

LANDMARK NEGOTIATIONS FROM AROUND THE WORLD

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LANDMARK NEGOTIATIONS
FROM AROUND THE WORLD

Lessons for Modern Diplomacy

Edited by
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FOREWORD

Diplomats and History: A Return to Basics

The future belongs to those with the longest memory

Friedrich Nietzsche

At first sight, diplomacy and history should be considered a matter of fact. The intricacy of their relationship should make them natural-born partners, unlocking a path where both sides mutually benefit from each other. The two social actors which compose this tandem – the policy maker in charge of shaping the international order and the historian as the provider of useful explanations to tell us where we come from – should effortlessly be enticed by this complementarity and stir a fruitful collaboration. For any diplomat, history remains a companion both for acquiring the necessary knowledge to walk through the increasingly complex geo-political background and for helping furbish the toolkit of international negotiators. In a nutshell, the contribution of the study of history to the training of a young diplomat and to his following professional years sounds like an obvious choice, and a very logical one for that matter in the process of any successful diplomatic career.

How come, then, history seems to be fading away from diplomatic practice? Indeed as far as one can observe, this natural partnership has lost momentum and not much nowadays is heard of history in a meaningful way. Arguably it could be said that references to the Westphalia Treaty, for instance, have recently found a new lease of life in foreign policy discourses when doubts over the capacity of the present liberal order to survive the new multipolar world are emerging: nation-states would remain irreplaceable in this more chaotic and dangerous world. Yet the overuse of the Westphalia reference is far from implying a proper grasp of what precisely the Westphalian model means in the context of modern Europe, and even more so when applied to non-European reality. And an abusive exploitation of an undoubtedly major but somewhat outdated diplomatic achievement illustrates in its own way the contradictory relations that diplomats nourish today with history. While they acknowledge the

invaluable contribution of historical references to their trade, they often misuse history for the purpose of a formatted narrative that misses the relevance of these references when attempting to understand the long-term changes in the making. Likewise, another impasse is to limit oneself to a simple examination of established precedents, essentially as a convenient safeguard against any major negotiating blunder. To say the least, this attitude seems far remote from a mutually beneficial cooperation, as one could expect from history and diplomacy. But it is more and more the reality of a relationship where both sides look as if they have progressively drifted apart.

What are the causes of this gradual disregard to history on behalf of professional diplomats? Common wisdom has it that history does not naturally come with a clear sense of its own destiny. True, the meaning of history in the making is rarely noticeable amidst an ongoing swirl of confused events, conflicts and crises that negotiators try if possible to anticipate but more generally only manage, at best to mitigate. “Men shape their history but they do not know the history they are shaping”, French philosopher Raymond Aron once wrote in his *Leçons sur l'histoire* (Cours au Collège de France 1972–1974). Out of this reality stems the widely shared assumption that what is expected from diplomats is to constantly adapt and eventually transform the context in which they operate. When negotiators face at the conference table unprecedented positions or confront new colleagues dismissive of the “old school” diplomacy, they are seldom tempted to look back because they see the challenge as one of creativity and innovation. While they struggle to make sense of the ongoing global transformations and adapt to an ever morphing international landscape, they tend more and more to see history as of limited assistance. In their opinion, relying too much on the past can only deprive them of the agility required to adapt to modern times.

In truth, diplomacy has dramatically changed in recent years. Much as the contribution of history may have been in the past an indispensable resource for the tool box of any seasoned diplomat, its added value today is losing some of its relevance when it comes to grasping the ever changing nature of the international environment. With the new technological trends opening the way to the constant pressure of information input and social networks and with the new configuration of a multi-polar world in constant flux, the overall context of diplomatic activities seems to be facing a radical transformation. For diplomats, the priority then is to invent out of the box new answers to these multiple challenges. This quest for novelty may appear naïve, even shallow.

Yet diplomats cannot be entirely blamed for discarding historical references which bear so little resemblance to current reality. If this perception were not enough, the post-modern attitude of the US President Trump or the polarizing behavior of some of the populist leaders in power in Europe can only add to this impression of a profoundly transformed international scene where respect for facts, the protection of traditions, and a certain sense of decency are fading away. The intuitive notion that lessons learned may be an asset in diplomatic conversations seems to be evaporating at the same speed as populist pressure, high-tech innovation and social networks enter the daily life of foreign chanceries. Modern negotiators tend to presume there is not much relevance in looking for historical perspective while facing today in diplomatic gatherings new emerging countries which were absent or simply unnoticed a few years ago, and when issues involved bear little resemblance to the ones discussed in the past.

There may be an element of truth in this largely accepted assumption. Is there any relevance in dissecting the intricacies of the SALT negotiations (1969–1979) of the last century when today's threats involve cyber-attacks against nuclear systems and require new security concepts that were unheard of less than 20 years ago? Does the studious analysis of the Vienna Congress in 1815 offer any relevant key to practitioners dealing today with the unraveling of the world liberal order under pressure from an unprecedented combination of economic uncertainty, social anger, lack of a robust global governance, and an overall fear towards the future? However regrettable this new mindset may be, the lingering assumption that modern diplomacy does not require any substantial contribution from history becomes all the more compelling as policy makers and media call for rapidity and innovation and thrive on the notion of permanent creativity. For professional diplomats, history is overtaken by the speed of time and continuous adaptation is now the new brand.

This underlying current of unprecedented and permanent innovation is noticeable everywhere. It is a common feature of our societies and its impact on diplomacy operates in the same way as for the rest of the public action sphere. But the implications are not only affecting the backdrop in which diplomats operate. They also shape the rules and methods of the trade itself. The traditional setting of negotiations is increasingly giving way to more open formats where representatives from civil society sit and take the floor in multilateral meetings, as recently observed for climate change or migration talks. Inside the European institutions, commitments on transparency lead to the publication of negotiating

mandates and a greater involvement of public opinion in the definition of an agreement and its eventual endorsement. Noticeably in recent years, the recourse to the referendum process is becoming a regular practice to conclude hazardous negotiations, which forces diplomats to pay more attention to popular demand. These novelties may look naïve, superficial, even irritating for many professional diplomats but are mostly perceived as lending reinvigorating legitimacy to international forums. Yet, irrespective of whether these more or less substantial innovations improve the negotiating processes, they are testimony to a changing mood at the national and international level that cannot be lightly dismissed. The substance of foreign policy has surreptitiously been transformed into a more complex pattern where previous boundaries nowadays are blurred. Today war and peace are confusingly intermingling on the ground; internal and external affairs are intricately intertwined leading to a more serious oversight from Parliaments and public opinion on all matters related to the foreign sphere; and professional diplomats work with civil society activists on common grounds with less and less separation between the two. The recent multiplication of track 2 mediations under the auspices of private diplomacy reinforces the necessity for public agencies to consider this new form of competition as a legitimate component of the diplomatic profession. Each one of these different features, in its own way, is reinventing the diplomatic trade.

This new reality leaves not much room for the dispensation of historical experience. History in the diplomatic world is being sidelined. The legacy of retired diplomats is parading nowadays in heavy volumes of memoirs which do not see great sales in bookshops. They may still attract the attention of historians but are seldom fit for professional use. As for direct contacts between old and young diplomats for the purpose of transferring experience and sharing some of the most cherished “tricks of the game”, this tradition seems to be silently passing away. Time is too short for active diplomats to go through the reading of their seniors’ thick volumes and the relentless pressure of their agenda does not allow much room for a meaningful dialogue of generations. Even when admitting such a practice was never deeply rooted amidst a diplomatic corps often handicapped by a solid tradition of individualism, it is nonetheless worth noting that valuable diplomatic experience looks like being increasingly lost in transition. The growing importance of the role played by Heads of State and Prime Ministers in the elaboration and management of national foreign policy coupled to the frequent changes of their staff leads more and more to the departure from the public service of high performing officials and the

loss of an extensive expertise. In the new European Union department in charge of external action, the rule set up from the start to recruit seconded national diplomats only for a limited time has reduced the efficiency of the administration through this constant rotation of personnel. And the frequent lack of any serious orderly transmission of experience between diplomats when they rotate in their jobs (except for some superficial and often improvised meetings) speaks loudly for the depletion of resources frequently observed in diplomatic services.

More fundamentally, relations between policy-makers and policy-thinkers have never been an easy ride in modern diplomacy. Personalities like Henry Kissinger who ventured successfully into foreign policy out of their academic background have mostly been an exception in an otherwise complex cooperation, where both sides seem to largely ignore each other. When they step into the foreign policy world, representatives from the academic community are seldom immune from criticism coming from the professional diplomats, who complain over the lack of realism and experience of their input. Policy planning divisions, which are today commonly set up in most of the Foreign Affairs ministries, and where outsiders from the academic world are invited to come and share their thoughts, see their work frequently met with resistance and often sidelined inside their own administration. Conversely, historians have not always paid enough attention to the diplomatic dimension of their work nor tried to convert their historical knowledge into a concrete contribution for diplomatic practitioners. Historical studies on practical diplomacy remain scarce, thus forcing young generations of diplomats to search empirically after individual experiences or case studies for lack of theoretical work on the interaction between history and diplomacy in practice. For reasons inspired by the need to protect Academia's autonomy on one side, and the sense of irrelevance all too often shared by diplomats when considering a potential historical input, the two communities seem to struggle when they try to define some common ground between theory and action.

Should it then be definitely asserted that history and diplomacy henceforth form an incompatible couple doomed to divorce? It could be tempting to botch a conclusion of that sort, as today's professional diplomats, carried away by modernism and the irreversibility of the march of time, no longer find merit or relevance in lessons learned. This may well be the current state-of-play but is such a forthright conclusion the correct one? As diplomats struggle to grasp the causes behind the unraveling of the global order and face an ever-changing professional practice, the need

for knowledge and experience paves the way for history to reemerge as a natural provider of the missing link between modernity and rationality.

To be efficient and reach breakthroughs in their negotiating efforts, diplomats often lack two important ingredients: the capacity to comprehend the outlines of the geopolitical situation they are facing and the proper attitude to drive a negotiation to a successful outcome. In both cases, historical experience provides useful elements to that end. Moreover a solid historical background can stir the kind of creative and original diplomacy that is desperately lacking nowadays. With a broad yet clear and precise perspective of the political, economic, and social strands involved in a complex diplomatic process, negotiators are protected from walking in a blind alley. A good link to history is also a way to avoid repeating the well-known mistakes of history. Diplomats can ascertain their options and deductions in the light of the lessons of history and be more assertive for that. More importantly, they can learn from experience some of the qualities that enhance the aptitude of a negotiator to engage discussions in the proper direction and eventually close a deal. They also can get a better grasp of the cultural specificities that shape the attitudes of their foreign interlocutors, thus avoiding the confusion that may arise from a behavior that was not perhaps understood at first sight. These are not unreachable peaks. They have more to do with elementary notions like the ability to listen to the other side and capture the genuine reasons behind the concerns expressed; the capacity to delineate the ground for a realistic compromise; and the propensity for any negotiating delegation to define the precise goals that can be reasonably reached. For all of these elements to find their appropriate place and compose a harmonious alignment, lessons learned from the past – the unknown negotiations just like the more prestigious ones – are the true reliable resources to achieve an optimal result.

At the European level for instance, many observers will indulge in the well-rehearsed argument that a Union of 28 members cannot greatly benefit from past lessons that operated a few years ago with a smaller number of nations. And there is some truth in that assessment. But what surfaces from this enlargement process are a few eternal lessons that apply whatever the size, format, or shape of the assembled convention, from the Holy Roman Germanic Empire to Westphalia to Vienna and the UN, and which should not be forgotten. They are about folding into the talks the difficulties of other delegations, finding the right tone of argumentation, manipulating one's own instructions to adapt to circumstances, showing empathy when it can help and firmness when required, never humiliating

the defeated party. In short, it is about grasping a genuine understanding of the negotiating situation and making the best out of it. Much of the cause behind the current stalemate in many of the ongoing discussions in Brussels has to do with the ignorance of these simple guidelines.

This is definitely not rocket science. Nor perhaps is it the ground for ambitious academic research. Yet it is the substance that makes in the end the difference between a failed attempt at delivering a deal and a positive conclusion to a process that seemed at some point a desperate cause. The Iranian nuclear agreement, the peace plan in Columbia, or the outcome of the Brexit talks do not come out by chance or a peculiar stroke of genius. Each of these achievements is the outcome of a long and painstaking labor out of attention, steadiness, and humbleness. This is where history can teach today's diplomats the lessons of a long line of predecessors. And this is also how history patiently builds up a professional diplomatic expertise for the promotion of an international community still in the making.

Pierre Vimont
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PREFACE

Negotiation is a living thing. It is fact before theory, often a practice that is more or less clear before it is an art, and very likely an art before a science. The evolving, creative, and sometimes unforeseeable nature of the negotiation process is one of the features this book highlights. Each of its 30 chapters tells the tale of a noteworthy international negotiation chosen from across the centuries and around the world.

In these chapters, the reader will find brilliant negotiations, secret negotiations, calm negotiations, and chaotic negotiations. Some of the negotiators are in a strong position, but even more interesting are those that are in a weak position. Alliances are made; coalitions fall apart. The reader will also see how important individual determination, as well as organizational factors are in multilateral negotiations. Many peace treaties will be signed, while ambitious conferences will fail.

The same questions are raised every time. How can an improbable success be explained (such as, in 1513, when the governor of a city under siege managed to persuade the invading army to turn around and go home)? Is there a list of ingredients to achieve a resounding success (such as the 1787 Constitutional Convention in Philadelphia, or the 1998 Good Friday Agreement in Northern Ireland)? How can failures be explained (for example, why did the 1877 Constantinople conference get off to a good start but end in failure)? What makes reluctant parties eventually agree to come to the negotiating table (as the FARC and the Colombian government did in 2010)? Or, more simply, why didn't they think of negotiating at all (in late 1917 the German leaders were in an excellent position to negotiate)? How far can the negotiators' skill take them, and when must they admit that the conditions for success had not been met? Negotiation is not all there is to international relations, it can't explain everything, but it is the focal point – the place where a stable balance between nations is achieved – or not.

To answer these questions, each chapter contains both a summary account of a noteworthy case from the past (a bilateral or multilateral negotiation, an important treaty, a famous mediation, etc.) and a critical analysis of the events to see how they illustrate negotiation theories.

In each case, the author uses the most recent concepts developed in negotiation studies to analyze the events and arrive at a “lesson” that can be learned. Each chapter constitutes its own particular type of conversation between history and negotiation, and thus contributes to what Fernand Braudel called “the lowering of customs duties between the various disciplines”. Negotiation studies essentially draw from neighboring disciplines, and with this book we hope to further the idea that history is one of the disciplines that has something to offer.

What contributions have these neighboring disciplines made? From about 1650, when ambassadors in residence were becoming the norm and started forming of professional category of their own, the French school of the 17th and 18th centuries¹ asked themselves what qualities were required to be a “negotiator” or “ambassador”. The two terms were synonymous then, and the words “diplomat” and “diplomacy” did not exist yet – they were invented by Edmund Burke around 1790.² Authors such as Jean Hotman de Villiers;³ Louis Rousseau de Chamoix;⁴ François de Callières,⁵ whose work was translated into five languages as soon as it was published; Antoine Pecquet;⁶ and Fortuné Barthélémy de Felice⁷ offered advice to professionalize the job of ambassador. They developed typologies and the first concepts (which would be rediscovered later) contrasting, for example “real interests” with “small passions”, or highlighting “expedience” and stigmatizing “intrigue”. As Pecquet wrote: “The qualities and talents of negotiator are the main causes that influence the fate of the largest affairs and also decide the greatest interests.”⁸

¹ See the two ESSEC IRENE colloquia held in Paris in 2002 and 2003: Aux sources de la négociation européenne. Les penseurs français de la diplomatie à l'âge classique, June 18, 2002, Paris; Talleyrand, Prince des négociateurs, February 1–4, 2004.

² BERRIDGE, G.R., KEENS-SOPER, M., OTTE, T.G., *Diplomatic Theory from Machiavelli to Kissinger*, New York, Palgrave, 2001, p. 5.

³ HOTMAN DE VILLIERS, *De la charge et de la dignité de l'ambassadeur*, 1st ed., Paris-London, 1603; 2nd ed., Paris, 1604. Reprint: ESSEC IRENE, Paris-Cergy, 2003.

⁴ ROUSSEAU DE CHAMOIX, L., *L'idée du parfait ambassadeur*, Paris: 1692. Reprint: ESSEC IRENE, Paris-Cergy, 2003.

⁵ CALLIERES, F. de (1716/2002), *De la manière de négocier avec les souverains*. Published by LEMPEREUR, A., Geneva, Droz, 2002. Translated and published by Houghton Mifflin and by A.F. Withe, University of Notre Dame Press.

⁶ PECQUET, A., *Discours sur l'Art de négocier*, Paris, Nyon fils, 1737. Reprint: ESSEC IRENE, Paris-Cergy, 2003.

⁷ FELICE, F. B. de (1770–1778), “Négociations ou l'art de négocier”, entry in *L'Encyclopédie ou Dictionnaire raisonné des connaissances humaines*, (Yverdon), in LEMPEREUR, A. and COLSON, A., (eds.), *Négociations européennes. D'Henri IV à l'Europe des 27*, Paris, A2C, 2008, pp. 87–121.

⁸ PECQUET, A., *Discours sur l'Art de négocier*, ESSEC IRENE, Paris-Cergy, 2003, p. 14.

Twenty-one centuries after Sun Tzu and one century after Machiavelli, in the context of European nation-states, the later authors would reply to each other and had begun to develop a model of how negotiators operate.

When research on negotiations started up again, in the mid-20th century in the United States, it was abundant and went in several directions simultaneously. At least five major disciplines have been contributing since then: game theory, which starting in the 1950s against the backdrop of the Cold War, made it possible to lay out the strategic dilemmas running through negotiations;⁹ sociology, especially in the analysis of working relationships, which reminds us that negotiation is essentially an interaction between individuals or human groups;¹⁰ political science, very apropos in the study of international relations;¹¹ psychology, which provides precious empirical results on negotiators' behavior;¹² and law, which helps us understand the rules that govern and increasingly shape negotiations. In his book on international negotiations Kremenjuk broadens the field even further, listing contributions from nine major disciplines: history, law, organizational theory, economics, game theory, analytics, psychology, cognitive science, and content analysis.¹³

This book is therefore a foray into history, a source of inspiration for research on negotiation.

Of course, famous studies have already been produced on major negotiations, from the Treaty of Westphalia to the Oslo Accords via the Congress of Vienna or the Yalta Conference. A whole segment of the university is producing remarkable work on the history of diplomacy, and some of those authors agreed to contribute to this book.

Systematic studies are rarer. In the introduction, I. William Zartman cites the well-known works of Theda Skocpol, Barbara Tuchman, and Bruce Jentleson. I would add Frederik Stanton's book, in which he explores eight fascinating historical cases, two of which are related to those in

⁹ See, e.g., SCHELLING, T.C. [1960], *The Strategy of Conflict*, 2nd ed., Cambridge, MA, Harvard University Press, 1980.

¹⁰ See, e.g., WALTON, R. and MCKERSIE, R., *A Behavioral Theory of Labor Negotiations*, New York, McGraw Hill, New York, 1965; PRUITT, D.G. and CARNEVALE, P.J.D., *Negotiation in social conflict*, Pacific Grove, California, Brooks/Cole, 1993.

¹¹ See, e.g., IKLÉ, F.C. *How Nations Negotiate*, Harper Collins, 1964; NICOLSON, H., *Diplomacy*, Oxford University Press, 1963.

¹² See, e.g., PRUITT, D.G., *Negotiation Behavior*, Academic Press, 1981; KAHNEMAN, D., TVERSKY, A. and SLOVIC, P., *Judgement under Uncertainty: Heuristics and Biases*, Cambridge University Press, 1982.

¹³ KREMENJUK, V. (ed.), *International Negotiation*, 1991, 2nd ed. 2002, PIN publications.

this book.¹⁴ In the same vein, Graham Allison's successful *The Thucydides Trap*¹⁵ is a sound analysis of 16 historical cases that speak very persuasively to the 21st-century observer interested in the relationship between the United States and China. Like those works, this book follows the case-study tradition. As Zartman says, case studies are the raw materials for understanding the past. Our modest hope is to take the path laid out by these major works and help make history a contributor to international negotiation studies.

The experience gained when the French book on the same subject was published in 2014¹⁶ has helped me improve this version in various ways. Not only is the scope of this study broader (we cover every continent), it is also more structured (the book is divided into six sections). The first series of chapters addresses the sensitive question of the parties' desire to negotiate, i.e., how negotiations begin. With these premises laid, the second section deals with bilateral negotiations; the third looks at multilateral negotiations in all their complexity, from the angle of coalitions, or of the organizing process. The fourth section examines the issue of emotions and beliefs, as some international interactions cannot be explained solely by the rational interests of the parties. The fifth section discusses several negotiations that took place in the Near and Middle East, including with Iran. The book ends with three international mediations, which border on negotiation.

I. William Zartman has dealt in the introduction with the formidable theoretical question of the conditions under which lessons may be learned from historical cases. The goal is obviously not to draw lessons from the past without applying any filters. However, Zartman shows that this research is possible, using both an inductive and a deductive approach.

The concluding chapter contains a list of the negotiation lessons drawn from the various chapters, then picks up the conversation started by Zartman on the connection between the history of diplomacy and research on negotiation.

¹⁴ STANTON, F., *Great Negotiations; Agreements that Changed the Modern World*, Yardley Pennsylvania, Westholme Publishing, 2010.

¹⁵ ALLISON, G., *The Thucydides Trap: Are the US and China Headed for War?*, Atlantic, September 24, 2015.

¹⁶ VIVET E., *Négociations d'hier, leçons pour aujourd'hui*, Brussels, Larcier, 2014.

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I especially thank I. William Zartman, a great author to whom negotiation studies owe so much, who did me the honor of writing the introduction; and Pierre Vimont, the author of a foreword that gives us a glimpse of the vast experience of one of the best French diplomats of his time.

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The book also owes much to the Institute for Research and Teaching on Negotiation (ESSEC IRENE) (*Institut de recherche et d'enseignement sur la négociation*, or IRENÉ – the word meaning “peace” in Greek), a center created in Paris by the business school ESSEC in 1996, where the French version of this project came to fruition in 2014. ESSEC IRENE’s environment, which mixes researchers and practitioners interested in negotiation, be they academics, civil servants, managers in businesses, trade unionists or mediators, offers a fine setting for new enterprises. The threefold dedication of the institute to research (for instance on European negotiations), field work (for instance in contributing to the rapprochement of ex-combatants in the Horn of Africa) and training (for instance at the European Commission)

helped to support this project. I especially thank Aurélien Colson, the Institute's director, who supported the initial idea in 2011 and helped me progress from scratching out a few notes to completing a much broader book. I must also thank Arnaud Stimec and Christian Thuderoz, the former and current editors-in-chief of the French-language review *Négociations*, who assuaged my every doubt and answered my every request for advice. My thanks also go to Naomi Norberg who carefully and accurately translated the chapters from the French version that are published here.

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