

New Approaches to International Negotiation and Mediation

Findings from
USIP-Sponsored Research

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Summary

Negotiation and mediation lie at the core of efforts to resolve conflict without the use of force. The centrality of these issues to conflict management suggests that basic research on negotiation and its facilitated counterpart, mediation, offers the best opportunities for translating advances in knowledge into better outcomes in today's many arenas of conflict. Moreover, although research funded by the United States Institute of Peace is related primarily to international conflict, it may hold lessons that are applicable to other arenas of bargaining.

Beyond advances in basic knowledge, rapid developments in technology and flows of information may offer opportunities to improve complex international negotiations. Scholars and experienced negotiators have long appreciated that inadequate or inaccurate information can lead to misunderstandings, and that incomplete knowledge can detract from optimal outcomes. New technologies can be an aid in bargaining, but they can generate new problems as well. Whether in tough, drawn-out negotiations on global arms reduction or shuttle diplomacy to bring parties in a bitter civil war to a stable settlement, basic knowledge about negotiation and mediation can help policymakers formulate strategies for improved conflict management.

The United States Institute of Peace, from its inception in 1984, has recognized the importance of achieving a more rigorous understanding of negotiation and mediation to improve the nation's capacity to resolve international conflicts. Although negotiation pervades human relations from the personal to the highest levels of international politics, and its study has interested philosophers, historians, and theologians since the beginning of human scholarship, advances continue to be made in understanding the basic factors that lead to successful negotiation—agreement without resort to force—or failure.

This Peaceworks report distills the findings and policy-relevant conclusions of some recent research sponsored by the Institute, primarily through its Grant Program, which has awarded some 64 grants, totaling more than \$2.2 million, in support of research on topics directly or indirectly related to negotiation and mediation research, education, and training. For example, in its 1995 annual Solicited Grant competition, the Institute supported several projects on mediation theory and practice.

This report excerpts key findings from some Institute-supported research. In response to a loosely structured questionnaire, selected project directors identified the key theoretical findings of their research projects, those most likely to be of use to policymakers, and new approaches to skills training and teaching.

Daniel Druckman and Victor Robinson catalog a wide range of research findings applicable to programs designed to enhance the skills of policy practitioners, pointing to several findings that go against the conventional wisdom. For example, they conclude that hastily reached agreements sometimes result in the “winner's curse”—what appeared to be a party's gain at the time of sealing a pact turns out to be to its detriment. They have also found that time pressure brought to bear too early—for example, before each

party has gathered sufficient information to ground it well—may have serious negative consequences. On the other hand, brought to bear at the right moment, deadlines may be useful to complete the process leading to a fundamentally sound agreement. Druckman and Robinson also describe a set of training exercises to bridge theory and policy that were used in training sessions for United Nations officials and advanced graduate students.

Steven Brams uses mathematics and formal logic to advance a theory that proposes to help settle disputes involving distribution of scarce resources. He elaborates on a theory of “adjusted winners” that asks disputants to engage in a point-allocation process that helps identify the resources they most value. Using the points, the adjusted winner process helps disputants divide resources in a sort of trade process, giving them a way to discover fairness and come up with a sustainable agreement. In application, Brams shows how parties to the disputes over the resource-rich Spratly Islands in the South China Sea could be helped by employing the adjusted winner procedure.

Trainers have long appreciated that simulation exercises—in which students or trainees take roles to conduct a “negotiation”—can be very effective pedagogical devices. The simulation exercises summarized here are designed to stimulate thinking about ways in which real-life exercises can be introduced in the classroom and in professional training, especially employing new information technologies.

Jack Child has prepared a simulation on the negotiation of the Antarctic Treaty and the Falklands/Malvinas dispute in the South Atlantic. What sets this simulation apart is its use of new information technologies. Child has used the multimedia capacity of CD-ROM to develop a classroom simulation that includes a large amount of text and visual materials. For example, readings on negotiation theory, background papers, maps, videos, and instructions to students are incorporated in the same medium. This represents a fresh and creative approach to teaching negotiation.

Jonathan Wilkenfeld and Sarit Kraus use even more advanced computer technologies to develop a simulation exercise that puts students in the middle of a crisis, asking them to generate strategies for freeing hostages, through negotiation, in the volatile region of South Asia. Students get to play the roles of India (the state where a putative hijacking occurs), the fictitious Sikh hijackers, and Pakistan, which seeks to mediate a peaceful end to the crisis. Wilkenfeld and Kraus report that prior exposure to principles and practices of negotiation through an automated decision support system—a computer program that structures and facilitates the interaction—leads participants to come up with more effective negotiation strategies.

Marie Chevrier has developed a simulation that puts students in the position of one of twelve countries seeking to negotiate a new protocol to the Biological Weapons Convention. This simulation vividly illustrates the complexity of international negotiations in arms control and procedures for coalition formation; the exercise also helps students navigate gnarly issues like sovereignty.

Internal conflicts, so prevalent in the post-Cold War world, have recently been much analyzed as opportunities for negotiation and mediation. Roy Licklider’s project compares the conditions under which civil wars might end through negotiation and those in which they might end in military victory. Through a number of case studies, he con-

cludes that the conventional wisdom that civil wars do not end through negotiation is false. However, he argues, there are good reasons to expect that negotiated settlements to civil war do not lead to sustainable peace; wars ended at the table often re-ignite.

Richard Joseph, drawing on a project that analyzes efforts to settle the civil war in Liberia, concludes that much more attention needs to be paid to economic interests that drive these wars, and to the psychology of “warlordism.” He notes that wars like Liberia’s generate a “brisk and lucrative trade” in arms, precious metals, and other commodities; efforts to end them through negotiation must take into account the economic factors that perpetuate the fighting. He also draws attention to issues relating to “multiparty mediation,” in which private and official mediation efforts occur at the same time, or when the baton is passed from one mediation effort to another.

Bertram Spector has analyzed the conditions under which negotiations are undertaken with “villains”—usually terrorists or other aggressors—describing three patterns. A traditional pattern puts the decision to seek negotiation in the villain’s hands. A second pattern, the “brinkmanship” approach, combines threats of military action with a last-minute opening to get talks started. Finally, there is a “business model,” in which both the designator and the villain agree to a process by which the villain gains a place at the table. Spector points out the ethical questions brought up by the “difficult and risky” question of who makes the first move in agreeing to negotiate, concluding by assessing ethically appropriate mechanisms for negotiating with villains.

The project summaries that appear here demonstrate just a few of the rich and enlightening studies that have resulted from the Institute’s efforts to support cutting-edge research in international peace and conflict resolution. By synthesizing the work, this publication is intended to help practitioners, scholars, and students better understand innovative approaches to the study and teaching of negotiation and mediation processes and skills. The conclusion suggests some ways in which this research may help practitioners seeking to understand and manage destructive conflicts.

Readers seeking further information on these projects and details on the bibliographic references should contact the project directors. E-mail addresses for them are provided in the section “About the Contributors.”

A comprehensive list of products of USIP-funded research appears under the Grant Program banner at the Institute’s website (www.usip.org), which also lists a number of available publications summarizing Institute-supported projects on topics such as Africa, nongovernmental organizations, the Middle East, and ethnic conflict.

Part I: Applied Theory

Chapter 1

Recent Advances in Negotiation Theory and Application to Skills Training

This project, using findings from the research literature on negotiating strategies and processes, designs training programs to develop negotiating and related conflict-management skills for diplomats and those who support international negotiations.

by
Daniel
Druckman
and Victor
Robinson

From Research to Application

The link between original research and application in a training context is made through the use of topical narratives, summarizing findings in a form more accessible to practitioners used to dealing with strategy, logistics, and process rather than with research and scholarship. Each narrative, endnoted to cite its sources, is followed by four discussion questions intended to encourage participants to consider implications that would help them enact the role-playing exercises that follow.

Findings in professional journals were grouped under the following twelve rubrics: achieving integrative agreements; effects on third parties; the use of positive and negative affect; culture; effects of relationship; effects of experience; alternatives to negotiated agreements; time pressure; information exchange; presenting two faces in negotiation; using rewards; and constraints on negotiating flexibility. These categories also take into account each of several aspects of negotiation including preparation, background factors, and other aspects of context, process and communication, situational influences, and outcomes. The categories were the bases for writing the twelve narrative summaries.

Interestingly, our compilation threw light on a number of findings that appear to be counterintuitive or even paradoxical. Following are some examples:

Quick agreements may be bad agreements. They often occur before bargainers have an opportunity to be sure they're working with all the relevant information. The result is a kind of "winner's curse," where a bargainer thinks he or she got the desired outcome when in fact there could have been a better one.

Extensive information searches during negotiation may reveal incompatibilities of interest that serve to escalate rather than resolve the conflict.

“Friendship” or good relations may lead to suboptimal agreements because bargainers concede too much too soon.

Friendship may lead to disappointed expectations when the other takes a tougher stance than expected, leading to overreaction and impasse.

Time pressure can produce premature (and suboptimal) agreements if imposed too soon; if invoked at the right time it can also encourage the closure needed to seal good agreements.

Attractive alternatives usually increase a negotiator’s bargaining power, but they also encourage bargainers to focus on their own interests and to perceive their opponents as having even more attractive alternatives. These are the conditions for suboptimal agreements.

Although national culture shapes behavior, it may be a less important influence on the behavior of international negotiators who share a professional subculture.

Giving rewards, such as making or reciprocating concessions or promises, may produce speedy but premature agreements, not the best agreements attainable.

Tough postures may be advantageous when followed by softer behavior; cooperative behavior is valued more in a competitive context.

Anger may be helpful if it is used to emphasize deeply felt interests and is directed at the task rather than the other bargainer.

Flattery applied to create good feelings may be dysfunctional if it is seen as ingratiating or manipulative.

Movement from negotiating positions is not a sign of flexibility if it is not voluntary or results from coercion by a more powerful opponent.

Findings for Training

The research also has implications for effective negotiating skills. For example, negotiators should:

Discourage quick agreements by avoiding too-rapid concession exchanges.

Avoid exchanging “too much” information if the prospect of an optimal solution looks promising. In-depth probes may reveal incompatible interests that escalate the conflict.

Time the display of tough and soft tactics, sequencing them by presenting firm postures early, softer postures later.

Use experience or acquired skills in logrolling and other tactics to secure improved outcomes for all the negotiating parties, not just the negotiator's.

Avoid approaching a negotiation as though it were a competition, and be wary of the temptation to see settlement itself as the main goal.

Orchestrate the negotiating situation for flexibility by insulating the talks from media coverage, avoiding ideological debates, and reducing accountability to constituencies or other parties with vested interests in the outcome.

Avoid embarrassing opponents. Allow them to take risks and be inventive, and give them room for being flexible.

In mediation, third parties should suggest compromises early to establish a reputation for fairness, but discourage the negotiators from actually making compromises in favor of an information search process.

The research also identifies relationships among factors that contribute to integrative agreements. These relationships—the anatomy of integrative bargaining—can be depicted in a framework, as shown in table 1.

Table 1: Anatomy of Integrative Bargaining

<i>Antecedent</i>	<i>Concurrent</i>	<i>Consequent</i>
<i>Preparation</i>	<i>Process</i>	<i>Outcome</i>
Amount of study in prenegotiation phase	Extent of information exchange	Extent to which agreement is integrative
<i>Background Factors</i>	<i>Conditions</i>	<i>Implementation</i>
Amount and type of experience Logrolling skills Attractiveness of Alternatives	Amount of time pressure Extent to which talks are open or closed	Extent to which agreement is stable over time

By identifying the conditions and processes of integrative bargaining, this framework serves as a model for training and preparation. These activities and conditions, applied in the role-playing exercises, can be arranged and the skills learned to improve negotiating effectiveness. Mid-career United Nations diplomats and graduate students have participated in the exercises described below.

Utilizing Findings in Training

The project developed a series of bridging exercises in which participants use the research findings in an applied context. They perform three roles, each of which resembles a professional activity frequently engaged in by negotiators and supporting staff in government agencies and international organizations. Using case studies from the Pew-sponsored Georgetown Institute of Diplomacy and from Johns Hopkins' Foreign Policy Institute, participants enact the roles of members of small "consulting teams." As analysts, they are asked to identify the factors in the situation, issues, parties, or process that moved the discussions toward an agreement or deadlock. In the second phase, as strategists, they develop a plan to resolve an impasse that occurred in the case. As designers, they are asked to construct a training exercise that incorporates the findings described in the narratives. For each "assignment," the teams are given three hours to prepare a written report.

Role-players used the research findings described in the narratives in a variety of ways. In their analysis of the case of the Korean Joggers (a 1977 shoe export agreement), one team showed that the allies—South Korea and the United States—reached quick agreements, leaving aside the resolution of issues that would have contributed to a more lasting solution. Time pressure combined with power asymmetry to limit the amount of time spent exchanging information. Korea's flattery coupled with tough posturing secured it a pretty good deal, as might be predicted from the findings on "two-face" (or "reformed sinner") strategies in negotiation.

The team that analyzed the 1983 multilateral talks over Lebanon showed that Syria's attractive alternatives kept it on the sidelines, leading to a less-than-optimal agreement. Other factors shown by the research to have reduced the quality of the outcome were the United States's use of its experience to manipulate the process and the focus on developing strategies (rather than on studying the issues) during prenegotiation, which reduced the flexibility needed to reach integrative agreements.

In the second stage of the exercise, developing strategies, the team that analyzed the Lebanon case developed a plan to help move the parties toward a favorable agreement. They proposed a format for exchanging information, using rewards in conjunction with sanctions, minimizing the role of time pressure, and tactically using friendship, ingratiation, and secrecy in building and sustaining relationships. Ideas from the narratives were also useful in developing a strategy for the failed multilateral FAO governing conference in 1989. By relaxing time pressures, appealing to moderate constituencies in the United States, building friendships, and using rewards, this "consulting" team offered a plan that could provide the flexibility needed for an agreement. In attempting to improve on the 1977 Korea-U.S. agreement on shoe exports, the strategy team proposed a two-step process that included a prenegotiation conference for relationship building and a negotiation structured for problem solving. This proposal was based on research findings on the tactical use of anger, rewards, information exchange, and alternatives.

The narratives also provided a basis for designing simulations for training or research. Using the case of the Korean Joggers, one team built a training exercise to prepare the negotiators to participate in their proposed two-step problem-solving strategy. The exer-

cise incorporated ideas from the findings on relationship in the context of power asymmetry, affect, flexibility, and integrative processes. In an experiment comparing various symmetrical and asymmetrical power relationships, another team used ideas from the narratives on relationship, time pressure, experience, information sharing, and alternatives. In their three-day simulation of a multilateral conference, a third team constructed an elaborate exercise that would allow role-players to deal with the complexity of many parties and types of issues, to experience time pressure, to separate ideological concerns from interests, and to discover the way that type of preparation can influence the chances for attaining optimal agreements. For example, a team may decide to propose that the trade dispute be mediated by a third party such as the World Trade Organization, and that if the mediation fails the dispute will be arbitrated—decisively resolved—by the mediator. In all these simulation designs, a debriefing session was planned to ascertain the extent to which participants learned the lessons from the narratives.

Evaluating the Exercises

The exercises—both those conducted with diplomats for three days and with graduate students for three weeks—were evaluated in several ways. Participants were asked questions about the narratives, the roles, and applying the narratives to the cases. Open-ended questions were asked about what was learned. The “consulting-team” essays were rated in terms of the extent to which ideas from the research were incorporated in the analysis, strategy, or design. And longer-term impacts were assessed by follow-up questions sent to the UN participants three months after the workshops. Following is a summary of some results:

All participants thought that the narratives contributed very useful information for those playing each of the three roles.

The analyst role contributed most to understanding the material and learning the findings, followed by the strategist and designer role exercises.

The distinctions made among the roles were clear to the participants; they found the roles challenging and somewhat difficult to execute.

The cases were seen as relevant to the narratives, and the narratives were somewhat easy to apply to the cases.

Participants were more satisfied with their products in the analyst and strategist roles than in the more difficult designer role.

The narratives made a difference. Comparisons between narrative and “control” groups (teams that analyzed the cases without the narrative summaries of research) indicated strong differences in the quality of the written reports and in what was learned. The narrative teams wrote more subtle and nuanced reports than the control teams.

The graduate student participants in the three-week course produced higher-quality products (average of 1.6 on a scale ranging from 1—detailed application of concepts—to 3—limited number of concepts used) than the diplomats in the three-day workshop (average of 2—incorporates general themes from the narratives—on the 3-step scale).

Still, even the three-day workshop had long-term effects. Most participants indicated that they continued to think about and use the ideas. They also said that they would consult the negotiation research literature in relevant professional situations.

These results suggest that research material can be understood and used effectively in various case applications. Longer workshops seem to be more effective, but the concepts continue to be used by those who have participated even in the shorter sessions. This innovative format may also be used with other topics in conflict management and resolution, for example with the research literatures on mediation, peacekeeping, or peace-building interventions.

Chapter 2

Adjusted Winner Theory: Applications to the South China Sea

by
Steven Brams

Bargaining theory, especially in economics, has proved singularly inapplicable to the settlement of real-life disputes. This is true despite the attempts made by a number of theorists to demonstrate the contributions that rigorous models have made to understanding real-life conflicts and prescribing solutions (Raiffa, 1982; Lax and Sebenius, 1986; Brams, 1990).

A major reason for this failure, in my opinion, has been the almost total separation of bargaining theories—and, on the more applied side, “negotiation analysis” (Young, 1991; Sebenius, 1992)—from theories of fair division (Young, 1994; Brams and Taylor, 1996). Theories of fair division address how disputants can divide valued items, such as territory, in a mutually satisfactory manner. Thus, for example, I know of no *practical* fair-division schemes that have been applied to two-party disputes that concern the resolution of multiple issues that two sides contest or the division of multiple items that two sides claim.

The Adjusted Winner process (AW) uses a point allocation system that allows parties to talk to assign a numerical value to their interests and to trade off the values in a negotiation. Through bazaar-style haggling, they discover a fair compromise. My project demonstrates that AW is applicable to disputes of the sort described above; indeed, it has been applied, hypothetically, to three international disputes, two past and one contemporary. Policy analysts have reacted favorably to the contemporary application (the Spratly Islands dispute) in different forums. In addition, I have applied AW to other contemporary international disputes and also extended its theoretical development. (Editor’s note: The formal-theoretical formulae for this essay can be found in the appendix.)

AW has several compelling properties in producing a division of multiple items—to which the two parties may attach different values—between the parties:

The negotiation can be free of envy. Neither party will envy the items that the other receives, because it will think the value of the items it obtains is worth more than 50 percent of the total equitability: Each party will think that the value it receives is greater *by the same amount* over 50 percent as the value that the other party receives.

The bargaining is efficient. Both parties cannot benefit by a swap of any items—if one party does better, the other must do worse.

The strategies are practical and foolproof—it is difficult for one party to exploit the other without having precise information about its opponent’s preferences and probable point assignments.

Keeney and Raiffa (1991), in the absence of a procedure for ensuring an efficient settlement, propose that the parties to a dispute first work out an “acceptable” settlement. They suggest that a third party (“contract embellisher”) might then make adjustments in the original settlement that moves it toward efficiency in what Raiffa (1985, 1993) calls a “post-settlement settlement.”

By contrast, AW guarantees efficiency, as well as envy-freeness and equitability, *at the start*, assuming the parties are honest in their valuations of items and assignments of points to them in a dispute. This honesty may be difficult to achieve in many disputes. But if the parties can benefit by misrepresenting their preferences, and their misrepresentation undermines AW’s attractive properties, it may not be “safe” to buy into this procedure.

In practice, it turns out, AW is essentially nonmanipulable unless one party has advance information about the other party’s *exact* point assignments. Assuming that this is not the case, the principal role of the mediator shifts from coaxing the parties into a compromise, which may be very difficult, to helping them determine what values to assign to disputed items or goods.

Thus mediators are not just neutral third parties advising the disputants on how best to reconcile their differences. Instead, AW provides them with an important tool to induce the disputants to make *their own* decisions about what they most value. Thereby it encourages the disputants to reveal their real interests—not just their bargaining positions (Fisher and Ury, 1991)—and accept responsibility for the consequences of their choices, which, after all, they effectively made by assigning points to the items in the dispute.

Applicability of the AW Theory

To explore this hypothesis AW has been applied retrospectively to two conflicts: that between Panama and the United States, which culminated in the 1977 treaty transferring control of the Panama Canal to Panama (Brams and Taylor, 1996, chap. 5); and the Egyptian-Israeli conflict leading to the 1978 Camp David agreement and a peace treaty between the two countries in 1979 (Brams and Togman, 1996/1997a). In the first case, the two sides clashed on ten issues, and point assignments for both sides were made by role-players representing the American negotiators (Raiffa, 1982). In the second case, Brams and Togman (1996/1997a) identified six major issues; they made point assignments on the basis of a variety of reports on the Camp David negotiations, including the memoirs of several of the participants.

Coincidentally, the AW settlements in both the Panama Canal treaty dispute and the Camp David dispute would have awarded each side exactly 66 points. Because AW is efficient, neither side could have done better if there had been any other allocation.

In both cases, the hypothetical results mirror quite well the actual settlements of these disputes. In fact, the settlements in each case might have been expedited by a year or more had AW been available and been viewed by the two sides as a way of reaching closure on long-standing conflicts, both of which had exploded in violence on several occasions.

The Spratly Islands Dispute

To illustrate the application of AW to a major international dispute, consider the case of the Spratly Islands, a group of over 230 small islands and reefs in the South China Sea. The People's Republic of China and the Republic of China—which I will refer to as China and Taiwan, respectively—and four members of the Association of Southeast Asian Nations (ASEAN)—Vietnam, the Philippines, Malaysia, and Brunei—have made claims on part or all of the land areas and surrounding waters of the Spratlys. There have been armed clashes over the islands, and the controversy has heated up because of the possibility of major oil and gas deposits in the seabed.

Although the conflicts between the two Koreas and the two Chinas have been more prominent, the Spratly dispute could, over time, become the most significant international dispute in Asia. The scramble for territory has been fueled by an increasing recognition of the economic potential of the Spratlys, including fishing opportunities, which have already precipitated some clashes.

But there is little doubt that the region's main economic potential is in hydrocarbons. In July 1995, China's *People's Daily* referred to the South China Sea as "the second Persian Gulf." While this is almost certainly an exaggeration, both exploratory drilling and some oil and gas discoveries indicate that deposits in the Spratlys are likely to be considerable.

Denoon and Brams (1997) review the claims of the different disputants and the possible role of the International Court of Justice and other groups in adjudicating these claims. They conclude that because there are overlapping claims and no single country has had continuous possession of any substantial part of the Spratlys, it is unlikely that international legal procedures can quickly resolve the disputes.

An immediate difficulty in applying AW, of course, is that there are more than two players. This difficulty can be sidestepped if the conflict is regarded, for the moment, as one between China and ASEAN, with ASEAN being considered as a single player.

This view seems realistic as a first step in resolving the overall dispute. China is by far the largest single claimant, against which the ASEAN countries have formed an implicit coalition. Although these countries now control most of the Spratlys, ASEAN political leaders are well aware that China's power and influence are likely to grow over time, so bargaining now (and as a group) has advantages.

Negotiations also seem advantageous for China. True, no Chinese political leader wants to be known as the person who negotiated away "Chinese territory." Nonetheless, there are several factors that might, for China, tip the balance in favor of attempting to negotiate a settlement soon, including its rapidly developing need for energy resources and its desire not to aggravate its present touchy relations with other countries (for example, Vietnam over their common border, the United States over Taiwan) that could hurt it politically.

Thus it would appear to be in the long-run interest of both China and the ASEAN claimants to try to reach an equitable settlement in the Spratlys. A settlement might provide not only for partition of the islands but also for joint jurisdiction and the common development of some, especially those in which both sides have a more or less equal interest and where both can benefit from sharing, which AW permits through the equitability adjustment. It seems reasonable to suppose, as a starting point, that China and

ASEAN are equal claimants. However, this supposition can be changed, subject to agreement by the parties, to reflect unequal entitlements that AW allows for.

In the Spratly dispute, Denoon and Brams (1997) suggest that the goods that the two sides divide are five groups of islands, and adjacent maritime areas, in different parts of the South China Sea: North Central, South Central, East, South, and Southwest. This division into zones simplifies the allocation problem to one of more manageable proportions than giving each side, say, 1,000 points to distribute over 230 islands.

How China and the ASEAN countries would allocate their points depends upon what they identify as their overwhelming interests. Not having a good fix on exactly what the two sides most desire, Denoon and Brams (1997) posit three alternative goals for China (C1, C2, and C3), and two for the ASEAN countries (A1 and A2) in applying AW.

These are the scenarios for China based on goals it may wish to maximize:

C1. *Political cooperation.* China seeks to firmly establish its sovereignty in the region but minimize antagonisms with the ASEAN countries. Thus, China gives priority to gaining control of the zones closest to itself, North Central and South Central—by placing 40 and 30 points, respectively, on these—and moving less aggressively on the East, South, and Southwest zones by bidding only 10 points each for these.

C2. *Military prominence.* China seeks to secure bases in the North Central, South, and Southwest as a means to project its power throughout the entire region. Accordingly, it places 30, 30, and 40 points, respectively, on these three zones but no points on the South Central and East zones.

C3. *Economic gain.* China seeks to control the zones with the most promising hydrocarbon deposits (the South and especially the Southwest) by placing 30 and 50 points, respectively, on them. It reserves 20 points to try to gain control of the more proximate North Central zone.

These are the scenarios for ASEAN based on goals it may wish to maximize:

A1. *Political cooperation and economic gain.* ASEAN avoids intruding on the zones closest to China while making strong bids for the South and Southwest, which have the greatest economic potential, by placing 40 points each on these. A modest bid for the East (20 points)—which China was willing to give up on completely in two of its three scenarios—is also a feature of this scenario.

A2. *Concentration of control.* ASEAN cedes political control in the North Central and economic control in the Southwest to China. By concentrating its points on the South Central, East, and South—with allocations of 30, 30, and 40 points, respectively—ASEAN tries to force China into noncontiguous zones, thereby impeding China's politico-military control over the entire South China Sea. The specific procedure for the allocation of points in this example is provided in the appendix.

Conclusions

AW is a strikingly simple settlement procedure that takes into account the interests of two parties in a dispute. Its properties of envy-freeness, equitability, efficiency, and practi-

cal strategy-proofness make the settlement the fairest, in several senses, that the parties can achieve.

Since the settlement is not the product of protracted negotiations, except possibly to define the issues and what winning and losing mean, it is likely to lead to a more satisfying and durable outcome than traditional mediation provides. In international disputes, in particular, it would probably foster more amicable future relations between the disputants.

The fact that AW enables the disputants to circumvent endless haggling and possible impasse is clearly a social good, but it may not please all factions in a conflict, some of whom may benefit from its continuation. Here, mediators can play a valuable role in helping the parties not only define the issues but also make point assignments in a way that reflects the interests of all factions they purport to represent.

While honesty in making assignments is generally a sound policy, the parties will need to be assured of this. Also, they will need assistance in sorting out their views in order to make accurate assessments of the quantitative value of obtaining different goods or winning on different issues. Because their judgments are determinative in the settlement, AW encourages them to take responsibility for their actions, rather than pinning blame on an outside party. For example, under conventional mediation, disputants might claim that the mediator “pushed” them into an agreement.

Mediation is of little help if relatively unstructured negotiations leave the parties without a procedure for reaching closure. AW provides the discipline of a formal process that allows the disputants to speak for themselves. In effect, AW gives bite to the role of the mediator, who can devote his or her main effort to helping the parties define the issues and assign points to them, rather than trying to cajole them into an agreement. No other practical procedure that I know of provides for this.

Part II: Simulations

Chapter 3

Computer-Based Simulation: Antarctic Treaty and Falklands/Malvinas Negotiations

by
Jack Child

This project applies new information technologies to teaching a series of six negotiation and mediation role-playing simulations. Two geopolitical settings—Antarctica and the Falklands/Malvinas—are each looked at in “historical,” “recent,” and “future” scenarios. For Antarctica, these involve, respectively, examinations of the 1959 treaty, the Madrid Protocol of 1991, and an imaginary future negotiation revolving around the discovery of oil in 2045. The Falklands/Malvinas simulations begin with a historically based one set prior to 1982 and continue with the “recent” war of April-June 1982 to another hypothetical, a mid-21st century conflagration.

The Antarctic negotiations are multilateral, with up to fifty nations involved, as well as several conservation organizations and commercial firms. The Falklands/Malvinas simulations involve two major players, the United Kingdom and Argentina, although other actors, such as the Islands’ local inhabitants (the “Kelpers”), the United States, and several Latin American nations, are also involved. These simulations also involve a number of mediators, such as the Secretary-General of the United Nations, the president of a Latin American nation, and the Secretary of State of the United States. The new technologies applied to these simulations were the personal computer and its CD-ROM (Compact Disk—Read Only Memory) capability linked to several appropriate pieces of software.

New Information Technologies

The personal computer has now put at the disposal of most college students and faculty a multimedia device capable of handling large amounts of word-processing documents, bibliographic databases and visuals, both still and video. CD-ROMs currently being used have increasingly large storage capabilities, in the range of 650 megabytes. This means that a single 4 3/4 inch plastic disk can store the equivalent of about 250,000 pages of text and between 500 and 2,000 color images.

At the same time, the cost and complexity of the equipment required to prepare (“burn”) CD-ROM disks have diminished considerably, so that for about the cost of a computer teachers can purchase a CD-ROM “burner” and the scanning hardware that permits them to digitize documents and visuals.

The software used in this particular project were simple Macintosh packages, although equivalent software exists for computers with MS-DOS-based operating systems. The principal software packages used were:

Filemaker, a database program employed mainly for the bibliography, since it permits easy sorting and rearranging of large quantities of files (the bibliographies involved almost 4,000 entries).

Microsoft Word, a conventional word-processing program used for such items as the monograph on negotiation, the chronology, and the instructions for the simulations.

Scantastic and *Microscan* scanning software that, when used in conjunction with the appropriate hardware, permitted the digitizing of documents, photographs, and slides.

Photoshop, a visual manipulation software package.

Macromedia Director, a sophisticated multimedia software package that integrates all the simulation elements into a visual presentation, which can be made interactive by using “hot buttons” and hypertext, permitting the user to move around the program either in the linear direction set out by the author or to whatever section is of interest.

The key advantage provided by these new technologies is that a very large amount of textual and visual material can be placed on a physically small disk and duplicated as many times as necessary so that each student can have the whole package instantly at her/his fingertips. The contents of the disk can also be placed on the World Wide Web or distributed commercially.

The End Products

The negotiation/mediation simulations' end products are two CD-ROMs, one for the Antarctica project and one for the Falklands/Malvinas. The various elements can be downloaded and printed as desired. Each disk includes:

Two extensive bibliographies, a general subject bibliography on negotiation and mediation and a case-specific bibliography combining Antarctica and the Falklands/Malvinas (over 3,000 entries). The majority of the bibliography is in English, although a significant number of entries are in Spanish, and some are in Portuguese. This emphasis on Spanish-language materials reflects the fact that the materials are also available in that language for use in college courses taught in Spanish.

A monograph on negotiation prepared by the principal investigator as an introduction to general and theoretical approaches to mediation and negotiation. The monograph concludes with a checklist, which the student uses as a framework to

analyze (in writing) the simulated negotiation. The number of possible questions, and the detail with which they are answered, can easily make this part of the negotiation equivalent to a short term paper.

Several thousand pages of documents and other materials in the public domain. These are organized into general materials available to all players and packets of materials for each assigned role in the simulation.

Background readings. Some of these readings were written by the principal investigator; some are government documents or other materials in the public domain.

An interactive multimedia presentation. This combines text, visuals, mapmaking exercises, and questions to provide background information for the simulations.

Instructions for the role-playing simulation. These take the student (and the instructor) from the materials listed above to the actual simulation in the classroom. Each student is assigned a role, either as a country or organization representative, or as a historical figure.

Conducting the Simulations

When used in a university course the six simulations provided more than enough materials for a fourteen-week semester. The first simulation in each geographic setting was used in a passive analytical mode that involved reading and answering questions drawn from the "Introduction to Negotiation" checklists. This approach provided a useful historical base from which to move on to the four role-playing simulations. Of the four, the two that occurred most recently (for Antarctica the 1991 Madrid Environmental Protocol, and for the Falklands/Malvinas the 1982 War) were the most constraining since the players were asked to take positions that were reasonably close to what actually happened. Feedback from students indicated that while they learned from this process, they felt they could not fully use their imagination or creativity.

But it was turned loose in the two simulations set in the future, when the student role-players were told they could use any approach they wished to the negotiation and mediation process. The classroom situation was "free play," so that students could caucus in their groups or negotiate and mediate with other players. The Antarctic simulation involved the hypothetical discovery (in the year 2045) of a large oil field on the Antarctic Peninsula, which is especially sensitive since it is subject to overlapping claims by Argentina, Chile, and Great Britain. The Malvinas/Falklands setting was in the middle of the twenty-first century, when joint development of fishing and oil resources between Argentina and Great Britain (postulated on the basis of a real 1995 agreement) begins to break down over a number of issues, not least the push for political independence by a very rich group of Islanders who had greatly profited from oil royalties and the sale of fishing licenses.

Utilization and Testing

The full simulations mentioned in the last paragraph were carried out in a semester course (37.356/656 Antarctica and Falklands/Malvinas) at The American University in the fall 1996 semester, in English. An abbreviated version was used in a two-week portion of a general education course at the same university, also in English (Latin America: History, Art, Literature). The first Spanish version of the multimedia portion was developed in late 1996 and first used in the spring 1997 semester in several Spanish language classes. The language teaching element, which supplements the negotiation/mediation component, involves parallel Spanish and English screens with the same visual elements. Students running the program in Spanish may get instant translation by clicking on a hot button, after which they return to Spanish.

Evaluation and Feedback

At each stage students were asked to provide written feedback on the simulations and the value of the new technologies. The results have been almost uniformly positive and generated numerous suggestions for changes and improvements, as well as identifying confusing areas and technical difficulties.

Simulations have a long history of effectiveness in the study and teaching of international relations and peacemaking/peacekeeping. The positive evaluations have served to confirm that this is an effective method of teaching both concepts and practical approaches.

The addition of the computer to classroom simulations has given students access to a very large amount of textual and visual information that they would not otherwise easily have available. While it is true that the material could have been provided in a binder or book, the sheer volume (about 3,000 pages) would make it unwieldy and prohibitively expensive. Putting material on library reserve is an option, but not a very attractive one. Having it digitized and available on a floppy disk or CD-ROM is an ideal solution for this type of application.

The presentation of the visual material in an interactive program would be possible, in a limited form, in a classroom via slide lectures. But these lectures would be linear and interactive only in a very limited sense. Once they had been presented, the instructor would probably not be able or willing to present them a second or third time for students who might have been absent or who wished to review. This is made feasible by putting material on the CD-ROM and making it available to each student.

A quantitative measure of the impact of the computer-based simulation and associated materials can be obtained from the student evaluation of teaching. At American University each course is anonymously evaluated by each student. The numerical evaluations then are made public after the course is finished and all grades are turned in. Results are telling when one compares the evaluations for the spring 1995 course on Antarctica and the Falklands/Malvinas, which did not have the CD-ROMs available, the fall 1996 course, which introduced them, and the fall 1997 course, which used a refined version. Students gave the course ratings of 5.53, 5.71, and 5.89 points for the three semesters, respectively, out of a possible rating of 6.00.

Conclusion

The limited test of the computer-based negotiation/mediation simulation has yielded very positive results. For the instructor it has offered an opportunity to use a fresh and stimulating pedagogical approach. Student reaction in this TV- and computer-oriented generation has also been gratifying and suggests that this type of instruction is a welcome change that does not lose the substantive rigor necessary for the higher-order interactions in class after the computer portions are completed.

Chapter 4

Crisis Negotiation Environment Project

It is widely contended that crisis negotiations differ substantially from more routine negotiations in that they are characterized by decision-maker perceptions of high threat to basic values, short time for response, and heightened probability of hostilities. Under such circumstances, decision makers are often unable to access the information necessary to make utility maximizing decisions, or they are unable to properly evaluate the information in the amount of time available for decisions. Hence, decisions are often made on the basis of previous experience, long-held beliefs, and analogies to seemingly comparable situations rather than with cold analytic calculation. As a consequence, suboptimal outcomes are likely. While all decision-making environments may go wrong, the potential consequences of international crises are particularly dangerous because they can quickly escalate to violence and war. The vast literature of crisis decision making has shown that situations of intense crisis can create a reduced span of attention, cognitive rigidity, and a distorted sense of time.

The core of the Crisis Negotiation Environment Project is the development of a strategic model of negotiation, with an accompanying decision support system (DSS), a computer program that helps a player analyze a negotiation problem and identifies possible alternative strategies (see Kraus, Wilkenfeld, and Zlotkin 1995; Wilkenfeld, Kraus, and Holley 1998a, 1998b). These two tools are employed to facilitate training in negotiation strategy and in the exploration of theories of negotiation through experimental work. This summary describes the results of a series of experiments based on the Generalized Decision Support System, known as “Genie,” and the Hostage Crisis Simulation. Some of the experiments were conducted with funding from the National Science Foundation and were begun before the Institute of Peace grant. However, since together they constitute a unified research agenda, the summary includes the whole series of experiments to date.

Decision support systems can play a crucial role in crisis decision making by allowing the decision maker to navigate large amounts of information quickly and to explore relationships between factors that may influence the decision. A DSS can also facilitate the simultaneous evaluation of multiple positions in crisis negotiations. This can play a decisive role in real-time negotiations by allowing the supported parties to rapidly formulate dynamic strategies and quickly evaluate their adversaries’ proposals. Thus, a central emphasis of this research is that, using a DSS, a crisis decision maker can help negotiators secure a better deal, or in the language of negotiation theory, maximize their utility. Related to this is the notion that groups of decision makers supported by a DSS are in a good position to achieve solutions that are better for all parties to the talks. That is, a DSS can help prevent “I-win-at-your-expense” outcomes.

by
Jonathan
Wilkenfeld and
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Research Questions and Findings

The experimental results address three broad groups of research questions: the impact of the use of decision support systems on the utility maximizing behavior of crisis negotiators; how the dynamics of crisis negotiations affect their outcomes; and the relationship between the cognitive development levels of crisis decision makers and the outcomes of crisis negotiations. All experiments were conducted with University of Maryland undergraduates as subjects between 1991 and 1996.

The initial set of experiments, reported in Kraus et al. (1992) and Holley and Wilkenfeld (1994), focused on two research questions: first, whether use of a sophisticated computerized decision support system increases the likelihood of higher payoffs to the individual negotiators; second, whether communications patterns exhibited by participants in a simulation that ended in a negotiated agreement differ from those exhibited by players in simulations that ended in nonagreement (that is, violence).

In these experiments, players are asked to assume roles in an imaginary scenario in which Sikh separatists have hijacked an airplane and both the Pakistani and Indian governments, despite their own long-standing conflict, must negotiate a solution to a stand-off. Experimental results indicate that regardless of their roles in the simulation—Indian government, Pakistani government, or Sikh hijackers—DSS users had higher average utility scores at the conclusion of the simulation than nonusers. In addition, more DSS users than nonusers had achieved agreement.

The key to differentiating between crisis negotiations that ended in agreement and those that evolved to violence lies in the communications patterns exhibited by those playing the role of Pakistan in the simulation—the role most open to mediation. In instances where agreement was reached, “Pakistan” sent a virtually identical number of messages to each of the other two parties. When agreement did not occur, it was discovered that Pakistan had sent three times as many messages to India as to the hijackers. Thus, we concluded that by maintaining open communications channels with each of the other parties, Pakistan was able to play a central role in bringing about peaceful resolution of the crisis.

A second set of experiments, reported in Wilkenfeld et al. (1995a, 1995b), continued the exploration of research questions pertaining to the impact of a decision support system on negotiation processes and outcomes. The first investigated whether DSS users are more likely than non-DSS users to identify utility maximization as the primary objective in a crisis negotiation situation. The follow-up asked whether DSS users achieve higher utility scores than non-DSS users.

Research findings supported the contention that DSS users were most strongly motivated by utility maximization, while non-DSS users tended to be motivated most strongly to uphold principles. These decision makers appear to have been overwhelmed by the vast amount of information available and the difficulty of calculating the utility of different actions under the pressures of negotiation. They were thus led to rely upon deeply held principles. The DSS users were able to calculate utilities quickly and efficiently and were, therefore, able to act as utility maximizers. Not only does access to the DSS encourage the actors to be motivated by utility maximization, in our research DSS users have

proven more successful than their non-DSS counterparts in actually achieving higher utility scores.

Additionally, we found that the presence of a DSS-supported user among adversaries in a crisis situation produces higher overall utility scores than groups in which none of the adversaries has such access. Our results also show that the presence of even one DSS-supported user among a group of adversaries is likely to result in a higher overall utility score for the group, that is, a mutually beneficial resolution of the crisis. Results also confirm that those negotiations in which a DSS user is present are more likely to end in agreement than in some type of violent outcome. In these cases, an individual decision maker's access to DSS helps identify a mutually beneficial outcome, here identified with achieving agreement.

The third line of experiments (Wilkenfeld et al. 1996, 1997) was designed to assess the impact of the cognitive complexity of decision makers on their behavior in crisis negotiation situations and on the outcomes they attain. These experiments were designed to study the relationship between cognitive complexity and negotiation behavior, in an effort to better understand the dynamics that lead certain persons to have greater success in negotiations and certain groups of adversaries to achieve more mutually beneficial outcomes. The underlying assumption is that the more cognitive complexity the individual brings to the crisis negotiation, the more likely that the process of arriving at decisions will result in utility maximization—that is to say, the better educated negotiator will arrive at a better deal. Another expectation is that individuals at higher levels of cognitive complexity will be better able to cope with crises than those at lower levels. In particular, the perceived shortness of time for response, combined with truncated and restricted communications among the parties, will frustrate negotiators at the lower levels of cognitive complexity and generate suboptimal outcomes.

Summary of Results

The results of this series of experiments are best summarized as follows. Subjects at higher levels of cognitive complexity developed greater proficiency with the DSS and were able to master more of the query tools it contains. The experiments did not show an overall relationship between cognitive complexity and crisis outcome, either in terms of achieving high scores in the crisis simulation or greater likelihood of reaching agreement. We speculate about the difficulty that subjects with low cognitive complexity have in taking on the roles of others and with assigning utility to hypothetical events and have observed that no subjects, no matter how high their cognitive development, were simply masters of their own destinies. Examination of roles revealed that those who represented actors with similar characteristics and motivations to their own showed a strong relationship between level of cognitive complexity and the achievement of high utility scores in the simulation.

While neither individual subjects nor crisis participants grouped by cognitive complexity level were more likely than others to achieve crisis termination through agreement, we did find that prior exposure to the principles of international politics and negotiation resulted in a much greater ability to reach agreements and to solve international crises nonviolently.

A final set of experiments, run in fall 1996, focused explicitly on the question of how the mix of cognitive complexity scores among crisis negotiation adversaries affects the outcomes of these negotiations. An experimental design characterized some groups of crisis negotiators by wide disparities in their cognitive complexity, while other groups were characterized by similarity. The results clearly showed that groups with disparate cognitive complexity levels tended overwhelmingly to terminate their crisis negotiations without agreement and with violence, while groups whose members had similar cognitive complexity levels tended overwhelmingly to be able to reach agreement.

Conclusion

We believe that there are several important general conclusions that can already be drawn, even though our research program is not yet complete. First, it is clear that in most circumstances, access to sophisticated decision support software can facilitate better crisis decision making. The Genie DSS allows decision makers in crisis to build quickly on scenarios of ongoing crises, complete with their best estimates of the utility functions that motivate the various parties, and produce projections of various proposed outcomes. In this way, they will be able to wed technology with case-based knowledge and become more effective decision makers.

We have also learned a considerable amount about the impact of certain personality factors on crisis decision making. In particular, we have found that large disparities in the cognitive complexity of decision makers in crisis are likely to lead to suboptimal outcomes. Crisis adversaries who share relatively similar levels of cognitive complexity are more likely to maximize both individual and group utilities. Participants who used our DSS consistently “won” in the simulated negotiations against those who did not. When all sides used it, they reached better overall agreements.

While it is clear that we cannot choose our adversaries based on their cognitive development levels, it is nevertheless helpful to know how these factors affect the process. The more information we have on our adversaries, the better equipped we are to develop negotiation strategies that lead to favorable outcomes. In the particular cases examined here, similarities in cognitive complexity are most likely to lead to the achievement of agreement, rather than the use of violence, in resolving crisis situations.

Chapter 5

Strengthening the Biological Weapons Convention: A Teaching Simulation

by
Marie Isabelle
Chevrier

This teaching material is a complex, highly flexible, current, real-world-based negotiation simulation in the area of multilateral arms control. Its subject is the negotiations for a legally binding protocol to strengthen the Biological Weapons Convention (BWC). The BWC, in force since 1975, bans the possession of biological and toxin weapons, but has no mechanisms to monitor or verify compliance. Since 1995, the 142 parties to the convention have been meeting in Geneva to resolve the issues that are laid out in this simulation. The simulation is designed to allow undergraduate university students to grapple with some of the most important issues that countries which have agreed to the BWC are discussing in the Ad Hoc Group created to develop proposals for a legally binding instrument.

The simulation is appropriate for any negotiations course, particularly one involving international negotiations. It would also be appropriate for a course in international relations, international security policy, arms control, or a related field. The simulation was first run in July 1997 at a NATO Advanced Studies Institute in Budapest, which included participants from twenty-one countries.

Teaching Objectives

Through the simulation, student learning addresses three areas:

The substance of multilateral arms control, in particular biological weapons.

The process of complex multi-issue, multiparty, multilayer negotiations.

The development of negotiation skills.

Within these three areas, students come to understand the importance of issue salience and trade-offs, problems with multiple objectives in any country's foreign policy, and the difficulties of coming to consensus. They also learn the value of constructing and presenting cogent arguments for their country's position on issues and the role of leadership in crafting agreements. The simulation brings the negotiations to life and helps students apply and critique such theories as coalition theory, small group theory, or leadership theory to explain the success, partial success, or failure of negotiations. The learning experience of students can be augmented with a written assignment reflecting some aspect of the simulation.

Scenarios for Use

The full simulation imagines a scenario including twelve “countries” and five working groups and is designed for a class size of sixty. The full simulation would take a minimum of five hours but could be divided into multiple sessions of forty-five to ninety minutes, some of which could easily take place outside class.

The simulation can be readily adapted to smaller or larger class size and shorter time periods by concentrating on a smaller number of working groups—any number from one to five. One might also work with a smaller number of countries, being careful to maintain regional balance as well as a mix of small and large countries, with different negotiation interests and objectives.

Materials

The simulation consists of a set of general instructions for all simulation participants and confidential instructions for each of twelve countries taking part in the simulation. The general instructions for participants include:

- An introduction to the simulation and the real-world negotiations.

- A list of the twelve countries.

- The organization of the simulation.

- A description of the three types of meetings: country delegation meetings, working group meetings, and plenary sessions with all participants.

- A description of the role of caucuses in these negotiations.

- A brief note on the process of a country’s changing its position on an issue, which involves consultation with that country’s “foreign minister.”

- A brief background on the substantive issues covered in each of the five working groups and key questions that each group is striving to answer.

The confidential instructions for each country describe its position on each of the issues under negotiation in the working groups. The simulation materials include, for the instructor, a spreadsheet setting out all countries and their positions on all issues at a glance.

Running the Simulation

The first step is assigning roles. One week before the start of the simulation, each participant should be assigned to one country delegation and to one working group. Each country should have five members in its delegation, one for each working group. Similarly, each working group should have twelve participants, one from each country. In addition, one member of each delegation should be assigned to head it, and one member of each working group should be asked to chair. If there are extra students, the head of

the delegation need not be in any working group, but could roam among them. Similarly, smaller countries need not necessarily have a delegate to all of the working groups. (Indeed, in real life, small delegations often cover many working groups and have to deal with the unfortunate fact that the bigger, richer countries can afford bigger delegations.)

The role of the foreign minister is also important. In the instructions, all participants are told that they must consult with their foreign ministers before changing position on any issue under negotiation. The role of the foreign minister is best played by the instructor or teaching assistant. The foreign minister should respond to all requests in the same way, first, by asking why the delegate thinks the position should be changed. (This step requires participants to formulate reasons for change.) Second, the foreign minister should ask if the delegate recommends this change, and third, he should get the approval of the delegation head. Finally, the foreign minister should approve all reasonably well justified changes in position.

This procedure, of course, means that the instructor is more lenient than a foreign minister would be in real life. However, students learn more if given free rein with changing positions. In the debriefing, the instructor can point out the departures from real-life negotiations.

The simulation takes place over five sessions of one hour each, although instructors may vary the schedule as they prefer. It is important to have a mix of working group sessions and country delegation meetings, although this mix, too, can be altered by the instructor. The plenary meeting at the end of the simulation allows each working group to report on agreements it has reached and what issues, if any, remain unresolved. Working groups should be encouraged to put their conclusions in writing.

Debriefing

The simulation ends with a debriefing, which should be geared toward the course objectives. In general, the debriefing should include sufficient time for participants to discuss their roles in the simulation and what—and who—they thought was helpful in reaching decisions, moving the negotiations forward, and why. If the simulation is in an international relations course, the instructor should spend some time discussing how many of the issues that are under negotiation in the simulation are typical of other international negotiations and international policy. Some issues that might be discussed are sovereignty and its limits, verification of arms control agreements, and the primary objective of international development for many underdeveloped countries.

Part III: Internal Conflicts

Chapter 6

Negotiating an End in Civil Wars: General Findings

by
Roy Licklider

We know a great deal about how civil wars start but very little about how they end. This is an important gap; many of our recent policy problems have revolved around what to do to stop ongoing civil wars (wars that occur within the traditional boundaries of a country)—Vietnam, Somalia, Bosnia (after independence and recognition in 1992), Cambodia, El Salvador, and so forth—but we still do not understand much about this process. Of course it is not necessarily desirable to end all civil wars; it is interesting to speculate how we would now regard international mediators if they had appeared in 1862 and settled the American Civil War in a compromise, guaranteeing the institution of slavery in the process. But it seems clear that war termination might be a reasonable goal in at least some cases.

This project began with the fairly simple question of how the fighting stopped in civil wars. We identified six post-1945 civil wars that had ended for at least five years: Colombia, ending in 1957; Yemen in 1970; Sudan in 1971; Zimbabwe in 1980; Nigeria in 1970; and Greece in 1949. The American Civil War was added to take advantage of the extensive historiography available. Experts were asked to prepare chapters on each of the countries, working from a common framework. In addition several theorists were asked to reflect on the cases and speculate on broader patterns the cases might suggest.

Considering Common Wisdom

The “common wisdom,” enunciated most prominently recently by Thomas L. Friedman in the *New York Times*, is that civil wars cannot be ended by negotiations. Presumably this is because the stakes in civil wars are much higher; in interstate wars combatants eventually retreat to their separate states. (Wars of conquest have been unusual since 1945, although the Iraqi invasion of Kuwait shows that the issue is not dead.) In a civil war, on the other hand, combatants have to live with one another afterward; allowing your opponents to control your government puts you entirely at their mercy.

This is not simply an academic point; current U.S. government policy is to try to mediate the ends of civil wars. If the “common wisdom” is correct, this policy is doomed. However, this study demonstrates clearly that the common wisdom is not true. Civil wars can indeed be ended by negotiation. The Colombia conflict in 1957 ended in a negotiated settlement between two major parties, in effect in an agreement to rotate control of

the national government. The Sudanese settlement of 1971 resulted in the creation of a southern province within Sudan which had considerable autonomy; the former head of the rebels became a major political figure. The war within the state often called North Yemen ended in 1970 with an agreement that the rebels would be given representation within the national government and considerable local autonomy. In Zimbabwe the war ended with a constitution that gave whites disproportionate influence for more than a decade, followed by a national election that the rebel leader won.

Even the American Civil War had elements of a negotiated settlement: Federal leaders were concerned about a possible guerrilla conflict after 1865, and it's hard to imagine that the Confederacy would have surrendered as it did had the North stated that all Southerners in the army would be tried for treason and executed. Negotiated settlements for civil wars are thus clearly possible.

However, this does not mean that they are necessarily desirable. There is good theoretical reason to believe that negotiated settlements may not "hold" as well as military victories, that renewed civil war is more likely after negotiated settlements. Harrison Wagner, one of the theorists involved in the project, argues that negotiated settlements often result in power sharing. This leaves the competing organizations formerly at war in existence, giving them the ability to resort to violence whenever they wish, and creating a permanent veto group within society, which makes it impossible to effectively govern a country that is often in very bad condition and needs strong government. Thus, Wagner suggests, war is more likely to resume after a negotiated settlement than after a military victory. This hypothesis clearly has distressing implications for current American policy supporting negotiated settlements. It could not be tested in this study since we did not involve a random sample of all civil wars; however, subsequent work suggests that it may have some validity, and it remains a troubling question.

An interesting, counterintuitive finding is that even intense civil wars ending in military victories can result in fairly generous settlements. The United States is a good example; Southern troops were allowed to go home after surrender, and the only Confederate leader prosecuted was Jefferson Davis. Within a decade or two, there were more Confederate veterans in the Congress than Union veterans. Indeed, the settlement was so "generous" that Southern whites were given control of Southern African-Americans for decades, suggesting that all settlements have winners and losers.

More recently the Nigerian government was influenced by the American example. After one of the most costly civil wars of our time (Biafra), no war crimes trials were held; rebel leaders were welcomed back after a few years in exile; and the former rebel commander ran for parliament on the ticket of the ruling party. Indeed the Nigerian government refused to issue medals to its troops after the war and did not establish memorials, saying that the whole thing had been an unfortunate error that should be forgotten as quickly as possible.

Another part of the "common wisdom" is that losers should be reintegrated into the polity and that, if this is not done, the civil war is likely to begin again. This may not be true in all cases. After the Greek Civil War, rebels were driven into exile or persecuted relentlessly for decades. In this case, repression served its purposes; even when the Greek government was severely weakened, no groups linked to the former rebels became politi-

cal players. The resulting polity may not have been especially attractive, but it was successful. (Spain is a similar case, although it was not analyzed in this study.)

Third parties can be helpful in encouraging negotiated settlements to civil wars, but they are not absolutely necessary. In Colombia the two parties established negotiations and reached a working agreement essentially without outside involvement. The Yemen agreement seems to have come about as a result of the rejection by both parties of their outside supporters. In both cases the common situations of the leaders (inability to win, and being threatened by loss of control to more extreme groups in both cases, plus mutual unhappiness with their outside supporters in Yemen) encouraged negotiations that reached implemented agreements.

It is also true that third-party efforts to mediate these conflicts were often unsuccessful—the success in Zimbabwe was in fact the fourth major international initiative to end that war. Third-party efforts to reach a settlement in the Nigerian civil war were completely unsuccessful. Efforts in the Sudan went on for many years before resulting in success. On the other hand, there is general agreement that third-party involvement was critical in ending the wars in Zimbabwe and Sudan.

Patterns of Mediation

Two different patterns of third-party involvement emerged from the study. The first, “quiet mediation,” as shown particularly in Sudan, involves nongovernmental groups (in this case, church groups) establishing contacts with both sides over a period of years and encouraging them to move toward negotiations. The third parties had leverage because they had no obvious interests at stake, because they didn’t threaten anyone, and because they were seen as neutral. Thus, when the parties decided that they wanted to explore negotiated settlement, the outsiders were available to facilitate the very difficult and often dangerous process. This is the traditional notion of an outside mediator.

The second pattern, in I. William Zartman’s phrase “mediation with muscle,” is shown in the Zimbabwe case, which involved a government (Great Britain) with definite interests in the area using state power on both conflicting sides to coerce them to reach an agreement. The British threatened to abandon the Rhodesian government if it didn’t cooperate, and persuaded the front-line states, which supported the rebels, to press them to reach an agreement, although they were on the verge of a military victory. Britain pressured both parties into accepting a settlement that it had largely dictated and that neither party really wanted. Each side felt that the British were supporting the other. The British were able to guarantee the settlement by sending a few troops to Zimbabwe, thus overcoming the rebels’ fears that the government would use a cease-fire to attack them; only a government could have made such a commitment credible.

The two approaches can be complementary rather than competitive. At the very end of the Sudanese negotiations, the process bogged down. The problem was resolved by pressure on both sides from the Ethiopian government to reach an agreement. Similarly the position of the British in the Zimbabwean negotiations was based in part on information from other negotiators who had tried and failed to bring the two sides to agreement. Nonetheless, it is difficult for the same party to practice both approaches in the same conflict at the same time.

Another part of the “common wisdom” is that civil wars over identity issues (ethnicity or religion, for example) are harder to resolve by negotiation than others. We could not test the hypothesis directly since we did not have a random sample of all civil wars, but it did not seem true in our cases. Identity issues were important in four of our cases; three of these ended in negotiated settlements (Sudan, Zimbabwe, and Yemen) and one in a military victory (Nigeria). When identification issues were less important, there was one negotiated settlement (Colombia) and two victories (the United States and Greece). This suggests the intriguing possibility that the causes of civil wars may have less impact on their outcomes than events that take place during the war itself.

Conclusions

A good deal of research has concluded that negotiation works best when it is between equal parties. However, by definition the parties in a civil war are not equal, except in unusual circumstances; Zartman argues that this inequality makes negotiating civil wars particularly difficult, and this seems to be true. On the other hand, this study suggests that solutions can be reached nonetheless.

There is general agreement that third parties can facilitate agreement but only when both parties really want it. But, we must ask, when will both parties want to settle? One key seems to be what the parties expect to happen in the future. Settlement is always a second-best solution, since it involves concessions of some sort, so naturally each side prefers to win. A negotiated settlement makes sense only when both sides simultaneously think that a continuation of the current situation will leave them worse off, producing what Zartman calls a “mutual hurting stalemate” or a situation “ripe for resolution.”

The next step is to craft an agreement that both parties expect will leave them better off than continuing to fight. Third parties can be extremely useful here, providing facilities and support for negotiation, increasing the mutual understanding of the sides, pressuring the sides to moderate their positions, providing resources to make an agreement more attractive to both sides, and making both feel more certain that their enemies will not take advantage of the inevitable risks involved in disarmament and demobilization. Nonetheless, the final decision always rests with the parties themselves, since they have to live with the consequences and retain the capacity to overturn the agreement. This in turn raises the interesting question of how stable political units can be constructed from among people who have been killing one another in civil wars.

Chapter 7

Negotiating for Peace in Liberia: Conclusions and Recommendations

by
Richard Joseph

This project assesses conclusions for negotiation in civil wars from the experience of Africa's recent civil wars, in particular one of the most devastating, Liberia's. Liberia is the oldest republic in Africa, and its slide into civil war has its immediate origins in 1980. That year a group of soldiers led by Master Sergeant Samuel K. Doe overthrew the government of William Tolbert in a bloody coup d'état. Tolbert's regime was the last incarnation of 133 years of rule by Americo-Liberians, descendants of freed-slave emigrants from the United States. Liberia is highly diverse, however, containing sixteen major indigenous African ethnic groups in addition to the Americo-Liberians, who account for about 5 percent of the country's population. Doe hailed from the Krahn tribe, and other factions and ethnic groups in the country rallied over the next decade to oppose his government.

Beginning in December 1989, Doe's regime was challenged by insurgents led by Charles Taylor's powerful National People's Liberation Front, and a period of civil war broke out despite the military intervention of neighboring West African states, led by Nigeria, in August 1990. Taylor's forces battled Doe's throughout the country, and another faction led by Prince Johnson (which had broken away from Taylor's group) joined the fray. Other armed groups associated with the Krahn also emerged. The war dragged on for six years, leaving some 150,000 casualties and an estimated 1.3 million refugees, and Liberia became known as a "failed state." International aid agencies and nongovernmental organizations (NGOs) seeking to facilitate peace were active in Liberia throughout this period, as was the United Nations. UN personnel launched several mediation initiatives among the factions.

The warring factions eventually reached an agreement in 1995, brokered by African leaders, that established a provisional government based on power sharing among the faction leaders. In early 1996, however, the fighting renewed and the country underwent another period of strife until a fresh peace treaty (Abuja II) was clinched in August 1996, again mediated by African leaders with the help of the United Nations. Voting following the second peace agreement in July 1997 led to the election of Charles Taylor as the country's president.

Policy-Relevant Conclusions

Examination of the Liberian negotiations suggests a number of policy-relevant conclusions, which I describe briefly below.

There has to be a better understanding of the complex interplay of external actors in African conflict situations. We need to build on Christopher Mitchell's model of "a mediation process rather than a single intermediary actor," using the considerable information

now available from different arenas. Issues of sequencing, timing for mediation, and even the risks of inappropriate mediation efforts need to be more rigorously studied.

The erosion of state authority in Africa facilitates prolonged conflict situations in which intermittent warfare is combined with the procurement, management, and distribution of economic resources in “state-fragments.” The study of the political economy of insurgencies is a burgeoning field that should be encouraged.

We need socio-psychological studies of “warlords.” When I first raised this point at an international conference several years ago, it met with bemusement. Only a small number of individuals are involved in keeping conflicts going. Understanding their motivation, and how they are likely to respond to various inducements, should not be left to ad hoc judgments.

There is an increase in private diplomacy in the mediation of armed conflicts. However, most critical attention is devoted to the capacity and weaknesses of international organizations, such as the United Nations and the Organization of African Unity. “Private diplomats” have had fairly easy going. Their activities often become a resource to those seeking to prolong conflicts, avoid serious mediation, and wear down their opponents and the international organizations.

As insurgencies provoke the fragmentation of already fragile African states, the fragments are governed as “proto-states” and insurgent leaders are accorded degrees of informal recognition. When mediation exercises are conducted, usually intended to achieve exit via elections, the challenge facing these insurgent leaders carries winning or losing to a higher degree: They are asked to abandon their state-fragments for an opposition or minority governing role in the more internationally recognized “juridical state.” The calculations made by insurgent leaders could have major implications for the possible resumption of armed struggle.

Inadequate attention has been paid to the role of civil society in achieving the resolution of armed conflicts. We need to move this subject from its “soft” status to a more rigorous one. Groups that obtain arms catapult themselves above all other civic actors. Mediators subsequently devote most attention to getting their leaders to agree to put down their arms, and the ensuing negotiation process allows these leaders to overshadow all nonarmed civic and political actors. A vicious cycle is launched that increasingly marginalizes those living a peaceful life.

The nexus between the emergence of a unipolar world and the intractability of armed conflicts demands renewed critical examination. If the external leverage to contain, even to mediate, conflicts has diminished in the post-Cold War era and the leading nation of the world adopts a cautious approach to applying its military and diplomatic power, how can we minimize the resulting dilemmas for those involved in peacemaking?

Civil conflicts following armed insurgencies become complex humanitarian crises and prolonged no peace/no war situations. In time, the subregion itself shares these characteristics. As countries in the subregion are encouraged to intervene actively in peacemaking, they become parties to the conflict and are subsequently involved in quite contradictory roles. The generally positive attitude to encouraging neighboring countries to become involved in such exercises needs to be critically examined and criteria devel-

oped for identifying the pitfalls. The interest of neighboring states in fostering disorder and supporting insurgencies sometimes exceeds their willingness to promote peacemaking.

The failure to implement peace agreements is one of the foremost problems in African internal conflicts. Available information regarding the extensive or partial implementation of agreements can be analyzed to generate persuasive propositions and models third-party mediators can take into consideration from the initial attempts to promote peace talks.

Key Messages for Policymakers

We have to do a better job of informing decision makers, and the public, that the costs of trying to resolve conflicts exceed by far what is required to prevent them from emerging in the first place.

We must foster greater accountability for those nations and individuals who support insurgent groups for purely self-interested reasons. Such actors enjoy a “culture of impunity.” Arms, precious metals, and other commodities provide a brisk and apparently lucrative trade whenever armed conflicts emerge. Yet those who benefit are seldom identified. Some countries have enjoyed international respectability, and even a seat at the table of peacemakers, while simultaneously supporting insurgent groups in Africa.

The role of international nongovernmental organizations in Africa’s complex emergencies is so extensive today that there should be a formal process of discussion that involves evaluating previous missions, developing codes of conduct and engagement, and establishing forums for resolving disputes.

The tasks of promoting development in Africa, the provision of relief assistance, and the resolution of conflicts are no longer separate spheres. We have not begun to address this issue in even a preliminary way.

Most dire cases of state collapse and/or prolonged conflict in Africa stem directly from a pattern of external involvement. Attention is often directed to “bad policies” within African states that are responsible for economic and political failures. The crises in Angola, Liberia, Rwanda, Somalia, and Sudan were the targets of high external involvement by major powers, directly linked to the intensity and duration of the conflicts in these countries. This issue should not be overlooked, especially in view of the tendency to treat the crises as “African” crises in which external actors, including those who were formerly deeply engaged, can choose whether to seek resolution.

Findings for the Conflict Management Field

Peacemaking as a field of study is still in its relative infancy. Most of the literature consists of hunches and hypotheses. The number of conflicts and their increasing complexity are outstripping the work of scholars. Scientific methods of research need to be used more extensively to understand the causes of violence and how violent conflicts may be managed. For example, how do warlords keep their ragtag armies together?

We still live, conceptually, in a post-Westphalian world (one in which the primary actor is sovereign countries), although non-state actors and the dynamics of “stateless-

ness” are becoming increasingly more significant in the initiation and conduct of armed conflicts. This creates an intellectual challenge that requires focused attention and more opportunities for active dialogue among specialists.

The political economy of “warlord insurgencies” and the movement of goods across porous boundaries should provoke the attention of professional economists who could assist in the analysis of their dynamics and the incentives and disincentives that can influence behavior.

Once an insurgency has “settled in” for the long haul, governments and NGOs get drawn into the web of the international politics of state fragments. There is a need for a more self-critical awareness by individuals and organizations seeking to “do good” about how much they may, in fact, become part of the predatory and dilatory behavior of leaders of armed groups.

Peacemaking does not necessarily advance peace. Individual and group behavior in situations of prolonged conflict cannot often be differentiated from the motivations of “normal life.” There must be a tougher approach to these conflict situations. International humanitarian impulses are manipulated by individuals with objectives that seldom go beyond “self and power,” although they can incite social conflicts in which the sentiments of groups provide leverage and credibility for predatory warlords. An appropriate balance between robust disincentives and effective incentives must be sought.

Findings for Skills Training

Mediators must be aware of the very problematic nature of mediation in the context of contemporary internal conflicts. Peace talks have become a game that does not necessarily lead to the resolution of conflicts. Mediators are drawn in to become mere players in this process, to be encouraged or discouraged, as the adversaries vary their tactics.

Training should include greater awareness of the psychological attributes that induce individuals to provoke and lead armed struggles. Willingness to make use of experts in psychology during the course of mediation exercises should also be encouraged.

Mediators should be instructed to be conscious of their own motivations so that they are not driven to try and bring about peace talks, or to seek closure in them, when conditions are not propitious. By being willing to back away from recalcitrant leaders, they reduce the likelihood that their zeal would make them easy to manipulate.

Mediation is seldom initiated and then carried through by one person or organization. Mediation is more of a “relay race,” with different actors serving at different times. There are quite different roles for a variety of actors to play throughout the usually long process of initiation, and frequent suspension and resumption of talks. Training should therefore help mediators increase their capacity to work in collaboration with others and be prepared to resolve the frictions that emerge in the course of such interactions.

Armed struggles today have become complex social phenomena that take on additional dynamics as they are prolonged. Training should prepare mediators and negotiators for the flexibility and adaptability that these situations now require. They must also be warned that pursuing peace does not necessarily engender it and may in fact impede a speedier resolution if the aggressive party is willing to back down only when compelled.

Conclusions

Greater effort should be made to encourage individuals who have taken part in actual mediations to reflect on why they were successful or unsuccessful. Such exercises would yield insights that could be synthesized into theories or models of conflict resolution. Finally, it should be interesting to see the process from the “other side,” that is, from the viewpoint of those combatants who are prepared to reflect on how they regard the different stages of the peace process and the ways in which they interpret the actions of negotiators and mediators.

Chapter 8

Negotiating with “Villains”

Deciding to negotiate with “villains” is popularly perceived as “giving up.” It may relay an impression of weakness, that leaders are too eager for a settlement and too willing to compromise. It may be thought that such a willing party can easily be taken advantage of. Thus, when political leaders consider negotiating with villains they fear that they will lose face with their constituencies as well as with their opponents. The appearance of appeasement usually stands in the way of resolving conflicts with villains early and peacefully. Politically, it may be viewed as better to wait than to lose face.

This project investigates instances in which a government or guerrilla group reversed course and agreed to negotiate with enemies it had previously considered outside the pale. Common questions about the change of mind were analyzed in negotiations on Haiti, North Korea, the Middle East, and Northern Ireland. The cases suggest several ways of overcoming this impediment:

Partnership: By developing an entrapping interdependence between the state that decides to open negotiations—the designator state—and the villain, both sides are often impelled to move forward incrementally to resolution. “Partnership with the devil” needs to be a mutually accepted option; both sides need to commit to resolving the conflict. As both sides move forward, the popular impression of appeasement quickly fades.

Pragmatism: Negotiating does not require that principles and convictions be compromised. It merely allows for influence to be exerted over the villain’s actions. In fact, it may allow a leader to achieve his/her interests through nonviolent means more successfully than by others. If deeply rooted hatreds and ideologies can be suspended on both sides, businesslike negotiations that focus on the interests of each party can yield meaningful results.

Secrecy: Both designators and villains may be able to keep from losing face if talks are shielded from public view. In this age of instant media coverage, that may be difficult to accomplish, but not impossible.

Mediation and a Motive: Third parties—especially unofficial mediators—are often necessary but not sufficient to achieve successful results with villains. The third party can intervene as a trusted intermediary and shield the designator country from exaggerated charges of appeasement, but other powerful motives are required to push the process to resolution, for example, deadline pressures and the threat of imminent and severe punishment if no agreement is reached.

by
Bertram
Spector

Three distinct models emerged to describe how countries decide to negotiate with their villains.

The Traditional Approach

The traditional approach puts the decision to negotiate in the villain's hands. In this model, negotiation is not really a decision initiated by the government but a consequence of certain conditions having been met by the villain. In the Britain–Sinn Fein case, for instance, the British government declared Sinn Fein a villain and held true to its word not to negotiate until the cease-fire conditions were satisfied. In this way the government was shielded from appearing to appease the villain. The villain, in fact, had to change its spots very publicly before the government was willing to accede to direct negotiations. Once that change occurred, the government was protected from the accusation of appeasement and agreed to negotiations.

If nothing can happen until political safety is locked in, however, the passivity of the government negotiator is assured. In fact, there are no real government decisions to negotiate. It is left entirely in the villain's hands to decide when and if negotiations occur. The government not only eliminates negotiation as an option when it villainizes the enemy, but it also abrogates its own power to open the negotiation option until the villain decides it is ready.

Brinkmanship

Brinkmanship—involving deadline pressure and imminent punishment to be meted out if there is no agreement—can be a powerful motivator in certain cases. In both the Haitian and North Korean cases, the U.S. government was well along in plans to implement harsh sanctions on the villains. In the Haitian case, a military invasion was imminent. In the North Korean case, UN-backed international sanctions were about to be implemented. All official communications had been severed. In both situations, Jimmy Carter, as an unofficial mediator but with official U.S. government approval, was sent in at the eleventh hour to open the communications channel. Although the press labeled both of these initiatives ad hoc and last minute, they share several attributes that suggest a consistent stylistic approach.

First, a mediator who had the trust of the villainous rulers was introduced in both cases. However, the mediator was a private citizen who, although a former president and briefed by the U.S. government before his departure, had no official standing. As a result, in the event of failure or an outrageous proposal, the intervention could be repudiated.

Second, the mediator was given a very narrow agenda on which to conduct talks and find agreement. All issues were not out on the table. The designator sought to hold all of the cards, reserving, for example, the possibility of harsh punishment if agreement was not reached. Third, the mediator was dispatched just before the onset of strong sanctions, banking on their being unacceptably costly to the villains. Fourth, the mediation missions were publicized and timed to be last-ditch efforts to avert the onset of sanctions. There was a very narrow window for agreement. Thus, there were very real deadline pressures, consciously developed by the U.S. government.

Business Model

The Israeli-PLO rapprochement exemplifies a negotiation characterized by business-like interactions. For the parties to this agreement, much more could be done in secret and in an informal setting—away from the media, away from the opposition, and in the absence of public posturing—than could ever be done in an open public forum. In secret, the taboos of noncommunication could be broached and overcome. In private, villainized personalities could be listened to, questioned, understood, and dealt with personally. Reports from participants suggest that a collegial atmosphere was generated and a sense of affiliation developed.

This model demonstrates the benefits of pragmatism. If you want to resolve a problem, you must deal with those who have the authority to decide, even if they are the ones who have acted villainously. From a pragmatic perspective, pride must be swallowed and the necessary business accomplished. This model operates under the assumption that both parties understand their own self-interests and seek to maximize them. The decision to negotiate is based on an understanding that both sides will be motivated by interests, not ideology.

There is also a practical need to work with the other side as a partner who can deliver on promises, who will not renege, and who is strong and will not bend to opposition forces. More than the other two models, this one depends on trust—trust in the other side to take initiatives and assume risks to the same degree as the designator country.

Findings for Policymakers

Negotiating with villains is a difficult and risky proposition. But it has been workable in the four cases—Haiti, North Korea, Northern Ireland, and PLO-Israel—analyzed in this study with little if any harm done to the image of the leaders who have decided to proceed on this path. On the surface, the negotiation decision seems to require certain leadership attributes: a very practical, tough, credible, and risk-taking personality. But it is more than just a matter of style. The decision—and its success—depends on skillfully engineering the situation (positioning scapegoats and shields in the event of failure, minimizing media coverage, and generating “overwhelming ripeness” through deadlines and compelling punishments) and positive actions (submerging ideology, suspending revenge, reframing the conflict, reframing the villain, and creating a partnership).

The ethical question of whether leaders have a duty to negotiate early and meaningfully even with villains is likely to persist as the international system emerges from the Cold War era. The fracture of nation-states along ethnic lines, the proliferation of weapons of mass destruction, the threat of terrorism, and the weakening and collapse of states will continue to challenge leaders with seemingly intractable conflicts against repugnant enemies. While principles and convictions certainly need to be upheld, they must be balanced with the major costs of maintaining the struggle. Sometimes persistence, even escalation, of conflicts with particularly heinous villains is justified when it appears to be the only way to resolve massive injustice. However, when face, image, honor, and politics are the only elements barring negotiation, there should be no question: There are credible ways of negotiating with villains, surviving the torrent of public and media criticism, and resolving seemingly intractable conflicts effectively.

Mediators are also faced with a painful balancing act. Is it better to save lives in the short term through brokering a cease-fire with villains even though they may remain in power and continue to perpetrate human rights abuses? Or is it better to take the longer perspective and avoid "collaboration," promoting actions that will not only drive them from power, but establish a more stable peace settlement?

The public reversal of "villainization" naturally offers itself to criticism and charges of hypocrisy and appeasement. How can leaders deflect such charges? The conservative approach is to put the ball in the villain's court. This is typified by the British-initiated contingency arrangement with Sinn Fein: Villainization was reversed only when the villain ceased to behave as a villain. When the villain complied, the reversal was natural and acceptable; after all, the repulsive behavior (the armed struggle) stopped and the designator could claim victory.

A more proactive approach is risky but sometimes feasible. First, the decision makers must have a reputation for being tough and credible. Their population must believe that, based on past experience, the decision makers would never do anything that would undermine the security of their constituents. Second, a vision of the future must be presented that paints a highly beneficial, but realistic, picture for the constituents. The public will not find negotiations with, and possibly concessions to, the villain acceptable if it is not part of a larger image of a future in which the villain changes its tune. Third, the decision makers must act out of pragmatic motives, not idealism. Once there has been sufficient socialization about the villain, it is difficult to remove that social learning with idealistic rhetoric; the public is likely to respond more favorably to practical, businesslike approaches.

Third parties, especially those involved in Track Two (unofficial) diplomacy, are important channels in the decision to negotiate with villains. First, because they are unofficial, they can be repudiated with little loss if the initial talks do not fare well. Any charge of appeasement can be attached to the third party, dissociating it clearly from the government. Second, third parties may be used to initiate negotiations and send up trial balloons as proxies for the government, keeping both parties at arm's length. Third, third parties are often under no official proscriptions that limit their interaction with villains. As a result, long-term relationships of trust and confidence may be formed between these parties and elements in the villain groups or states.

Findings for Conflict Management Specialists

Analysis of the case studies corroborated a number of the hypotheses regarding the decision to negotiate with villains.

These cases all seem to share the characteristics of a great historic moment. The drama of a cease-fire, the meeting of old warriors, return to civilian rule after military dictatorships, and the freezing of nuclear weapons production are part of what makes this kind of breakthrough decision different from negotiation decisions under normal circumstances. The leaders sense these historic moments, grab them, and seek maximum credit.

The leaders who make decisions to initiate or resolve negotiations are usually perceived as being tough and unyielding actors or have developed a tough strategy to back up the negotiations.

The decision makers are also risk takers, willing to break the established mold in a crisis and make new and historic decisions to resolve it.

The leaders are astute and practical politicians; they find a protected way to make the risky decision. For example, the use of unofficial mediators and facilitators is usually an important element in such face-saving strategies. They are positioned as convenient scapegoats in the event that negotiations fail or public opinion backfires.

Principles, values, and ideology must be temporarily suspended in favor of the decision to negotiate. Convictions need not be compromised, but a doggedly pragmatic outlook must be developed.

Negotiation goals are usually very limited and incremental. Achieving agreement on practical interests is the focus of the decision to talk with villains. Pride must be swallowed in many cases.

While ideology could be suspended, deeply rooted hatreds and animosities were not forgotten or dealt with directly in this sort of negotiation. Their pragmatism ignored many of the underlying emotional issues. The hope is that such affect will recede over time as relations normalize.

It appeared that some progress was made in reframing the conflict and the image of the villain, particularly for the long-term insurgencies; less progress was made in this regard in the rogue challenges facing the United States, as in Haiti. The United States appears to change heart only rarely, and haltingly.

Overwhelming incentives proved to be powerful and, perhaps, catalytic factors influencing the decision to negotiate. In the two rogue challenges, extreme negative consequences were threatened if negotiations were not successful. In the two insurgencies, positive incentives—the cessation of violence—were promised as an element of the decision to negotiate. Without major rewards or punishments, the decision to negotiate may not have been successful. In fact, if these incentives had not been an integral part of the initial decision strategy, the decision makers might not have made the risky decision to negotiate at all, fearing failure and loss of face.

Conclusions

Bridging Theory and Practice

by
Timothy D. Sisk

The studies reported here demonstrate that the analysis of negotiation remains central to a wide range of topics in international conflict resolution. Negotiation means much more than gathering around a table making concessions until an agreement is secured. It involves creative thinking about the ways parties might reach agreement, laying careful groundwork to build the conditions for a sustainable settlement. What goes on behind the scenes—in domestic politics, for example—is as important as the dynamics of formal bargaining sessions. Negotiation and mediation permeate virtually every dimension of contemporary international conflict resolution. It is especially important, then, to consider ways that new approaches to negotiation and mediation can inform practice.

Moreover, it is clear from these projects that in international relations negotiation often involves many players bargaining over complex issues. For example, in a multisided civil war like Liberia's or a large treaty negotiation such as the Biological Weapons Convention, many interests are represented at the negotiation table. As a result, it is useful to inform the study of negotiation and mediation with other approaches to the study of international politics, such as coalition analysis. Marie Chevrier's simulation of the BWC negotiation, for example, pays careful attention to teaching skills on coalition formation. Given the breadth of issues and the complexity of the real-world events, how can we better understand the links between negotiation theory and practice?

The theory of negotiation and mediation contains a treasure trove of general findings that can inform bargaining strategies. Druckman and Robinson succinctly distilled these findings and offer a set of generalizations that are helpful as guides to negotiation strategies, especially when the findings of research are counterintuitive. Although we might think that negotiating with friends is easier than negotiating with strangers, for example, their overview of research suggests that sometimes it is too easy to concede with friends, leading to disappointment and frustration. We also learn that even though parties to a conflict may not see a mutually beneficial solution—and indeed they may see a conflict as “zero-sum,” where one party's gain is another's loss—the careful and practically minded application of theory can reveal ways that zero-sum perceptions can be transformed into a positive-sum perception of mutual gain. Thus, research findings on negotiation tell us much about general principles that can guide policymakers in such efforts.

Nevertheless, a better understanding of the pathways between theory and policy is needed. Policymakers often view academic research as overly abstract, too general in application, and insufficient to deal with the multitude of countervailing pressures they face. (See Alexander George, *Bridging the Gap: Theory and Practice in Foreign Policy*, Washington, D.C.: United States Institute of Peace Press.) Despite their aversion to abstract theory, policymakers and practitioners in international conflict resolution do

operate with theoretical assumptions, often implicit, about negotiations. Studies that demonstrate clearly and effectively how negotiation theory can lead to useful results, such as innovative methods of cake-splitting or those that use findings from simulations, should be welcome. Equally, those that clearly demonstrate the applicability of theory to complex, real-world situations (either in a specific dispute or in conflict resolution training) will gain wider acceptance than those that simply make abstract advances in general knowledge.

Policymakers might then concede their operational premises more explicitly. For example, as Licklider points out, for better or worse policymakers in the international community seek negotiated settlements to contemporary civil wars. Would their strategies be improved by making their working assumptions more explicit? Would they be made more effective by focusing on security dilemma problems, as Licklider suggests, or the political economy and socio-psychological study of “warlords,” as Joseph would have it? Counterintuitive findings, like the assertion that civil wars ended by negotiation are more likely to recur than those settled on the battlefield, demonstrate the kind of theory-to-policy linkages that are most useful. It is doubtful that policymakers will stop seeking negotiated settlements, but they may begin to think more about making them more durable. Theories that challenge conventional practice may precipitate a healthy review of the guiding premises under which policymakers may be operating.

Theorists, for their part, often fail to appreciate that policymakers must deal with the minute details of a negotiation, so that wide-ranging or overly abstract findings often appear so obvious that they are, in effect, useless. Balancing the specificity of research findings with the need for broader generalization, sometimes cast as “lessons learned,” is the constant challenge of those seeking to develop applied theory or theoretically informed practice. Theorists need to be more aware that policymakers seek such specificity in knowledge.

There is also clearly room for further innovation in negotiation and mediation training. Clearly computer-based technologies are leading to more effective teaching and training tools. The work of Child and Wilkenfeld and Kraus shows that new technologies can improve negotiation strategies and outcomes in topics as far apart as natural resource extraction in Antarctica and hostage crisis talks. One is struck by the care in design and application that these scholars have employed to create the conditions in which the simulation of negotiation emulates reality. This is also true of Chevrier’s simulation of the BWC negotiations, which carefully lays out the limitations of developing countries in such talks, for example. In each of these training curricula, the limits of simulations are clear—the stakes of international negotiations can’t be reproduced in the classroom or in a training seminar—but general principles can be effectively illustrated.

Again, like theoretical study, the purpose of the simulated training is not to give practitioners and students a cookie-cutter approach to negotiation or to assume that the possible solutions are known in advance. Rather, the purpose of both theoretically oriented research and skills training is to sensitize practitioners to the findings of rigorous research and thought. Such training can highlight the complexity of the issues, identify implicit assumptions, help craft strategy, and hone practical skills for challenges in which negotiation and mediation are the desired methods of conflict resolution.

Appendix

Theoretical Aspects of Adjusted Winner Theory

This appendix features the formal-theoretical aspects of the contribution by Steven Brams on Adjusted Winner theory (see chapter 2).

Adjusted Winner (AW)

Assume there are two parties and multiple items, or goods, that need to be divided. Assume that each party can quantify the relative importance of each good to itself in distributing a total of 100 points over all the goods.

Call the n goods to be divided G_1, \dots, G_n and the two players Bob and Carol. Each player independently allocates a total of 100 points to the goods, indicating the worth of each. The players then submit their point assignments to a referee or mediator, who assigns the goods in the following manner. (The computation can be done on a computer.)

1. Bob temporarily “wins” those goods on which he put more points, and Carol wins those on which she put more points.
2. If the total number of points that each player wins is the same, then the task is complete—except for dividing the goods on which they put the same numbers of points, on which an equitability adjustment is made (see 3 below).
3. Assume Bob wins more points than Carol. Then he will give back to Carol goods (or parts of goods) in a certain order until both players have exactly the same number of points. This transfer is called the *equitability adjustment*.
4. The giveback starts with the good having the smallest ratio of Bob’s points to Carol’s, then goes to the good with the next-smallest ratio, and so on.

As an example, suppose there are three goods (G_1, G_2, G_3) to which Bob and Carol make the point assignments given in table A1 below (the larger of the two point assignments is underscored).

Table A1: Sample Point Assignments

	G_1	G_2	G_3	Total
Bob's Points	<u>6</u>	<u>67</u>	27	100
Carol's Points	5	34	<u>61</u>	100

Initially, G_1 and G_2 are assigned to Bob, giving him 73 of his points, and G_3 is assigned to Carol, giving her 61 of her points. Hence, goods must be transferred from Bob to Carol to create equitability.

Notice that the ratio of Bob's points to Carol's on the two goods he wins is smaller on G_1 ($6/5 = 1.2$) than on G_2 ($67/34 = 1.97$), so the transfer begins with G_1 . But even transferring all of G_1 from Bob to Carol still leaves Bob with an advantage over Carol (67 of his points to 66 of hers). Hence, we must next transfer some of G_2 , as well, to Carol to create equitability.

Let x denote the fraction of G_2 that will be retained by Bob, with the rest transferred from him to Carol. We choose x so that the resulting point totals are equal for Bob (left side of the equation) and Carol (right side of the equation):

$$67x = 61 + 5 + 34(1 - x)$$

which yields $x = 100/101 = .99$. Consequently, Bob ends up with 99 percent of G_2 for a total of 66.3 of his points, whereas Carol ends up with all of G_1 and G_3 , and 1 percent of G_2 , for the same total of 66.3 of her points.

Equitability is built into AW through the equitability adjustment of the points of the two players. Envy-freeness follows from the fact that each player will wind up with at least 50 points, although this is not completely obvious and requires a technical argument. More difficult to show is the efficiency of AW, which depends on two things: that one starts out with an efficient distribution (that is, giving each player all the goods he or she most values) and that one makes the equitability adjustment in the prescribed order (that is, based on the smallest-ratio criterion). From these facts it can be shown that it is impossible to help both players with a different allocation, including one that is not equitable.

It is worth noting that envy-freeness and equitability both address the question of whether each player believes he or she did as well as the other. The difference is that envy-freeness involves a comparison based on one's own valuation, which is captured by the following question: Are you better off with your allocation and have no desire to swap with the other player? Equitability, on the other hand, involves an interpersonal comparison: Is your valuation of what you received equal to the other player's valuation of what he or she received?

The equitability adjustment, which gives each player 66.3 of his or her points in the example, may be interpreted as providing each player with what he or she perceives to be nearly two-thirds of the total value of all three goods. I caution, however, that the equalization of the players' values assumes that points are "additive" and "linear." *Linearity* means roughly that x percent of a good is worth k times as much as x/k percent, and *additivity* means that the value of two or more goods to a player is equal to the sum of their points.

A potential drawback of AW is that, in theory, it may fail to induce the players to be truthful in announcing their valuations. But this theoretical vulnerability of AW turns out not to be real in almost all conceivable situations because an optimal exploitation strategy requires having precise advance information about the other party's allocations of importance; being off by only one point could mean that the putative exploiter, as well as his target, ends up receiving less than 50 points. This risk is likely to induce both sides to stick closely to honest valuations—unless one side has a spy in the other's camp, in

which case a strategically more robust procedure, called Proportional Allocation (PA), can be invoked (Brams and Taylor, 1996, chap. 4).

Applications to the Spratlys

These scenarios for China and ASEAN are summarized in table A2 below.

Table A2: Scenarios for China and ASEAN

	Political Coop.	Military Prominence	Economic Gain	Pol. Coop. & Concentration	Economic Gain of Control
<i>Region</i>					
North Central	40	30	20	0	0
South Central	30	0	0	0	30
East	10	0	0	20	30
South	10	30	30	40	40
Southeast	10	40	50	40	0

Pairing off each of China's three scenarios with ASEAN's two scenarios gives six combinations. The AW allocations for these combinations, and the total number of points each player receives, are shown in table A3 below.

Table A3: Allocations and Total Points

	(C1, A1)	(C1, A2)	(C2, A1)	(C2, A2)	(C3, A1)	(C3, A2)
<i>Region</i>						
North Central	C	C	C	C	C	C
South Central	C	5/6C, 1/6A	–	A	–	A
East	C	A	A	A	A	A
South	A	A	A	3/7C, 4/7A	A	3/7C, 4/7A
Southeast	A	C	7/8C, 1/8A	C	8/9C, 1/9A	C
<i>Total Points</i>	80	75	65	82.9	64.4	82.9

In all except combination (C1, A1), where no equitability adjustment is needed because each side wins exactly 80 points by obtaining the zones on which it places more points, there is an equitability adjustment. Since this adjustment occurs on the one zone that the two sides value most equally (in ratio terms), it has the strongest claim for being the zone over which the two sides *should* share control.

Practically speaking, what might such sharing mean? As an example, take combination (C2, A1), in which the Southwest is divided in the ratio 7:1. Which side is entitled to what islands? This question would be especially difficult to answer if there were hydrocarbon deposits near some islands but not others. Alternatively, the two sides might negotiate a production and revenue-sharing agreement, based on this ratio.

Except for the zone on which there is an equitability adjustment, each side would gain complete sovereignty over all islands in the zone it wins. This is not to say, however, that joint development agreements would be ruled out. Indeed, they might prove extremely attractive if a promising field overlapped two zones.

The winners and partial winners show that each side benefits substantially under AW. Depending upon the combination of bids, both China and ASEAN realize between about 64 and 83 percent of their objectives. Even in the worst case (C3, A1), each side gets almost two-thirds of the zones, as it values them.

The AW scenarios for China and ASEAN are meant to be illustrative, because it is not clear what priority each side would attach to different goals. The goals postulated for the Spratly players are plausible, but it is likely, especially for ASEAN, that the actual bidding strategies might reflect a blend of these goals.

This blending, of course would produce different allocations. However, the purpose of this analysis is not to say what the “true” valuations of China and ASEAN are but to illustrate a *methodology* for reaching a fair settlement.

This methodology is unique in guaranteeing an envy-free, equitable, and efficient distribution of items that would, for all practical purposes, be difficult to exploit. As AW is applied to other cases and extended theoretically, its utility to practitioners as a tool for enhancing international cooperation and security should increase.

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