional government is thirty months. The tasks of the CTRH are big, but not its life. This is an ambitious project with a tight time frame. Following consultations with wider societal groups on its design, which must occur within a month of its formation, the TGoNU has six months in which to give it legislative authority and it must complete its work and hand in a final report to the transitional government three months before that government ends. The CTRH is to adopt best practices for promoting truth, reconciliation and healing; is to establish a record of

human rights violations, breaches of the rule of law and excessive abuses of power by state and non state actors from July 2005 to the date of signature of the agreement; receive applications from alleged victims and identify and determine rights to remedy; identify perpetrators of violations and crimes proscribed by the agreement; recommend guidelines to be endorsed by the Transitional National Authority for determining compensation and reparations to victims; record experiences of victims including those of women and girls; investigate causes of conflict and recommend ways of preventing future breakdowns as well as legal and institutional reforms to ensure human rights abuses and violations are not repeated; lead national reconciliation and healing; supervise (where appropriate) traditional forms of dispute resolution; and establish a secretariat for administrative purposes.

Where the CTRH is a project of wide scope with a tight time frame; the HCSS has no time frame for existence but a narrow time frame of investigation. It is required to investigate and prosecute individuals bearing responsibility for violations of individual law and/or applicable to South Sudanese law committed from the start of the recent civil war on 15th December 2013 through to end

of the transitional period. It is to be independent of the national judiciary and has jurisdiction over the following crimes: genocide, crimes against humanity, war crimes, other serious crimes under international law and relevant laws of the South Sudan including gender based crimes and sexual violence. The majority of judges who serve on the HCSS must be from African states other than South Sudan.

Importantly the Agreement clearly seeks to impose accountability / remove impunity for acts committed during the period. Section 3.5.1 makes clear that those responsible for planning, instigating, ordering, committing, aiding, abetting, conspiring or participating in a joint criminal exercise in the planning, preparation or execution of a crime will be held individually responsible. Section 3.5.4 states '*the HCSS shall not be impeded or constrained by any statutes of limitations, or the granting of pardons, immunities or amnesties*' and 3.5.5 states '*No-one shall be exempted from criminal responsibility on account of their official capacity as a government official, an elected official, or claiming the defence of superior orders*'.

These effectively remove a number of common defences and protections sought by regimes, opposition

groups and their servants. It is usually in conditions of a military defeat that trials occur – for instance the Nuremberg trials, or those in Rwanda of the *genocidaires*, or the handing over of Milosovic after the violent disintegration of Yugoslavia. In short victors impose a justice on the defeated.

Things are more complicated where a military defeat has not been achieved. It is in such contexts that the language and dynamics of amnesties emerges in various forms. For instance in Uruguay a brutal military regime obliged the civilian government to which it handed power in 1986 to grant its members full amnesty. Sustained civilian government was in effect made conditional on non-pursuance of military leaders. South Africa's much vaunted Truth and Reconciliation Commission (TNC) was the consequence of a political trade off on the eve of its 1994 election, between the ANC and a group of white conservatives with powerful military links who did not want to be 'hung out to dry' by the political masters whose interests they had served in imposing apartheid. To avert the threat of a coup, the African National Congress (ANC) on the cusp an election it was bound to win sought and did not want subverted offered a conditional amnesty to those perpetrators of atrocities who acted politically, confessed and showed remorse before the commission. It helped that South Africa's military leaders never nursed political ambitions – their coup would have been one of self-protection rather than one of a straight power-grab. The signatories to the South Sudan agreement have effectively closed down a trade-off of this sort. South Africa's TRC had many flaws but the manner of its inception and its work played an important role in consolidating a reconciliatory commitment

on the part of its citizens. Early progress too was enabled through the leadership of two icons of reconciliation in Mandela and Tutu who led the process. While South Sudan's leaders have made their mark as warriors they have much work to do to become leaders of reconciliation and to demonstrate commitment to a nation building agenda beyond personal interests. The big question is whether the HCSS has been given terms of reference whose commitment to accountability might run counter to hopes for reconciliation.

The shape of Chapter 5 leaves the leadership – the signatories to the peace agreement – open to prosecution if allegations are made that they were involved in any of the many ways indicated in the Agreement. And it leaves foot soldiers open to prosecution. Several points are relevant here. As already indicated trials are usually evidenced where there has been a clear victor in a conflict and one able to impose justice on a defeated party. In addition the agreement does not differentiate between various tiers of accountability for prosecution purposes as the Organic Laws in Rwanda did. This is left to the HCSS.

Then administratively there could be a very big workload for the HCSS and much will depend on its approach in deciding penalties for those found guilty. Here it appears to have been given wide scope. The Special Tribunal for Rwanda took years to bring finalization to a small number of cases, acting so slowly that the Rwandan government passed laws to take matters into its own hands. And after a few public executions realized that standard court proceedings were ineffective in dealing with the sheer weight of numbers involved. The gacaca court system which returned justice to affected communities had problems but seemed eventually the only option that might enable truths

to be told and some prospect of reconciliation beyond punitive action for those guilt of atrocities. It has to be of concern that the HCSS seems to have been afforded longer life than its reconciliation focused partner the CTRH.

WHAT IS NEEDED FOR NATIONAL HEALING IN SOUTH SUDAN – THE BIGGER PICTURE.

Societies become 'post-conflict' following peace agreements that see an end to violence. But of course they are not post-conflict as much perhaps as 'post-war'. And the record is poor. In about 40 per cent of peace agreements there is a slide back into violent conflict within a decade (Collier 2010). The work of the Chapter Five institutions of the South Sudan agreement will have little prospect if issues of governance and wider development are not rapidly addressed. Reconciliation creates, but also occurs within a context.

Attitudinal shifts are very difficult to achieve in post-conflict societies. Violent conflicts are mobilized around and deepen identity divides.

> "Identity differences in themselves are seldom causes of violence – it is the utility of identity that is critical."

Membership of identity groups carries with it not just an awareness of difference, but potentials for exclusion and discrimination... and marginalization and scapegoating. Identity groups are useful to their members because they offer a sense of participation and belonging, and beyond that security and protection,

and often access to privilege and power and purpose or social meaning. Analysts of social breakdown suggest several factors associated with a propensity to violence. These are important for peace-builders in South Sudan.

Potentials for violence are high in cases of weak states that are unable to exert a monopoly over the use of force within a state, collect revenues or deliver public goods to a general populace. South Sudan desperately needs to establish a unified police and military service focused on delivering national security to replace militias protecting the interests of small divisive groups. Principles guiding the creation and development of a national police service and military will be critical for peace-building purposes.

Potentials for violence are high in societies that are fragmented and lack cohesion with deep divides along identity lines, and particularly where these are associated with class stratification. South Sudan has a long history of violent clashes between its many tribal groups but critically between Dinka and Nuer. The history of relations between groups matters deeply. Internal narratives shape mutual perceptions, and levels of trust, and each act of violence carries potential to deepen negative

stereotypes of the other, and to fuel desires for revenge. If groups believe they are under existential threat they come to see their offensive acts as defensive ones, necessary for survival. If leaders of the Dinkas perceive themselves at risk of a coup, and Nuers at risk of marginalization from the political economy, peace will be continuously threatened.

Poverty is correlated with conflict - poverty traps are also conflict traps. Estimates are that despite its oil wealth, half of South Sudan's people lives in poverty. Of its population of 12m 60% are under the age of 24 with high youth unemployment. Lots of young men with no jobs but access to weapons is not a politically stabilizing reality. Per capita GDP is only $2300 pa with over 50% of the population in poverty. Only 27% are literate. Only 250km of tarred road exist. Electricity supply is weak and produced mostly by diesel generators. Access to clean water remains a problem and waterborne illnesses are prevalent as is malaria and yellow fever. South Sudan scores only 0,379 on the Human Development Index. Government has focused on security rather than development spending. While less than 1% of GDP is spent on education and just over 2% on health, over 10% is spent on military, making it one of the highest in the world and seeing the country

raising considerable debt. This partly because a conflict with the north over oil fees (it pays Sudan fees for the pipelines through its territory taking oil to Port Sudan) saw the government shut down oil production for 15 months in 2012, preferring to borrow than to produce in what it saw to be an exploitative situation. At independence it produced nearly 75% of the former larger Sudan's oil output of half a million barrels a day. Currently oil production is up to 222000 barrels a day and revenues surged again in 2013, only to suffer with the fall in oil prices in 2014. Despite rich soils and potential for commercial agriculture most of the population is dependent on subsistence agriculture. South Sudan depends largely on imports of goods, services, and capital from Uganda, Kenya and Sudan.

Ongoing violent conflict has seen it unable to optimize its wealth for its population – and until it does it will not have peace. Studies indicate that violent conflict is more prevalent in commodity-based than in commercial economies, with the former prompting zero-sum contests for access to and control over resources while the latter demand more cooperative endeavor for trade relations to be viable in positive sum terms. Oil accounts for well over 90% of government revenues. It makes government the critical route not only to political control but economic opportunity; it raises the risk of predatory politics premised on crude domination rather than long-term nation building. Long-term challenges include alleviating poverty, but also diversifying and expanding the formal economy, maintaining macroeconomic stability, and improving the business environment. Inclusivity is critical. If a particular ethnic group or predatory elite assume political control and then frame extractive economic policies in their own narrow interests rather than the wider population of

a developing nation, peace will be threatened. A massive development task lies ahead.

Democratic societies are associated with high levels of feminization, literacy, humanitarianism deeply internalized across a society, a commitment to human rights and constitutionalism (rule of law), and a rationalism informed by ideologies of tolerance of difference. These are not familiar to traditional groups in contexts of under-development. They can only be fostered in contexts where the people of a nation do not feel themselves under existential threat from one another, where they trust the state to protect them rather than having to protect themselves in a state of constant war readiness, and where the state uses it power equitably and protectively for all its citizens rather than particular ethnic groups or individuals.

These are the challenges of South Sudan's nation building project. Reconciliation – or more accurately perhaps a national conciliation - is unlikely without rapid development. It will require a leadership capable of reframing current ethnic and political tensions into a massive nation- building project of common endeavor. It is tempting for leaders in contexts of deep identity conflicts with structural imbalances to mobilize around identity divides, to foster mutual suspicion, to secure their political bases by promising their immediate clan support preferential opportunity and rewards into the future – and if they achieve control to deliver on these promises through systems of patronage and corruption.

Clean equitable development arguably will be the vehicle of development far more than any court. The map of the region may have reflected boundaries but its history has never really reflected a long period of unity or sense of a larger nationhood. Rather it indicates a deep tribal consciousness that has prevailed over a national identity. Longstanding Dinka-Nuer tensions fueled by contests over cattle, cattle grazing land and access to water continue but there are many other smaller tribes in existence and violent competition over resources seems to have become normative. Old conflicts may well have been 'politicized' in the modern era but they have deep roots. Tribal leaders mobilize ethnic groups in their own interests. And with the country flooded with weapons after decades of war the level of killing has increased far beyond what was possible with traditional weapons.

So the starting point is not one of rebuilding a nation collapsed by internal dissension or reconciliation amongst old friends that fell apart over some issue of disagreement. It is one of new nation building and conciliation between previously warring groups who found a temporary unity fighting against a common enemy to the north, but are finding this difficult to sustain now that the enemy is largely gone.

The leaders in Sudan have the resources to build a functional nation, the question is whether their will to nationhood can prevail over self interest, a long history of violent ethnic division and problems associated with economic development and social disintegration. A long history of division has seen the absence of a unified integrated national police or military. Rather the country has many militias whose identity and primary affiliation is tribal rather than national. Wars have seen millions displaced and amongst other problems returnees will want their homes and cars and other possessions returned.

Problems identified include social disintegration following decades of war; removal of a common enemy in the north; competing interpersonal power agendas by leaders; a long habit of using violence to sort out disputes (normative violence); a tendency on the part of leaders to mobilize violently and sectionally in their own interests; lack of a common nation-building agenda; absence of a rule of law enforced by a state with a monopoly over the use of power; multiple well armed militia organized along tribal and political lines rather than a unified national police or military; massive unemployment and illiteracy; poor infrastructure in the form of roads to facilitate strong governance.

WHAT WILL BE REQUIRED TO BOOST THE PROSPECTS OF CHAPTER 5 INSTITUTIONS?

Chapter Five of the South Sudan Agreement is important in its creation of institutions directed at surfacing truth, promoting reconciliation and providing reparations for victims of the civil war. Two levels of questions need to be addressed to improve its prospects of success: the first surround the operation of these institutions; the second surround the context in which they function.

In relation to the first level of questions the following kinds of issues will require attention. How do the various parties to the Agreement understand reconciliation – what practical outcomes does each expect? How will the spirit of accountability find compatibility with the spirit of healing across clauses? Will the judges of the court make clear the principles guiding their decision-making before they sit, or make determinations in an ad hoc case by case manner? Will the leaders of the sides be so committed to peace that they will subject themselves to trial by HCSS if they find themselves accused of wrongdoing? Will they be able to live with the fact they have removed their own

immediate backdoors and rely on the wisdom of the courts? Has the 'fog of war' blinded leaders on each side to their own culpability in the mix, convinced that fault lies only with the other? Will the HCSS have the capacity to deal with a large volume of cases? Will judges be guided by principles of punishment or mercy or healing in their determinations and what criteria will inform their calls? Will tensions arise over the time frame of the HCSS with victims of previous wars feeling cheated of justice? Will the terms of reference of the HCSS damp down exchanges that might promote reconciliation more effectively – accountability at the expense of reconciliation?

The second level of questions emerges from a recognition that national conciliation in South Sudan will require more than a tenuous cease-fire or institutions for reconciliation. It will require a leadership across ethnic groups willing to kick-start a long term nation building project, bridge divides by demonstrating a commitment to one another across the diverse groups they represent, and who are willing to discipline their own supporters who renege on the national agenda (thus risking their own popularity and internal support). It will require militias to be disarmed and an integrated representative professional police and military to be developed and to exercise their authority impartially across ethnic groups. Schools and health services are needed, and to be built for all citizens not just a dominant group. Oil revenues offer great opportunity for the nation-building project and to drive a project of national healing. Important as they will be in surfacing truth, ending a culture of impunity, and imposing accountability it is the management of the development project rather than a few court cases and reconciliation hearings that will determine South Sudan's future of

peace. If leaders see greater personal prospect in a return to war than through the work of the court reconciliation and the enabling development project the country so desperately needs will be in jeopardy. Three levels of (re)conciliation can be identified if violent disorder is to be averted. Reluctant or pseudo reconciliation is a state of order premised on compliance. It is based on the repressive capacity of one party over others and the decision of those others to defer to it – or reconcile to a distasteful power reality. A period of social and political order may give a regime the sense that reconciliation has been achieved but it is always precarious. At the other end of the scale is the kind of robust (re)conciliation that many view as ideal in which relationships are deeply healed, and characterized by parties holding one another's well-being as important as their own. This is a state of relations cohered by deep mutual commitment – and I would suggest, unusual. Midway between these two forms lies a form of regulatory reconciliation in which previously warring parties may not like one another much, but develop deep commitment to the political, legal and social system in which they live. Simply each, despite its dislike for the other, values the opportunities and protections afforded in the wider system too much to risk entering violent confrontation with the other. This more realistic form of relations requires deep investment in political institutions, in a constitution based on a bill of rights and institutions that uphold that constitution and protect citizens from the state and one another. In short a rule of law is critical to creating a frame of regulatory (re)conciliation and in the longer term to facilitating the emergence of more robust relationships of mutuality. This must be the first and most important objective for South Sudan – a political and social system that allows its citizens across

political and ethnic divides more opportunities and protections than they can achieve through violence. It is premised less on what everyone can claim from one another than what they might offer.

Some questions have been raised here about the viability of Chapter 5 in the South Sudan peace agreement. If it is flawed in its design this should not detract from the signatories' obligation to make peace in Sudan and to make it sustainable, and it should not diminish the commitment of the international community to enabling those goals to be achieved.

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ARAB SPRING: NEGOTIATING IN THE SHADOW OF THE INTIFADAT

ZARTMAN, I. W. (AUGUST 15, 2015) UNIVERSITY OF GEORGIA PRESS
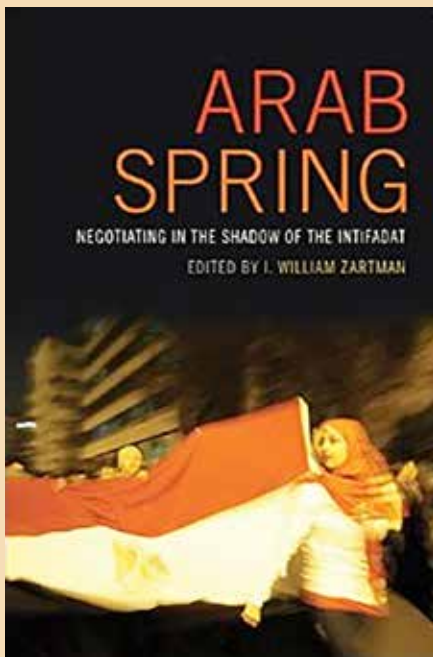
CONTENT

The contributors argue in previously unpublished, countryspecific case studies that in uprisings like the Arab Spring, negotiation is "not just a 'nice' practice or a diplomatic exercise." Rather, it is a "dynamically multilevel" process involving individuals, groups, and states with continually shifting priorities—and with the prospect of violence always near. From that perspective, the essaysits analyze a range of issues and events—including civil disobedience and strikes, mass demonstrations and nonviolent protest, and peaceful negotiation and armed rebellion—and contextualize their findings within previous struggles, both within and outside the Middle East. The Arab countries discussed include Algeria, Bahrain, Egypt, Libya, Morocco, Syria, Tunisia, and Yemen. The Arab Spring uprisings are discussed in the context of rebellions in countries like South Africa and Serbia, while the Libyan uprising is also viewed in terms of the negotiations it provoked within NATO. Collectively, the essays analyze the challenges of uprisers and emerging governments in building a new state on the ruins of a liberated state; the negotiations that lead either to sustainable democracy or sectarian violence; and coalition building between former political and military adversaries.

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MORDECHAI (MOTI) MELAMUD

NARRATIVES AND META-NARRATIVES IN THE ISRAELI - PALESTINIAN CONFLICT - CAN THIS BE RESOLVED BY MEDIATION[1]

THE ISRAELI-PALESTINIAN CONFLICT

"One can search the world without profit in an effort to iden-tify a situation that is more intractable, more defiant of resolution than that of the Palestinian-Israeli conflict... this conflict defies ... easy appeals to reason."

As stated by the Chairman of the US Congress Committee On International Relations (Hyde, 2003). It is remarkable that the conflict's complexity and duration warranted the publication of a conflict diction-ary (Kumaraswamy, 2015). At its core the Israeli-Palestinian conflict is between two national movements claiming the same territory, where the national communities involved are territorially interspersed. This conflict started during the second half of the 19th century and is still currently ongoing. One of the power-ful barriers to resolution of this con-flict are the contradicting national narratives of the two national move-ment fighting for control of the same country. (Bar-Siman-Tov, 2010).

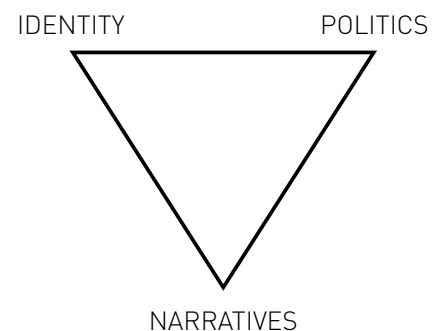After more than a century, and a few changes regarding the area described by it, the term Palestine settled prac-tically to describe the country (brown part in Fig. 1) covering the area from the Jordan river (east) to the Medi-terranean shore (west) and from the Lebanon Mountains (north) to the Red sea (south). This area is identified as Palestine by the Arab inhabitants in it or Land of Israel by the Jewish inhabitants. In 1947, based on a UN decision (UNGA, 1947) on the partition of Palestine into a Jewish and Arab states, the state of Israel has been established on the western part of this country; in 1949, by the end of a war with its neighbor states, cease fire lines were established by which Jordan and Egypt has been occupying of the rest of the country (West-Bank and Gaza, resp.) which were exclu-sively populated by Arab inhabitants. Later, as an outcome of the 1967 war between Israel and its Arab neighbors (Jordan and Egypt) Israel took control of these areas since then.

THE NATIONAL NARRATIVES
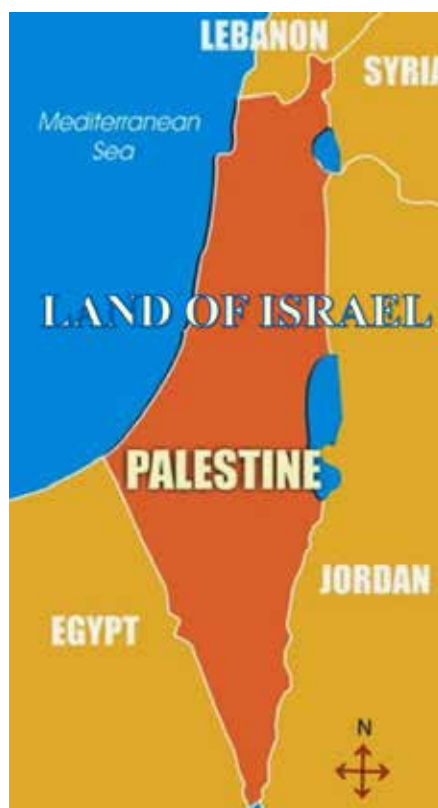
The conflict between the Arab and Jewish inhabitants of the country, that started already with the rise of

the Zionist movement in the second half of the 19th century, has been inflamed since then. This conflict generates a political situation in which two communities (nations) possess different "versions" of their shared history. These are fed by con-tradicting narratives that these two communities have been developing. In the tribal times, myths and leg-ends formed knowledge of this type; The narrative not only explained, but *legitimated* knowledge, and when applied to the social relations of their own society, the myths functioned as a legitimation of the existing power relations, customs and so on.

The triangle of narrative, identity and politics represents a strong interrela-tion between these three concepts. It

IDENTITY POLITICS

NARRATIVES

has been realized that narratives play a central role in cognition, in organ-izing our perceptions of reality into a coherent and meaningful pattern. Psychological research has shown that people think, perceive, imagine, and carry out moral decisions using narrative structures. (Shenhav, 2006). Diplomats and political persons are individual people who are part of the community and the national narrative is embedded in their mind. These narratives are therefore an impor-

[1] Presented at Joint CITpax and PIN Brainstorming, Madrid, May 7 and 8, 2015

tant background to any political and diplomatic discussion or negotiation. Shenav (2006) discusses the relationship between the narrative and political reality, arriving at the view that the narrative and the "political reality" as it represented by a "political narrative" are interconnected and imitating each other. It is clear that no narrative can claim to represent the truth exclusively.

Narrative knowledge is knowledge in the form of *story-telling*. Narratives are stories in the mind and facts will not change people's mind; facts or events can be incorporated into an existing narrative by twisting them to some extent so that they fit in. Shared national memory is not written in stone, although its power derives from that perception, but rather shifts over time in response to social movements and changing political climates. Narratives are being updated and changed according to political needs. The power of narrative carries with it the potential for abuse and manipulation, we create and use narratives to interpret and understand the political realities around us. We do this as individuals and we do it as collective units, as nations or groups. For political or religious rea-

sons hard facts are being "created" to enhance the national narratives: For example on the Israeli part these may be Jewish settlements in disputed regions; archeological findings and interpretations or Rabbinical rulings. Similarly on the Palestinian part "dis-archeology" (demolish historical sites); 'improvements' of the narrative; Fatwas (ruling by a Qadi). Many examples for "updates" of national narratives can be found and some are presented here.

- On the Israeli side archeology has been used to support the national narrative especially after the establishment of the State of Israel in 1948 and enhanced after the 1967 war and has been collaborator in the Zionist enterprise (Ilan and Gadot, 2010; 106) contributing "proofs" for the existence of Jewish life in the country through history.

- According to Jewish tradition and narrative the Temple Mount in East Jerusalem is the site where the two temples were built and existed for hundreds of years. A structure called Solomon's Stables by archeologists is located under the southeastern corner of the Temple Mount, directly under the Al-Aqsa Mosque. In 1996 the Waqf[2] conducted heavy machinery work at this site with the goal of turning

Solomon's Stables into a mosque and the Marwani Prayer Hall was officially inaugurated in December 1996. The soil removed from the work was dumped near the Mount of Olives and a salvage operation by Israeli archeologists, the Temple Mount Sifting Project, was undertaken in order to sift through the debris for archaeological remains; 14% of the shards dated to the First Temple period and 19% to the Second Temple period. Thus, the Palestinian narrative has been enhanced by removing proof of Jewish existence on the Al-Aqsa Mount.

- A recent debate became politically very intense in the last few month (causing unrest in Jerusalem) when the Palestinians brought up the issue of the Temple Mount/Al-Aqsa Mosque. Their latest claim, which was heard before but did not develop into a debate, is that this site in Jerusalem is a holy place for the Muslims and that no Jewish temple has existed there anytime during history. This was provoked by the demand of a small group of Jews for building the Third Temple on the site of the previous two, on Temple Mount.

- While the 1968 Palestinian National Charter (see Annex) claims that the UNGA (1947) decision on the partition of Palestine into a Jewish

[2] Chief Islamic institution that is responsible for all Muslim religious property.

and Arab states is void, the 1988 Palestinian Declaration of Independence (see Annex) recognizes this decision.

As these examples illustrate the narratives are a mix of historical facts (sometimes backed by archeological findings) and traditions.
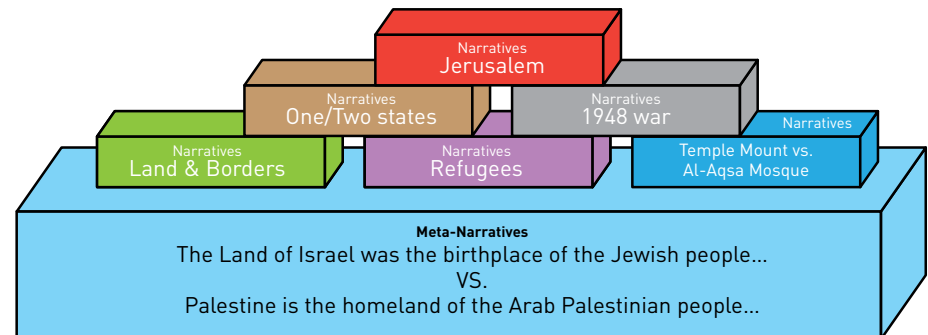
THE TWO NARRATIVE EVOLUTION

The Jewish narrative started developing at the end of the 19th century with the development of the Zionist movement. The founder of Zionism was Theodore Herzl[3] who had a vision of mass immigration of Jews to a land that they could call their own. Because of his secular, non religious, education he had no special attachment to the Land of Israel, and would agree to any area to be suggested by the world powers. The relationship and strong affiliation to Israel (Palestine) was chosen by the world Zionist Movement that was established at the beginning of the 20th century, and a narrative connecting the Jewish nation to its biblical homeland started to develop. The first Jewish history, as national history, was published by a German-Jewish historian, Heinrich Graetz, in the years 1853 to 1876 in eleven volumes in German. It became a standard work and greatly influenced future historians of Judaism (Encyclopedia Britannica). The Jewish national narrative was based on this version of history.

Zionism, born in and developed in Europe-the homeland of modern nationalism, had the advantage of preceding Palestinian nationalism

which was nonexistent at the beginning of the 20th century. As Jews were immigrating to Palestine in growing numbers, and creating an ordered community as the kernel for

a future State, the Arab inhabitants became suspicious and restless; they opposed it either by actual attacks on Jewish neighborhoods or by political means. In 1947, not accepting the UNGA decision of establishing two states in the country, the neighboring Arab states joined the local Arabs in attacking the newly established State of Israel. The enclaves of the West Bank under Jordanian rule and the Gaza Strip under Egyptian rule were established, and existed until 1967. The PLO Charter of 1964 (see Annex) is the first Palestinian document that includes elements of a national narrative; it has been re-written with some differences in 1968 as The Palestinian National Charter.

The rise of the 'two narratives' paradigm registers how widely the Palestinian national movement is recognized today than it was more than three decades ago, when Edward Said, among others, first made use of the idea of the 'Palestinian narrative' (Said 1979).

The Palestinian-Israeli conflict has been sustained in part by each side's relating only to its own narrative and denying that of the adversary. The Palestinian social science books reflect the Palestinian narrative of the native (Palestinians) in conflict with

a colonial settler movement (Jews). The Israeli books hail the return of the Jewish nation to its homeland after 2000 years. Each side continues to demand ideological conversion from the other, despite the fact that neither can recognize, validate or embrace the other's narrative without, by definition, repudiating its own. This creates a zero sum view of national identity: Fulfillment of the other's national identity is seen equivalent to destruction of one's own identity.

In an "intractable conflict" the school curriculum is one platform used as an instrument for the creation of a national ethos. The differences between the two narratives can be studied in a book presenting both side by side. This book has been developed by Israeli and Palestinian teachers in order to get high school students on both sides to familiarize themselves with the other's narrative. (Adwan and Bar-On, 2003), but has not been approved for use in both school systems.

THE META-NARRATIVE

The book by Adwan and Bar-On (2003) exhibits the difficulty in dealing with many narratives describing events that happened throughout one century. The book starts from the Balfour Declaration (1917) assuring the Zionist movement that "His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish peo-

[3] Herzl was influenced by the anti-Semitism he encountered during his studies in the Vienna University. Later during his stay in Paris as a journalist he covered the court martial case of Dreyfus, a Jewish officer in the French army, was unjustly accused of treason, mainly because of the prevailing anti-Semitic atmosphere and witnessed mobs shouting "Death to the Jews" in France the home of the French Revolution. The Dreyfus Case became one of the determinants in the genesis of Political Zionism by Herzl.

ple....". The book does not deal with the long history of both communities for centuries before the Balfour Declaration which provide the foundation for the conflict that developed through the 20th century. This is also true for many other books dealing with the Israeli-Palestinian conflict.

One of the examples for an ethnic war that relates to national narratives can be found is the Kosovo case. Competing identity narratives have characterized Serbian and Albanian tensions in Kosovo, particularly through the last decades (Shahinaj, 2014). Looking for the origins of ethnic conflict in Kosovo the International Commission on Kosovo explains that "stories and myths surrounding Kosovo were kept alive for centuries in ballads and legends... and in the nineteenth century they were resurrected as part of the narratives of rival Serb and Albanian national movements." (The Kosovo Report, 2000 :33). The Commission acknowledges that for centuries the two ethnic groups coexisted notwithstanding this narrative, and explains that a new wave of nationalism in the 1970s and 1980s, which made use of this history caused the latest round of violence. In this case the stories and myths surrounding Kosovo are actually a "metanarrative" which is at the foundation of the social and political concepts of the ethnic groups. Based on this metanarrative, and incited by the modern wave of nationalism, actual detailed narratives developed and backed-up the violence that erupted in the late 20th century.

This nationalistic narrative that feeds the conflict flames, which claims to be above the ordinary or local accounts of social life, is a story about stories, encompassing

and explaining other 'little stories' within totalizing schemes; it is supposed to be a comprehensive explanation of historical experience or knowledge. Such a narrative is called a metanarrative, against which every other story is checked. A metanarrative can include any grand, all-encompassing story, classic text, or archetypal account of the historical record. It can also provide a framework upon which an individual's own experiences and thoughts may be ordered. These grand, all-encompassing stories are typically characterized by some form of 'transcendent and universal truth'. A metanarrative (sometimes master- or grand-narrative) is an abstract idea that is supposed to be a comprehensive explanation of historical experience or knowledge. The national metanarrative represents its ethos as well as the legitimacy of, and justification for, the nation's establishment and existence. (Auerbach, 2010 :100).

THE ISRAELI-PALESTINIAN 'TWO-METANARRATIVE' PARADIGM

The rise of the 'two-metanarrative' paradigm is an interesting development in the Israeli-Palestinian conflict (Bernard, 2013 :31). Searching the covenants (declarations, charters) of the State of Israel (Israeli Declaration of Independence,1948) and the Palestinian bodies (Palestinian Liberation Organization; Palestinian National Authority; Israeli Arab Citizens) it can be recognized that behind the national narratives usually discussed in the media and in academic books there are two statements that exhibit the main issue that feeds all other narratives - the metanarrative (see Fig.). Excerpts are shown in the Annexes. The essence of this metanarrative appears at the head of each document, sometimes in different words but with the same meaning:

"Palestine is the homeland of the Arab Palestinian People..." vs. "The Land of Israel was the birthplace of the Jewish people...". These Jewish metanarrative has been supported by history as it was described in history books and literature since the middle of the 19th century. Palestinian literature has already included these ideas in the 20th century based on stories of Arab heroism in fighting conquerors of Palestine since the crusaders.

It is notable that the Israeli metanarrative (as shown here) has been defined long before the Palestinian one; the idea was actually in the foundation of the Jewish narratives that were developed with the establishment of the Zionist movement. This metanarrative draws its potency from the Jewish tradition that goes back many centuries, and although the Zionist movement started as a secular movement it was not able to divorce itself from the religious foundations of the Jewish nation which held it together for centuries. It was also a "politically correct" act to present, to a mostly Christian world, a metanarrative based on the Bible (Old Testament).

The Palestinian Arabs arrived later at the point in time where they felt the need for defining a metanarrative; it happened in 1964 when the Palestinian Liberation Organization (PLO) was established. This metanarrative (see Annex) is based on ideas that have been lurking already since the beginning of the 20th century when the Zionist movement established its bridgehead in Palestine[4]. Because it had to challenge the Jewish metanarrative (Declaration of Independence), they created a similar text based on the claim that the Palestinians are a nation that resided in Palestine for centuries. This statement first appeared in the Palestinian National Charter adopted by the PLO as its

[4] Note that the reference to occupied land in the PLO Covenant refers to the area of the State of Israel before the 1967 war, which was delineated by the 'green line' which was the cease fire line between Israel and its neighbors as set in 1949.

establishment document; it then was adopted also as a Resolutions of the Palestinian National Council[5] in July, 1968, immediately after the 1967 war. Very similar statements appear also in the Hamas Covenant of 1988 and the Haifa Declaration[6] in 2007 (excerpts from all these documents are shown in the Annexes).

Studying the documents mentioned above, and in addition to the main statement about the homeland, we can find common points, either explicitly or implicitly, as shown here:

- This land is, and was through all history, the homeland of this nation and belongs to it by natural right.
- The other group does not constitute a nation, it is a religious group and/ or belongs in another country.
- This nation has and will establish its own state in this land using force if required (armed struggle).
- The rights to a sovereign state on this land is related to the suffering of the nation from others (Holocaust, Nakba, etc.)
- The other group does not belong here and is to be eliminated and/ or stay as a minority in the state we will establish.

CAN THE CONFLICT BE SETTLED?

Through the years many efforts were devoted by organizations, governments and international institutions in trying to mediate in the Israeli-Palestinian conflict (Touval, 1982; Kumaraswamy, 2015). But the major issues of this conflict are rooted in the

[5] The Palestinian National Council is the legislative body of the Palestine Liberation Organization

[6] "The statement, known as "The Haifa Declaration," is a project begun in 2002 under the auspices of Mada al-Carmel – Arab Center for Applied Social Research, in Haifa. The project sought to create a forum for Palestinian Arab citizens from as broad a social and political base as possible, a forum in which we could … freely discuss our vision of the past, present, and future – specifically, our collective future and status in our homeland…" A Word from the Executive Committee in the Haifa Declaration.

Israeli/Palestinians metanarratives, which create an almost non-passable barrier on the way to resolve the conflict. As Touval (1982 :8) says "…if the conflict concerns interests that are believed to affect the state's…self-image and identity, intermediaries will be unlikely to succeed".

No narrative can claim to represent the truth exclusively, and the Israeli-Palestinian metanarratives actually provide parallel but disengaged presentations of history, each one disregarding the other nationality; these metanarratives create a zero sum view of national identity: fulfillment of the other's national identity is seen equivalent to destruction of one's own identity. Or, as Edward Said articulated: "I doubt that any of us has figured out how our particularly trying history interlocks with that of the Jews …. But we know these histories cannot be separated, and that the Western liberal who tries to do so violates, rather than comprehends, both." (Said, 1993).

Until the two sides reach that state of mind they are engaged in a mainly fruitless pre-negotiation process. Sometimes this process becomes vigorous, for example during the Oslo process and towards the Oslo Accord (Gwerz, 2000 :195), but most of the time it is slow and missing any official engagement between the two sides. Prenegotiation is an important process for preparing the negotiation itself, assuring that the negotiation will be manageable and have an outcome, by changing the mentality and building bridges between the sides to the conflict (Zartman, 1989). In this case the prenegotiation phase is unsuccessful in reaching ripeness - a decision to negotiate - and the negotiation phase keeps postponing. What we find is an endless "peace process" that practically does not lead to peace yet. A viable peace process does not require either party to embrace or

even recognize the legitimacy of the other's narrative. It requires coming to terms with the fact that it cannot be wished away and recognize that elements of it will make their way to the negotiating table and have to be addressed (Auerbach, 2010 :105; Gil 2013). It requires first of all that both have an informed understanding of what the other's narrative consists of, but not recognizing it. However, as we can see in the case of the experimental school book by Adwan and Bar-On (2003) that compares the two national narratives, this is not yet acceptable by the two communities, and it was not allowed for use in schools in both communities. But while neither side should be asked to recognize the legitimacy of their adversary's view of the conflict, they will have to find a way to accept that this view cannot simply be wished away, and that it will manifest itself in various ways at the negotiating table and in any peace deal.

Mediators should thus avoid trying to persuade parties to recognize each other's meta-narrative as a part of the negotiation. Such a demand is only likely to aggravate the tensions and emphasize the gaps between the sides. But they have to recognize the strong influence of these metanarratives on the national narratives and on the practical day to day activities. This influence can be recognized in the violent activities going on in Jerusalem and the West Bank, especially lately as the religious aspect in the metanarratives is revealed and demonstrated in acts on both sides. Many efforts of mediating in the prenegotiation process have been made for years by Governments, UN, NGOs, Academic institutions and more. Until now all these attempts were not successful in turning the conflict into a manageable issue susceptible of a negotiated outcome. Governments and UN devote their efforts in trying to bring the two parties to the nego-

tiating table, assuming a two state solution to the conflict; the issues on the agenda are related to Strategic and Structural barriers on the way to conflict resolution (Bar-Siman-Tov, 2010 :16). These include on-the-ground issues such as territory, borders, refugees, etc. These efforts are also part of many Track 2 activities which try to facilitate the discussions on these issues and present ideas for solutions. All these activities aim generally at the top political echelons of the two communities. On the other hand, many NGOs and Academic institutions invest in attempts of bringing together Israelis and Palestinians of similar background to discuss issues related to the conflict. One such activity was undertaken by the "Israel Democracy Institute" in bringing 20 Jewish and Palestinian intellectuals together in order to incorporate the essence of both their meta-narratives and formulate a charter laying out joint guidelines for coexistence between these two communities; after 17 meetings during two years this effort concluded with no agreement (Benziman, 2006; Auerbach, 2010 :121).

These ventures intend to bridge the crevice between the communities by realizing that the 'other' is a person and not the devil. These meetings deal with the third type of barrier for resolution of the conflict according to Bar-Siman-Tov (2010 :17), the Psychological barriers, which are cognitive, emotional, or motivational barriers that are centered on national narratives and collective memories.

This type of activity is trying to influence the conflict from the

bottom, assuming that influential participants or the sheer number of participants will create enough clusters of peaceful persons so that these clusters will create interconnections and hopefully create a fully connected network (process called percolation) covering most persons in the community. This kind of network has been initially studied and shown to be of importance for the spreading of influenza and is also likely to be important for spreading information and rumors in society (Chen et.al., 2007).

Group workshops is a very good exercise for academic study of aspects of the conflict, but they do not cover enough persons to reach the effect of creating a network of connected clusters. For percolation to work there is a need for more spread out activities such as applicable education by schools and media to lower the conflicting views and thus to enhance circulation of ideas. But this requirement relies on the political establishment, and is still an impossibility as the case of the school book by Adwan and Bar-Tov (2003) proves. The problem is that meantime the ideas of the extremists – on both sides – are being advanced in the school curriculum, mosques, synagogues and the electronic media; these systems, on both sides present the one sided view based on their side's narrative. These activities, of spreading ethnocentric historical narratives, was already recognized by the League of Nations after World War I which arrived at the conclusion that it preaches a lethally dangerous patriotism to children that is contingent on denigration of the enemy (Zimbardo, 2006 :3); and this was before the days of television and electronic media which boosts the impressions of any event and presents it in accordance with the national narrative.

THE MEDIATORS' PREDICAMENT

Good reasons exist for designating the Israeli-Palestinian conflict as intractable after more than a century of existence. It is clear that the pre-negotiation phase, which extends for decades, did not reach ripeness and the two sides are not ready for actually negotiating a way out of the conflict (Zartman, 2000; Zartman 2003)[7]. The practical suggestions for a mediator in this conflict are summed up by Sagir (2013) and we find that these include the strategic and structural aspects (Bar-Siman-Tov, 2010 :16) as mentioned above. The document is touching on the material aspects of the conflict but disregards the identity conflict sustained by the metanarratives and their effect on the national narratives that are in the background of the conflict and affect strongly every meeting between the parties to the conflict. The mediators' approach, which assumes a two states solution within the area of Palestine/Land of Israel, is clearly incompatible with the metanarratives of the two parties; it regards only the political structure that can be held responsible for representing the interests of its citizens, but disregards the understanding of the conflict as a war of two metanarratives (Bernard, 2013 :7).

One suggested approach is merging the two metanarratives of the two sides into one, by creating a transcendent identity acceptable by the two peoples (Kelman, 1999). But as the crevice between the two metanarrative is perceived today it is questionable whether these two contrasting narratives can find common ground and to coexist despite major differences (Shenhav 2006 :256). To reach a ripe state it is imperative to recognize that the other's narrative cannot be eradicated by an act of will. To accept the idea of two separate states, which is the main solution mediators are advancing, it requires

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[7] According to Zartman parties resolve their conflict only when they are ready to do so. This happens "if the (two) parties to a conflict (a) perceive themselves to be in a mutual hurting stalemate and (b) perceive the possibility of a negotiated solution (a way out), the conflict is ripe for resolution (i.e., for negotiations toward resolution to begin)" (Zartman, 2000 :228).

the capacity and readiness on the two sides to distinguish between land and state – to separate between utopia and the practical. This means that it is vital for the two sides to lower their expectation for a complete ful-fillment of their metanarrative soon and treating it as a wishful idea for a distant future (Auerbach, 2010 :99). A pre-requisite for this is accepting the idea of looking forward and being pragmatic. As Chief Israeli Negotia-tor Tzipi Livni said, when an effort of negotiation was taking place, "I can assure you that in these negotiations it is not our intention to argue about the past but to create solutions and make decisions for the future."

CONCLUSION

As the Israeli-Palestinian conflict turns more religious these days (Temple Mount/Al Aqsa Mosque dis-pute) its complexity is reaching higher intensity. Previous decades, in spite of the Intifadas, showed some advance of acceptance of the State of Israel by Arab Governments in the region, including two peace agreements with Egypt and Jordan in 1979 and 1994

resp.; furthermore, the Palestinian Declaration of Independence of 1988 (see Annexes) has been updated and a paragraph recognizing the UNGA (1947) partition plan was added, and in 1993 the Oslo Accord was signed by Israel and the Palestinians. All these events gave the impression of a wel-come process towards peace based on lowering the expectation of com-plete fulfillment of the metanarratives in the short run. The assassination of Israeli Prime Minister Rabin in 1995 is most probably the main indicator for the change of route, first of all by losing the person who was main power source in advancing the peace process. But another important as-pect of this event is its significance in showing the increased power of Jew-ish extreme religious wing which de-veloped mainly in the settlements on the west bank. For this growing group, in number and political influence, the Jewish-Israeli metanarrative (that has been developed by the secular Zionist movement) comes from a religious authority which is above any law, and their main goal is establish-ing settlements to cover all the West

Bank. On the Palestinian side there was also a revival of the religious wing led mainly by the Hamas which started the second Intifada in 2000. For the Hamas (see Annexes) "There is no solution to the Palestinian prob-lem except by Jihad" and "renouncing any part of Palestine means renounc-ing part of the religion", which means the religious faction of Palestinians do not give up the metanarrative. These ideas are enhanced by the events in the Middle East such as the rise of ISIS and its activities in Syria and Iraq which encourage terror activity among young Muslims.

Notwithstanding the difficult situa-tion presented above, mediators are welcome to continue their efforts, hoping to enhance those in the com-munities that are ready to lower expectations for fulfillment of the metanarratives soon. The main effort should be spent on persuading aca-demics and politicians if possible in addition to all other ranks of popula-tion, anticipating percolation to do its job and disperse the views as much as possible.

ANNEXES

ERETZ-ISRAEL was the birthplace of the Jewish people. Here their spiritual, religious and political identity was shaped. Here they first attained to statehood, created cultural values of national and universal significance and gave to the world the eternal Book of Books.

After being forcibly exiled from their land, the people remained faithful to it throughout their Dispersion…. **Jews strove in every successive generation to re-establish** themselves in their ancient homeland… **never ceased to assert** their right to a life ... **in their national homeland**…

On the 29th November, 1947, the United Nations General Assembly passed a resolution calling for **the establishment of a Jewish State in Eretz-Israel**;…**The recognition** by the United Nations … **is irrevocable.**

This right is **the natural right of the Jewish people to be masters of their own fate, like all other nations, in their own sovereign State**…

WE APPEAL - in the very midst of the onslaught launched against us now for months - **to the Arab inhabitants** of the State of Israel to preserve peace and participate in the upbuilding of the State

Israeli Declaration of Independence,1948
http://avalon.law.yale.edu/subject_menus/20th.asp

Palestine is the homeland of the Arab Palestinian people; it is an indivisible part of the Arab homeland, and the Palestinian people are an integral part of the Arab nation.

Palestine, with the boundaries it had during the British Mandate, is an indivisible territorial unit… **Armed struggle is the only way to liberate Palestine**.

The liberation of Palestine, from an Arab viewpoint, is a national duty ... and **aims at the elimination of Zionism in Palestine**.

The partition of Palestine in 1947 and the establishment of the state of Israel are entirely illegal,... The Balfour Declaration, the Mandate for Palestine, and everything that has been based upon them, are deemed null and void.

Judaism, being a religion, is not an independent nationality. Nor do Jews constitute a single nation with an identity of its own; they are citizens of the states to which they belong…

Palestinian National Charter 1964
http://www.palwatch.org/main.aspx?fi=640&doc_id=8210
Palestinian National Charter, 1968
http://avalon.law.yale.edu/20th_century/plocov.asp

Palestine, **…is where the Palestinian Arab people was born, on which it grew, developed and excelled.** The Palestinian people was never separated from or diminished in its integral bonds with Palestine. Thus **the Palestinian Arab people ensured for itself an everlasting union between itself, its land and its history.**

…following upon UN General Assembly Resolution 181 (1947), **which partitioned Palestine into two states, one Arab, one Jewish**, …it is this Resolution that still provides those conditions of international legitimacy that ensure the right of the Palestinian Arab people to sovereignty.

Palestinian Declaration of Independence, *Algiers, 1988*
http://www.al-bab.com/arab/docs/pal/pal3.htm

Initiatives, the so-called peaceful solutions, and the international conferences to resolve the Palestinian problem, are all contrary to the beliefs of **the Islamic Resistance Movement**. For **renouncing any part of Palestine means renouncing part of the religion**…Those conferences are no more than a means to appoint the nonbelievers as arbitrators in the lands of Islam. **Since when did the Unbelievers do justice to the Believers**?...

There is no solution to the Palestinian problem except by Jihad.

The initiatives, proposals and International Conferences are but a waste of time, an exercise in futility. The Palestinian people are too noble to have their future, their right and their destiny submitted to a vain game.

Hamas Covenant 1988
http://avalon.law.yale.edu/20th_century/hamas.asp

We, sons and daughters of the Palestinian Arab people who remained in our homeland despite the *Nakba, who* **were forcibly made a minority in the State of Israel** after **its establishment in 1948 on the greater part of the Palestinian homeland**;…

Our presence in our homeland is an extension of **a perpetual historical renewal which has accompanied the** eras and events that the Arab East has known during its rise...and decline, its awakening and its liberation, **and its resistance to invasion, occupation, and colonialism.**

…our natural space, of which **we were deprived following the *Nakba*,**… Our citizenship and our relationship to the State of Israel are defined, to a great extent, by a formative event, the *Nakba*...

…**Zionist organizations** under various names and shapes, such as Freemasons, Rotary Clubs, espionage groups and others, which are all nothing more than cells of subversion and saboteurs.

Haifa Declaration 2007
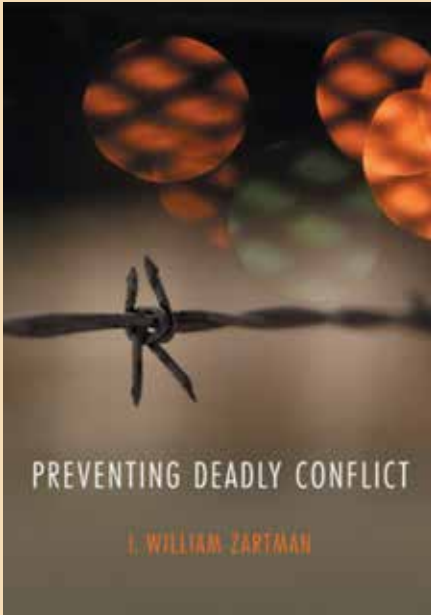http://mada-research.org/en/files/2007/09/haifaenglish.pdf

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PREVENTING DEADLY CONFLICT

ZARTMAN, I.W. (SEPTEMBER 2015) POLITY PRESS

PREVENTING DEADLY CONFLICT

The Processes of International Negotiation (PIN) network is pleased to announce the publication of a new book written by one of our members of the steering committee, I. William Zartman, who is also the sole author of the book. Preventing Deadly Conflict, presents a comprehensive account of the study of conflict prevention by building and extending on earlier works covering this subject. Subsequently, it integrates a variety of analyses— including different case studies and more in-depth research— into a coherent whole by asking questions such as how to ensure preventive efforts are effective, and what can be done when such tried and tested practices fail? By providing clear and authoritative guidelines as to the key challenges of conflict prevention, the book identifies appropriate norms, processes and methods which can be utilized to dampen and diffuse inter and intra-state conflicts in the contemporary world. As such, it fully explores early-stage techniques, including awareness de-escalation, stalemate, ripening, and resolution alongside other late or crisis stage techniques of interruption, separation and integration.

As a beginning, the author explains that conflict is inherent to all human and inter-state relations, but that it is not inevitable. Since the end of the Cold-War, the prevention of conflict escalation into violence through management and resolution has become a fundamental objective of the international system of World Order. Prevention, Zartman argues, is a battle that is never won: there is always more work to be done. The search for prevention — necessary but still imperfect — continues into new imperatives, new mechanisms, new agents, and new knowledge, which this book helps discover and apply. Ultimately, what is needed is a change in opinions with respect to both the philosophy and the actions of prevention in order to reinvigorate a sound system of World Order.

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SANDER DES TOMBE AND PAUL MEERTS
CONFLICT BEHAVIOUR IN NEGOTIATION

The study of personal negotiation styles dates as far back as the first courses in organised bargaining (Shell, 2001). One of the ways to measure these preferred modes of behaviour is by employing the personality test developed by Kenneth W. Thomas and Ralph H. Kilmann (Thomas and Kilmann, 1974). The incorporation of this data into the Thomas-Kilmann (TK) model is similar in its approach as other strategic models, because it distinguishes between the main options for strategies and looks at their interactions. The data used in our TK-research was collected during Clingendael's negotiation seminars over a timespan of almost 20 years, involving more than 2,500 diplomats, civil servants, students and those employed within the military or business sectors from a total of 66 nationalities,[1] on 176 occasions and in 45 countries.[2]

The TK questionnaire consists out of 30 A-or-B questions and the cumulative total of the five main strategies must therefore be 30. However, there can always be imperfections in the dataset because of clerical mishaps or slight miscalculations. In order to ensure the reliability of the datasets, this research held a five percent margin of error. If the combined total of the averages of the five main strategies was below 28.5 or above 31.5, the data were not used.

This article is divided into six analytical categories. We will first take a look at the data collected from respondents who originate in Europe, Asia or Africa.[3] Later, we scale down the groups' sizes by making eleven geographical divisions.[4] In the third section, European states will receive some additional consideration. For the fourth section, a distinction in our data shall be made between the Islamic Turkic and Arab regions. Moving back to a global perspective, light will finally be shed on the differences in preferred modes of conflict behaviour in negotiations, both per profession and per gender.

Before we present our findings, some comments might be in order that help us explain what the TK model actually measures and for what purposes it has been used for in the past.

THE THOMAS-KILMANN (TK) MODEL

For over 40 years, the TK personality test has been used to measure behavioural tendencies towards specific negotiating styles used to manage conflict (Kremenyuk, 2002; and Saner, 2005). While the psychological assessment does not necessarily indicate 'true' measures of skills, it does give an strong indication of 'overall predispositions' towards negotiation styles (Shell, 2001: 162).

Professors Thomas and Kilmann charted the five possible negotiating styles on the two axes devised by Blake and Mouton (1964): assertiveness and cooperativeness. The vertical axis (assertiveness) describes someone's 'fervour' for getting his or her needs and interests satisfied and the horizontal axis (cooperativeness) reflects the willingness to include the interests and needs of the other side. Raymond Saner identified two determinants for the level of cooperation (common interest and the quality of the personal relationship) and two for the level of assertiveness (valued importance of the outcome and the relative power) (2005: 112-113). The grid that one can construct with these two axes contains sixteen different interactions between the five poles of strategy (or conflict styles) (Meerts, 2015:

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[1] Albania, Algeria, Angola, Argentina, Armenia, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Benin, Bosnia, Bulgaria, China, Congo, Costa Rica, Croatia, Cyprus, Czech Republic, France, Georgia, Germany, Hungary, Indonesia, Ireland, Italy, Kazakhstan, Kyrgyzstan, Kosovo, Lesotho, Macedonia, Malawi, Malaysia, Malta, Morocco, Moldova, Monaco, Mongolia, Montenegro, Mozambique, Netherlands, Oman, Pakistan, Palestine, Poland, Romania, Russia, Slovakia, South-Africa, Sudan, Suriname, Swaziland, Switzerland, Syria, Tajikistan, Tanzania, Tunisia, Turkey, Turkmenistan, Ukraine, United Kingdom, United States, Uzbekistan, Vietnam, Zambia, Zimbabwe.

[2] Argentina, Austria, Azerbaijan, Bangladesh, Belgium, Benin, Bulgaria, China, Congo, Costa Rica, Croatia, Cyprus, France, Georgia, Germany, Hungary, Ireland, Italy, Kazakhstan, Kyrgyzstan, Kosovo, Malaysia, Malta, Morocco, Moldova, Monaco, Mongolia, Montenegro, Mozambique, Netherlands, Oman, Pakistan, Poland, Romania, Russia, Slovakia, Suriname, Switzerland, Syria, Tajikistan, Tunisia, Turkmenistan, United Kingdom, Uzbekistan, Zimbabwe.

[3] For this research, European respondents originated in the following countries: Albania, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia, Bulgaria, Croatia, Cyprus, Czech Republic, France, Georgia, Germany, Hungary, Ireland, Italy, Kosovo, Macedonia, Malta, Moldova, Monaco, Montenegro, Netherlands, Poland, Romania, Russia, Slovakia, Switzerland, Ukraine and United Kingdom.

[4] South-Asia; Southeast-Asia; East-Asia; Central-Asia and Mongolia; Southern Europe; Eastern Europe; West and Central Europe; North-Africa and the Middle East; Sub-Sahara Africa; Latin-America and North-America.

35). These five conflict styles are: competing (assertive and uncooperative); collaborating (both assertive and cooperative); compromising (intermediate in both assertiveness and cooperativeness); avoiding (both unassertive and uncooperative); accommodating (unassertive and cooperative) (Thomas and Kilmann, 1974; Kok, 1990: 79-80; and Meerts, 2015: 104).

While most people use all of the five styles, they develop preferences, and these can be measured as stable predispositions. For instance, people who prefer dodging or deferring the aspects of negotiation they perceive as confrontational will score high on avoiding, while those who actually enjoy solving these though decisions together will score high on collaborating. Another example of two extreme negotiating style preferences is that those who score high on competing are more likely to see negotiating as a game than needs to be won, while those who score high on accommodating will feel that this type of confrontation comes at a disproportionate cost to the relationship. Finally, those who score high on compromising will moderately prefer many of the aspects of other styles but are especially eager to find the 'middle ground'.

The absence of cues as to the social context in the TK personality assessment has facilitated the use of preferences in negotiation styles both in research and in the negotiation curriculum. Much of the research on these personal differences focused on gender and culture (Schaubhut, 2007; Saner, 1993; and 2005: 266). Interestingly, Kok (1990: 71-72) found no significant differences in the scores of males and females and he only found cultural differences on an state-level of analysis. Another application of the negotiation styles is in the curriculum of negotiation training (Ritsema van Eck and Huguenin, 1993; Shell, 2001; and Kremenyuk, 2002). One of the main motives for incorporating the TK model in negotiation seminars is that when one can determine which negotiating style is superior in which context, one can plan an appropriate strategy. For this purpose, we can use four criteria (Gladwin and Walter, 1984; Saner, 2005: 117-120; and Kremenyuk, 2002: 108). Firstly, we must determine what is at stake. Secondly, we must find out who the stronger party is. Thirdly, we must ask how much the interests coincide. Fourthly, we must know how important the quality of the relationship between the negotiating parties is. The former two of these criteria can be placed on the vertical axis and the latter two can be placed on the horizontal axis (see the graph on Determinants of Conflict Behaviour and Sixteen Strategic Paths).

After discussing the use and usefulness of assessing personal predispositions towards negotiation styles, we will now describe and analyse the data we have collected over six categories: three continents; eleven regions; Europe; the Islamic World; professions; and gender.

COMPARING CONTINENTS: AFRICA, ASIA AND EUROPE

THE FIVE MODES OF CONFLICT BEHAVIOUR

While the TK-scores do represent an overall predisposition for a certain negotiation style, it does not mean that they will always act according to this style. But as these dispositions will have an effect on how one handles a certain conflict situation, we can use the differences in the TK-scores of Africa, Asia and Europe to analyse its potential meaning.

Starting with *Table 1*, one finds that Africa's score for compromising is relatively lower than that of Asia and Europe. While compromising is still Africa's dominant style mode, it does have the lowest score of the three groups. Having such a relatively low score for compromising can indicate that the negotiator is more a person of principle. During important matters, a negotiator might benefit from such a passionate approach, but chances are that the negotiator will 'make an issue' out of everything. The result of this could be that others perceive you as stubborn, or as Richard Shell put it; 'a person who elevates consistency over substance' (Shell, 2005: 169).

Secondly, we found that Europe scores much higher on competing

[5] To some extent, this problem can actually be solved by making frequent use of breaks, as they allow negotiators to rethink their strategy.

Table 1: The Thomas-Kilmann scores for three continents

	COMPETING	COLLABORATING	COMPROMISING	AVOIDING	ACCOMMODATING
Africa (231)	4.8	5.0	7.4	6.7	5.0
Asia (595)	4.6	5.4	8.2	6.5	5.4
Europe (1,454)	5.5	5.1	8.0	6.3	4.8

Table 2: The sequence of the Thomas-Kilmann scores for three continents

	COMPETING	COLLABORATING	COMPROMISING	AVOIDING	ACCOMMODATING
Africa (231)	5	4	1	2	3
Asia (595)	5	4	1	2	3
Europe (1,454)	3	4	1	2	5

than Asia,[6] while Asia scores higher on accommodating than Europe.[7] Those who have a stronger predisposition for competing, such as Europe, generally like to negotiate for the reason that they want to win. Negotiators with a strong disposition for competing often focus on those areas where their win is most easily calculated, even if this means that they lose on valuable yet non-quantitative topics. Competitive people are often very self-confident, persistent and have developed excellent instincts on strenuous traditional bargaining, yet the act of competing can sometimes place a strain on a relationship (Kok, 1990). The fact that Europe scored the lowest on accommodating further indicates a potential lack of interpersonal sensitivity.[8]

Finally, it might interesting to point to the high score for Asia on the combined total of compromising, avoiding and accommodating. Rather than the more assertive style modes (collaborating and competing), these three modes of behaviour focus in different ways on 'reducing conflict, bringing closure to negotiations, and emphasising the other party's needs in relationships' (Shell, 2005: 170). In sum, it seems that Europe puts

little emphasise on the relationship, unlike Asia, while Africa is less flexible in the negotiation process.

PATTERNS OF CONFLICT BEHAVIOUR

Apart from the individual scores, both the sequence and timing of the five modes of conflict behaviour can potentially have a conclusive effect on negotiations. The strategic paths, or movements from one position to another, often depend on the position adopted by the other side and anyone of them can at one point constitute the optimum strategy (Saner, 2005). Now that we have glanced through some of the scores, we might be able to draw some conclusions from a comparison between the strategic routes of the three regions.

Strikingly, the patterns of styles in conflict behaviour are extremely similar over the three groups. All prefer to first move along the cooperative axis, by disengaging (from

compromising to avoiding). The only difference is between the positions of the European scores on competing and accommodating and those of the other two groups.

Making request, demands and evaluations are all indications of a (European) preference to push for concessions rather than to pull by making concessions (Saner, 2005: 182). Pushing is especially hazardous in a situation when you are wrong or when the issue at stake is of greater importance to the other party. To pull down the distributive axis is crucial in relationship-sensitive situations as you can be perceived as stubborn when you give insufficient attention to the other party's wishes, emotional state and frames of reference (Shell, 2005: 170).

THE TWO AXES OF CONFLICT MANAGEMENT

We have so far looked at the scores on the individual styles and the

Strategic Paths of Africa and Asia; and Europe*

Table 3: The two axes of conflict management scores for three continents[9]

	ASSERTIVENESS	NON- ASSERTIVENESS	COOPERATIVENESS	NON-COOPERATIVENESS
Africa (231)	9.8	11.7	10.0	11.5
Asia (583)	10.0	11.9	10.8	11.1
Europe (1,466)	10.5	11.1	9.9	11.7

patterns they form. We found some differences and commonalities between the regions on how comfortable they are with specific modes of conflict behaviour. On account of the definite impact that personal dispositions can have on our strategy, we will now chart these positions in a conflict onto two axes: assertiveness and cooperativeness (Saner, 2005: 106-117). As mentioned before, assertiveness revolves around the fervour of getting one's own wishes satisfied, while cooperativeness is all about involving the wishes of the other party.

[9] Geographical division of the extent to which an individual attempts to satisfy his or her own concerns (assertiveness) versus attempts to satisfy the other person's concerns (cooperativeness).

As one can see in *Table 3*, Europe scores significantly higher on assertiveness (competing and collaborating) and lower on non-assertiveness (avoiding and accommodating). Asia has a relatively high score on cooperativeness (collaborating and accommodating) and a relatively low score non-cooperativeness (competing and avoiding). Africa has a similar score on the assertiveness axis as Asia, while on the cooperativeness axis it corresponds mostly with the European scores.

In sum, these findings correspond with a lack of interpersonal trust among the African group, a focus on individual concerns among the Europeans and a strong disposition

among the Asians towards avoiding conflict and elevating the importance of relationships.

ELEVEN REGIONS

Reconstructing the three large categories into eleven specific regions allows us to take a closer look at how coherent these regions are in their dispositions towards conflict management styles. With Asia accounting for 60% of the world population, we will expand upon the scores of the four sub-Asian regions. We leave it to the reader to interpret the scores of the remaining seven regions.

Compromising (1) and collaborating (3) are the only styles that all of the Asian sub-regions place on the same position. However, even

Table 4: The Thomas-Kilmann scores for eleven regions

	COMPETING	COLLABORATING	COMPROMISING	AVOIDING	ACCOMODATING
N. Africa and Middle East (499)	4.6	4.9	8.1	6.4	5.2
Sub-Saharan Africa (103)	4.5	5.0	7.1	6.8	5.5
East Asia (25)	4.7	5.2	7.0	6.6	5.9
Central Asia and Mongolia (62)	5.2	6.1	7.4	6.0	4.8
South Asia (20)	4.9	5.6	8.6	6.3	3.9
South-East Asia (84)	4.1	6.1	7.5	7.0	5.1
Eastern Europe (259)	5.8	4.9	7.8	6.4	4.5
Southern Europe (238)	5.6	5.3	7.8	6.3	4.8
West and Central Europe (887)	5.4	5.1	8.1	6.3	5.0
Latin America (84)	5.0	5.6	7.6	6.9	4.7
North America (5)	5.2	6	8.4	8.6	3.6

Table 5[10]: The two axes of conflict management scores for eleven regions

	ASSERTIVENESS	NON-ASSERTIVENESS	COOPERATIVENESS	NON-COOPERATIVENESS
N. Africa and Middle East (499)	9.5	11.6	10.1	11.0
Sub-Saharan Africa (103)	9.5	12.3	10.5	11.3
East Asia (25)	9.9	12.5	11.1	11.3
Central Asia and Mongolia (62)	11.2	10.8	10.8	11.2
South Asia (20)	10.5	10.2	9.5	11.2
South-East Asia (84)	10.2	12.1	11.2	11.1
Eastern Europe (259)	10.7	10.9	9.4	12.3
Southern Europe (238)	10.9	11.1	10.1	11.9
West and Central Europe (887)	10.5	11.3	10.1	11.7
Latin America (84)	10.6	11.6	10.3	11.9
North America (5)[11]	11.2	12.2	9.6	13.8
Average (2,238)	10.1	11.1	9.9	11.3

these scores for vary widely. Other interesting scores include South Asia's low score on accommodating (3.9), Southeast Asia's low score on competing (4.1) and Central-Asia and Mongolia's relatively low score on avoiding (6.0). The high score for Southeast Asia on avoidance (7.0) seems to fit with the ASEAN's (Association of Southeast Asian Nations) preferred conflict approach of not confronting certain issues head-on, so that the focus can be redirected to issues that promote closer regional cooperation (Caballero-Anthony, 2005: 61). The overall preference

for collaboration over competition in Asia is unique and shows a predisposition for cooperation when one of the more assertive styles (competing and collaborating) is adopted.

To conclude, we have established that there are considerable inconsistencies in the scores of our four Asian sub-categories. Besides sharing an overall predisposition towards compromising, we were only able to find an overall preference for all Asian regions regarding cooperativeness among one of the more assertive styles. We shall therefore take a further look at the assertiveness and cooperativeness of the eleven sub-regions.

As one can see in *Table 5*, the assertiveness of Central-Asia and Mongolia is unique in the sense that the vast majority of the eleven regions prefer non-assertive strategies. A high score for assertiveness can indicate a preference for interpersonal confrontation as a tool that is necessary for humans to interact. Because the TK-questionnaire measures predispositions, it is important to bear in mind that the Central Asian and Mongolian profile of high assertiveness does not mean that this region is not capable to act in a non-assertive way. However, these scores indicate that negotiators in this region are relatively more inclined and emotionally more comfortable in winner-take-all and win-at-all

Table 6[12] : The Thomas-Kilmann scores for eleven regions

	COMPETING	COLLABORATING	COMPROMISING	AVOIDING	ACCOMMODATING
Armenia (41)	6.0	4.7	7.7	6.4	5.1
Azerbaijan (32)	7.5	6.1	7.1	5.9	3.2
Belgium (312)	5.4	4.9	8.0	6.7	4.7
Bulgaria (14)	4.9	6.4	8.2	6.1	4.6
Croatia (21)	6.9	5.1	7.4	6.3	4.2
Turkish Cypriots (20)	5.4	5.9	7.5	5.5	5.9
France (9)	5.9	7.4	7.6	4.8	4.8
Georgia (60)	5.9	4.9	7.6	6.7	4.6
Germany (142)	5.0	4.9	8.9	6.4	5.0
Greek Cypriots (7)	3.0	4.4	8.4	6.4	6.9
Hungary (17)	5.9	5.0	8.3	5.7	5.1
Ireland (9)	5.1	7.3	6.2	5.1	6.2
Italy (22)	5.0	4.4	7.8	7.0	5.5
Kosovo (23)	6.7	5.3	7.7	6.7	3.2
Malta (104)	5.7	5.5	8.1	6.4	5.1
Moldova (17)	6.0	5.8	8.0	6.2	3.9
Netherlands (196)	5.9	5.5	7.6	5.8	5.3
Poland (39)	6.3	5.5	7.8	6.5	4.2
Russia (34)	5.5	4.9	8.0	6.1	4.9
United Kingdom (26)	6.3	6.2	7.5	5.2	4.4

costs approaches to negotiation (Ritsema van Eck and Huguenin, 1993: 41-42). Focusing on the cooperative axis, we find that Eastern Europe scores high on non-cooperativeness and low on cooperativeness. Such a score is especially interesting when compared with Asia's (especially East and South-East Asia's) relatively strong disposition towards individual attempts to satisfy the other person's concerns (cooperativeness).

On the other side of the coin, nearly all of the eleven regions score high on non-assertiveness. Such a score could indicate that instincts regard-

ing competitive bargaining can be expected to be relatively less likely to develop when compared to those of their more assertive counterparts (Shell, 2005: 164). It is nevertheless also important to note at this stage that both of these skills and instincts are also dependent on professional experience.

To conclude, we have found that preferences regarding specific negotiation styles differed significantly among four Asian sub-regions. When compared to the other seven regions, we found that East and Southeast Asia have a distinct preference for satisfying other people's concerns. Whether such a discrepancy among the Asian scores is also present within other continents

deserves further consideration. Hence, we will now turn to a state-level analysis of European scores.

EUROPE AND THE SOUTH CAUCASUS

In order to gain a more detailed understanding of how the predispositions towards the different styles of conflict behaviour are represented in Europe, we will now adopt a country-specific approach.

In *Table 6*, one finds that Azerbaijan (7.5) scores significantly higher than other European countries on competing, while Germany (5) scores far below the European average (5.7). The high German score (8.9) for comprising is even

Table 7: The Thomas-Kilmann scores for two groups in the Islamic World

	COMPETING	COLLABORATING	COMPROMISING	AVOIDING	ACCOMMODATING
Arab (186)	5.2	5.0	7.9	6.7	4.9
Turkic (375)	4.4	5.0	8.3	6.3	5.4

more striking, especially when one compares it with the much lower score for compromising of Azerbaijan (7.1). For most Eastern European countries in Table 6, the low score for accommodating is combined with a substantial score for competing, which make sense because of the fact that competing is the opposite of accommodating (Saner, 2005: 110).

TK-Results for Turkic and Arab Group

Turkic (375)
Arab (186)
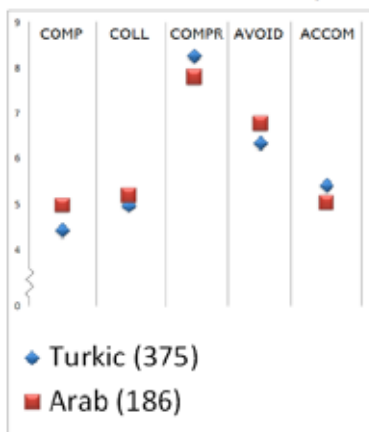
We furthermore found that Azerbaijani's had the highest score on assertiveness, while the Italians had the lowest score. The Irish in turn scored the highest on cooperativeness, while the Kosovars scored the lowest.

On average, the smallest deviation was found among the scores of compromising and avoiding. Bearing in mind the smaller sample sizes, some variation among the scores could have been expected. The small sample size of some the countries nevertheless limits us from drawing further generalisa-

[13] This research limits itself to independent states with an overall majority of people from Turkic or Arab origin or from a country where the majority speaks Turkic or Arabic. While all of the people within the Arab group are a member of the Arab League, not every member of the Arab League was included in the dataset.

[14] Use caution when drawing conclusions from such a small sample size (12 people).

tions from these extremes.

THE ISLAMIC WORLD

The attempt was here to select two distinct regions within the Islamic World. The data has been divided according to the Turkic and Arab pan-ethno-linguistic groups of peoples. It is important to note that both designations do not necessarily reflect a homogenous social or political entity.[13]

The first thing that can be deduced from the scores is a substantial coherence in the scores. Indeed, both of the groups have a predisposition towards compromising and subsequently avoiding, while competing is the lowest-ranked score for both groups. However, it is possible to find some interesting distinctions between the scores of the two groups. Arab people seem to dislike competition less than Turkic people, have

Table 8: The Thomas-Kilmann scores per profession

	COMPETING	COLLABO-RATING	COMPROMIS-ING	AVOIDING	ACCOMMO-DATING
Civil Servants (321)	5.2	4.8	7.8	6.7	5.1
Diplomats (1,173)	4.9	5.0	8.1	6.2	5.0
Civil Servants and Diplomats (200)	6.2	5.6	7.5	6.1	4.6
Students (891)	5.1	5.3	7.8	6.4	5.1
Mix (of Students; Civil Servants; and Diplomats) (56)	4.7	5.8	7.8	6.5	4.7
Private Sector (42)	5.4	5.0	7.8	6.3	6.1
Security Experts (CTBTO) (12)[14]	4.3	6.3	6.0	6.8	6.6
Military (138)	5.2	5.4	8.1	6.1	5.0
Average (2,833)	5.1	5.2	7.9	6.3	5.0

Table 9: Female: The Thomas-Kilmann scores for females in eleven regions

	COMPETING	COLLABO-RATING	COMPROMIS-ING	AVOIDING	ACCOMMO-DATING
N. Africa and the Middle East (23)	5.2	5.8	8.1	6.3	4.5
Sub-Saharan Africa (31)	3.8	5.5	6.9	7.2	5.7
East Asia (12)	4.2	5.6	6.3	6.7	6.3
Central Asia and Mongolia (15)	4.1	5.6	8.1	7.2	5.1
South Asia (10)	4.1	6.2	9.1	5.6	4.4
South-East Asia (16)	4.2	6.4	8.0	7.4	4.0
Eastern Europe (98)	5.7	4.7	7.7	6.7	4.3
Southern Europe (69)	5.7	5.3	7.8	6.1	4.7
West and Central Europe (341)	5.3	5.0	8.3	6.3	4.9
Latin America (30)	4.6	5.8	7.5	6.9	5.2
Average (645)	5.2	5.2	8.0	6.5	4.8

relatively little fear of interpersonal conflict and are men and women of principle, perhaps even more so than Turkic people. The fact that the Arab group scored higher on avoiding can therefore be seen as a surprise, as a lower score would indicate a high tolerance for 'assertive, hard-nose bargaining'. The Arab preference for collaborating over accommodating nevertheless substantiates the argument that the Arab group prefers a more assertive bargaining style.

So far, we have compared the scores of three continents, eleven regions, twenty countries in Europe and two regions within the Islamic World. Our findings confirm that it is essential to assess the preferences in light of the culture in which the negotiations take place (Cox, 1990: 72). Generalizations of pan-continental cultures seem more difficult to confirm, especially with regard to Asia. Our focus will now shift to the question of whether these assessments of the preferences in conflict behaviour in negotiations should also take into account types of employment and gender differences.

COMPARING PROFESSIONS

The results of one's TK-questionnaire can reflect if the person's style 'fits' the professional setting in which he or she operates. Following this line of thought, we divided our dataset into the six specific types of employment of those who filled in the TK-questionnaire. Two mixed groups were compounded in order to cope with the issue of professions that fall under multiple categories, thereby creating a total of eight different categories.

An example given by Shell (2001) was the tendency for diplomats to score higher on avoiding. However, our collection of data suggests that this may not be the case, as civil servants and students had higher scores on avoidance. The fact that avoiding generally placed second on the list of preferences may nevertheless be an indication of the diplomatic backgrounds of most of the subjects in this research.

From their lower score on collaborating, one deduces that civil servants prefer to stick to their bargaining plan

and do not like to use the bargaining process as an opportunity to let creativity flow. Adopting a creative approach that transforms a negotiation into a brain-storming session is nevertheless often required in complex negotiations. People from the military seemingly do not possess such a potential weakness and, as the nature of their professional environment might suggest, are more comfortable with innovative solutions.

A high score for accommodating is often a sign for good relationship-building skills. These skills are regarded especially useful in 'sales-based relationship management roles', making the private sector the most likely candidate for a high predisposition towards accommodating. Male diplomats higher score for accommodating, in comparison to their female colleagues, is perhaps more surprising.[15] One explanation could be that, because of the rela-

[15] The discrepancy between the combined male/female averages and that of the whole group is due to the fact that the male/female division was not available for all the groups.

Table 10: The Thomas-Kilmann scores for males in eleven regions

	COMPETING	COLLABO-RATING	COMPROMIS-ING	AVOIDING	ACCOMMO-DATING
N. Africa and the Middle East (121)	4.7	5.1	8.2	6.8	5.1
Sub-Saharan Africa (50)	4.6	5.5	7.0	6.3	5.5
East Asia (9)	5.3	5.0	7.2	6.9	5.4
Central Asia and Mongolia (29)	6.4	5.9	7.1	5.7	4.8
South Asia (10)	5.7	5.0	8.1	7.0	3.4
South-East Asia (28)	4.6	5.4	7.3	6.9	5.2
Eastern Europe (78)	5.9	4.7	7.4	6.8	4.7
Southern Europe (86)	5.4	5.2	8.2	6.7	5.6
West and Central Europe (369)	5.4	5.0	8.0	6.6	4.9
Latin America (19)	4.9	5.5	7.3	7.0	5.1
Average (799)	5.4	5.0	7.7	6.5	4.9

tively masculine work environment of diplomats, female diplomats require a certain confidence in that their view is the 'right' answer to the negotiation problem. However, stubbornly holding out on one's understanding of righteousness can be interpreted by others as disinterest in the emotional state, needs and frames of reference of the other negotiating parties. Another, perhaps more positive, side-product of a lower score for accommodating is that it can help a group to be more inclined to take the necessary time to arrive at an 'objectively' best outcome.

Admittedly, one can raise doubts as to some of the assumptions made with regard to assessing the value of predispositions towards a particular style of conflict behaviour in light of a profession. This does not mean, however, that an individual TKI score fails to indicate how naturally a negotiator's style fits into the professional setting in which the negotiation takes part.

COMPARING GENDERS
Turning to the differences in which

negotiating styles males and females prefer, we will again make use of the eleven regional categories. While this limits the total group size, it allows us to incorporate some of the cultural differences in the perceptions of the masculine and feminine.

Negotiators with a well-balanced portfolio of conflict styles, it might be suggested, have the potential to be more effective in their negotiations.[16] Whether this is indeed the case is open for discussion, but it remains interesting to note that the averages of the standard deviation for the five conflict styles are remarkably close over the three continents (Africa: 0.98; Europe: 0.96; and Asia: 1.06). When one compares the deviation for the scores of all the females and males used in this research, one similarly finds only a slight difference (males: 1.02; and females: 0.94). Among the eleven regions investigated in this study, we continue

[16] Saner (2005: 249) disagrees, as one will behave like a turtle: 'whatever direction he moves in, he moves hesitantly.' Shell (2001: 171) argues that one will only be in a disadvantage against experienced negotiators.

to see an increased heterogeneous scorecard of both males and females.

The differences between the scores of both genders for a specific region are nevertheless limited, especially for the compromising and collaborating styles. This is not the case for all the styles, however, as one can see by the fact that the strong predisposition of the Southern European males towards accommodating (5.6) differs substantially from that of Southern European females (4.7). Another example is the strong disposition of females from Central Asia and Mongolia towards avoiding (7.2), compared to the far below average score of the males (5.7). Finally, there is a substantial difference between the high scores for competing of the Asian males and the low scores of their female counterparts.

IN CONCLUSION
Conflict behaviour styles are a function of time and place. In this regard, it is interesting to note that there have been previous attempts at intercultural comparisons in-

Table 11: The Thomas-Kilmann scores for four Asian countries

	COMPETING	COLLABO-RATING	COMPROMIS-ING	AVOIDING	ACCOMMO-DATING
Pakistan/Bangladesh (20)	4.9	5.6	8.6	6.3	3.9
Malaysia/Indonesia (65)	4.1	6.2	7.5	7	5

volving the TKI model. Drs. A. Kok (1990: 71-72) collected data over a period of three years, and he found few significant differences among Asian and African people from both the public and private sector. Moreover, he found no significant differences among males and females. After further specification, he did find that Pakistan, Bangladesh and India are more competitive than rest of Asia (especially Malaysia and Indonesia). Looking at our own dataset, we indeed found that both Pakistan and Bangladesh scored higher on competing than Malaysia and Indonesia.

After some specification, we have furthermore found some differences in the direction and margin among the scores of males and females, types of occupation and place of origin. Bearing in mind that there are cultural differences in the ease in which confrontation happens, for instance, may further our knowledge on how naturally one's style fits into a specific setting. But by employing this approach, it is crucial to weigh in the importance of specification against the numerical consequences of sample sizes.

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CHRISTOPHER HONEYMAN AND ANDREA KUPFER SCHNEIDER

HERDING INTERDISCIPLINARY CATS - INTO A SINGLE FRAME OF REFERENCE

As shown in the original *Herding Cats* book published by the USIP in 1999, international negotiations often become classic examples of complexity in negotiation. The many parties—and the factions within them—are generally obvious; the intricate and contested factual backgrounds, the competing ideological claims, and the long time scale of the process are also familiar. Less conspicuous, perhaps, is that it is possible to employ a myriad of disciplinary and experiential lenses in an effort to understand or make progress on any one international transaction or dispute. PIN-sponsored scholarship stands as a, perhaps "the," preeminent collective effort to do just that, for public international disputes. Yet we are unaware of any organized effort to "herd" the disciplines and experience bases that might be helpful for other types of disputes.

We have been fascinated for our entire careers by the sheer variety of the forms and specialties which together make up negotiation theory and practice. Gradually we realized that the experience and expertise base of practitioners and scholars across our sprawling field had become deep enough and varied enough that not one person was really looking at the whole picture. Even the multi-disciplined scholars working on international negotiation tend to find themselves short of time to delve into what might be useful to borrow from, for example, divorce mediation or civil litigation mini-trials.

We formed the *Canon of Negotiation Initiative* in 2003 (www.convenor.com/canon-of-negotiation.html). Its first venture was a small conference, of roughly twenty "second-generation" scholars and practitioners—hand-picked to provide the most subject-matter breadth we could get along with the requisite depth of knowledge. The result was a full special issue of the *Marquette Law Review*, (Vol. 108/2, Spring 2004) with two dozen articles. This experiment generated interest among more than a few colleagues. (That edition of the law review became one of the most excerpted and cited single issues on negotiation of any law journal in the U.S.) These articles outlined research, ideas and practical experience that seemed broadly useful, that had originated from legal, business, international relations and urban planning professionals, and that were increasingly known in their original domain. Yet every one of these subjects had, up to that point, failed to cross over in any meaningful degree into any of the other domains we were studying.

At this point we realized that if one venture on a twenty-scholar scale could find this much scholarship ripe for cross-disciplinary use, there might be considerably more such material—if we could engage a larger variety of scholars and practitioners in looking for it. So in 2004-2005 we organized sixteen panels, at four of the major conferences in different sectors of the field. This time, our gambit was to challenge mostly senior scholars to come up with topics that fit our profile—topics which their former students, the 30- and 40-somethings we had enlisted first, hadn't yet considered. We enlisted almost 60 such senior figures.

Next, we set up every session to encourage "what if....?" and "what else...?" discussions. We recorded every session, had them transcribed, and then combed through the transcripts for subjects even the person speaking might not have fully realized *was* a subject. Then we set about recruiting contributors to a new written work. By 2006, as a consequence, we were able to expand the number of such topics to 80. Also by then, the array of academic disciplines and practice specialties we were able to draw on numbered almost thirty.

When the American Bar Association published the resulting book, *The Negotiator's Fieldbook*, the 80-contributor, nearly 800-page volume stood as the most comprehensive reference in our field (and was kindly described as such in reviews, including in these pages.) It was also a rare, perhaps unique, moment for that particular publisher—a book in which fewer than half of the contributors were lawyers.

To our great surprise, almost ten years later, the *Fieldbook* is still one of the most comprehensive and multidisciplinary reference works on negotiation you can buy. But our field has not, of course, stood still in that decade. We are therefore replacing that book.

We began by thoroughly re-examining our premises, along with the more trenchant comments by reviewers who had otherwise been very generous to the *Fieldbook*. (Notably, *PinPoints* reviewer Franz Cede pointed out that in conception and source material, the original book was all too American. He gently expressed a hope that someday there would be a successor that would draw more material from more cultures.) We have tried to take his admonition to heart. (While about 11% of the 2006 book's contributors were not from the U.S., about 25% of the new contributors are from outside

the U.S.... Below, we note our strategy to increase this further over time. We hope PIN scholars will be part of that effort.)

The next step was to canvass a number of people at three workshops, starting in late 2013. One, focused exclusively on updating the Canon, was a two-day symposium held at Marquette University Law School in Milwaukee, with two dozen senior scholars from different parts of our field (including several from outside the U.S.) The other two workshops were shorter, but to help give us a more international perspective, they were held in Hong Kong (in conjunction with the inaugural symposium of *Tan Pan*, a new Chinese-English journal on negotiation), and at the 2014 meeting of the International Association of Conflict Management, in Leiden.

Then we spent a good deal of time rereading and discussing every existing chapter (80 in all) from the original edition of the *Negotiator's Fieldbook*. We completed that process at the end of 2014. One result was that it became clear that we needed an overall structure for our replacement "products" that would respond to the much broader potential audience we now believe is possible.

Among the surprises to us at the workshops was high enthusiasm for electronic versions of the new writings, among even our most senior colleagues. Also, largely because of the five-year, four-book *Rethinking Negotiation Teaching* project (www.convenor.com/rethinking-negotiation-teaching.html), our contacts among professionals outside the US have improved considerably since the inception of the *Canon of Negotiation* initiative. At the same time, the relevant technology has improved, and costs of modest-scale print publishing, as well as electronic publishing,

have come down. This combination of factors has led us to believe we can now provide at least one form of our core publication that is priced to be attractive in countries where interest in our field is burgeoning, but where incomes and locations are equally far from the West—for example, India. For all of these reasons we now envision a more complex slate of products.

There is a well-known model for a broader, more varied and frequently updated publication structure, and it has been a great success in its own market. Although (of course) its subject matter and audiences are very different from ours, we have found inspiration in the *Physician's Desk Reference*, which over 65 years has evolved to the point where it publishes multiple print editions, updates them at least annually, and yet now serves most of its readers through online editions. We have taken the hint and now plan to market a new flagship book both in print and online, under the umbrella title of the *Negotiator's Desk Reference*. We also intend to publish a second edition of the *Negotiator's Fieldbook*, but its purpose will shift: That volume will become a shorter one, adapted from the larger *Desk Reference* to include only those writings that are most relevant to lawyers, and with each chapter tailored further to that specific purpose.

Approximately 100 people are contributing to the new stage of the *Canon* initiative. As of this writing, half of the chapters are in, and we are editing more every week. We hope that the new *Negotiator's Desk Reference* will provide tools for readers of all negotiation interests. Unlike the original volume, the new book will have essays reviewing the basics of negotiation—styles, communication, preparation, and so forth—for audiences that are new to negotiation theory. Other essays, as in the first edition of the *Fieldbook*, provide an overview of

several different disciplines' theories as applied to negotiation, such as psychology, neurobiology, theology, law, and the arts; these are now both more varied and more developed. Still other essays apply negotiation to particular contexts—from hostage negotiation to the military to business to getting the last seat available on "the last plane out". And newer topics push this even farther, examining how negotiation is used in, for example, the professional boxing ring. (Yes, really. The authors even include a top-of-the-line referee and the vice-president of the World Boxing Association.)

But part of the purpose of the book, of course, is to help ideas and experience become better known outside their domains of origin. PIN's early books on *International Negotiation* and *International Multilateral Negotiation* are excellent examples of this idea, where a variety of scholars in different disciplines from around the world contribute chapters to a common educational endeavor. Similarly, PIN has also shown intense interest in power, risks, games, gender, the end phase in negotiation, language in negotiation, culture and other topics in which our writers come from a bracing array of disciplines. We hope the different streams of background and perceived potential they bring will be seen as an asset and a contribution, by PIN members as well as by other scholars across different combinations of field lines.

Many chapters represent updates on writings that were in the 2006 *Fieldbook*; many others represent the cutting edge of our field as of today. In addition to updates on ethical guidelines, for example, we will now have chapters on the latest research in moral character and on psychological barriers. The original volume had one chapter offering a tour d'horizon of the major world religions' respective attitudes toward conflict and conflict management; the new book will have two chapters, with a more nuanced treatment of the original subject followed by an analysis of how religion and religious people can actually help to deal with conflict. The 2006 *Fieldbook* said just a little about technology in negotiation; the *Desk Reference* will have multiple chapters addressing online platforms as well as the new challenges of negotiating with the digital generation. Our attention to how negotiation can be used in different ways has also been expanded, to think (for instance) about activism, negotiated fact-finding, and the broader uses of neutrality.

We remain all too aware, however, that we don't know what we don't know. One way to deal with that problem, at least structurally, is to anticipate the need to feature ideas and research we haven't yet heard of, particularly from cultures where we have yet to develop contacts. So our anticipated spring/summer 2016 publication date does not represent "finality", or even a pause in our effort for half a generation. The 2016 edition of the *Negotiator's Desk Reference* is planned to start with two volumes in print, and the equivalent online. But a new factor is that we plan to include a subscription to the electronic edition in the price of every copy of the paper one—and the electronic edition will add a third volume. This is designed to begin with some key chapters from the original *Fieldbook* which (unlike most) are not being updated. Beyond that, it will grow gradually, as we discover exciting new research, or simply encounter specialist scholars and (very highly selected) expert practitioners from cultures and domains of expertise we as yet know little or nothing about.

Readers of *PinPoints* include a fair sample of both groups. So we would like to close by taking this opportunity to ask the reader's assistance: If you find occasion to look over our work as-published, and realize that you or someone you know possesses a kind of expertise about negotiation of which we are unaware, we'd very much appreciate hearing from you. We continue to be fascinated by negotiation theory and practice, and we will continue to strive to learn what we don't yet know. We like nothing better than to be surprised, especially from a direction we didn't know existed. To borrow a phrase from our colleagues (and long-time contributors) at the Hostage Negotiation Team of the New York Police Department: Talk to us! [Please email us, at honeyman@convenor.com or andrea.schneider@marquette.edu, with your ideas. We will greatly appreciate it.]
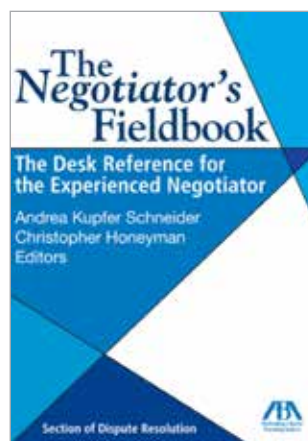
Edited by Andrea Kupfer Schneider and Christopher Honeyman and featuring 80 contributors, The Negotiator's Fieldbook is the most comprehensive book available on negotiation. Published 2006 by the American Bar Association, it is the culmination of Broad Field, a national project headed by Convenor's Christopher Honeyman (and generously funded by the William and Flora Hewlett Foundation.)

PIN ROADSHOW IN MONTENEGRO

Early July this year, the PIN Steering Committee was invited to Montenegro to present their latest insights and research agendas at the 8th Summer School for Young Diplomats "Gavro Vuković". On the first day, six presentations were given in a PIN-Roadshow on the current advances in negotiation process analysis. The following days were dedicated to a PIN-Workshop on how negotiations end and how future research in this field should progress. On the fourth day, the forty young diplomats participated in a negotiation simulation.

DAY 1:
ROADSHOW (BERANE)

The day of the Roadshow started with a presentation by **I. William Zartman from SAIS, Johns Hopkins University**, on the three elements of a Mutual Hurting Stalemate (MHS) and the two factors needed for a collective outcome. In short, the three elements are the perception of a MHS, the perception of a way out and a valid spokesman, while the two factors are a continuing MHS and a so called mutual enticing opportunity. Zartman subsequently applied this framework to six cases: Oslo, Israeli-Palestinian (2x), Dayton, Nagorno-Karabakh and Syria. In response to the question that was posed by a participant from Germany, Zartman expanded upon the difficulties that arise with groups of extremists who do not share this negative perception on hurting.

The second presentation of the day was given by **Guy Olivier Faure from Sorbonne**, who delivered an engaging speech on how to negotiate with terrorists. Faure talked about the stressfulness and unpredictability of both sieges and kidnappings. Numerous oxymorons of hostage negotiators were mentioned, such as facilitation and emotional entrapment. One of the questions, asked by a participant from Andorra, was about the role of the media in hostage negotiations. Faure's response was a clear advise to keep them away, as they can be used as a tool by the terrorists (see the 2008 Mumbai terrorist attacks).

The third presentation was by **Fen Osler Hampson from CIGI**, who talked about the general importance of negotiating and gave five reasons why negotiations are getting harder. These five reasons are that most of the new conflicts are not bilateral, regional self-organization is growing, (multi-)polarization, lumpy institutionalization and some of the norms regarding the interaction with non-state actors. One of the questions that was posed was to what extent it is true that regional organizations are better mediators than the UN. Hampson responded by cautioning that regional organizations remain internally divided and often face capacity problems.

Rudolf Schuessler from Bayreuth presented his presentation on focal points in negotiation. Originating from game theory, focal points constitute paradigmatic default solutions in negotiations. The lively discussion that followed this presentation was mostly directed at how focal points can strengthen negotiations and their outcomes, rather than oversimplifying the process. Schuessler's response included an example that focal points such as symmetric solutions, fractions or prominent numbers can prevent deadlocks in negotiations while saving one's face as they rarely look selfish.

Roadshow in Montenegro

The fourth presentation was by **Valerie Rosoux from Louvain** on how we can imagine that former enemies can become partners. She expanded upon three key elements of reconciliation, namely ripeness, proper sequencing and appropriate pace. With regard to the latter, Rosoux stressed the potential harmfulness of an eagerness to move forward, as reconciliation can sometimes only mean as much as an opportunity to say "don't touch my hatred, it's all they left".

Mikhail Troitskiy from the Moscow Institute of International Relations spoke about the strategic interaction within the US-Russia-China triangle. More specifically, he focused on the extent to which rational long-term goals direct these interactions. He concluded by pressing for more research on the effects of the fear of domestic regime change on foreign policy.
The sixth presentation was by **Mordechai (Moti) Melamud from CTBTO** on negotiating the Comprehensive Nuclear-Test-Ban Treaty. His chronological overview extended from 1954, when Indian president Nehru suggested that nuclear testing should stop, until the ongoing issues with Article XIV/Annex 2. Melamud listed the key elements of these negotiations: technological ripeness, confidence-building through negotiations and the role of both deadlines and the need for consensus.

The final presentation of the day before the two-day Workshop took a more physical form when **Paul Meerts from Clingendael** invited the participants into the corridor for an exercise that revealed the importance of control in negotiations. Back in the conference room, Meerts made use of Anstey's riddle which revolves around imagining the presence of non-existing

problems and the usefulness of expanding the pie before dividing it. In response to Troitskiy's presentation, Meerts stressed that even when one follows the path of rational choice, he or she can still end up in an irrational situation through entrapment. Meerts concluded by underlying the importance of negotiating on a single text as Melamud explained in the case of the CTBT.

DAY 2:
WORKSHOP (CETINJE)
PIN's second day of the Summer School was the start of the Workshop on how negotiations end and on what kind of behaviours we can associate with the endgame. The nine presentation were given by **Zartman, Siniša Vuković, Carlo Nasi, Rosoux, Faure, Troitskiy, Andrew Kidd** and two by **Daniel Druckman** (one on behalf of **Dean Pruitt**).

In the Zartman's presentation, a framework was given in accordance to observed patterns of behaviour in the endgame. The first type was described as dueling and is characterized by a highly competitive behaviour such as in the classical chicken game. The second type is characterized by a more collaborative approach to the endgame and was defined by Zartman as *driving*. The third type of behaviour, called *dragging*, occurs when the actor realizes after negotiating that he or she does not want an agreement. Zartman concluded his presentation by highlighting the potentially disastrous implications of a mismatch between these three types of behaviour in the endgame of a negotiation.

In the second presentation of the Workshop, **Siniša Vukovi from SAIS**, **Johns Hopkins** University, talked about his research on mediation. He discussed four cases that are

commonly regarded as examples of the success of mediation. However, Vuković found that all of these 'successful' agreements left out important issues. In his conclusion, Vuković stressed the importance of party arithmetic, issue sequencing and the bias of outcomes.

The third presentation was delivered by **Carlo Nasi from the Universidad de los Andes** who talked about the negotiations with the FARC. Nasi started with an introduction to the conflict itself, followed by insightful analysis of the current negotiations, which he felt only just entered the endgame.

The fourth presentation of the day was given by Rosoux about the illusory attempt to apply the lessons learned from Franco-German reconciliation to the Franco-Algerian case. In underlining the major differences in the context of both cases, she stressed the factors that explain why closure was possible in one case and not in the other: leadership, timing, domestic resistance and the nature of the past violence.

Faure delivered the fifth presentation of the Workshop, providing the participants insightful examples of the Chinese behaviour in the end-game of negotiations. Drawing from his business experience in China, he indulged the audience with some practical and, in many cases, humorous tips for negotiating with the Chinese.

The sixth presentation of the Workshop was given by Troitskiy, who presented his research on the role of uncertainty in the closure of negotiations. Troitskiy started by explaining why uncertainty can be useful in the endgame and later listed some of its problems, such as whether the uncertainty is inadvertent, enough or a way of framing.

Andrew Kydd from the University of Wisconsin talked about information and communication at the end of negotiations. He started from the premise that negotiations owe their existence to uncertainty, as the actors would skip to the end result in the instances of full predictability. From this premise, Kydd was able to list four message one should send during the process of making concessions in the endgame: that it is a large, difficult and final concession and/or that it constitutes an intellectual breakthrough.

The eighth presentation by **Daniel Druckman from the George Mason University** was written by **Dean Pruitt from the George Mason University**, who was unable to attend the Summer School. The written speech covered numerous psychological principles that can play a role in the ending of negotiations. One of the more important psychological principles in the endgame is the approach-avoidance conflict, which is similar to the internal conflict of a hungry mouse who receives an electronic shock every time he or she nears his or her food.

Druckman also gave the final presentation of the first day of the Workshop. In his speech, Druckman talked about the role of crises in the ending of negotiations and the psychological processes that link crises to the decision to reframe. His main finding on when one re-frames was the existence of high mutual dependence in combination with low mutual trust.

DAY 3:
WORKSHOP (CETINJE)
PIN's third day of the Summer School comprised out of a continuation of the Workshop on how negotiations end. Besides presentations of **Larry Crump, Micheal Butler** and **P. Terrence Hopman**, the floor was also given to anyone who wanted to contribute to the open discussion.

The first speaker of the day was **Larry Crump from Griffith University** who spoke about his research on free trade agreements (FTA). In his analysis of five FTA's between five different APEC countries, Crump identified the importance of external events, types of actors, the prospect of a landing path and issue linkages.

The second presentation was delivered by **Michael Butler from Clark University** who spoke about conflict management' closing strategies.

More specifically, he researched what might influence parties towards adopting a conflict management strategy in the closing phase of negotiations. Butler made a distinction in his findings between contextual factors, such as the scope and intensity of violence, and process factors, such as the negotiation style.

In the third presentation of the day, **P. Terrence Hopmann from SAIS, Johns Hopkins University**, gave an introduction to the field of game theory and explained how attaining optimal outcomes is often problematized by deadlines. While he acknowledges that deadlines are sometimes needed, such as in the Cuba Crisis, Hopmann believes that the new generation of diplomats must try to prioritize the search for optimal outcomes even more than has been done in the past.

The open discussion commenced with Zartman posing the following question: why does one stop? Why there? Zartman's four explanations for these *winners* curse-like questions included deadlines, sufficient gains, the fear of going further and the perception that one is always giving more than the other party. As one of the many people who contributed to this open discussion, Melamud responded by putting forth the notion that deadlines are

more important for multilateral negotiations due to their complexity. Meerts contributed by saying that a sub-optimal outcome can become an optimal outcome on a later stage and that the EU has a lot of sub-optimal outcomes. Hopmann responded by arguing that the opposite can also be the case, when sub-optimal outcomes become even less optimal. Faure suggested that it is easier to conceptualize an equilibrium rather than an optimum as the latter outcome more often seems immeasurable. Druckman suggested that these equilibrium outcomes can serve as *baselines* for judging the value of other possible solutions that may be regarded as being optimal.

In the end of the PIN's third day of the Summer School, Meerts, Vuković and **Tim Masselink from Clingendael** arranged a negotiation exercise. In this exercise, the objective was to negotiate with your group upon a single definition for the word negotiation. The negotiation process was subsequently reviewed in an interactive wrap up of the exercise.

DAY 4:
WORKSHOP (CETINJE)
On the fourth day, the young diplomats of the Summer School participated in a simulation exercise. Three groups were formed and they had to negotiate the creation of a new body in the United Nations.

Both Meerts and Vuković delivered feedback on account of their observations.

After four days, PIN's contribution to the 8th Summer School for Young Diplomats "Gavro Vuković" was brought to closure. Having enjoyed from almost twenty presentations and a few negotiation exercises, the young diplomats from around thirty countries received a certificate and concluded their stay in Montenegro.

JUDITH VAN DEN BOOGERT
PIN POLICY LAB ON INCLUSIVITY IN PEACE NEGOTIATION

2015 has brought forward quite a number of large-scale peace negotiations in for example Mali, South-Sudan, Syria, Ukraine and Yemen.[1] Although the negotiation processes mentioned here differ significantly in terms of process, time, the parties involved, outcome, and the extent to which they were successful, most of these negotiations encompassed struggles as to the issue of how to ensure all parties involved were actually represented at the negotiation table. That is to say, while most of such negotiations usually focus on groups that are involved in the actual fighting, other stakeholders are often excluded from this process. Therefore, and for a peace agreement to be comprehensive, inclusivity needs to be ensured.

By adopting a more inclusive negotiation process, the outcome of the negotiations will constitute a fairer reflection of the interests of all parties involved in the conflict. This not only makes it easier to implement peace deals, but it also increases the likeliness of such outcomes to endure: it plays an important role in both the protraction and preven-

[1] http://peacemaker.un.org/document-search
[2] oxforddictionaries.nl

tion of (future) conflicts. This is why the term inclusivity is increasingly seen as an essential element to ensure successful negotiations. Success is defined here as being able to transition from violent to non-violent conflicts. However, what does the term inclusivity entail? Where and how far should this prerequisite be pushed? Who should ensure this inclusivity, and furthermore, how to make sure the negotiation process is still manageable, while trying to uphold this principle of inclusivity?

The aforementioned questions were amongst the central issues to be discussed during the PIN policy lab on inclusivity in peace negotiations. In cooperation with Clingendael Academy and the Dutch Ministry of Foreign Affairs, several PIN group members, staff from the Cingendael Academy, experts from the field of peace negotiations and representatives of the Dutch MFA were invited for the policy lab, which was organized on 12 October 2015. The main purpose of this report is to comprise a reflection of the policy lab discussions and to share some tentative conclusions so as to set a possible outline for future policy recommendations on inclusivity in negotiation processes.

INITIAL OBSERVATIONS ON THE TERM INCLUSIVITY

When trying to identify an overall definition of what inclusivity means within the context of negotiation processes, this seemed to be tough for the participants of the policy lab. The Oxford dictionary defines inclusivity as 'an intention or policy of including people who might otherwise be excluded or marginalized'.[2] This definition indicates that with inclusivity no one should be left out from the decision-making process. With regard to this matter, the policy lab participants agreed that preferably all actors which are part of the conflict at hand should be involved.

Inclusiveness should not be confused with representativeness. From the point of view of the participants of the policy lab, representation constitutes an important aspect of inclusivity in negotiations, but this is not sufficient for inclusivity to occur. Although inclusivity is traditionally thought of in terms of persons and/or actors, the meaning of this term should be extended by incorporating responsiveness towards the issues/interests at hand. The latter can be useful for the identification and clarification of power relations both between and within different groups. Henceforth, there should be a thorough assessment of the drivers and roots of the conflict.

People should not be excluded because of discrimination, meaning that those selected for participation in the negotiation process should not be selected on the basis of sex, age, race and religion alone. In addition, it is important to actively search for persons who are (deliberately) excluded from the negotiation process but who

nonetheless are involved with the issues at hand. Those who do not get 'a spot' around the table need to have a manner to influence this. This can be achieved by making the selection procedure fairer and more transparent. A viable solution here would be to designate an impartial third party or mediator.
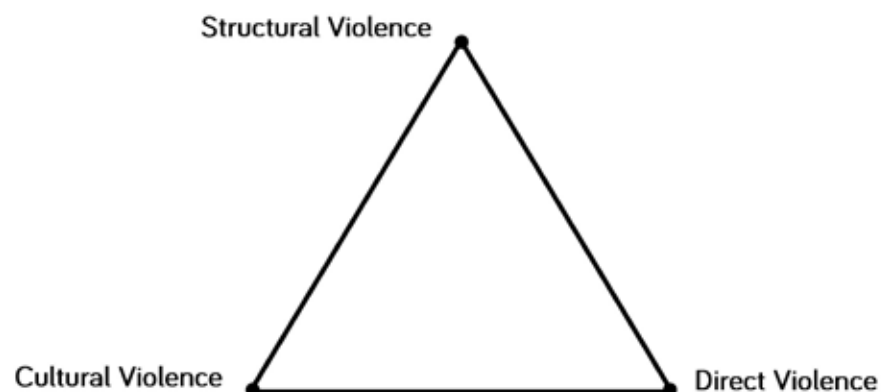
COMPLEXITY IN NEGOTIATION PROCESSES

The traditional picture of peace negotiations is mostly portrayed as having one table where negotiators meet and reach an agreement together. This represents a false simplification of reality: peace negotiation is a process that occurs around many tables and with many stakeholders, both in formal and informal settings. This is especially true for international conflict negotiations, where track 1 negotiations are supported by (many) track 2 discussions which are aligned with the international community to a certain course of action. During this process, the challenge for the parties at the table is to keep an eye on their previously determined interests, while in the meantime, knowing what is discussed in other forums in order to ensure their constituency agrees with the eventual outcome of the negotiation. Moreover, the task of a third party facilitator or mediator is to help the parties to align all parallel negotiations and to ensure that important actors and stakeholders are heard.

In addition, the participants examined both the feasibility and the success rate of reaching an agreement with having so many actors involved. Indeed, it is reasonable to suggest that , this could make negotiations perhaps too complex. More specifically, the negotiations become more difficult to manage, and eventually, it turns out to be more difficult for the negotiations to succeed. Notwithstanding these logical assumptions practical experience has demonstrated that negotia-

tions are eventually more effective in the longer term when they include more stakeholders and discuss more issues. This is because a narrowing of the actors and/or the issues in certain cases has led some groups to feel underrepresented. Such situations could enhance the precariousness of the negotiations, since there exists the possibility for certain parties to exclude themselves, and ultimately, to break away from the negotiation process. For this reason, careful prevention of systematic exclusion of certain groups (e.g. ethnic minorities, women, youth) and overrepresentation of those in power is necessary. Subsequently, further questions arise: how to get these new actors to the same table? How to influence those who eventually decide on the parties that will be both present and able to actively participate during the negotiations. In this context, the policy lab participants repeatedly stressed the importance of the particular role of the mediator(s) in the negotiation process, as they can construct the basis for non-violent negotiation.

A COMPREHENSIVE ANALYSIS OF CONFLICT

When discussing peace negotiations, one should be carefully considering the implications of conflict, in order to understand what a successful outcome of such negotiations between the different parties requires. Galtung (1996) states that direct conflict — which can be verbally and physically

present and can harm the body, mind and spirit — is underlined by indirect cultural and structural violence. The way people think and act towards each other is based on experiences and assumptions, which are inherent to the culture and the knowledge that people have about each other. Fundamental structures, like politico-economic institutions and laws that are in place, could form the basis for deprivation of certain minority groups and other outsiders. These structures are 'supported by structural penetration, segmentation, fragmentation and marginalization' (1996, p31). Galtung explains that these elements, although mostly not tangible at first, could be at the basis of the conflict and/or create violent situations. Because both people and issues overlap, it is essential to explore the underlying cultural and structural elements within society (including their side-effects) to address the violent structures that continue to exist among the people and the social spaces that are involved in the conflict.

According to the policy lab contributors, inclusivity should therefore be developed in two different ways. At first, it is necessary to 'think backwards' by asking about the nature or roots of the conflict, the underlying dynamics, the different actors that are involved and consequences of the conflict. This analysis uncovers which stakeholders are concerned

with the outcome of the negotiations and who has been involved in the conflict. Secondly, inclusivity is also a matter of being able to 'look forwards' by considering questions such as who should be included in the negotiations, which groups are relevant, and what kind of society should be created t in the future. As such, the framing of issues can be problematic for different stakeholders. It means in practice that, in the negotiation process, one should not only talk about the structural and cultural causes of the violence, but one should also be looking at proposals to effectively deal with such violence, in order to give people the opportunity to steer the conflict into a different direction. This ultimately makes the negotiated agreement more sustainable.

SUSTAINABILITY
The policy lab group concluded that

> ### sustainability is not only an end but also a means to a particular conflict.

In order to work towards a sustainable solution, the negotiation process needs to be perceived as an evolution of non-violent ways of dealing with conflict. As mentioned before, this long-term process takes place on multiple levels, both in an informal and formal setting. This implies constantly evolving phases with changing stakeholders and new issues that can be brought up at any moment during the negotiation cycle. Exclusion can instigate or cause the so-called 'animal farm syndrome', meaning the presence of an underlying and implicit imbalance within the negotiation process capable of instigating feelings of betrayal among the negotiators themselves. Thus, at first sight there seems to be equality between the

parties, while in reality this is not the case. Stedman (1997) would call this the emergence of 'spoilers', which means that leaders or factions could undermine the process by different means— this might also include violence. Therefore, it is important to find a manner to prevent new stakeholders from becoming excluded in the peace negotiations and to see where they fit in, as well as managing the spoiler tactics of certain actors.

However, the negotiated agreement alone is not sufficient for guaranteeing pro-longed peace between striving parties. Peace-negotiations are the pre-transition phase to a 'social contract' and the official agreement does not include the actual implementation of the agreement itself. Nonetheless, implementation can be safeguarded by clarifying both the details and feasibility of the implementation of the agreement. Suazo (2013) refers to this as the difference between a short-term deal where you only include the different parties during the negotiation phase, and a long-term peace agreement which also includes the parties in the implementation phase. In this manner, inclusivity is reflected in the outcome through the inclusion of specific sections in the agreement, which will create an increased trust in new institutions by seeing the interests of all stakeholders worked out and preventing certain groups from picking fights with their opponents again.

In fact, it is important to avoid constructive ambiguity, which means that, within peace agreements, one should avoid to purposefully use vague language in order to advance one's own interests when sensitive matters are discussed. Clarity on what is agreed upon and how the results are to be achieved is vital. A third party mediator should be aware of this. Thus, inclusivity is a necessary condition for long-term or sustainable peace processes to succeed: all

sections of society should be involved in the process of ensuring the peaceful closure of a protracted conflict through the creation of the necessary structures within society. As such, structural positive peace, as Galtung (1996) calls it, could be created to prevent political and economic repression and inequity and to develop a positive peace culture towards others.

CONCLUSIONS
From the findings of the PIN policy lab it can be concluded that it is not possible to pinpoint a single definition of inclusivity, as the nature, the causes and the consequences of each conflict are different. Each conflict requires different responses. The result is that, for a negotiation process to be effective, there needs to be balance between inclusivity and manageability. Negotiations are complex because of the multitude of actors at different levels. Furthermore, a comprehensive analysis of the underlying causes, the stakeholders involved and the consequences of the conflict is essential. This analysis should also include all the potential cultural and structural factors that could prevent the creation s of a fair solution for all parties. Hence, an increased focus on the mediators' role is essential as they are responsible for the creation of the foundations for non-violent negotiation (i.e. inclusivity and sustainability), the manageability of the complexity of the negotiations, for securing the inclusive analysis of all the parties involved, as they are the designers of the process.

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ANNOUNCEMENT

The PIN Program looks forward to a number of international roadshows, workshops and research projects which are organized each year. This time, PIN has commenced a new research project on "Negotiating Security in Eurasia." For more information on this initiative, please check out the announcement below.

NEW RESEARCH PROJECT: "NEGOTIATING SECURITY IN EURASIA."

PIN is pleased to announce the start of its new research project on "Negotiating Security in Eurasia." The project will involve PIN SC members as well as outside experts and will result in the publication of a collective monograph edited by Fen Osler Hampson and Mikhail Troitskiy. The book will look into how negotiations on major security-related issues across Eurasia unfolded over the last quarter-century. It will offer conceptual insights into the usefulness of negotiation in resolving conflicts in Eurasia and the optimal choice of negotiation techniques depending on the nature and process of the negotiated conflict. For the purpose of our study, with Eurasia we understand the vast geographic space stretching from the western borders of the former Soviet Union to East Asia and encompassing the sub-regions of Eastern Europe, South Caucasus as well as Central, South, and North-East Asia.

"Negotiating security" is a broader concept than negotiations aimed at resolving a particular conflict. In our book, we shall also examine negotiations in less antagonistic settings where longer-term issues than ceasefires or shapes of lines of control are discussed. Usually open-ended and less intense, these negotiations continue after the "hot phase" of a conflict has ended and focus on the search for lasting security solutions while the number of negotiating parties and observing stakeholders keeps growing. In yet another group of cases, conflict has never been "hot". Nonetheless, the simmering controversy over borders, arms control and trade regimes or defense bloc expansion can break into the open with ripple effects for sub-regional security architectures.

Conflicts in Eurasia have lately been receiving significant attention by political scientists and IR scholars. However, few among those studies have focused on the negotiation process or brought together the whole variety of seemingly disparate, yet comparable, cases of negotiations. We seek to fill this gap by providing a better understanding of each covered case of negotiation and making comparisons and generalizations that cut across the multitude of cases. We are interested primarily in the process of negotiation and find empirically useful even cases of inconclusive negotiation.

We also seek to avoid the usual compartmentalization of groups of negotiation cases that have been unfolding across Eurasia over the last 25 years. The custom is to view post-Soviet conflicts, arms control talks between the United States and Russia, Sino-Russian border negotiations, and European Union's neighborhood negotiations as distinct cases. Such approach misses both important linkages among those interactions and the opportunities to draw cross-case generalizations and lessons for practitioners. Our analysis will offer many practice-oriented insights. The overarching question we shall seek to answer is how useful the process of negotiation has been in resolving or mitigating various types of conflicts and coordination problems in Eurasia -- compared to attempts at exploiting or achieving a decisive advantage over one's opponents.

WHY EURASIA?

The geographic area within our focus lies at the intersection of global and regional conflicts and coordination games. On one hand, regional controversies in Eurasia often affect relations among the great powers on a global scale. For example, Russia believes that it is engaged in a clash with the United States and its allies in post-Soviet Eurasia and that this conflict is only one dimension of a global competition with the "West" for the privileges of shaping the global order. Therefore, from the Kremlin's perspective, by obstructing EU and US's policies in Russia's neighborhood, Moscow not only protects its security interests, but precipitates the demise of the US-centric world order.

On the other hand, global rivalries exacerbate tensions or facilitate negotiated solutions across Eurasia, mostly as a result of competitive behavior among major powers in conflict mediation. For example, Moscow was willing to honor Beijing's demands regarding the Sino-Russian border in Northeast Asia not least because Russia sought to upgrade its relationship with China to an alliance aimed at constraining US power both globally and in the regions around Russia. In a similar dynamic, over the last two decades, the European Union, Russia, and the United States have been seeking to ensure favorable routing of oil and natural gas pipelines across Eurasia, with Moscow, Brussels, and Washington proceeding from its own understanding of "energy security" and its interplay with "national security."

The region and the outside stakeholder powers are very culturally diverse providing ample empirical data to test hypotheses about "cultures of negotiation." Negotiating parties include such "culturally divergent" players as China and Russia, United States and Afghanistan, European Union and Armenia, Ukrainian government and pro-Russian separatist rebels.

The region also lends itself well to comparisons of behavior of different types of negotiating actors -- from Tajikistani tribal leaders and contested states of Nagorno Karabakh and Transnistria to the national-security state of Russia and the integration bloc European Union. What kind of actors (new or old, small or large, state or non-state) are more willing to negotiate? Who of them seek, in good faith, to bring negotiations to a close, or, on the contrary, treat negotiations purely instrumentally? Each major actor displays a certain variance of negotiating strategies that apparently depend on the circumstances. Thus, a cross-case comparison can reveal much about the nature of stakeholder decisions to get involved in negotiation and to choose a particular strategy.