PIN·Points

Processes of International Negotiation

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EDITORIAL

The world today is faced with a plethora of obstinate negotiation challenges: Syria, Cyprus, Palestine, North Korea, South Sudan, Russia, not to speak of the impending multilaterals over NAFTA, Brexit, NATO cost-sharing, and others. Some of these represent missed opportunities, others tactical experiments, still others challenge to creativity and construction, and others the need for a tough approach, but all have some lessons for negotiating. The list is elaborated on in the remarks of four leading commentators presented at the PIN-sponsored negotiation Day in Washington DC at the Johns Hopkins University School of Advanced International Studies (SAIS) on 27 February: Ambassador Thomas R Pickering, former US Undersecretary of State and ambassador to 6 different countries and the UN; Ambassador Princeton Lyman, former US Assistant Secretary of State and ambassador to Nigeria and to South Africa; Dr Galia Golan, professor emeritus at the Hebrew University and at the Interdisciplinary Center Herzlia; and Dr. Vali Nasr, Dean of SAIS and special advisor to Richard Holbrooke in Afghanistan and Pakistan.

Syria represents a sick outcome to the encouraging story of the Arab Spring, the only major case (among Egypt, Tunisia, Yemen and Libya) where egregious autocracy, formerly considered the Arab way of government, has not been overthrown. It is now subject to a ceasefire that neither side respects, with no indication of what comes next; the *khilafa* will be destroyed, leaving tentacles of the hydra on their own, and civil war

will continue. Earlier mediation by two of the world's leading diplomats went nowhere because the UN Security Council did not support its own mandate and the conflict was not ripe in the central parties' minds, a situation elaborated on in an article by I. William Zartman and Raymond Hinnebusch in this issue of *PINPoints*.

Cyprus presents an opportunity for resolution every decade and until this decade has been destroyed by one party or the other, facing an S5 (Soft, Stable, Self-Serving Stalemate) situation. This time, all depends on whether the leader of one of the patron parties, Turkey, newly narrowly confirmed as dictator, will throw his weight in favor of an agreement that both North and South Cypriot parties grudgingly see in their own interests, preferable to a continued S5. As in Syria, the external patrons generally operate to keep accord from breaking out since the stalemate is serving most to their own selves. There may be better chances of agreement if the local parties could be left alone to make their own agreement, as analyzed by Paul Meerts in an article in this issue of *PINPoints*.

Palestine/Israel still on the docket, despite efforts every US presidential mandate to show that ripeness is a subjective thing within the parties, no matter what the objective facts would indicate. As in Syria, the parties both feel that they can win but even more, that they *daren't lose*. Yet it may be that the patron powers do feel the hurt of a stalemate and the threat of a common enemy. The new US administration, which seems to like Great Chal-

lenges, has bruited a new approach involving the whole region's coming together in a cooperative security endeavor, drowning the smaller cancer in a common health club. A pound of convention is worth an ounce of cure. Unlike Syria and Cyprus, agreement may be more within reach at this higher level; anyhow, it's worth a try, as another article by Moti Cristal in this issue of *PINPoints* examines and Dr. Golan speaks eloquently of it as well.

South Sudan, newly independent from (North) Sudan, immediately fell into a fratricidal civil war when its external enemy was removed. Incredibly, two rival leaders, backed by decades and more of tribal animosities, have been able to cause hundreds of thousands of deaths, absorb billions of dollars of developmental aid, absorb quantities of arms from bystanding states, rank second to last (175th) on Transparency Inc.'s corruption scale, and thumb their noses at UN and Western efforts to arrange a truce and peace. (The African Union committee, with patrons of each side in its membership, says only that they should try again). Unfortunately, there is no lesson because there is no process. An article in a fellow publication, *International Negotiation*, examines the insolent tragedy and Ambassador Lyman speaks of it as well.

North Korea poses an escalating challenge of serious proportions. The Six Party Talks have not met under Kim Jong Un and Barack Obama, but the missile and nuclear industry in North Korea have made dangerous progress. New US Secretary of State Rex Tillerson has not

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ruled out negotiations but only after "denuclearizing, giving up their weapons of mass destruction" or, as earlier intimated, at least some of them. That is not a promising start for a conflict that has known a US-DPRK Framework Agreement in 1994, Six-Party Talks in 2000-2008, and several promises to denuclearize. What it has not now, half a century after the war, is a peace treaty, and the escalating confrontation raises so many preceding hurdles that it is ever more difficult to turn to the underlying issue. In a classic security dilemma, Pyongyang feels that the US is targeting it with sanctions and if course it is right. It then takes more measures to raise the ante, in response or independently or for domestic reasons, all inviting more sanctions. Such vicious spirals are hard to break. The only lesson is that, as often, analysis is not praxis, perception is not policy, empathy is not engagement, and that understanding is useless if it does not help us think how to improve the situation.

This issue of *PINPoints* has grouped its articles in two clusters, one on "Negotiations of the Day" and another on "PIN Projects" plus a few other features and announcements.

I. William Zartman

PART 1: AMBASSADOR THOMAS PICKERING
POTENTIAL NEGOTIATIONS IN THE UPCOMING YEAR: A SYMPOSIUM

In a world of tremendous and very rapid change, change itself is part and parcel of all international problems we are facing. Let us postulate some sets of issues on where negotiation can be a useful tool in dealing with them.

First of all, issues of great power rivalries, for example the West dealing with Russia. There is a need for reducing the number of nuclear weapons on both sides. We seem to be prohibited by Putin's reservations from getting there and Trump's blandish don't seem to have opened the door. Several of the precursors for that may well be how, and what way, ABM cooperation could be designed and usefully pursued. And in a world of logic and rationale that would be an important step towards a more stable and peaceful world. Then is also the Ukrainian problem that sits in the way, but this is an issue that could be solved. One has to begin in Ukraine, with the economic inferences and then see whether a large, international program could be an inducement to repair. In the next two decades Ukraine can become a better bridge country than one fought over by both sides.

China is the next problem to be dealt with. The West does not have much common ground with China, although solving the South China Sea issue by trying to enforce navigation rights, is merely putting the heat under the pressure cooker when the valve is welded shut. You need a door through which to think about walking, and that door is narrowly based on the fact that 40% of China's trade moves through the South China Sea and that keeping the sea and air lanes open for that is a fundamental area of common agreement. Were we able to reach agreement on a one sentence communique that says that we are both committed to keeping air and sea lanes open, that would not only have begun the destruction of the fiction of the nine-dash line, but it would also open the door for other agreements in the region.

The United States needs to avoid destroying Europe or allowing Europeans destroy Europe, there is no formula for that. The French voted wisely and so did the Dutch. Hopefully the Germans will follow these examples. It is hoped that our friends in London are confecting an article 50 legislation for the British parliament that will build in the notion that the people of the United Kingdom will yet have another choice between what seems to be the truly bad deal that Mrs. May is condemned to make with the Europeans on the one hand and what they already have with the EU on the other.

Moving on to the Middle East: Syria pops out as a major question and Saudi-Iranian differences are the heart of one of the many plays going in the Middle East in contest for hegemony and for difficulty and could lead to greater difficulty. Yemen may be a starting place, where exhaustion is beginning to take its toll and where Saudi success is not measurable on any real standard and where the Iranians have jumped onto an opportunity rather than creating one by malevolent meddling in Houthi politics. So it is in that sense ripe for a move from feckless war to hopefully some kind of a negotiated solution.

And that in itself would help to bridge the gap in the early abutments of which we now see in the Kuwaiti Foreign Minister's visit to Tehran and some invitations to Saudis also to go there, which appear to be on the verge of acceptance. An Iranian-Saudi capacity to work together on something like Syria is not a bad thing. It could be very helpful in moving that ahead. However, the recent row between Qatar and the other Gulf states does not give much hope for a negotiated common future between Arabs and Iranians.

In Syria a ceasefire is needed – a very important step, even if it doesn't universally hold. But the traditional view, that a transitional government and a new constitution plus public approval through an electoral process will be the way to give peaceful conflict resolution through negotiation a fair chance, will encounter serious difficulties. Whatever the next step should be taken after a ceasefire, it should at least reinforce the ceasefire and not yet adumbrate the question of who runs Syria in the future too early. There should be a technocratic facility that might look like a government but would put Syrians of technical capacity and administrative achievement in

charge of such things as turning the water back on, dealing with the rubble and the roads, and beginning to open both medicine and education again to young Syrians. This would be an effort to consolidate the ceasefire and to begin something that pretends to be a proto government, which could lead to dealing with governmental issues, which are now so politically divisive.

So, let us hop on. It is terribly disappointing that the Obama administration didn't take their steps to the final stage of Security Council approval. It would have been a real addition to where we are. The question of the illegal settlements on the West Bank is significant in helping to set the stage for something; whether it will come sooner or later, and whether that requires a sense of the replacement of the leaders in the area to get there is a huge challenge.

Four or five issues other issues are out there. Weapons of mass destruction remain important and there should be US-Russia leadership on this. We need to continue to give serious attention to the idea to get to zero weapons and if our new military conventional capabilities are beginning to serve as a potential important deterrent. The

'in the world of the blind the one-eyed man is king' syndrome, which tends to hang over this particular set of ideas, should not stop us from exploring further. It is in its own way subject to resolution through determination and innovation and hard negotiating. The gang of four – Perry, Schultz, Nunn and Kissinger – had the right idea when they pulled this issue out of the closet, and said it's worth spending time on.

Poverty, growth and development remain out there as an alarming, difficult, serious and challenging problem. Better work in water, food and agriculture, in health and medicine and some real attention to energy questions are vital for a sustainable world. One should be looking at the challenge of development, not as a silver bullet solution, but as something confected country by country with national leadership. This is a very important way of proceeding. It involves a negotiation of the most primordial importance as we move ahead. And it requires a great deal more donor collaboration than we see in this process ahead - and much less competition. Certainly, the fact that State Department and EPA are being cut to make tanks and planes, is not a

good harbinger of future US interests in this particularly demanding and important problem.

Energy, climate change and environment are very much closely linked and are also extremely significant. One wonders whether there hasn't been time yet to tear up Paris either literally or figuratively along with Iran and other things. Or whether in fact we are going to go anywhere in that area. But we should do everything we could to encourage moving down the particularly important role on next steps on climate change as a negotiating challenge - however divorced from reality that particular counsel may seem at the present time.

"We should begin with diplomacy and development as we approach issues and use wars only as a last resort in defending vital interests."

We have a big challenge before us. The world economy has stumbled forward from 2008 to 2009 in to what we would call a very slow roll recovery. And the lessons we have picked up along the way have not yet been carefully translated either domestically or internationally into the kinds of institutional arrangements that can help us both guard against a return but also put us in a stronger position as a tool of world economies to build, strengthen and advance our approach to the question. A final set of advice in the negotiating and policy range. Wars haven't settled problems very well. They are not good substitutes for diplomacy. We should begin with diplomacy and development as we approach issues and use wars only as a last resort in defending vital interests. As Harry Truman once famously said, "Vital interest for the United States is survivability and prosperity" and to that we should add 'and of the friends and allies of the US'.

PART 2: AMBASSADOR PRINCETON LYMAN
POTENTIAL NEGOTIATIONS IN THE UPCOMING YEAR: A SYMPOSIUM

We should honor ambassador Pickering's creative optimism. Let us deal however with issues particularly of conflict: where we see today not just conflict but mass atrocities, where we see instances of approaching genocide. We could argue that the conditions that breed these conflicts and these mass atrocities are going to be with us for some time and we will thus see more of such conflicts in the future.

In Africa, we've seen the loss of millions of lives in the past decade, in the Democratic Republic of the Congo, in Nigeria, in South Sudan, in the Central African Republic, and in Somalia. But it is not only in Africa. We see it in Syria, Yemen, and Libya in the Middle East. None of the issues that led to the Arab Spring - whether it was democracy, or employment, or opening to the modernized world - have been resolved. They lie waiting for the next confluence of events that erupt into the next explosion or terrorism or new forces of repression. We see some of those same forces in Pakistan, Bangladesh and other areas in South Asia.

The challenge for practitioners, for mediators, is that most of the driving forces of conflict lie outside the reach of the mediators. They are beyond their mandate or control. Listen to Vasu Gounden, founder and director of ACCORD – one of the premier conflict resolution organizations in Africa. He says, "The pressures on African societies today are greater than ever before. For the first time in the history of humanity, we face the convergence of factors that threaten our very existence – exponential population growth, rapid urbanization, climate change and a global financial crisis are all converging at the same time – a phenomenon unprecedented in the history of humanity with huge complexities for developing countries like ours. This will exacerbate poverty, unemployment and inequality."

Or to Eghosa Osaghae who writes of the conflicts going on in Nigeria, not just Boko Haram – but the vicious conflicts going on between nomads and agriculturalists as they fight over scarce land and water resources. "Issues of contested citizenship, resource inequalities, uneven development, political exclusion and marginalization add to the governance failures of a weak state, the inability to cope with the unusual, unconventional and new forms of conflict like Boko Haram or in the Niger delta, the ethnic riots of the Fulani, etc. These are all prototypical. And they are fueled by the forces of globalization."

We should add to these the so-called youth bulge in Africa and the Middle East. Africa has the youngest population in the world. They represent 60% of the unemployed. In the Middle East, 65% of the unemployed are under the age of thirty. And what is significant is that the opportunities for employing this population are diminishing, facing governments with impossible pressures. There is a recent study by the US National Defense University on the impact of the combination of robots, improved artificial intelligence, and 3-D printing that

Voice of America News: Scott Bobb reports from Aleppo, Syria

is going to change dramatically the placement and nature of manufacturing and of employment in the globalized market.

What that may mean for developing countries faced with its youth bulge is that the traditional path out of unemployment and into industrialization - the labor-intensive industries like textiles or small components for computers, etc. – these pathways may disappear. And that we'll need whole new economic paradigms for dealing with the employment pressures that these countries are facing. I don't see those economic paradigms yet.

So, what is the practitioner's role? What is the mediator's role in this world when faced with conflict, and having no control – no mandate - over all these underlying factors that are producing these pressures? Peacemakers may give lip service to the need for these underlying causes to be addressed, and peace agreements will say that these will be addressed. But peace agreements rarely incorporate the implementation of such commitments nor the dramatic changes to political, environmental and economic policies that would be needed.

"But peace agreements rarely incorporate the implementation of such commitments nor the dramatic changes to political, environmental and economic policies that would be needed."

So, what do we do as peacemakers? Well, we rely on a number of rather traditional, tried and sometimes true methods. One is to appeal to leaders to avoid exacerbating the conflicts and get them to at least contain them with a combination of pressures on the one hand, enticements on the other. This has worked in some cases. It worked in South Africa; it worked in Kenya in 2007; it works to a limited extent in the Central African Republic. And it has worked in some other cases. But there are few Mandelas and de Klerks in the world today. It has not worked in South Sudan or Syria or Yemen or even in Myanmar where a democratic administration cannot deal with the problems of the Rohingya. It works even more rarely with non-state actors like ISIS or Boko Haram. Where appeals to leaders fail, mediators look to regional and international actors to pressure them. We use sanctions, we use peacekeepers – sometimes militarily intervention. And now we've added to the mix accountability through the

International Criminal Court. But it's questionable whether the United States, in the future, will have the will, the ability and the capacity to mobilize the collective action among all the nations necessary, or to do so for all the conflicts that are likely to arise. That is already the case. Take South Sudan – an area that I've worked on for a long time and which is in a horrific, deplorable situation. The regional organization that is in charge of the peace process – the Intergovernmental Authority for Development (IGAD) – insists on being in charge but refuses to take the actions necessary to end the conflict. The U.S., so long divided over its own policy has been unable to move the needle in any way. In these circumstances, the UNSC has been left with making only empty appeals for the conflict to end. This lack of effectiveness continues despite the UN's own assessment that the country is on the brink of acts of genocide.

Perhaps it is best to stop talking of "Never Again." That slogan implies that the world will feel such revulsion at the prospect of genocide or mass atrocities that it will organize to contain and stop them. But that is not true. Countless such atrocities have taken place over the last few decades, and at best only mixed results in

containing them. And as suggested, the pressures for more such violence is pulsating within societies in many places in the world.

Maybe what we should do instead is to prepare ourselves for continuing outbreaks of such violence – sometimes vicious and horrible, and recognize that without addressing the underlying causes the best we as practitioners can do is put band aids on them - contain them to a degree – postpone them a little bit into the future until the next time. Or until we finally get new leadership and new paradigms that will address the underlying problems.

There is of course one more thing we could do. But as often as we have raised this with colleagues around the world and especially with the humanitarian agencies, we all come to the same conclusion - that it is impossible to do what I am about to suggest. But let's look at it once again. One of the standard responses to conflict is to provide humanitarian assistance to the victims. It is the politically easiest thing to do, and it makes a lot of sense. It shows that we are doing something, and it helps the victims.

But in effect with now such massive amounts of such aid, we are in effect paying for the wars. The international community is providing two billion dollars a year in humanitarian aid to South Sudan, most of which coming from the U.S. It is doing that against the wishes, if you will, against the obstacles placed in their way by both sides in the war. Nearly 80 aid workers have been killed trying to get humanitarian aid to the people in need. Meanwhile, the government of South Sudan profits from the money spent in country, the food it steals for its soldiers, and it's

inhibiting the provision of such supplies to its enemies. Why don't we refuse to provide aid under such dire circumstances, with higher costs and lower effectiveness, and putting at risk the lives of the aid workers? Why don't the leaders of South Sudan have to pay the price, political and economic, for the humanitarian disaster they have created? Would that move them to change course? Would it cause such upheaval that they would be forced to do so?

There are also more than 1.5 million South Sudan refugees that have flowed into neighboring countries. UNHCR, with U.S. and others support, provides the tents and the food and the care for these refugees. Supposing we didn't do that? Supposing we said to Uganda, "Those 800,000 South Sudanese refugees are yours. You are not doing much to end this war in your neighboring country. You're not as a member of IGAD doing enough. So why don't you pay the price for those refugees that are now flowing daily into your country?" The same could be said to Ethiopia, Sudan,

and Kenya. Maybe then IGAD will rise to the occasion of putting real pressure on the contending parties and doing more to end the war.

Well, of course, we never will reach those conclusions, and we don't suggest that we do. It is hard despite the obstacles placed in the way, and the frustrations in the peace efforts, to make the victims pay even a greater price. And it is not clear that taking such stand would have much effect on the powers arrayed in Syria or Yemen.

But we do need to look at new paradigms. We need to confront the fact that such conflicts are likely going to arise again and again. We cannot rely only on past promises of "Never Again," of improved warning systems, and the like. We need new ways to confront the forces that will almost surely continue to lead people and their leaders to tear each other apart. We need to find new ways to manage these forces both long term and in their immediate impact. This has to be our task. If mediators do not raise these issues, who will?

DFID - UK Department for International Development

PART 3: GALIA GOLAN
POTENTIAL NEGOTIATIONS IN THE UPCOMING YEAR: A SYMPOSIUM

Let us deal with the challenges left over from past negotiations, the lessons from the past, and the things that remain with us. Many things went into past failures, but some things are still with us and are going to return if we ever have negotiations again.

The first such factor, the one that is absolutely critical going all the way back, was mistrust, beyond the usual mistrust of the other side. Israeli negotiators for whom the feeling, the conviction, was that the Arabs would never make peace with the US, would never accept the US in the region, and even if they signed an agreement with the US, it wouldn't last. This feeling persisted by the way of conviction: Even Yitzhak Rabin told President Ford that "no Arab leader will ever make genuine peace with us." Although he said it could change; a long period of testing would be needed. That was the beginning of a different attitude, one apparent later also for right wing leader Ehud Olmert, but disappeared more recently under Netanyahu, who returned to the idea that there is no partner on the other side. No partner on the other side – peace is impossible, it will never happen, and even if there should be an agreement, it cannot be trusted and would not last. But the point of this is that this mistrust has been so strong, and is so once again today, that even when a peace offer was on the table, it was rejected. There was a preference amongst Israeli leaders for security precautions, even when they knew that those security precautions were deal breakers – whether with Jordan, whether it was with Syria, and even if it was with the

Egyptians, the Yom Kippur War could have been avoided, in fact. And this is the case with regard to the Palestinians to this day.

The major challenge that has returned is this mistrust and, therefore, the preference basically for demands for security arrangements that are in fact certain deal-breakers. Specifically of the demand for an Israeli military presence in the Jordan River Valley, where there would be a border between a future Palestinian state and Jordan. There are other examples of such demands, with the Syrians too, in the past. But this mistrust is linked to the issue of legitimacy, and for Israelis, with regard to our presence in the region, that also means identity: The idea of the right of Jews to be in the 'promised land', the right of Jews to have a state, and in this particular place. Sadat understood this matter; Arafat did not.

For example, Arafat greatly underestimated the issue of Jerusalem and the importance of Jerusalem for Israelis. At Camp David, he said that the ancient Jewish Temple was probably not even in Jerusalem. That was the one serious mistake he made at Camp David because Jerusalem symbolically – geographically as well – is the symbol of our connection to that specific place. Thus, this was a misunderstanding of the importance of this issue for Israeli negotiators and their whole attitude toward the other side.

This comes into another problem that occurs in negotiations with Israelis, linked to this legitimacy issue and our place in this physical, geographic area. It is the idea or basic conception, held by every Israeli leader to this day, with no exceptions, that this land is theirs;

from the Mediterranean to the Jordan River – maybe even beyond – it's theirs. The difference between someone like right-wing leaders Menachem Begin or Netanyahu, on the one hand, and Yitzhak Rabin, for example, was that Rabin himself said that the difference between the right wing and the Labor was [is] that Labor is willing to give up some of it. Thus it is a matter of this concept of "theirs" – if it is exclusive, proprietary, ours to divide, or not. It's not just that the Jews have certain rights in this area. Maybe others have certain rights in this area as well, but those of the Jews are exclusive and proprietary. And this means that in negotiations, the approach of the Israeli negotiator is: "This is ours, but we're going to be generous and we're going to give you some of it." Instead of approaching negotiations from the point of view -- as one Palestinian negotiator put it – that these are your needs, these are our needs and interests, that is, an interest-based negotiation, the Israeli approach is quite different, ignoring the rights of the other side.

Connected with this is another perhaps tactical element: the asymmetry of the situation, which has been pointed out. Israeli negotiators tend to ignore the asymmetry, which obviously is there, but as Rob Malley and Hussein Agha pointed out after the Camp David talks, Israeli negotiators acted as if there were symmetry. As if basically we are equals; we'll give a little, and you'll give a little – we'll make a compromise and you'll make a compromise. Netanyahu later called it, "We give – you give." It's reciprocity, he called it – a sort of a tit for tat. Except that the Palestinians believed they had already made their major compromise -- what they called their "historic compromise" -- when

they gave up their claim to 78% of mandated Palestine and went for the two-state solution, what they called a mini-state limited to the West Bank and Gaza with East Jerusalem as the capital. They said, "We gave up 78%, and now you want to negotiate the 22%." This so-called symmetrical approach of the Israeli negotiators was also problematic.

Now, mediation is intended to overcome the asymmetry. That is natural in most negotiations, but that does not work for us since the usual mediator is the United States, and the United States has a "special relationship" with Israel. The United States is far from being an even broker in a negotiation. Nor is it viewed by either side as an even broker, even if we look at the most recent negotiations conducted by Secretary of State Kerry, what we call the Kerry Initiative. As in past negotiations, Kerry, the American mediator, turns time and again to the Israelis to see what Israel will accept, consulting with the Israelis, well before going to the other side. This was something that occurred in every case of mediation on the part of the United States, but certainly in the most recent case one could count the far greater number of meetings between Kerry and Israel than those between Kerry and the Palestinians.

"Now, mediation is intended to overcome the asymmetry."

This imbalance certainly has not been helpful from the Palestinian point of view, particularly because the US has a special relationship, which meant that from the Palestinian point of view, America was representing Israel in the negotiations. This does not have to be the case of course. There

have been periods when the United States exerted pressure on Israel. I wish that had happened more recently, but certainly in the past America has offered sticks as well as carrots, for example, in 1975 for the Interim Israeli-Egyptian Agreement and at Camp David in 1978. In both cases, it was America that leveraged the agreements. Of the more recent negotiations, Ambassador Dan Kurtzer has written extensively about what might have greater improved American mediation, particularly by taking a more proactive role in the course of the talks.

But there is another side to all of this, maybe even a crucial factor, and that is the issue during negotiations of the conversation between the leaders - in this case, the Israeli leader -- and the public regarding the negotiations themselves. This is raising the issue in which way a leader handles potential spoilers. Ultimately, it has been spoilers on our side, not just on the other side, that have disrupted and ultimately defeated negotiations. Much has to do with how the leader, in the case of Oslo, Yitzhak Rabin, "sells" the whole idea, what is being negotiated and when. This is particularly important as negotiators get close to a settlement: just how a leader sells the expected settlement to the public. Very often what happens – and this is of course nothing new,

it has been written about – is that to sell an agreement, to persuade the public to accept, a leader will often say things necessary to placate the public, which in fact send exactly the wrong message to the other side.

A classic example of this occurred in the negotiations between Israel and Syria at Shepherdstown, totally destroying what by most accounts could have been a successful negotiation. Prime Minister Ehud Barak was seriously concerned about public opinion at home - which was not favorable to an agreement with the Syrians because people did not want to give up the Golan Heights. Therefore, he leaked an American document (that in fact had been just a draft proposal)

and in sought to demonstrate and boast about what a great deal he was getting and what the Syrians were being forced to give up to the advantage of Israel. The Syrian negotiators were furious; that ended the negotiation and the chance of achieving an agreement with Hafiz al-Assad.

There were similar incidents, on the part of Arafat, for example, who, in placating his own hard liners, spoke of continued jihad against Israel. While there were many interpretations to the word jihad, Arafat was clearly speaking to his own skeptics, but Israel picked that up and ran with it as proof of the Palestinians real intentions. So, the rhetoric is very important and selling an agreement or dealing with spoilers may be critical. There are many ways to deal with that but I recently co-edited a book on spoilers and how to deal with spoilers because of the crucial, indeed fatal role they can play (even non-violent spoilers).

Let us make one last point about a matter we saw recently in the Kerry negotiations. And that is with what Oliver Richmond has called the devious actor. A devious actor is a negotiator (a leader) who enters negotiations with no intention of making an agreement. He/she does it for various reasons; maybe to buy time, maybe to placate public opinion or public opponents domestically; maybe to relieve outside pressure. We have had these devious actors in the past, under the Labor party as well as the right-wing in Israel. These are leaders who knowingly ignore peace offers, even hide them or lie about them - denying that they actually exist. We can give you example after example since 1967. Something that, as an Israeli, I find totally depressing and indeed tragic: the

denial of a peace offer that has come along or entering negotiations with no intention whatsoever of reaching an agreement.

"The concept of leadership is critical to political will, if indeed the leader has that political will..."

And unfortunately, we have such a situation now – perhaps we should call it "alternative facts" whereby Netanyahu has said clearly and loudly that the Palestinians have not changed, have never recognized Israel. Most Israelis today believe him, believe that the Palestinians have never recognized Israel – in fact, this was said in Netanyahu's press conference with Trump. Yet, in 1988, the Palestinians, the PLO, accepted Israel's right to exist – not just that the country happened to exist, but our right to exist within secure and recognized borders. It was again put in writing in September 1993 in the exchange of letters between Rabin and Arafat just prior to presenting the Oslo Accords. But today that is simply ignored; never happened. The same way the government of Netanyahu ignores the Arab Peace Initiative, unanimously adopted and reiterated by the Arab League, promising not only recognition but normal relations, end of conflict and security.

Similarly, the government presents Hamas and the PLO as if they are one and the same thing – out to just destroy us. Those were the words Netanyahu used in the White House press conference: the Palestinians want to destroy us. You do not have a Palestinian leader today in the PLO or in the Palestinian Authority who advocates anything but a two-state solution. And yet, most people in Israel or at least a large proportion, believe what Netanyahu

is saying: it's not the occupation the Palestinians are objecting to, it's Jews, it's anti-Semitism.

So, for Netanyahu, negotiations are interesting as a process, only as a process. With the present government coalition, it may even be the case that negotiating is unacceptable, undesirable, or would politically exploit agreement to talks as a sign of weakness on the part of Netanyahu. Actually, Netanyahu does seek a regional negotiation; he has indeed spoken of such a meeting. But that is based on the hope that Israel could be officially talking to the Arab states in particular Saudi Arabia, and thus gain that kind of acceptance in the region, without dealing with the Palestinian issue. There is no Arab state that will go to a regional conference with Israel without talking about resolution of the conflict between Israel and the Palestinians. But Netanyahu (and Trump, perhaps) may think otherwise.

Finally, the major factor, above all else (or perhaps underlying all) is the political will of the leader, whether the leader has the political will to go through with an agreement. To a large degree, the determination of a leader to reach an agreement may depend in turn on the leader's concept of leadership – whether you follow the public, which was Barak's problem, or you lead the public, which was Rabin's and Olmert's attitude. The concept of leadership is critical to political will, if indeed the leader has that political will, and of course there are many, many circumstances and factors that lay behind that very critical thing. What brings about this political will?

PART 4: VALI NASR

POTENTIAL NEGOTIATIONS IN THE UPCOMING YEAR: A SYMPOSIUM

By Office of the President of the United States - @realDonaldTrump on Twitter, Public Domain, https://commons.wikimedia.org/w/index.php?curid=57074244

At the very macro level, particularly outside the U.S., listening to concerns outside, the context in which the low resolution of conflicts and the encounter of conflicts has taken place or expected to take place has now clearly shifted. Particularly the assault on globalization, on trade, on the sort of the economic context, the sense of global community that could have served as a break on a set of conflicts or could have provided incentive for engagement of actors in certain conflicts in order to bring an end to them is no longer there. The rise of illiberal nationalism particularly in the United States but also in Europe is a source of worry. Largely many think outside that it actually gives greater license to pursuing

very narrow, nationalist agendas in pushing for conflicts. And of course, the rhetoric that the United States has put on the table – "America first" – if it's universalized into "me first", is suggestive of more of a zero-sum approach to conflicts as they go forward, giving more reason to fight than to stop fighting. There are more incentives on the table for gaining as much as possible through conflicts than prospects of what might be taken from a settlement. Particular examples where I've heard those ideas of being included into international trade systems, into European Community, into a broader international community as an incentive for ending conflicts is no longer as credible, as tangible, particularly in the future of an entity

like European Union or broader trade agreements.

One other sort of facet that is worrisome but is very much on people's radars is that the chaos in Washington in decision-making is a vacuum, a palpable vacuum, in decision-making and not making an incentive for ending conflicts but rather an accelerator of trying to get as much as possible before adults return to run things. That is literally the way in which people see it, that in the short run, the way in which Washington works, the palpable chaos, actually creates an opportunity to drive harder. So, going back to our last speaker, why not build more settlements as quickly as possible where no one is actually in

the State Department to pick up the phone and actually object. And so, you can create facts on the ground that will become established. Now, that of course goes from something as small as building more settlements to potentially issues that have to deal with territory or getting certain advantages that create instability.

The second issue at the larger level is that where there are adults or responsible stakeholders in Washington, they tend to come now predominantly from the military, particularly in the White House. And that's not only at the level of senior military leaders and generals, but as a lot of the lower ranks This sort of militarization of foreign policy is certainly being reflected in budget distribution as Tom mentioned. It suggests that a kind of corporate identity or corporate way of thinking about world problems is going to dominate in Washington that doesn't favor diplomats or diplomatic solutions to problems. This is not to say that militaries don't engage in negotiations, but they approach the negotiations from a very different vantage point than diplomats. We already had a problem over the balance of power between the military and diplomats. It was something that President Obama already problematized in his own approach to foreign policy, but he was very clear about that particularly outside the United States. That balance has been lost at least within this administration within a very clear, palpable way.

There's a deafening silence at the State Department that is very, very noticeable. The Secretary of State is not engaged in a lot of their opinions that are being laid out. The Department of State is not manned, the secretaries are not in place, deputies are not in place. All of that is suggestive that key decisions

very early on in terms of structure, process, and strategy tend to exist are not being made with influence of diplomats and that might create much more of a permanent imbalance that would be consequential going forward. But it also saps the U.S.'s moral authority in approaching conflict resolution.

"This is not to say that militaries don't engage in negotiations, but they approach the negotiations from a very different vantage point than diplomats."

The third issue at a larger level is, what the Trump administration has really put on the table in a big way, is basically resetting the world order, and in a larger way redefining who are America's fundamental allies and who are its fundamental enemies. Some of this has been jarring and counter-intuitive in the way in which the foreign policy establishment across the aisles thinks about it - that Europe or the European Union, if not an enemy or not an adversary, is definitely not an asset to the United States. Certain elements of the administration would like the European Union to go away and are maybe even be willing to provide a lending hand. Rather, Russia is actually America's natural ally in confronting a lot of global problems, and China should be treated much more singularly as a threat, or as a strategic counterpart to the United States. Now, these are sort-of big ideas – sort of Kissingerian ideas about balance of power, about rebalancing. They are much grander and much sharper on its edges than President Obama's notions of pivoting to Asia, which did not have the same kind of conflictual tones to it. Now, the interesting thing about this sort of resetting is that it connotes that the most important negotiations perhaps are going to be at the most macro

level right about grand bargains. Can there be a grand bargain between Russia and the United States over not just division of power in Syria or Ukraine, but over division of power in Europe, the future of NATO, the future of Europe. And can there be a grand bargain between the United States and China, which would then decide many things in Asia from trade to South China Sea, East China Sea, North Korea, etc.

These are sort of tantalizing ideas, but what are the challenges here? One is that approaching these large conflicts can unleash a lot more smaller conflicts. This kind of rebalancing, at least President Obama was trying in one theater in the world in Asia. Trying to do it in Europe and Asia at the same time, abandoning allies that had been sort of the Transatlantic Reliance that has been the main-stay of the post-World War II order for us and trying to replace it with something else will by definition be turbulent, and it could unleash many different sort of conflicts. So, trying to settle the larger conflicts could unleash many smaller conflicts. And it could also send signals that may be not hopeful.

On the Arab-Israeli issue –the idea that a mini rebalancing administration is promoting trying to create an Arab Israeli alliance around opposition to Iran. The end-result about which the administration is hopeful would be an Arab recognition of Israel despite the promise to move the capital to Jerusalem, expand settlements and send a politically, challenging ambassador to Israel as far as the Arabs are concerned at least. Despite all of these ideas, there can somehow be a grand bargain between the Arabs and the Israelis but at a cost because Iran is such a strategic bogey in the East. They send various signals to the Israeli government in terms of balance of power vis a vis

the Arabs, so that the assumption is that Iran is a much more important factor for Arab governments than the Palestinians are. You hear comments like the Israeli Defense Minister saying, "Yeah, Arabs don't care about Palestine. They care about Iran", and therefore, Israel really doesn't have any pressure on it as far as the Palestinians are concerned – there is no international pressure, there is no regional pressure, in fact it can basically have its cake and eat it too. It can have what it wants in terms of territory, settlements, final solution, but at the same time get the recognition and support that it wants. And the Palestinians will end up with no strategic umbrella in the region.

Now that would make for a very different conversation at the table and you go beyond the devious actors to completely obdurate actors. Actually, it's very difficult to see how there will be any peace process if Israel doesn't even see the necessity for it. That's the consequence for this grand bargain

language that the administration is promoting without actually calling it that, but essentially trying to revamp the strategic map in many places, which then would change the context for many of the conflicts. Now, to this you can add the problem that you're trying to do strategy without having strategic vision. In other words, everyone understands that what the administration is really putting on the table is completely changing the nature of transatlantic relations and U.S.-Russia relations or rebuilding the Middle East completely. But it's unable to articulate this or put it in a way forward that other people can actually build their policies around it. And that is actually creating much more guessing, hedging and worry. It is also problematic when it's not clear what the administration's leverage is here. What is it actually going to offer Russia and what is it going to get from Russia? If you talk to the Europeans, you're offering them Syria, where technically President Obama went to great lengths to say

we really don't have a vital interest. Right, so the Trump administration is almost intimating that we do have a vital interest in Syria, and we think the Russians do, so we're willing to give him a peace deal for Ukraine in exchange for something in Syria that neither we care about nor they care about. It almost sounds like a gift.

Similarly with China. What is the administration's leverage? There might be leverage in forms of trade, etc., but it's not articulated what that leverage is and therefore, how do you negotiate and what is it that you are putting on the table.

And also, it is one thing when you say that it is the Tom Pickerings or the Zbigniew Brzezinskis or the Kissingers of the world are going to be managing these as opposed to the current sort of administration trying to manage the strategy. And there's a perception that the administration actually does not have the capacity in terms of manpower or in terms of

Russian-Chinese talks. President Vladimir Putin with First Deputy Prime Minister Igor Shuvalov (right) and Foreign Minister Sergei Lavrov | The Russian Presidential Press and Information Office

audacity of the rearrangement of the global strategic scene that is taken on to actually do anything other than create chaos. You know simultaneous grand bargain with the Russians, Chinese, Europeans, in the Middle East is beyond the capacity of the best administrations, let alone the Trump's one. This US administration is going to encourage a lot more hedging, a lot more free-lancing by different actors, and a lot more conflict, and much less capability on the part of the international system to prevent these conflicts to manage these conflicts, and then end these conflicts.

Let us end by just going to points that were raised about the Middle East. The Middle East matters because it's going to provide a particular set of challenges and conflicts that will be on our radar going forward. So correctly, Tom Pickering identified Syria, and I would add to it Iraq as places that are going to need some form of serious approach to negotiations. So, after ISIS is gone or after Mosul is liberated, the key question is how do you decide the future of Syria and Iraq? Are they going to be one country? Are they going to be many countries? Are the Kurds going to be independent, or they going stay in Iraq or is this going to be a hyper-federated, cantonized nation-state? Or is it going to be a unitary state? And that would require of course some serious negotiations, which Secretary Kerry had tried to do without leverage for some time. Now, if at some point the Trump administration would have to confront this issue, their approach to this is that we're just going to make nice with Russia and therefore there is nothing to negotiate with. We'll just both be in agreement about an outcome. The problem is first, I'm not sure that Russian and U.S. interests are aligned in the Middle East. Secondly, it's not a given that

Russians or Russia plus America can actually add risks that a diverse set of interests in the region without serious negotiations because we forget that at the end of the day, Russia and the United States don't live in the Middle East. All the countries around Syria and Iraq have to live with the consequences of a deal for the rest of their lives, so they care about it much more. There's no way to see that currently that either Iran wins or the Saudi-Sunni alliance wins, you have to give them something in order to balance this out.
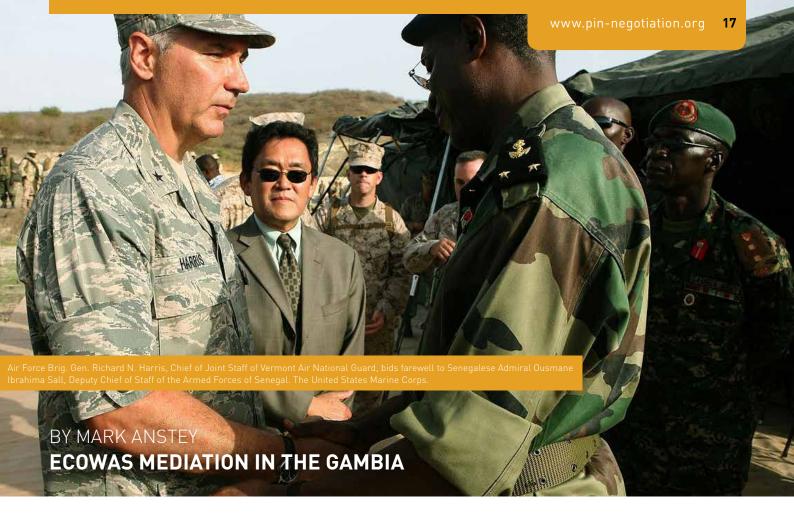
And as mentioned, the Iran- Saudi issue is one of those places where it's not a common conflict within a territory, but it's much more a regional conflict of the kind that we've dealt with before of trying to reduce tensions. It is much more like a Greece-Turkey conflict of a different time period and here the solutions are not that simple. The Saudis have obviously adopted a very tough position on Iran. Basically, what they want is for the United States to remove Iran from the region, put it in its own country, create a containment wall and hand over Iraq, Syria, Lebanon and Yemen over to Saudi Arabia and its allies on a silver platter. That literally is their ideal position. But at the same time, they're also hedging the idea of making another offer to Iran in the form of a Kuwaiti delegation. And Tehran suggests that they're not quite sure that a Trump administration would do that, and they should at least explore a plan B, which might be some form of an opening window.

But you know the Saudis have the same dilemma than let's say the Palestinians have in dealing with the Israelis, which is they have the weaker hand. They can go to the negotiation table, but obviously, the Iranians control more territory, hold more of the cards, and are

more militarily confident, especially given the poor performance of the Saudi military in Yemen, and so any negotiation at this point in this time is not likely to arrive anywhere near to what the Saudis want. The Saudis would probably like the U.S. military or the U.S. government to bring Iranians down a notch before they go to the table – something like Sadat having to go to war in 1973 before he could engage the Israelis because you couldn't go to the table with the humiliation of 1967.

Now, that course of action is very different from what the Obama administration was doing, which was to balance a relation with the Arabs with Iran. A confrontation between U.S. and Iran increasingly seems like what this administration is signing up to, and in some ways is also good for Israel because Israel has a different agenda. The more Iran becomes problematic, the more likely it is that the Arabs will have to accept whatever Israel gives on the Palestinians in order to build an alliance. It actually has consequences. It could actually unleash many more conflicts in Iraq and Syria, and Iraq will explode as a consequence of the U.S.- Iran confrontation. And also the nuclear deal may be put on life support if not completely out of commission, and that you know would undo a major negotiation victory of the previous administration.

It also sort of raises an interesting question which nowadays we have to ask literally about whatever we talk – what about Russia? So, the Russians are now a very big player in the Middle East. The Administration is trying to make nice with Russia at the same time it wants to go against Russia's ally in the region, which is Iran, and that's sort of a level of complication, which is something the new US administration has yet ready put its mind around.

Air Force Brig. Gen. Richard N. Harris, Chief of Joint Staff of Vermont Air National Guard, bids farewell to Senegalese Admiral Ousmane Ibrahima Sall, Deputy Chief of Staff of the Armed Forces of Senegal. The United States Marine Corps.

BY MARK ANSTEY
ECOWAS MEDIATION IN THE GAMBIA

DEMOCRACY IN DECLINE

From the 1970's the world experienced a prolonged surge (a third wave) in democratic governance (Huntington 1997). Whereas only about 30% of nations (46) were classified as democratic in 1974, by 2006 this had risen to about 60% (peaking at 119). Freedom scores also improved across the world. However, Huntington worried about the sustainability of the third wave and in *Democracy in Decline?* (2015)[1] Diamond and Plattner conclude that democracy worldwide has been in a '*mild but protracted*' recession since 2006.

In its annual report of 2017, Freedom House proposed that freedom scores have globally declined for the 11th

[1] See also other relevant recent works such as Diamond,L, Plattner MF, Walker C (eds). 2016. Authoritarianism Goes Global: The Challenge to Democracy. Baltimore, Johns Hopkins University Press. Haggard S and Kaufman RR. 2016. Dictators and Democrats: Masses, Elites and Regime Change. Princeton, Princeton University Press.

consecutive year. There are, of course, problems of classification and counts, and unresolved debates about whether the picture reflects simply a stalling or the start of an international decline in democracy. Some argue that only liberal democracies are really democratic and that classifications have been too generous for many democracies that are simply electoral (e.g. low quality) with few freedoms. These freedoms come in the form of competitive authoritarian systems.

Between 1974 and 2014, 29% of all democracies broke down at an accelerating rate (Diamond 2015). 25 democracies collapsed between 2000 and 2015. Of these, military interventions caused eight democracies to fail, but 13 state failures occurred as a consequence of internal erosion – '*abuse of power and the desecration of democratic institutions and practices by democratically elected rulers*' (Diamond 2015:106). This has been accompanied by a

rise in authoritarianism in large strategically important countries such as Turkey. African autocrats have been very willing to adopt the Chinese model of development before democracy, but Diamond argued that there has been a decline in democratic confidence, commitment and functionality, even in nations as the USA.

The Middle East and Africa had the worst freedom scores globally in 2016 (Freedom House 2017), and 29 of 49 sub-Saharan African states (almost 60%) experienced declines in their freedom scores. Diamond argues that '*there is not a single country on the African continent where democracy is firmly consolidated and secure*'. Nations such as South Africa have experienced declines in their scores for transparency and the rule of law (Diamond 2015:107-8). For some years, the South African President Jacob Zuma's use of public funds to upgrade his private residence in Nkandla and his evasive responses to the Public

Protector's recommendations to repay some of the monies caused serious dissension in the South African House of Assembly. When the matter was eventually referred to the Constitutional Court, it found that the President had failed to fulfill his primary obligation to "uphold, defend and respect the Constitution", and that the National Assembly had failed in its duty to hold the President accountable and to follow the correct (judicial) procedures if its members disagreed with the recommendations of the Public Protector. The impeachment motion failed, which was always likely as the ruling party stalled in its leadership. The reality is that these duties can only really be upheld where there is political will – and this has been increasingly in question for some years.

As Marr (2012) and Zacharia (2004) point out, democracy is less about institutions than culture. The real value of the Court's findings lies in its clarification of the roles of the President, the National Assembly, the Judiciary and the office of the Public Protector to uphold, defend and respect the Constitution. A proportional representation system, a dispensation driven by the logic of cadre deployment to entrench the control of the African National Congress (ANC) in power, and the use of a block vote saw the President survive the opposition impeachment initiative but laid bare the very problems of political design that concerned the court. Declining trust in the Presidency has seen the emergence of a civil society, the 'Save South Africa' movement, including ANC stalwarts, calling for an end to corruption and for President Zuma to step down. The real test is whether South Africans at the grassroots level can cohere around the values espoused in the Constitution and put national interests above those of party, or whether it will descend into polarized politics.

Contests of control between an executive who believes its edicts should be unbounded and a judiciary whose job is to hold lawmakers accountable to the Constitution are not limited to developing nations. The childlike twittering of Mr. Trump's early presidency will be remembered precisely for such a contest! The USA, so long the model for a democracy founded on principles of liberty, has become a model of rollback of freedoms (Diamond 2015). Encouragingly, US Courts seem willing to obstruct President Trump's efforts to translate his ill-founded prejudices and political bluster into law.

In the context of a wider global democratic recession and Africa's sharp decline in freedom scores, the recent case of The Gambian presidential election represents a case study of a West African region willing to act collectively to protect principles of democracy. Brown Odigie's (2017) excellent article summarized below on the role of ECOWAS in The Gambia provides insight into the implementation of a principled mediation process.

ECOWAS AND GAMBIA

The Economic Community of West African States (ECOWAS) comprises 15 nations. Despite declines in scores in a number of member nations, ECOWAS comprises nations rated by Freedom House as free and partly free. During the 2015-2016 period, 10 of the ECOWAS fifteen member states conducted elections. In its 2017 report, Freedom House ranked Senegal, Ghana, Benin, Cape Verde as "free" and The Gambia, Nigeria, Cote d'Ivoire, Guinea-Bissau, Sierra Leone, Togo, Mali, Liberia, Burkina Faso, Guinea Niger as "*partly free*".

A small country with a population of about two million, The Gambia

gained independence from the United Kingdom in 1965. Former President Jammeh came to power in 1994 through means of a bloodless coup, assumed the mantle of a civilian president and won successive elections in 2001, 2006 and 2011 through a regime accused of human rights violations and political coercion.

The 2016 elections were preceded by high levels of tension and civil society protest led by the opposition United Democratic Party (UDP). The government arrested over 50 opposition leaders, three died in detention, prompting the UN to call for the release of all political prisoners. The pre-election fact-finding missions of the African Union (AU), the UN and ECOWAS noted shortcomings in the system that would undermine it as a free and fair process.

There was some surprise on December 2, 2016 when Jammeh accepted his defeat at the polls to Adama Barrow in a 45,5% to 36,7% vote, but he soon reconsidered. On December 9, 2016 Jammeh called for a rerun of the elections. Such moments gave rise to a range of questions in terms of external intervention: Should there be intervention, and by whom? For what purpose, under whose authority, and using what means?

In Article 58 of the revised 1993 ECOWAS Treaty, member states are obliged to cooperate with the ECOWAS community in the use of appropriate peaceful mechanisms for dispute prevention and the resolution of inter and intrastate conflicts. In 1999 ECOWAS adopted the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, which was integrated into the 2001 Protocol on Democracy and Good Governance. The Gambian

Authority of the Heads of State and Government (AHSG) is the highest body empowered to act on these issues of dispute.

"Mediation seeks to bring parties in conflict towards a mutually satisfying, or at least, a mutually bearable resolution of differences. It should not be a process unbounded by principle."

ECOWAS observed the December 2016 elections in the Gambia as credible and thus adopted a carrot and stick approach to its intervention. It joined the United Nations and the African Union in calling on The Gambian Authority to abide by its constitution and to uphold the result of the polls. Early attempts for diplomacy were blocked by Jammeh, who refused to meet with the Chair of ECOWAS, Liberian President Ellen Johnson-Sirleaf. Jammeh even refused the landing rights for Johnson-Sirleaf's plane when she tried to fly into the country. By December 13, 2016, President Johnson-Sirleaf and Nigerian President Buhari assembled a high-level ECOWAS team to meet with Jammeh and Barrow. However, Jammeh was obdurate, refusing to step down and accept the offer of asylum for the King of Morocco had offered Jammeh a 'golden asylum'.

On December 17, 2016, the AHSG decided to uphold the election results and provide protection to President-Elect Barrow. The body appointed President Buhari and Ghanaian President Mahama as the mediators of the conflict, but also charged them with the creation of a smooth transition of power to maintain peace and stability in The Gambia. In short, the mediation was not an open-ended process but one with strict terms of reference.

Jammeh countered this edict by declaring a state of emergency, and the Gambian parliament responded by extending his regime for 90 days. In meetings on January 13th and 17th of this year with the Presidents of Mauritania and Guinea, Jammeh again refused any external asylum.

On January 19th Barrow was inaugurated as new President in the Gambian embassy in Senegal. ECOWAS continuously pressured Jammeh to formally relinquish his power. ECOWAS used diplomacy to try to persuade Jammeh to relinquish power peacefully, but it also used its persuasive muscle. ECOWAS assembled troops in Senegal, put a warship in Gambian waters and conducted air surveillance over the Gambian capital of Banjul. In this context, the President of Mauritania eventually persuaded Jammeh to step down without resistance. Jammeh subsequently took the opportunity of exile as provided by Equatorial Guinea. Finally, on January 20th while under threat of a forceful removal, Jammeh relinquished power and flew to Equatorial Guinea for asylum in exile. Jammeh was guaranteed safety and security as a former president and the assurance that authorities would not-seize the assets and properties *lawfully* belonging to him or his family members. The Gambian election and presidential succession process was a good example of 'muscle mediation' to ensure a bloodless transfer of power.

PRINCIPLED MEDIATION

Mediation seeks to bring parties in conflict towards a mutually satisfying, or at least, a mutually bearable resolution of differences. It should not be a process unbounded by principle. Adopting a quiet diplomacy approach guided simply by values of non-evaluation may be useful to achieve access to a conflict, but it is no guarantee of meaningful influence. In asymmetric power relations, mediators may find

themselves simply claiming abuses based on power disparities.

Mediation should be impartial, of course, but impartiality must be judged against principles. Mediation's aim is not to support any side or to support particular leaders, but to support the creation of a normalized political environment (Anstey 2007). As with other recent interventions in Africa, mediators must choose whether to support the popular will as reflected in a poll or see a conflict simply in terms of competing elites. It is the duty of the power holders' old friends to not to turn a blind eye to their human rights abuses but to help them achieve standards acceptable to the international community.

In cases such as Zimbabwe (Anstey 2007) and Kenya, where leaders refused to accept defeat at the polls, mediation witnessed the popular vote being traded against peace. Power-sharing deals saw powerholders such as Zimbabwean President Mugabe retain power in the face of elections criticized by observer missions as lacking credibility. In The Gambia case, the mandate given to the mediators by the ECOWAS Authority of Heads of State and Government was not to mediate away popular will but to affirm it. The matter for mediation was not how to share power but to ensure its peaceful transition to a new leader elected in a credible ballot, and to determine the terms of departure for the previous incumbent.

There have been other outcomes for mediation efforts too. Both the Libyan rebels and Libyan President Qadaffi turned down offers of mediation in the Libyan crisis in 2010, and when faced with fight or facilitated asylum, Qadaffi misjudged the power reality. And thus, the conflict ended poorly as a result of this misjudgment. Much depends on power realities in any

given conflict situation. The people of Gambia have been freed of their former president and have exercised their right to change who governs them. This is a more principled use of process. The Gambia in many senses however is a small test for what Africa will do in cases involving powerhouse economies where the power realities are different and difficult. What would ECOWAS do if one of its more influential members, such as Nigeria or Ghana, drifted in the direction of the Jammeh regime in the Gambia? Diamond and Plattner (2015) argue that no democracies in Africa can be taken for granted – and for this reason the Gambian case should be widely celebrated.

Odigie (2017) argues the importance of coherence, complementarity and coordination in the Gambian case. These are factors reflected in the success of mediation in the Rhodesian-Zimbabwe intervention that evolved into the Lancaster House Agreement in 1979 (Anstey 2007). In short, successful interventions supportive of democracy require neighbors interested in building a regional community of nations that hold such values dear. They need to build a democratic culture communally and hold one another to its standards.

DEMOCRATIC PROSPECTS IN THE GAMBIA

Elections of course are not in themselves sufficient to democracy, but they are its essential cornerstone. Electoral democracies fall short of the standards of political and civil rights that characterize liberal democracies. Now that Jammeh is gone, Barrow must still deliver The Gambia to a rule of law, demonstrate commitment to protecting human rights, and achieve reconciliation between opposing groups in the country. It will require attention

not only to the sustainability of democracy but to rapid and equitable development that will give it prospect. It is important, if democracies are to survive, that they deliver a sense of material improvement in peoples' lives (Marr 2012). Support from ECOWAS will be needed for much longer than an electoral crisis if a culture of democracy is to be developed. ECOWAS also needs to equitably manage the tensions between population groups and within armed forces (Odigie 2017).

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Green Line" - Nicosia, Cyprus, Julian Nitzsche - Own work, CC BY-SA 3.0

BY PAUL MEERTS
CYPRUS NEGOTIATIONS ON THE BRINK

Why is it so difficult to reunite Cyprus (Saner 2012)? After all, the island has peace, democracy, strong international support and leaders who are committed to resolving the conflict. Nevertheless, efforts to bring the two parts of the country together are facing some tough problems. For instance, Cypriots in the North and the South disagree on the nature of the problem to be solved. This severely limits the room for convergence (Flynn and King 2012: 427).

Michael (2014: 118) ponders '... how to construct a legal-constitutional order, dictated by a set of historical determinants, including the desire to rectify past injustices, which reconciles human rights and group security, with the expectation of upholding the fundamental precepts of liberal democracy, while fortifying the foundations for sequential integration/unification'.

Other scholars believe the problems of the peace process in Cyprus might have to do with ethnic outbidding, which '… occurs in the context of electoral politics when political parties compete for support within an ethnic group, having few incentives to cultivate support from other ethnicities' (Moore, Loizidis, Sandal and Lordos 2014: 159).

Richarte (2005: 218) sums up twelve obstacles that have so far prevented a re-unification of Cyprus, but he points out that 'democracy is a distinct aspect of the Cyprus issue, a rarely seen feature of other conflict zones in the world' (Özkaleli and Hasgüler 2013: 273).

Every now and then the Greek and Turkish Cypriots try to negotiate the re-unification of their island. ln 1974, a coup d'état sponsored by the military junta in Greece and a Turkish invasion put an end to its feeble unity. The latest series of talks started in 2015 and commentators were optimistic about the possibilities to reach a deal in Geneva early 2017. Agreements were reached on territory, property, the economy, the relationship with the European Union, power sharing and governance, but not on security and here the process got stuck. Still, there seems to be more reason for optimism than in the past 40 years.

Why is this the case? What can be expected before this issue of *PINpoints* arrives on your bookshelf, or, even better, in your computer? What are the ingredients of this ongoing negotiation ordeal? How is it possible to come to closure in a situation when all negotiation factors and actors are tangled up in one enormous ball? Cyprus, a member state of the European Union, faces a unique problem. Its Northern part is occupied by a non-EU member, while sovereign British bases take up important parts of its southern coastline. These Sovereign Base Areas fall under the British crown and are therefore not part of the European Union. What are the options and which are the obstacles for a successful bargaining process that will re-unite the island and therefore create a Federal Republic of Cyprus?

THE PAST

Cyprus has a civilization going back to millennia before the Christian and the Muslim eras. Neolithic tribes, Phoenicians, Greeks, Persians, Romans, Byzantines, Arabs, Frankish and British Crusaders, the Ottomans and finally the Brits (de facto from 1878, the jure from 1925) all ruled the country before it became an independent sovereign republic in 1960, under the leadership of Archbishop Makarios. From the very start of Cyprus as a de-colonized country there were problems between the Greek majority and the Turkish minority, and they worsened between 1963 and 1967. These tensions soon led to the installation of a United Nations Peacekeeping force. At the time of independence about 80% of the population saw itself as being Greek and many of them wanted *enosis* – unification – with the Greek motherland. This majority regarded itself as Greek both in language and religion, and belonging to the Greek Orthodox Church. About 18% of the inhabitants were of Turkish decent, speaking Turkish and following Islam. Many of them wanted *taksim*, unification with Turkey.

After the occupation by the Turkish army of the northern part of the country, followed by an influx of farmers and other immigrants from Turkey, the population now more or less consists of 30% Turkish Cypriots and Turks, and 70% Greek Cypriots. In addition, there are 30,000 Turkish troops on the island. The intervention by the Turkish armed forces (1974) was triggered by an attempt of the Greek enosis movement to join Greece. This action was instigated by the colonels who ruled Greece at the time and had grabbed power through their own coup d'état some years before. In the turmoil, Greece and Turkey, both members of the North-Atlantic Treaty Organization (NATO), came close to war. Cyprus itself is a non-aligned republic. The United Nations brokered a cease-fire that left one third of the country under Turkish occupation. Many Greeks fled from the North to the South, many Turks sought refuge in the opposite direction. Therefore, both sides, the Republic of Cyprus and the Turkish Republic of Northern Cyprus (TRNC, only recognized by Turkey), have a largely homogeneous population, though there are still small Greek and Turkish minorities in both parts of the island, and small communities of other nationalities.

THE PRESENT

Notwithstanding the split between the Greek and Turkish Cypriots, there is something like a common feeling of belonging together (Grigoriadis 2017: 2). After all, Turks and Greeks lived together for many centuries, often in the same cities and villages. Underneath there is a common Cypriot culture. Apart from this there is a feeling in the North of the country that the future looks bleak. Farmers from Anatolia are threatening Cypriot culture of which they have never been part and parcel. The North is poor, the South is five times as rich – partly because of tourism and Russian and Israeli money laundering - and it successfully survived the banking crisis of 2008. People from the North cannot freely travel outside the country beyond Turkey, unless they have Turkish nationality as well. This is one of the reasons why 75% of the Turkish Cypriots voted in a referendum in favour of the so-called

Annan Plan (2004) that was rejected by 65% of the Greek Cypriots who were of the opinion that the North should have made more concessions to facilitate re-unification. De Soto suggests that 'perhaps the Greek Cypriots were knocked off balance by their first face-to-face encounter with a federal solution' (2012: 401).

Anyway, as a consequence, Cyprus entered the EU as a divided island. From a negotiation point of view the European Union made a major contextual mistake in tackling the Cyprus issue (Meerts 2015: 70). It wanted to use EU-membership as a carrot to get the Cypriots to re-unify, but it made the strategic fault to announce enlargement of the EU by ten countries in one stroke: the former socialist countries from the East and the Mediterranean island states of Malta and Cyprus. This gave Greece the opportunity to threaten to veto the enlargement effort if the EU did not allow the Republic of Cyprus (in effect, Greek Cyprus) to become a member. Especially the Germans, who were eager to absorb the countries of Central and Eastern Europe into the EU, were willing to give in to the demand that Cyprus become a member without re-unifying first. This is how the most important incentive for re-unification was lost and small Cyprus (only 0.1% of the EU population) was victorious in its negotiation process with the much more powerful European states. It says something about the difference between structural power (the European Union) and situational power (Cyprus) and the chances for the structurally weaker party to override the structural stronger party if the context allows for it. Of course, this can only be achieved if the weaker party's negotiators use the opportunity well.

PARTIES AND PEOPLE

Apart from the Greek and Turkish sides there are three relative outsiders who have a vested interest in Cyprus, officially being mandated to intervene collectively or individually if the Constitution of Cyprus were to be endangered: Turkey, Greece and the United Kingdom. In 2008 Demetris Christofias (for the Greek Cypriots) and Mehmet Ali Talat (for the Turkish Cypriots) started serious negotiations for re-unification under the aegis of the United Nations. 'The main reason for the resilience of hope is the presence of two of the most moderate Cypriot political leaders at the helm of the negotiation process than at any time before' (Grigoriadis 2017: 2). For a long time one of the main problems, compensation for the 165,000 Greeks who were refugees in the South, could not be solved. Another huge stumbling block was the presence of the Turkish army. Nevertheless, a series of talks in 2010, 2014 and 2015 generated some hopes for progress. In 2014 both sides declared their willingness to create a unified federal Cyprus.

The 2015 talks continued – with serious hiccups – till today and led to the Geneva negotiations of January 2017 involving as a mediator the

Nicosia view with the European Union flag waving Cyprus presidency of the EU, NewNicosia - Own work, CC BY-SA 3.0

Norwegian former Foreign Minister and UN Special Advisor Espen Barth Eide, the President of the Republic of Cyprus Nicos Anastasiades and the President of the Turkish Republic of Northern Cyprus Mustafa Akinci. Shortly after the start of the talks they were joined by the Ministers of Foreign Affairs of the United Kingdom, the Turkish Republic and the Hellenic Republic (Greece). Towards the end, UN Secretary-General Antonio Guterres, the President of the European Commission Jean-Claude Juncker, the EU High Representative for Foreign and Security Affairs Federica Mogherini and the Presidents of Greece and Turkey joined the negotiators. From the very start Pieter van Nuffel, the Personal Representative of Juncker, helped to keep the process flowing.

POSITIONS AND PREFERENCES

In recent times the position of the North has become more mild, for several reasons. As mentioned before its isolation takes its toll and the uncertainty about the ownership of real estate frustrates the development of villages, towns and tourist resorts. To become a part of a federated Cyprus would also mean that the standard of living could go up, also because the North could then hopefully get its share of the large gas reserves found off the southern shore of Cyprus in a field bordering on the Israeli shelf, with equally rich prospects. On top of this the Turkish Cypriots are getting tired of the Turkish army and the farmers from Anatolia and they wonder to what extent they themselves are really in charge of the TRNC. Furthermore, there is the threat of losing democratic control over their own destiny in view of the undermining of democracy on the Turkish mainland. '(The) renewed interest (of Southern Cyprus) in resolving the Cyprus question is linked largely to the early 2013 collapse of the Cypriot economy (and) the growing concern that Turkey's recent foreign policy direction is pulling it away from the European Union ... ' (Sitilides 2014: 77).

The South hopes for compensation of the properties lost and if possible return of some of the refugees to their houses in the North, especially to the Varosha quarter of the city of Famagusta. As the North seems to be willing to give up part of its territory, Greek control over some of the lost lands and places might be restored. The Brits have declared that they are willing to hand over about half of their sovereign bases Dhekelia and Akrotiri. The South does not want to make any concessions regarding the demand of the North to have a rotating Presidency. Before the split the President was Greek and the vice-President Turkish Cypriot. In other words, the Turkish Cypriots demand a larger stake in the government than before, while they want to have as much autonomy at the same time. The Greek Cypriots are trying to limit the involvement of the Turkish citizens as much as possible and while the North prefers a confederal structure, the South would go for a mild federation, in order to secure the dominance of the Greek Cypriot populace.

PROBLEMS AND PROSPECTS

As mentioned before, the questions of the boundaries between the two communities, the restitution of land and real estate, compensation for those who do not want to return to their homesteads and a fair share in the economy and the state institutions have all been resolved. The main obstacle at the moment is, however, the question of security guarantees. Both sides do not trust the UN peacekeepers, who are of good will but are no match for a force of any significance, let alone the Turkish army, should the need arise. It is for this reason that the South wants the Turkish army to go home, while the North wants it to stay, though in smaller numbers than at present. The Turkish army itself has huge stakes in casinos and other activities in the North and is quite unwilling to give that up.

Here, of course, President Erdogan comes in. For years, he did not want to solve the Cyprus problem as he could use that as a trump card in his negotiations to successfully join the European Union at a reasonable price. It was hoped that he would be milder on the issue of re-unification as his aspirations for Turkey to become an EU member state are fading away. Not only because of the EU criticism of his human rights policy, but also because EU membership would limit his power at a time he is more and more in full control of Turkey, especially if the country turns into a Presidential Republic (Cyprus by the way has always been a Presidential Republic). Erdogan, in other words, is and has been the key to the re-unification of Cyprus and the only people who can really push him to agree to re-unification are his 'own' Turkish Cypriots. They want to become citizens of the European Union, one of the most important reasons for them to strive for re-unification.

What is it Erdogan wants for allowing the Geneva negotiations to come to closure, recreating a unified Cyprus? As presidential elections in Southern Cyprus are scheduled next year February the window of opportunity might close soon. What could president Erdogan win by agreeing to a unified Cyprus?

'Erdogan himself ended the long-standing Turkish objection to any compromise agreement in

Cyprus in 2004 with his support for the Annan Plan. It is therefore possible that he would support a compromise deal that is designed in a win-win structure in which Turkey's strategic interests in the Eastern Mediterranean are advanced. Energy could be a significant instrument in the respect, given that conflict resolution in Cyprus would pave the way for the monetization of Eastern Mediterranean gas reserves; the construction of a pipeline from the offshore Eastern Mediterranean gas fields of Cyprus, Egypt, and Israel to Turkey appears as the most cost-effective way to achieve this' (Grigoriadis 2017: 4).

"Erdogan, in other words, is and has been the key to the re-unification of Cyprus and the only people who can really push him to agree to reunification are his 'own' Turkish Cypriots."

One could add to that as the Assad regime is regaining control over Syria, Erdogan would have to find an alternative for the lost Syrian energy resources and he can do this by helping to negotiate Cypriot re-unification. On top of this, the United States might pressure him to accept re-unification as an instrument to get the gas flowing as the American company Noble Energy has a great stake in developing these fields. Besides, '… if a settlement doesn't materialize quickly, energy experts say that Israeli developers will choose a more expensive, but more certain, alternative export method, such as a floating terminal that freezes and liquefies the gas to load into tankers' (Pope 2014: 1).

IN CONCLUSION

As all the other obstacles are out of the way now, security is the only problem to be resolved, and a solution

is not too difficult to imagine. Most Turkish troops can be withdrawn from the North in phases and there is no reason why the South should fear a new Turkish intervention under the present circumstances. A symbolic presence of the Turkish army in a designated base on the North-Eastern peninsula can do the job, provided there should also be a Greek symbolic base in the South while the territory of the UK bases will shrink to 50% of their present territory. It all boils down to the political will of the Turkish president. There is no apparent reason to doubt his intention to contribute to a solution of the Cyprus problem.

Now that he has won the referendum about his presidential powers on 16 April, expectations were high that he would take a clear stand on Cypriot re-unification. But he did not and spoilers on both sides of the 'Green Line' between Northern and Southern Cyprus – for example the Holy Synod of the Greek Orthodox in the South - are getting active again, some say supported by the Russians who see a unified Cyprus as a threat to their economic and political interests in the Eastern Mediterranean. It seems that time is not yet ripe for closure of the negotiations on Cypriot reunification, although some sources predict intensified negotiations this summer.

'While all sides would benefit from a settlement – any settlement – failure to make the politically painful compromises necessary to reach an outcome quickly will deepen the de facto partition of the Island … and Greece and Turkey will most likely fail to solve their expensive maritime-boundaries dispute in the Aegean' (Pope 2014: 2) as a consequence of a failed negotiated Cypriot re-unification. Time is ripe to come to closure on the Cyprus issue but it does not show yet, though all

major issues have been settled in principle.

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BY MOTI CRISTAL

A REGIONAL PARADIGM FOR THE MIDDLE EAST CONFLICT

RocQ Photography - *Journey to the Middle East* - Flickr.com

"One State, Two States, it does not really matter, as long as you, Israelis and Palestinian agree to a deal", stated US President, Donald Trump, in February 2017, during his first presidential meeting with Israel's Prime Minister, Netanyahu. Singling out one component of any future negotiated outcome, this off-hand remark, describing more of a mindset than a thoughtful policy direction, stirred further anger amongst Palestinians, and confusion among US Arab allies such as Jordan and Egypt.

While confusing "outcome" with "process", and being accustomed to the traditional bilateral negotiations' paradigm, most stakeholders involved in this conflict found this comment to be very disturbing.

However, the Trump administration could, and should, - and seems as might as well - present a major opportunity for implementing the long awaited paradigmatic change in addressing the Middle East conflict: from a bilateral Israeli-Palestinian negotiation to a regional comprehensive approach addressing the current Middle East challenges. Actually, Egypt, Jordan Israel and some Gulf states gradually, cautiously, but constantly have been moving towards this regional approach in addressing the Middle East conflict.

The corner stone of the regional approach lies in the Arab Peace Initiative (API), known as the "Saudi Initiative". This short proposal for an end to the Arab–Israeli

conflict was endorsed by the Arab League in 2002, and re-endorsed at the 2007 Arab League summit. Understanding the major flaws in the Israeli-Palestinian bilateral negotiations, which were evident in the failed 2000 Israeli-Palestinian Camp David summit, the API was introduced during the peak of the violent second *intifada*. It calls for normalizing relations between Arab states and Israel, in exchange for a full withdrawal by Israel from the West Bank and Gaza, East Jerusalem and the Golan Heights, and a "just settlement" of the Palestinian refugee problem which will be agreed based on UN Resolution 194. Since its introduction in 2002, Israel's reaction to the API has evolved from total rejection (PM Sharon, 2003) through a cautious welcome (PM

Olmert 2009), to a tentative support which welcomes the idea of Arab states' involvement (PM Netanyahu, 2016). This evolution of Israel's reaction to the API, as well as the increasing relevance of the regional approach, should be seen in the light of the major changes that have occurred in the Middle East in the last decade:

(1) The emergence of Iran, the Muslim Shiite power, its aspired regional hegemony status coupled by nuclear capabilities, the global attention it received as a result of the 2015 "Iran Deal," the Joint Comprehensive Plan of Action (JCPoA), and its direct military involvement in Syria, Iraq, and Yemen, have positioned the tensions along the Sunni-Shiite divide as one of the most destabilizing dynamics in current Middle East. Forcing Sunni Arab states to form internal and external coalitions to confront the Shiite threat, new alliances' maps emerge;

(2) The collapse of Syria and Iraq as nation states has changed the security and economic balance in these countries, as well as in neighboring countries (mainly Jordan), sending refugees' shock waves to Europe;

(3) The emergence of ISIS, as a high-profile global terror player, which roots its infrastructure in the no-man's-lands of Syria, Iraq, Yemen and Libya, as well as Sinai, Gaza, West Bank and Jordan, draws international resources to destroy it militarily, rather than drying its ideological swamp;

(4) Independent from these dynamics, Russia's involvement in the region, aiming to secure its geo-strategic interests in Syria, has created a shift in the balance of power in the region: weakening the US' role as well as

empowering Iran and Hezbollah, who fought alongside Russia to guarantee the survival of the Assad regime;

(5) As a result of these dynamics, Israel's security challenges have changed dramatically. From conventional risks emanating from hostile Arab countries, Israel faces today two major security risks, that have been changing its military doctrine: in the short term, massive rocket attacks from Hamas (south) and Hezbollah (north) and in the medium-long term confronting Iran's nuclear capabilities.

(6) Realities on the ground – settlements expansion and lack of foreseeable political separation between Israel and Palestine – have created unstable economic, political and security conditions, of an explosive nature. In Hamas' controlled Gaza it is manifested with routine rounds of violence across the fence, and in the West Bank with constant security and military low-intensity frictions;

(7) Leadership questions, and mainly the uncertain succession of power in Palestine and Israel, offer a tremendous legitimacy challenge to any current negotiation process.

These dynamics require a critical look at the "Peace Process" led by the US in the last 20 years. In 1993, secret back-channel Oslo talks between Israel and PLO framed the Israeli-Palestinian bilateral process. Since then, through a set of failures to reach a comprehensive deal, the bilateral negotiation paradigm was never genuinely challenged. In 2000, President Clinton failed to broker a deal between Barak and Arafat. In 2008, President Bush failed with Olmert and Abbas, and President Obama, through his ambitious Secretary Kerry, failed repeatedly in 2009, 2014, and 2016 with

Netanyahu and Abbas, when it was already evident that any negotiations between Israel and PLO, under the current leaderships and the current regional dynamics, see no ZOPA (Zone of Possible Agreement).

Summarizing the flaws of the bilateral approach goes beyond this brief piece; however, three major spheres of negotiating activity should be identified in this regard: *outcome, structure* and *process*. The bilateral approach assumes a two-nation-states agreement which relies on the parties making "significant concessions towards peace". From an Israeli perspective, based on her national psyche and recent security instabilities, no one can provide significant guarantees for its security once a Palestinian state will be established. From a Palestinian perspective, based on their national narrative, they already made their historic concession, therefore no more compromise on full-fledge Palestinian state, in particular, from the territorial perspective. And to this, one should add the religious ideological dimension, on both sides, that took reign in last decade. In classic negotiation framings, since the 2000 Camp David failure, there is no ZOPA for *a conflict resolution agreement*.

From a structural perspective, no US mediation has managed to address the spoilers on both sides, and to build a coalition of moderates. US mediation, on this bilateral process, has tried to "bring peace" – with all the concessions and risk involved - between the moderate parties. This further delegitimized dovish Israeli leaders and moderate Fatah within their people.

Process-wise, since Oslo (1993) the leading process paradigm is negotiating a conflict resolution ("peace") deal, based on two-states

framework, which will be incrementally implemented, trusting the confidence parties built during the various phases. A process design that already failed during early stages of the process (1994-1995). In military phrases, this is called a failed strategy which led to military defeat, and therefore should never be reused. In the Middle East process, this failed convention was tried again and again, believing that a new US administration (Clinton, Bush, Obama) had the wisdom to carry out this strategy in a successful way. All attempts so far have failed.

"What seems as a new "Cold War" dynamic, under the current Middle East realities that represent a Mutually Destructive Stalemate, should be seen as a unique opportunity to change the nature of the Middle East Peace Process."

As we see in recent years, the intractable Israeli-Arab conflict became part of wider, major, regional and global developments. This, by itself, opens opportunities – both outcome- and process-wise – and requires a fresh perspective, adopting the "regional approach", not as a slogan, but rather as a process design.

The first challenge in adopting a regional approach is the framing challenge. The imperative phase of "framing" is well known to scholars and practitioners in international negotiations. In 2005, I William Zartman framed the Arab-Israeli conflict as a "Soft, Stable, Self-Sustained, Stalemate" (S5) as an alternative to a Mutually Hurting Stalemate (MHS) that produces negotiations. However, with the recent cycles of violence, and the high risks of escalations between Israel-Hamas, and

Israel-Hezbollah, and in the West Bank, this definition should turn from S5 to MDS *(Mutually Destructive Stalemate)*. While S5 describes current reality, MHS (Mutually Hurting Stalemate) describes a reality when parties exhaust their belligerent alternatives, the MDS describes a reality overshadowed by an approaching, inevitable, catastrophe. Negotiation under MDS, in any given context, should aim to reach three outcomes: (a) regional "deescalating" understandings among as many relevant stakeholders as possible; (b) conflict management agreement between the main rival parties, and (c) indicate the general trajectory of the conflict system, without indicating a specific timeline.

Applying this framing to the current Middle East dynamics, and building on the evolution of the API and Israel's reaction to it, formulates the following negotiation scope: (a) Prevent escalation through a set of reciprocal unilateral actions by Israel, PLO, Hamas and Hezbollah. These will be mediated by a "mediators' beehive"; (b) conflict management agreements which will secure stability in Syria, Iraq and Palestine, redrawing new territorial and political borders, and allowing (c) closer economic regional cooperation in order to resettle the Palestinian, Syrian and Iraqi refugees in their homelands. Evidently, it will require a multilateral give-and-take that addresses parties' concerns for the short term, and generates a benign, rather than hostile, dynamic along a clear trajectory.

An outline of such a process – to address its Israeli-Palestinian axis – includes three steps. *First, implementing preventive engagement strategies*, on three main fronts (1) Gaza: Set up a de-escalating mechanism, led by

Qatar and Egypt which will include conclusion of prisoners' exchange deal between Israel and Hamas, accelerated reconstruction plan for Gaza and foreign security presence (Turkey, Egypt, Qatar) to prevent offensive activities on behalf of Hamas. (2) *Lebanon*: Upgrade the Israeli-Russian military coordination in order to contain Hezbollah's motivation to escalate, and (3) *Post-Abbas*: Levering the new US administration in order to engage with future Palestinian leadership. All parties involved, including the rival parties as well as superpowers have no interest in escalation, and some already apply some of these steps.

Second, progressing in reaching a set of formal and informal understandings – result of various different negotiation settings (coordinated unilateralism, bilateral, mediated, and multilateral) which will be implemented on the ground including: completion of the security fence in the West Bank; cessation of settlement activities which are not within existing settlement blocks; accelerated Palestine State building including a comprehensive set of financial and economic support to the PA; continued institution building, including East Jerusalem; intensification of Israel's commercial and economic activities in the Gulf; a regional plan for resettlement of Syrian refugees currently in refugees' camp in Jordan; and a political discourse for updating the API to incorporate recent geo-political changes.

Once these steps, all within political reach, and carrying – if done properly – no political risk to any of current leaders, are implemented to whatever degree possible, *the third phase - Russian-US Road Map for Middle East Stability -* will be initiated. This Middle East Stability

Road Map comprised of two big trade-offs, which will be presented as a Russian-US outcome: (1) Iran for Syria. In consideration for US agreement to allow the Assad regime stay in power, and turn it to legitimate "official" Russian front base, Russia will support US effort to fixing the flaws in the current Iran deal, and (2) Endorsing an updated Arab Peace Initiative which will lead to a two-nation-state outcome for the Israeli-Palestinian conflict, stronger economic integration of Israel in Arab markets, and establishing an Arab alliance against Islamist terrorism which kills thousands of citizens in Arab and Muslim countries.

Being familiar with the dynamic nature of political process, we allowed ourselves time lag between concluding this piece and its summary. In this time lag, Trump's presidency which started with isolation approach ("America first"), close relations with Russia on the international arena, and a warm applause from far-right hawks in Israel and concerns from Arab countries on the regional level, made already a dramatic course change. Launching a signaling attack on Syria, threatening to take military action against North Korea, and raising tensions with Putin, might indicate that the new US administration is willing to challenge traditional concepts. In its Middle East policy, President Trump, directly and through his special envoy, Jason Greenblat, allied Arab leaders (Egypt and Jordan) and paid an important visit to the Arab Summit (March 2017).

What seems as a new "Cold War" dynamic, under the current Middle East realities that represent a *Mutually Destructive Stalemate*, should be seen as a unique opportunity to change the nature of the Middle East Peace Process. From the failed bilateral/US mediated approach, towards a regional one. The regional approach assumes multilateral give-and-take that addresses parties' concerns for the short term, and generates a benign, rather than hostile, dynamic along a clear trajectory of a two-nation-states outcome.

The President of Russia Vladimir Putin at the Arctica international forum in Arkhangelsk, By The Russian Presidential Press and Information Office

BY I. WILLIAM ZARTMAN & MIKHAIL TROITSKIY

RUSSIA IN CONFLICT MEDIATION: NEW OPPORTUNITIES, NEW TACTICS?

I. William Zartman

In the mid-1980s as the establishment of a Processes of International Negotiation (PIN) program was being planned in Vienna at the International Institute of Applied Systems Analysis (IIASA), Soviet Foreign Minister Eduard Shevardnadze is reported to have noted that when countries have a conflict it was the US and not the USSR that was called on to mediate and negotiate. As a result, he sent a security member to Vienna to join PIN and learn the tricks of the trade.

Russia appears to have learned some lessons and today seeks to use its strengthened position in the Middle East and post-Soviet Eurasia to assert itself as a mediator. Moscow's key purpose in doing that is to claim for itself the status of an indispensable global power, increase its presence in the region, and demonstrably fill the void left by the Obama administration and its European allies. This, however, carries the risk of painful entanglements or difficult strategic choices at best and serious setbacks at worst, as does any mediation venture.

PROJECTING THE POWER OF MEDIATION?

In *Syria*, Russia's support for Bashar al-Asad, and its association with both Turkey and Iran behind the Syrian regime, has gained it a major strategic position in the area, facilitated by the withdrawal of American attention from the area under Barack Obama. While the future of American policy under Donald Trump is only beginning to be written, the great power vacuum created over the past years has given Russia an open window of opportunity. With Turkish and Iranian support, Russia mediated a shaky ceasefire among many of the parties in Syria in late December 2016, ostensibly to better fight the Islamic State (ISIS). Moscow then arranged negotiation in Astana, Kazakhstan on 23-24 January between the Syrian regime and the Saudi-backed Islamic Army (Jaish al-Islam), in the presence of Iran, Turkey, Qatar, Saudi Arabia, Jordan, Lebanon, Egypt, Iraq, and China, laying the foundation for talks on the future of Syria in Geneva IV the following month. However, no resolution of the conflict itself was advanced beyond the limited conflict management measure. Moscow moved to the

forefront as a key mediator in the wake of its active campaign against the resistance forces, especially the air strikes to break the stalemate in Aleppo. It then moved in the early March to establish a "security line" separating the forces of Asad from the Turkish-supported rebels, and then to arrange an agreement for Kurdish People's Protection Units (YPG) to join the efforts of Asad's forces to block the advance of the Turkish forces.

The master stroke of Russian diplomacy that lay behind the Astana initiative was the turn-around it effected on Turkish policy. Russia has pulled Turkey away from its absolute opposition to Asad (after its earlier absolute—even personal—friendship with Asad) by giving active military support around Aleppo and al-Bab to its conflict with the YPG, arm of the Western-allied Kurdish Democratic Union Party (PYD), claimed to be an extension of the Kurdish Workers' Party (PKK), Turkey's subversive movement. Russia does not have the problems of the US trying to support both the Kurds and Turkey and trying to uphold human rights in protecting a Turkish opposition figure, Fethullah Gulen, from extradition to

a manifestly unfair trial, but its latest mediation efforts move it closer to the Turkey-Kurd squeeze.

In *Libya*, Russia has taken an open position behind the aspiring strongman, Gen Khalifa Hifter, head of the Libyan National Army that supports the UN-and Western-backed Dignity Government of National Accord (GNA). While the West works for national unity in Libya, Russia, with Egypt, supports Hifter as a political and military option. Russia prints money for the GNA, maintains $4-$10 million pre-revolutionary oil and gas contracts, and has $4.2 billion arms contracts in waiting for when the UN embargo is lifted.

But Russia, as in Syria, is also making contact with the western Libyan Dawn General National Congress (GNC) "government" in Tripoli and its main militia support in Misrata. In late February, Russia announced that it had mediated an agreement between Hiftar and Khalifa al-Ghwell, former head of the Dawn government. Such contacts can develop into the basis for a Russian-mediated try at a new conflict management effort to replace the inconclusive efforts of UN SRSG Martin Kobler over the past two years to gain support for a government of national unity. Successful mediation where UNSMIL (Support Mission in Libya) failed is a long shot but would put Russia in the same strong position it occupies in Syria.

Israel and Palestine constitute a third area of similar sensitivity concerns, where Russia maintains close relations with both parties. Prime Minister Benyamin Netanyahu visited Moscow as the Western countries turned against him on the settlements issue (where Moscow was already positioned), and in mid-January 2017 Russia mediated an agreement in Moscow between Fatah, the core of the Palestinian Authority (PA),

and Hamas to finally form a unity government; the agreement has yet to be consummated. The election of Donald Trump, with contradictory ambitions announced for the conflict, makes for a new game, but Russia is nonetheless positioning itself for a demarche of its own if/when Western efforts fail again.

In *Afghanistan*, where Moscow has a wound to lick after its defeat 30 years ago, Russia is working with both the Taleban and the Ghani government in an effort to fight the local franchise of the IS, as in Syria. Representatives of China and Pakistan met in Moscow in mid January to discuss the ISIS threat in Afghanistan, and Russia has opposed political moves of the present Afghan government, while coordinating information and activities with the Taleban, seeking the possibility of mediation cooperation between government and Taleban as opposed to the hard line of the US and the government. While giving aid and support to the Ghani government, Moscow has also been developing contacts—and allegedly financial and military materiel support—for the Taleban, in an effort again to step in as the mediator between the two forces, ostensibly uniting them against the Islamic State inroads.

The conflict over *Nagorno-Karabakh*, the Armenian-inhabited Azerbaijani province that has declared its independence with Armenian support, offers the most delicate situation for Russian mediation. Russia sells arms to both states, but is an active co-chair (with the US and France) of the OSCE Minsk Group created to mediate the conflict. Moscow's interest therefore is to avoid both war and the risks associated with mediation that often falls prey to its own contradictions. It mediated the ceasefire in 1994 ending a two-year war and restored

it with verbal agreement in mid-2016 after a bout of armed hostilities when border incidents and internal propaganda led to an outburst of violence. Given that there are two salient options backed by strong international principles—national self-determination vs territorial integrity—the search for a solution is logically as well as politically difficult. Yet it would be a big political plum to get the two sides to pull out of the hat the third salient option of guaranteed N-K autonomy in exchange for Armenian withdrawal from the "occupied territories" surrounding the province.

RUSSIA'S CALCULUS

In the Cold War, the Soviets viewed "conflict management" as "US efforts to keep a conflict alive but non-violent so as to be able to benefit from its instability" and preferred the term "conflict reduction." (Zartman & Kremenyuk 1994). Russia may be taking on the definition as its own in the current situation, and is moving into good positions to win support through mediation efforts, working between conflicting parties rather than just supporting one of them. Such conflict management attention does not counter Russia's military policies in the same regions, and the latter even strengthen its attempts at appearing as a balanced mediator, replacing stalled UN and Western efforts, with all the risks involved. But they do indicate a new, dual strategy to increase its local presence and its world power claims with efforts to reduce as well as support conflict.

Reference:
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ARSONIST OR FIREMAN?
CONTINUING THE
CONVERSATION

Mikhail Troitskiy

William Zartman argues that in its mediation efforts, Moscow may now be playing from the Cold War playbook that prescribes nourishing conflicts short of all-out wars in order to inflict a controlled level of pain on regional and/or global rival powers. Attractive as any conspiracy theory, such description hardly fits Russia's mediation behavior in the Middle East and post-Soviet Eurasia—primarily because Moscow's leverage is insufficient to be able to adjust the "heat" as necessary.

It is unclear what benefits Moscow can currently derive from sowing "instability" for its own sake in those regions. Given the reluctance by the United States and other major powers to forcefully intervene and impose a lasting solution, Russia may be left to sort out the chaos alone or together with medium-size ambitious and unpredictable powers, such as Turkey, Iran, or Saudi Arabia. Moscow's relations with each of them are ridden with contradictions and are fragile, so long-term coordination remains out of the question. At the same time, safe operation of the Russian naval and air bases in Syria (and, some would suspect, deploying one in Libya) requires firm control by an internationally recognized government over a sufficiently large chunk of land surrounding the bases. In the absence of such strategic depth, a very high—if at all achievable—and costly readiness to withdraw would be necessary to maintain.

The same applies to the lucrative deals Moscow is looking to secure for itself in Libya. Stable peace is necessary for the UN arms embargo to be lifted and the Russian oil contracts to be honored in that country. Continuation of the war of all against all in Libya does not help Moscow to achieve any of those goals. In a similar vein, throwing full Russian weight behind the Palestinian cause does nothing to help Moscow maintain close relations with Israel whose general endorsement of Moscow's new activism in the Middle East gives Russia just enough freedom hands.

Indeed, this activism and Russia's mediating strategies need not—and most likely will not—be aligned with those of the United States and its European allies. But this is due not so much to a "strategy of sowing instability," but rather to Moscow's belief in resource geopolitics and Russia's unrelenting quest for status in the international arena.

The Kremlin cherishes direct control over oil- and natural-gas fields and transportation routes, deposits of other minerals and fresh water reservoirs. Russia views much of the contemporary world politics as being driven by the ruthless struggle for such resources and is determined to secure physical access to and direct control over them wherever possible.

Also, according to the view of current international politics influential in Moscow, the United States' foreign policy as well as its alliances are in disarray, so Russia cannot afford to miss this opportunity of asserting itself as a powerful player on the world stage, unfazed by the threats of terrorism and determined to put out the fire of violent conflict in the places where US policy failures have allegedly created the problem in the first place. This can arguably elevate Russia's status and enhance its bargaining position with the West and other actors on a broad variety of international issues where Moscow has a stake.

Russia's Admiral Kuznetsov aircraft carrier on its way to the Mediterranean Sea, Andrei Luzik/Russian Navy Northern Fleet Press Office/TASS

Russian-China summit meeting - flickr.com

BY FEN OSLER HAMPSON AND MIKHAIL TROITSKIY
TUG OF WAR: NEGOTIATING SECURITY IN EURASIA, A CONCEPTUAL FRAMEWORK

Our article attempts to offer conceptual insights into the modes and utility of negotiation in resolving conflicts in Eurasia, a region that has its own unique political, cultural and economic characteristics and an evolving security dynamic in interstate relations following the dissolution of the Soviet Union. For the purposes of our study, we understand Eurasia to be 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 conceptually broader than meaning negotiations aimed at resolving a "hot" conflict where violence is widespread and there is a major loss of life. We also need to examine interstate negotiations in less antagonistic settings where longer-term issues of political and economic engagement as opposed to negotiating ceasefires or redrawing state boundaries are discussed.

There is yet another class of negotiations that can be characterized as preventive diplomacy or conflict management. It is where a conflict that is not "hot" nonetheless features simmering controversies over borders (none of the Central Asian countries have fully demarcated their borders), arms races, territorial expansion or even trade disputes that reverberate throughout the region.

WHY EURASIA?

The geographic area within our focus lies at the intersection of global and regional conflicts and within a contested geographical and political space where great (and small) powers are jockeying for influence and control as are regional and global powers (Thompson 2014). Regional controversies in Eurasia often affect relations among other great powers on a global scale. The region is also rich in natural resources (e.g. oil, gas, uranium reserves, coal, gold, and copper) which fosters regional competition.

This competition and strategic rivalries have also been accompanied by cooperation based on a degree of mutual self-interest. For example, Moscow was willing to honor Beijing's demands regarding the Sino-Russian border in Northeast Asia 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.

The region and the outside stakeholder powers are also extremely diverse providing ample empirical data to test hypotheses about "cultures of negotiation" (Berton et. al. 1999; Brett 1998; Cohen 1997; Fisher and Shapiro 2005; Lee, et. al. 2012). Negotiating parties include such "culturally divergent" players as China and Russia, the United States (U.S.) and Afghanistan, the European Union and Armenia, and the Ukrainian government and pro-Russian separatist rebels. This region also lends itself to comparisons of different types of negotiating actors – from Tajik tribal leaders and political elites negotiating over contested territories as Nagorno-Karabakh and Transnistria to negotiations between Russia and the European Union.

ASYMMETRICAL BARGAINING IN THE EURASIAN REGIONAL CONTEXT

Most international negotiations rarely take place on a "level" playing field, at least as measured by the power and resources available to the parties. Asymmetry is a fact of life though weaker parties potentially have multiple sources of leverage to tip the negotiating scales in their favor when negotiating with their more powerful neighbors or with great powers.

Bargaining asymmetries typically can take various forms (Hampson 1995; Zartman 1987). They may, for example, involve inequalities in the context of bargaining relationship itself where the parties are unevenly matched in terms of their power, wealth, prestige and military capabilities (e.g. the classic so-called "David versus Goliath" problem or "Athens versus Melos" dilemma in Thucydides' account of the Peloponnesian wars) (Waelchli and Shah 1994). They may also involve inequalities in the needs of the bargainer (e.g. "I want this agreement more than you do" and therefore I am prepared to work harder to get it and/or more committed to getting a settlement on terms that are favorable to me); although, this asymmetry, unlike a structural power imbalance, can cut both ways (Bacharach and Lawler 1986). The powerful are sometimes just as deeply committed to an issue or a matter of negotiating principle as their weaker negotiating partners.

Negotiations in Eurasia are "nested" - that is, embedded in a regional security complex (Buzan and Waever 2003). However, this regional security complex is a changing one as we discuss below—of asymmetrical power relationships (in the structural sense) complicated by longstanding cultural ties and historically shaped norms of cooperation and engagement. In the normal course of events, small powers can tip the power scales as noted above to advance their interests. Some of this is harder to do in the Eurasian context because of longstanding rivalries and animosities between smaller powers, as in the case of so-called "-Stans" countries, which make it difficult to form countervailing coalitions to reduce economic and cultural dependencies on the powerful neighbors (Russia and China). The fact is that many of

these are new states that have their own inherent vulnerabilities in terms of the political legitimacy of ruling elites and institutions and recurring domestic security challenges.

At the same time, the picture is becoming both more—and less— complicated with the corresponding changes that are taking place in regional and global power balances and evolving economic interdependencies among the states in the region. Russia's position as a regional hegemon in post-Soviet Eurasia (and more broadly Eurasia as we see it) is being challenged which affects Russia's relations with its smaller neighbors. There are other powerful external players, such as China, the EU, and the U.S., which pursue their own interests in the region. Moscow now finds that it cannot ensure Russia's dominant role in the resolution of long-standing conflicts or be a regional locomotive of economic growth. In fact, Russia's "counter-sanction" policies vis-à-vis the West adopted in August 2014 have proved divisive for the Russian-led Eurasian Economic Union.

Even those countries that are firmly allied with Russia enjoy a freedom of maneuver that gives them some negotiating latitude vis-à-vis Moscow. No longer the "last dictatorship in Europe," Belarus is courting the EU. Armenia cherishes its diaspora in the U.S. which can at times be more helpful to it than Russia. Russia's negotiating hand with Belarus, Armenia, Kazakhstan, Kyrgyzstan, Tajikistan, and possibly Uzbekistan is still quite strong, but the incentive to cooperate to address so-called "common aversions" like Islamic extremism is more rhetorical than real. While Central Asian countries cautiously cooperate with Russia, they are simultaneously suspicious of Moscow's potentially hegemonic intentions.

The Caspian Sea has proved to be an area of converging economic interest among Russia, Kazakhstan, and Azerbaijan. However, the story is a complicated one because it is not only about the extraction of oil and gas, but also about transporting energy to markets for which the opportunities are constantly changing. Iran's general skepticism about Russia as a long-term security partner, notwithstanding Russia's and Iran's shared interests in Syria, is due in part to the lack of agreement between the two sides on the status and delimitation of boundaries in the Caspian Sea. Far from being a cooperative playground in Eurasia, the Caspian Sea is generating plenty of controversy too.

EURASIA'S INTRACTABLE CONFLICTS

Eurasia also has its fair share of so-called intractable conflicts. Scholars and practitioners have grappled with the definition of intractability (Crocker, Hampson, Aall, 2005; Crocker, Hampson, Aall, 2003). The concept typically refers to conflicts that persist over time and refuse to yield to efforts—either by the direct parties, or, more often, with third party assistance—to arrive at a political settlement. The resistance to a settlement generally derives from multiple causes which manifest themselves in several behavioral attributes that make negotiations difficult to launch and difficult—if not impossible—to conclude. This is because political elites believe their political objectives are fundamentally irreconcilable and they have more interest in waging war or a campaign of military violence than exploring alternative political states of being.

The Moldova/Transnistrian conflict is one example of an intractable conflict in Eurasia. The longstanding dispute between Azerbaijan and Armenia

Nagorno Karabach, Photo RNW.org – Flickr.com

over Nagorno-Karabakh is another. The evolving and ongoing conflict in eastern Ukraine, which contains two, new unrecognised political entities, the DNR (Donetsk People's Republic) and the LNR (Lugansk People's Republic), may also prove to be intractable given the political dynamics and pressures that are currently at play.

In the Eurasian context, including the cases mentioned above, intractability is complicated by competing understandings between Russia and the West about what constitutes accepted spheres of influence, national identity, political authority, and legitimate memberships or affiliations between small states and regional and/or international institutions. So-called internal conflicts within states have fallen prey to a broader regional dynamic in which the conflict itself and the local parties to the conflict are pawns in a bigger struggle between the more powerful actors in the region which are trying to promote their own norms, rules, and conceptions of "legitimate" governance.

NEGOTIATION AND DIPLOMACY

We assume that negotiation is a more optimal and comparatively risk-free way of resolving disputes compared to fighting or other forms of direct confrontation. Negotiations

are especially important during different types of transition. We have witnessed plenty of such transitions (e.g. territorial, political and power-related transitions, surges in ethnic conflicts, etc.) in post-Soviet Eurasia over the last 25 years. Negotiation gives the parties a chance to find mutually satisfying solutions, although sometimes they fail to produce tangible results.

Whereas so-called structural theories of negotiation focus on a combination of intrinsic and extrinsic barriers to negotiation (e.g. communication barriers, imbalance of resources, capabilities, situational pressures, etc.), constructivist approaches draw our attention to the logic of appropriateness (e.g. the agreed upon norms, rules, and institutions that shape negotiating behaviors and interactions between parties) (March and Olsen 1998). In the Eurasian political space, such norms, rules, and institutional orders are by-and-large contested spaces. They are like the rope in a proverbial tug of war in which different actors are trying to not only assert their different interests, but also their own competing normative claims about the nature of sovereignty and political legitimacy.

In the Eurasian political space, status and security ownership issues are fueling security dilemmas among regional and external actors. On one

hand, competing security orders have emerged around Russia, and between NATO and the European Union on the other hand. Each of these actors have sought to promote their own negotiation agendas and underlying principles, which has damaged the fabric of cooperative security that was built around institutions like the Organization for Security and Cooperation in Europe (OSCE).

Normative repolarization (e.g. differences in approaches to democracy, human rights, sovereignty, and territoriality) are also contributing to political uncertainty and negotiation challenges. Arguably, cross-cultural negotiation challenges are more pronounced in the East-West context, but they are also evident in the East-East context—within post-Soviet Eurasia and between Russia and China. While Moscow has generally sought to maintain the status quo, arguing that any attempts at accelerating resolution processes for the "frozen" conflicts may backfire, the EU and NATO have pursued the possibility of progress through externally-supported change.

CONCLUSION

Security negotiations in Eurasia are unique because of the presence of all types of actors—from contested states to competitors for the status of the regional hegemon to an

offshore superpower which has its own interests at play in local conflicts. These actors interact on both bilateral and multilateral fronts. Negotiated conflicts range from those that have been partially resolved to "frozen" intractable conflicts to those that are still in the "hot" phase, with armed hostilities taking lives daily. Eurasia also leads among the global regions in terms of the uncertainty associated with the outcome of security negotiations. Multiple obstacles to the successful completion of negotiations are present in Eurasia—from the lack of "ripeness" for resolution to asymmetrical expectations of the parties to wide-ranging cultural differences and intricate procedural controversies that mask other political differences (Faure 2012). Sometimes these obstacles are surmounted: witness the relative success of the Sino-Russian security discussions that have led Russian officials to trust Beijing's statements about its benign intentions—a concession that Moscow has demonstrably denied to NATO since the early 1990's.

If the world is only now entering a period of flux with power transitions looming on the horizon (or underway depending upon your point of view), Eurasia has been in such a state for at least the last two decades. It has seen several internal ethno-political and inter-state conflicts, including a number of shooting wars. In Eurasia's post-Soviet geopolitical space, a contest for leadership is going on among regional and global powers, which is contributing to rising tensions. Competing approaches to national and transnational security interests often cause these tensions. The promise of democratic transition in different countries has been repeatedly tested; although, negotiations on peaceful domestic power transitions have been attempted on a number of occasions.

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BY VALERIE ROSOUX
NEGOTIATING HISTORY IN EURASIA

Blue Mosque in Istanbul, Turkey - By Moonik - Own work, CC BY-SA 3.0

This article focuses on the interactions between geopolitics and history in Eurasia. The analysis is based on three historical cases that are particularly emblematic of the burden of the past. In the first case (Russia-Poland), former enemies decided to launch an official initiative to explicitly address painful questions of the past. In the second case (Armenia-Turkey), parties considered their posture towards the past as non-negotiable. Finally, the third case (Russia-Ukraine) illustrates the challenge of dealing with divided historical memory.

The aim of this article is not to analyze these three cases from a historical perspective, but to observe these cases from various strategies towards the past (accentuation versus concealment), and to determine their consequences for security issues. A systematic emphasis on the conflictual past jeopardizes peace processes and can lead to an escalation of violence, the goal pursued by each party being to impose its own single interpretation of the truth. Rather than underlining their interpretations, foreign policy actors may attempt to hide certain aspects of the past or at least pass over them in silence. When official representatives resort to this mechanism, their objective is not, as it is in the accentuation process, to impose a single interpretation of the past. Rather, it is to avoid any interpretation at all. Again, the representation of the other party is not taken into account. Beyond

this mere alternative between accentuation and downplaying of the past, is there a way to accept the past as a whole with the complexity and the contradictions that often characterize it? If so, can this function as a long-term confidence-building measure?

The analysis of these case studies refers to negotiation in the broad sense of the term. It considers not only the explicit negotiations that take place at the official level, but also tacit bargaining (Schelling, 1960; Downs and Rocke, 1990) by mixed commissions of historians. This study is guided by the following set of questions: Who refers to the past? When does it refer to the past? Besides official leaders on

each side, what is the potential role of historians and memory entrepreneurs? Who are the spoilers who resist any modification of the meaning given to the past?

RUSSIA/POLAND: INSTITUTIONAL (DIS) CONTINUITY

The notion of institutional continuity is at the core of the memory issues that still divide Russian and Polish leaders. Should Russia, as a successor to the USSR, assume responsibility for the crimes committed against the Poles during the Soviet period? In Russia, the fear of compensation claims from relatives of the victims regularly disappoints the expectations of many in Poland. For Poles, the mass execution of more than 4,000 Polish officers in the Katyn forest in 1940 became the symbol of the many victims of Stalinism. The fact that Soviet leaders insisted for decades that the Polish officers found at Katyn had been killed by the Germans in 1941 - an explanation accepted by successive Polish communist governments until the late 1980s – left a deep scar in Polish-Russian relations. In 1992, the Russian government released documents proving that the People's Commissariat for Internal Affairs (NKVD in Russian) and the Soviet Politburo had been responsible for the massacre and cover-up, revealing that there may have been more than 21,000 victims (Etkind et al, 2012). In 2000, a Russian-Polish memorial gravesite – the Katyn memorial complex – was officially opened. The problem of acknowledgement and responsibility for the Katyn Massacre crystallizes the tensions and dilemmas faced by the actors.

Nine years later, Vladimir Putin participated in the ceremonies commemorating the 70th anniversary of the onset of World War Two in Gdansk. Rather than commenting further on the Katyn massacre during his speech, Putin equated this episode with the fate of Soviet soldiers who were captured by the Polish troops in 1919-1920. In Poland, many considered this to be a tit-for-tat argument, basically identifying victims on one's own side to allegedly counterbalance the weight of an embarrassing past. The same approach was taken in 1990 by Mikhail Gorbachev. When the former general secretary of the Communist Party of the Soviet Union admitted official responsibility for the murder of thousands of Polish officers in a forest near Smolensk, he also initiated a campaign to look into the deaths of thousands of Red Army soldiers taken captive on Polish soil during the Soviet–Polish war of 1919–1920.

PROCESS

Beside the highs and lows of the official relations between Poland and Russia, it is worth paying attention to the establishment of the "Polish-Russian Working Group for Difficult Matters". This group was formally established in February 2002 during Prime Minister Vladimir Putin's official visit to Poland. It was only in 2008, after a visit to Moscow by Prime Minister Donald Tusk, that the Group resumed activities, chaired by Professors Adam Daniel Rotfeld, a former Polish foreign minister, and Anatoli V. Torkunov, the rector of the Moscow State Institute of International Relations, MGIMO-University. This semi-official group of scholars (e.g. historians, political scientists, lawyers, etc.) and politicians published a joint volume entitled *White Spots-Black Spots: Difficult Matters in Polish-Russian Relations 1918–2008*, published both in Warsaw and Moscow (in Polish and Russian, respectively). This book assessed the most difficult problems in bilateral relations over ninety years, from 1918 to 2008, taking a "mirror" approach incorporating both the Polish and Russian perspectives.

The explicit willingness "to clear" the relations between the two states "of the lies and deceit that have accumulated over the years" was based on the conviction that historical facts were indisputable; yet, their interpretation varied (Rotfeld and Torkunov, 2015: 1). This common work on memory may be analyzed as a particular form of negotiation. As in a negotiation process, the interpretation tended to "reconfigure" reality. It aimed at producing a mutually acceptable reappropriation of the past.

The traditional steps in any negotiation can be identified as the preliminary phase, information phase, argumentation phase, adjustment phase, or the formation of an agreement (Dupont, 1994). The preliminary contacts took place on "neutral" ground in Brussels in February 2008 (Rotfeld and Torkunov, 2015: 2). Both teams exchanged proposals about the composition of the group, its procedures, and the range of issues requiring discussion. During the information and argumentation phases, each party described and justified the interpretations it retained of the past.

In the adjustment/reconstruction phase, the parties admitted that "different nations have different assessments of the same events" (Rotfeld and Torkunov, 2015: 1), and tried "to find tactical ways of reaching compromise" (*ibid.*, 8). During this phase, parties were not only challenged by the existence of differences and, even, contradictions,

with regard to the facts, but by the intensity of emotions. The two chairs of the group mentioned a "feeling of nervousness and irritability" and an "apprehensiveness" due to public expectations and reports in the press (*ibid.*, 8). These emotions formed a backdrop, which showed that the conflicts did not only belong to the past. The conclusion of the agreement did not mean that the parties managed to develop one common representation of the past. The aim of the contributors to the book was to go beyond incompatible narratives in order to present diverging – but not contradictory – interpretations of their common past. Two separate texts were therefore prepared on each topic by Polish and Russian authors. This process shows that the search for a common language about the past does not fully do away with plurality. It actually means that some disagreement may be accepted. We could speak of "reasonable disagreement", which appears to be accepted by the parties. In that sense, the work of memory remains a process concerning *memories* in the plural.

CONSEQUENCES

To what extent can we consider that the process was successful? In the view of some observers, the book could have opened the minds of many people on both sides, if only they were "prepared to read it and pause for thought" (Marian Wojciechowski quoted by Andrzej De Lazari, 2011: 73). From this perspective, the group could have played the role of a catalyst in Polish-Russian bilateral relations. However, a second condition seems to be vital to understanding the actual impact of this initiative: the Polish-Russian political situation. In this regard, one key moment could have provoked a turning point in

the relationship between the two States. On April 7, 2010, Vladimir Putin visited the Katyn memorial site with the Polish Prime Minister Donald Tusk to commemorate the seventieth anniversary of the massacre. The statements of the prime ministers at the graves of the victims were extensively reported in the media. This time, Putin expressed deep sympathy with the victims of the atrocities committed under the Soviet Union and placed responsibility on Stalin and other Soviet leaders. This position was in line with the approach of Adam D. Rotfeld: "[I]t was not a crime of the Russians, but of a criminal regime, whose victims, alongside Poles, included Russians, Ukrainians, Belarusians, Jews and many other nationalities in the USSR." In his opinion, Katyn could be perceived as a "place of mutual pain" and therefore become a reconciliatory site (*Przekrój*, 30 March 2010).

Three days later, a plane carrying Polish President Lech Kaczynski to another commemoration ceremony crashed near Smolensk and the Katyn site. These events of April 7th – 10th triggered a wave of empathy in Russia. One month later, President Medvedev agreed to declassify the Katyn files and rehabilitate the victims of this crime. As for the general public, Andrzej Wajda's film Katyn, shown on the main channel of Russian public television, made the Russian audience aware of the circumstances of this crime. However, these events did not seem to have a strong impact on the ambivalence of the Russian authorities towards the Stalinist past, the frequent mixed official messages and the frequent political uses of history (Adler, 2012). In terms of public opinion, a 2010 survey found that only 43 percent of those polled knew anything about Katyn, 19 percent considered the

Soviets responsible, and 28 percent maintained that the Nazis committed the crime; 53 percent were not sure who was responsible (Levada Tsentr, quoted by Adler, 2012: 331).

ARMENIA/TURKEY: THE GEOPOLITICS OF DENIAL

HISTORICAL CONTEXT

Turkey closed its border with Armenia after the outbreak of war between Armenia and Azerbaijan, a Turkish ally. However, there was a deeper division - far beyond territorial disputes. As in the previous case study, it concerned the way to address the past. This conflict was rooted in the dying days of the Ottoman Empire. The most explosive issue that still prevents any Turkish-Armenian rapprochement concerned the deportation and mass killing of Armenian subjects of the Ottoman Empire by the Young Turk government during World War I (WWI). There is broad consensus among historians that the campaign was a deliberate attempt to destroy the Armenian people and was thus a genocide. As a successor state to the Ottoman Empire, Turkey has recognized that atrocities took place but has consistently refused to acknowledge the existence of a genocidal policy toward the Armenians.

For the Armenian diaspora, most of whom are grandchildren of surviving Anatolian Armenians, this attitude denies their identity. They do not want to forget those who were turned out of their homes and sent on death marches through the Mesopotamian desert without food or water or those who were drowned in rivers, crucified, or burned alive. By most historical accounts, more than one million Armenians were killed. Since the 1960s, the Armenian diaspora has lobbied for

international acknowledgement of the massacres that took place in the years after 1915. According to some experts, the debate over the use of the word *genocide* to describe the fate of the Armenians of Eastern Anatolia, whom were deported and massacred, has turned into "an ugly bargaining process" (De Waal, 2010: 1).
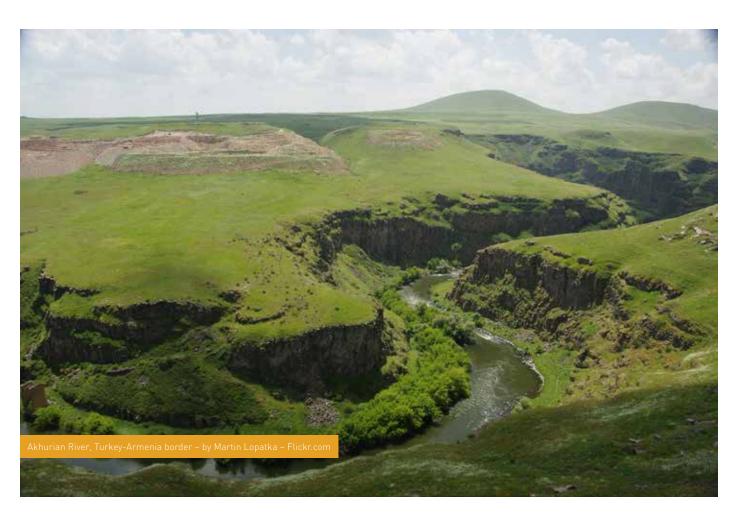
On the one hand, government officials in Turkey did offer condolences to the Armenian victims, but they dispute the number killed and the circumstances, emphasizing that hundreds of thousands of Ottoman Muslims died during the same period. On the other hand, most Armenians are offended by any moral equivalency and remain committed to having the WWI killings recognized as genocide. The whole debate is highly emotional. Both parties consider that it is a question of honour and dignity. Shame, guilt, sadness and resentment interfere and prevent any forward-looking negotiation process (Zartman & Kremenyuk, 2005).

PROCESS

In 2001, a Turkish-Armenian Reconciliation Commission was established to foster cooperation and lead to direct talks between the governments of the two countries. The Turkish and Armenian governments were not directly involved but tacitly approved the initiative supported by the U.S. State Department. To note, there was not a historian among the ten members. The participants included former officials and academics from both parties, including an Armenian member who was an adviser to President Vladimir Putin and an American facilitator. As its name indicates, the intent of the commission was "not to find out what the truth is, but to open new horizons" and "enhance mutual understanding" (Ozdem Sanbeck, former Turkish Ambassador to Britain, *New York Times*, July 10, 2001).

The commission asked the International Center for Transitional Justice (ICTJ) to facilitate an independent legal analysis regarding the appropriateness of the term genocide. The ICTJ experts concluded that the "events" constituted genocide as defined in the Convention because they were perpetrated with the intent of permanently resolving the "Armenian Question". After this stage, the Commission did not succeed in bridging the divide. In the absence of trust, the reconciliatory role of the Commission was probably too ambitious. Moreover, the emphasis on the genocide as a focal point made it impossible to promote

Akhurian River, Turkey-Armenia border – by Martin Lopatka – Flickr.com

rapprochement between the parties.

In 2007, Swiss diplomats facilitated talks between Turkish and Armenian officials. The negotiations resulted in two protocols on normalizing their relationship (Zurich, 10 Oct. 2009). The protocols were designed to allow the opening of borders and to establish formal diplomatic relations between the two countries. However, the protocols faced intense criticism in both countries. The Turkish Parliament refused to sign the protocols as a result of domestic and Azerbaijani demands (since the Protocols did not refer to the Nagorno-Karabakh issue), while some Armenians accused their government of selling out.

CONSEQUENCES

Since 2007, there has not been a turning point, nor a real negotiation process. Some experts have suggested that the centenary of the Armenian genocide was an opportunity for the Turkish authorities to modify their denial policy by deploying diplomatic measures of apology (Laycock, 2015; Marian, 2015). Nonetheless, the weight of the past remains obviously too heavy to imagine a rapid change in that matter.

Several initiatives were taken by Turkish civil society to promote a critical representation of the national past. Fethiye Çetin's memoir, *My Grandmother* (2004), confronted Turks with the fact that hundreds of thousands of Turkish citizens had Armenian grandparents who assimilated after 1915. Authors and editors such as Orhan Pamuk (recipient of the Nobel Prize for Literature) and Hrant Dink (an ethnic Armenian and Turkish citizen) promoted an Armenian– Turkish dialogue. Dink's assassination in 2007 provoked a non-violent demonstration in the streets of

Istanbul under the banner "We are all Armenians".

However, the divide between the two societies remains wide. A survey study investigated Turkish students' perceptions of the massacres of Armenians at the beginning of the 20th century with regard to attributions of responsibility and perceived severity of harm. The results demonstrated a high correspondence between participants' individual views and the official Turkish narrative of the events (Bilali, 2013).

At this stage, two major elements make it difficult to foresee radical change in the relationships between both states in the near future. First, the conflict over Nagorno-Karabakh remains one of the most severe problems facing the South Caucasus (Hopmann and Zartman, 2010). Second, recent developments in national Turkish politics confirm the Justice and Development Party as a dominant political force. Political repression has worsened since the coup attempt in July. In these circumstances, willingness to control the opposition forces will likely imply an eagerness to consolidate control over the national memory.

RUSSIA/UKRAINE: THE DREADED AND HATED OTHER

HISTORICAL CONTEXT

The third case is clearly vital in terms of regional security. To Johan Morrisson, "[j]ust as the Franco-German partnership proved crucial to the development of postwar Western Europe, the Russian-Ukrainian relationship is likely to influence the political, military and economic outlook for much of Central and Eastern Europe"

(1993: 677). Since the independence of Ukraine in 1991, the two countries have been in conflict over several issues - from the future of the Black Sea fleet to the control of ownership of nuclear weapons. The annexation of Crimea by the Russian Federation and the seemingly intractable conflict in East Ukraine reinforce the long shadow of history, starting with the Pereyslav agreement in 1654 and above all, the famine that followed Stalin's drive to collectivization. The memories of the horrific winter and early spring of 1932-33 that took more than 2 million lives in Ukraine (Kupfer & de Waal, 2014) remained unrecognized throughout the Soviet period. In the aftermath of independence, the use of what came to be called *Holodomor*, or "extermination by hunger", as a defining cornerstone of Ukrainian national identity exacerbated serious fractures between Russia and Ukraine and within Ukraine itself.

In Russia, Kremlin officials do not deny that the *Holodomor* was a tragedy. However, they consider that it was not intentional, and that other regions in the Soviet Union suffered at that time. Within Ukraine, parties have increasingly highlighted those experiences that divide them without paying attention to common experiences.

PROCESS

Contrary to the first case, where some Polish and Russian historians attempted to move beyond nationalist representations of the past, the some historians' roles have intensified the demonization of the "other". In glorifying their national heroes and victims and erasing the dark sides of the story (e.g. the role of some Ukrainian nationalist groups in the Holocaust and the mass ethnic cleansing of Poles during WW2), these historians

Battalion "Donbas" in Donetsk region, Ukraine, Ліонкінг - Own work, CC BY-SA 4.0

have exacerbated conflict rather than resolving legacy issues. Thus, it does not come as a surprise that "[a]lthough events of 75 years ago may seem like settled history, they are very much a part of the information war raging between Russia and Ukraine" (Cohen, 2016).

In 2006, a resolution passed by the Ukrainian parliament referred to the Holodomor as an "act of genocide against the Ukrainian people". This legislative change was not supported by the then prime minister Viktor Yanukovych and over 200 parliamentarians coming from the Russian-speaking southeast. Four years later, when he became president, Yanukovych did not refer to the famine as a genocide, but as an "Armageddon" or a "tragedy", "a common tragedy of the states that made up the united Soviet Union" (quoted by Kupfer and de Waal, 2014). This

debate rapidly polarized the positions between the country's west and its more Russified east.

Contradictory narratives progressively reinforced the social fragmentation of the country. In focusing on either a Russian past, or a national past, these narratives became mutually exclusive. Some voices systematically highlighted the national liberation from the "Soviet occupation", while others commemorated above all the liberation from the Nazi occupying forces thanks to the "Great Patriotic War". Black and white "mirror" pictures of the victim and perpetrator were constructed. During the Orange Revolution in 2004, these two narratives crystallized the conflict between supporters of Yushchenko and of Yanukovych. The political maneuvering of figures such as Stepan Bandera - depicted as either heroes of the national liberation, or

Nazi collaborators – demonstrated that there was little room for alternatives to these two extremes. Since then, binary opposites reflect a seemingly irreconcilable divide that remains emblematic of "the bloodlands" described by the historian Timothy Snyder (2010). At this stage, all official actors resort to two mechanisms in the construction of the strategic narrative meant to create and develop their specific identity. They accentuate the conflictual past by emphasizing past persecution of their group and conceal embarrassing episodes in their own past. Both mechanisms have common and fundamental characteristic aspects. They are unilateral in nature. They do not imply any sort of recognition for the perspective of the members of the other group, nor any awareness of the existence of that other interpretation. They are incompatible with the idea of a new

identity resulting from negotiations with the other party.

CONSEQUENCES

An emphasis on past conflicts leads to an escalation of violence. Furthermore, such a process may not be associated with any form of negotiation. The perspective that one party has of past events is not taken into consideration by the other. The goal pursued by each party is to impose a single interpretation of the past - its own.

The war against the Donbas separatists has probably consolidated Ukraine's political nationhood. However, major questions remain regarding the inclusivity of this national process. How can we reconcile this over-emphasized strategic narrative with the individual memories of the Donbas separatists? In Ukraine, the gradual fragmentation of identity indicates the limitations of any attempt to impose one unique narrative on people with different experiences and, therefore, different expectations (Ostriitchouck, 2016). At this stage, Ukrainian nationalists perceive Russia as Ukraine's true "Other" – even though Russians do not seem to perceive Ukrainians as foreigners, but rather as "a branch of the greater Russian tree" (Molchanov, 2015: 209). Perceptions of Russia's "betrayal" of Ukraine at the birth of Ukrainian national sovereignty have led to the development of a "permanent inferiority complex and a lack of confidence in negotiating with Moscow" on the part of the Ukrainian political elite, who cannot stop fearing "that any deal with Russia is a potential trap" (Morrison, 1993: 679-680).

This case study shows that until losses have been mourned, groups are unable to alter their positions and to develop the kind of empathy that many see as necessary to the settling of bitter conflicts. In these circumstances, negotiating security and moving forward means that the past has to be put aside – at least in the short run.

CONCLUSION

The initial question of this study was the following: should we address painful questions of the past in order to favor regional security? If so, when is the situation ripe to do so (Zartman, 2001)? The case studies show that quite aside from structural factors and diverging norms regarding democracy, sovereignty or territoriality, differences in approaches to history and in particular to troubled past events constitute critical obstacles to negotiating security. These differences go beyond the normal challenges of cross-cultural negotiation. They reflect incompatible identities and indicate persistent types of nationalism, which take effect at various levels.

All the case studies illustrate not only the clash between strategic narratives, but also the tensions between public and private practices, official and underground memories. They help us to understand why negotiations actually happened between Polish and Russian representatives – even though they failed to produce political tangible results - and why the chance for such negotiations was missed in the two other cases. In terms of practical and theoretical lessons, they point to at least three main variables that should be borne in mind regarding the links between security and memory issues.

First, leadership is critical to fostering a better understanding of the others' interests, perceptions and expectations. In the Polish-Russian case, the influence of Donald Tusk was decisive in launching the negotiations to provide a common platform to clear some areas of historical mines. The shift from an adversarial duel to a dynamic partnership relied on two pairings: political leaders determined to find mutually satisfying "solutions" and historians determined to explore the pre-conditions for cohabitation of diverging experiences. The Turkish-Armenian and Russian-Ukrainian cases are characterized by an absence of leaders committed to moving from confrontation to some degree of cooperation in resolving historical issues.

The second factor is connected with the robustness of *institutions*, at both the societal and governmental levels. Former adversaries will only try to commit themselves to such demanding common work on memory if it serves both their own and the national interest. The best way to ensure this is to establish joint projects. To create domestic support and to gradually change perceptions of the past, and therefore of the enemy, leaders need to establish robust and credible institutions where all parties have to work together. In this regard, the Franco-German example is inspiring. It remains an open-ended process, but the establishment of the Franco-German Youth Office, to give just one example, was a decisive step towards developing a more complex approach to otherness.

Third, case studies indicate how essential *timing* is when the objective is to change an adversarial relationship. The emotional resonance of official apologies concerning past human rights violations is such that it would be naïve to think in terms of normative process. Research carried out so far

shows that an adjustment regarding diverging interpretations of the past may function as a long-term confidence-building measure. However, this change cannot occur at any time. The acknowledgement of embarrassing events does not appear to be dictated by the mere wish to dispense justice. It depends, rather, on pragmatic factors. It is probable that the situation of former adversaries will only be recognized if this appears useful and necessary in the eyes of all protagonists. National interest is a major constraint in that respect: a reciprocal change will occur in identities if and where protagonists are convinced that rapprochement is vital.

In these circumstances, how can leaders devise commemorations that are forward-looking rather than only focusing on the past? Blaming "absent parties" can be a rather effective tactic in that regard. In blaming Stalin and Soviet representatives, Vladimir Putin helped to encourage a common perspective on the conflictual past. The process was identical when French and German leaders emphasized the difference between the Germans and the Nazis. This distinction was, for instance, highlighted by former French Foreign Minister, Roland Dumas, whose father was a Resistance fighter, killed in 1944: "I do not confuse what was Nazism and what are the German people. That is to say that I hate fanaticism, fascism and violence, but I do respect peoples and I particularly respect the German people and its genius" (*Der Spiegel*, 2 June 1990). Equally, Charles de Gaulle drew attention to the personal heroism of Konrad Adenauer who represented "a new Germany" (June 27, 1962). This tactic is highly unlikely to be adopted in the Turkish-Armenian and Russian-Ukrainian cases, where most parties remain deeply attached to a series of particular founding

events and continue to attempt to impose their vision of past and present realities.

The socially constructed nature of national memory presents possibilities for change – even if change is neither easy nor systematic – and, therefore, opportunities for conflict transformation. As a result, the real question is probably not whether or not the past should be confronted – but rather when, how, and by whom such an exercise should take place. In terms of timing, periods of transition offer windows of opportunity to turn the page from a troubled past. In the aftermath of the Fall of the Berlin Wall, dealing with the past was particularly emphasized as a transitional justice mechanism. War periods, however, (as in the Donbas) are not good times to negotiate memories, and therefore construct (in)security.

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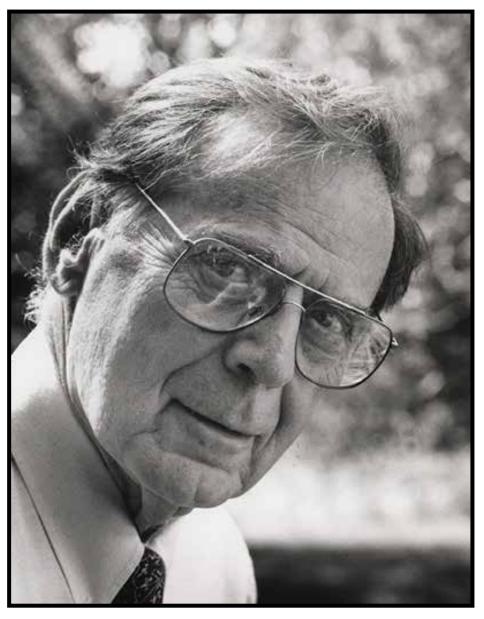
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BY GUY OLIVIER FAURE

IN MEMORIAM – MORTON DEUTSCH

fascinating life. After the Japanese attack on Pearl Harbor he joined the US Air Force as a psychologist. Then, as a navigator, he participated to thirty bombing missions over Nazi Germany. At the end of the war he studied at MIT under the mentoring of Kurt Lewin for his Ph.D.

The major institution where he found an intellectual home was Teachers College, at Columbia University. There he published two important works, *The Resolution of Conflict (1973) and Distributive Justice* (1985) and became known as an authority in the fields of conflict resolution, social justice, intergroup relations, and social psychology. In 1986, he founded the International Center for Cooperation and Conflict Resolution (ICCCR) at Columbia.

Mort Deutsch has conducted pioneering studies on cooperation and competition leading to ground breaking insights. The impact of his work was not only theoretical but also practical. He has, for instance, provided a framework for several US - Soviet negotiations, and for the peaceful transition from Communist rule in Poland in 1989.

Morton Deutsch passed away at 97 years old. A brilliant social psychologist but first of all, one of the founding fathers of the field of conflict resolution. Everyone working in this domain owes him something. Some of us at PIN had close relations with him such as Jeffrey Rubin, former PIN Steering Committee member, who was his PhD student. I personally met him for the first time in the early seventies. I was a young researcher and I had the privilege to attend his seminar and benefit from his intellectual radiance. Later on, I was associated to a book gathering essays inspired by his work (*Bunker and Rubin: Conflict, Cooperation and Justice. Jossey-Bass publishers, 1995*). Much more recently I was again associated to another of his remarkable initiatives, a summary of what is known on Conflict Resolution (Deutsch, M., Coleman, P. T., & Marcus, E. C. *The Handbook of Conflict Resolution: Theory and Practice ,3rd ed.*: Jossey-Bass,2014). Inexhaustible apostle of conflict resolution, Mort Deutsch had a

Mort Deutsch's work in the field has ranged from experimental studies - as in The Resolution of Conflict - to policy orientated works such as *Preventing World War III* – and ultimately to a compendium of the current state of knowledge in the domain with *The Handbook of Conflict Resolution; Theory and Practice. Mort has passed away but his achievements will stay as an essential milestone in the development of the field of conflict resolution. He will remain an inspirational force to all of us.*

BY CECILIA ALBIN

NEGOTIATING JUSTICE: FROM CONFLICT TO AGREEMENT 2017 PIN PROJECT ANNOUNCEMENT

PIN is undertaking a new book project during 2017, entitled "Negotiating Justice: From Conflict to Agreement". International negotiation is a central tool for tackling global issues, but faces repeated stalemates or slow progress in many areas. A major and much overlooked problem is conflicting notions of justice held by parties, with regards to both process and outcome issues. This is the third project done by PIN in that subject area.

The first dates back to 1992-1993 when PIN sponsored pilot studies in the new terrain. They laid out, conceptually and empirically, the multiple roles which justice can play in international negotiations (Albin, 1993, 1995). The second demonstrated some ten years later that success in ending conflict through negotiation depends on the type of justice pursued: The pursuit of forward-looking, inclusive notions of justice enhances the chances of a resolving outcome while those looking backward to the past and previous wrong-doings erode them (Zartman & Kremenyuk, 2005).

Numerous studies and projects done by individual PIN members in collaboration with others or alone have also contributed much knowledge and insights – for example, on how negotiation success may depend on parties adopting a shared notion of justice (Zartman, 1995; Zartman et al., 1996), and on reliance on procedural or distributive justice principles (e.g., Albin & Druckman, 2012, 2014a, 2014b). Normative studies of justice are crucial in the all important area of trade as well as climate change negotiations.

This third book project will address the central question of *how conflicting notions of justice are handled – and can be better handled – in international negotiation processes*. A classic notion is that parties negotiate a compromise by inching step-by-step from a single shared principle and interpretation of it (e.g., some form of equality, such as equal shares). However, this seldom holds up in real cases, especially not in multilateral ones. All too frequently, parties endorse opposing principles or interpretations of justice for a variety of reasons – for example, divergences in cultural norms, historical experience, resources, or responsibility for the problem under negotiation (Albin, 2001). A clear-cut illustration is climate change talks, which to a large extent concern conflicting notions of justice with regards to who should undertake greenhouse gas emission cuts and at whose costs. The divergent stances on justice here stem from differences in past, current and future projected emission levels, and in responsibility for the climate problem, in resources, and in gains to be had from emission abatement.

Among the core questions to be addressed by contributing authors are:

1. What are the sources of conflicting notions of justice, which parties bring to the international negotiating table?
2. How do conflicting notions of justice affect the negotiation dynamics? What are different ways in which parties handle conflicting notions of justice while negotiating, and attempting to reach an agreement?

Among the alternatives may be to: strike a balance between and combine different notions of justice in an agreement, agree to settle issues based on considerations other than justice (for example, by redefining the problem), and to negotiate agreement based on one party's single notion of justice (as may happen when parties are unequal in bargaining power).

3. Do some ways of handling conflicting justice notions lead to "better" (e.g., more integrative, more stable) outcomes than others?

Theory development will be combined with discussion of a variety of empirical cases of negotiation, bilateral and multilateral, from many different issue areas.

The working topics and themes to include, as now planned, are:
• Negotiating Justice: A Conceptual Framework
• Justice in Finding a Negotiating Formula
• Justice and Power in International Negotiations
• Negotiating a Just World Order
• Justice and Culture in Negotiation
• Justice, Islam and Negotiation
• Negotiating Intergenerational Justice
• Negotiating Environmental Justice
• Justice in Negotiating Sustainable Development.
• Explaining Justice Adherence in International Negotiations
• Negotiating Justice: Lessons for Theory and Practice and Training

A workshop for authors is scheduled for 22-23 September 2017.

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PIN AGNEDA

PIN ROADSHOW: 21 SEPTEMBER 2017
German Institute of Global and Area Studies (IGIGA)

BOOK WORKSHOP: JUSTICE AND NEGOTIATION 22-23 SEPTEMBER 2017
Uppsala University, Peace and Conflict Resolution Program

ROADSHOW: EARLY MARCH 2018
University of Economic, International Diplomatic Studies Program, Prague, Ministry of Foreign Affairs; Organization of Security and Cooperation in Europe

PANEL ROUNDTABLE, INTERNATIONAL STUDIES ASSOCIATION, 4-7 APRIL 2018
San Francisco, CA

BOOK WORKSHOP 2018: 23-24 APRIL
Armenia

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.

NEGOTIATING RECONCILIATION IN PEACEMAKING: QUANDRIES OF RELATIONSHIP BUILDING
EDS: VALERIE ROSOUX AND MARK ANSTEY

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