

# Working Paper

## Processes for Impasse Resolution

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WP-91-43  
December 1991



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## Preface

A by-product of the 1991 conflict in the Persian Gulf was a flood of recommendations from scholars, diplomats, and private citizens on how to resolve that particular dispute through peaceful means before resorting to war. For the most part, these recommendations encompassed the range of approaches to conflict resolution. Many of the techniques advanced appeared reasonable and logical, but most remained untested in reality. The purpose of this study is to inventory these Gulf-related, as well as other, conflict resolution approaches from the literature, with the ultimate goal of designing experiments that are capable of testing the efficacy of one technique over another under simulated conditions.

This effort was conducted under the auspices of the Processes of International Negotiation (PIN) Project. It is one of our initial studies to establish a Negotiation Laboratory research theme, in which negotiation phenomena are measured and subjected to rigorous analysis, resulting in the testing of hypotheses and discovery of salient relationships.

Lynn Wagner was a member of the 1991 Young Scientists' Summer Program at IIASA. She received a Honorable Mention under the Peccei Scholarships for this work.

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# PROCESSES FOR IMPASSE RESOLUTION

Lynn Wagner<sup>1</sup>

## 1 INTRODUCTION

### 1.1 Origination of and Objectives for Project

The impetus for this project came from newspaper editorials that appeared following Iraq's invasion of Kuwait on August 2, 1990. Several authors suggested how negotiations should be used to resolve the conflict, and each fresh recommendation appeared different from those previously offered. Questions were raised as to how one approach for impasse resolution was unique from another and how the negotiated outcomes would differ, based upon which approach was used, but little systematic research had been carried out. To pursue these questions further, a literature review of negotiation approaches was undertaken, complemented by analysis of data, and a design for future experimentation with the approaches.

The most complete review of approaches for impasse resolution that was found was Richard W. Fogg's article, "Dealing with Conflict: A Repertoire of Creative, Peaceful Approaches" (1985). The organization of Fogg's paper, however, lacked any structure that would contribute to a better understanding of when, how, and with what outcomes the approaches could be used. Tactical moves such as "Fractionation of Conflict" (Fisher, 1969) were grouped with recommendations for broad changes in interaction and perceptions of international relations such as "Functionalism" (Mitrany, 1946; as quoted in Fogg, 1985). The usefulness or acceptability of some "approaches" were dubious, such as "The Trollope Ploy" which calls for a party to accept an offer that was never clearly made (Lockhart, 1979; as quoted in Fogg, 1985). Fogg's stated purpose was to delineate "The creative, peaceful class of qualitative approaches for resolving and settling conflicts." His paper has been an important source for the present research, especially for the "Tactics" section, but delineating "The creative, peaceful class" is not adequate and could be an endless task.

This paper does not claim to provide a comprehensive listing of all conflict resolution mechanisms (a reference to all approaches and analyses that suggest or imply methods for resolving a conflict without the use of military force). Rather, a structure is developed to capture the "critical dimensions," or variations, among the mechanisms. A framework is developed for approaches to the processes of impasse resolution, based on an understanding of the objectives of the mechanisms; the individual approaches that are identified in this paper provide illustration of the critical dimensions selected, namely procedures and programs, as described below.

### 1.2 Organization of Conflict Resolution Mechanisms

In reviewing the literature on conflict resolution, it was found that there exist a few complete approaches that are meant to provide prescriptive advice for conflict resolution, several less complete procedures that can be utilized to manipulate certain aspects of the negotiation process (most of which are based on experimental results), and many analyses of negotiations from which some lessons can be drawn (but are not tied to experimentation). This paper concentrates on the more complete, or comprehensive prescriptive approaches, however, inclusion of approaches that are less complete (and perhaps were not meant to be prescriptive) is important so as to contrast the ideas presented in the complete approaches and make the study more interesting and thorough.

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<sup>1</sup> The author wishes to thank Bertram Spector and Daniel Druckman for providing valuable advice and comments. The support of IIASA through the YSS-Program and financial support from the US National Science Foundation are gratefully acknowledged. The author received her M.A. at the Johns Hopkins University, Paul H. Nitze School of Advanced International Studies (SAIS) in May 1991.

The conflict resolution mechanisms are grouped into three categories: procedures, programs, and tactics.

*Procedures* are negotiation activities or strategies for getting the parties to the table and then for negotiating at the table, with or without the participation of a third party. Negotiated resolutions are sought through variations in the structure, participants, and substance of negotiations.

*Programs* focus on adjusting the situation or the attitudes and perceptions of the parties to the conflict rather than on negotiating strategies. Negotiation is not a part of the programs, and most do not even anticipate that negotiations on the conflictual issue will follow.

*Tactics* are "moves" within the procedures and programs. In many cases they involve some degree of manipulation in the sense that the other party may not be aware of the actor's real intent. The tactics are arranged according to whether they are used to influence who is negotiating, what is being negotiated, or how it is being negotiated. The descriptions of the individual procedures and programs include mention of the most appropriate tactics for use in conjunction with the approach.

### 1.3 Critical Dimensions

Specific critical dimensions are based upon whether the approach is a procedure or a program and the time of implementation.<sup>2</sup> For getting to the table, the distinction is drawn between approaches that seek to "adjust perceptions" and those that suggest "seizing the moment" when negotiations are likely to be successful. At the table the negotiation is viewed as either a "problem solving debate" or the approach is designed to facilitate "convergent bargaining." Programs either "address the underlying sources of conflict" or "change the level of interaction" between the parties in the conflict. These dimensions are defined in the introductions to the procedure and program sections, and illustrated through the subsequent approach descriptions.

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## CONFLICT RESOLUTION MECHANISMS

### Procedures

#### Getting to the Table

- o Adjust perceptions*
- o Seize the moment*

#### At the Table

- o Convergent bargaining*
- o Problem solving debate*

### Programs

- o Address the underlying sources of conflict*
- o Change the level of interaction*

### Tactics

- o Who*
- o What*
- o How*

*(Critical Dimensions in italics)*

---

Two dimensions that apply to all of the approaches are whether the approach focuses on process or content and whether resolution is sought for the issue or the problem, or if the issue is avoided. How each approach fits into these dimensions is explained in the introduction to the description of each approach. A more elaborate discussion of these dimensions is included in the fourth section of this paper.

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<sup>2</sup> Identification of the "critical dimensions" was largely due to the suggestions of Daniel Druckman, personal communication, June-August, 1991.

#### **1.4 Analytical Structure of Each Approach**

The description of each approach focuses on the process necessary for application of the model. Specific actions are described, as are types of participants, tactics, and setting. Any special period or conditions in the conflict during which the approach might be especially applicable are noted. The anticipated outcome is described and examples of uses are given. Finally, relevant comparisons or contrasts with other approaches are noted.

#### **1.5 Conflict Scenarios**

The close attention to process is made to facilitate the final stage in this project: designing experimental scenarios through which the critical dimensions can be analyzed and compared. Scenarios are scripted with the period prior to the recent Gulf War as the intractable conflict to be resolved. The procedures, programs, and tactics provide guidelines for operationalizing the critical dimensions, with the goal being to increase our understanding of the factors that affect the processes of impasse resolution and to more confidently apply these approaches in actual conflict situations.

## **2 CONFLICT RESOLUTION MECHANISMS AND CRITICAL DIMENSIONS: PROCEDURES**

The procedures are divided into two categories based on whether they should be used during the prenegotiation or the negotiation period. For the approaches of use during negotiations, there is a further division between those that provide strategies for the parties to the conflict and those that describe how a third party could be involved in the negotiation.

### **2.1 Getting to the Table—Adjust Perceptions versus Seize the Moment**

There are two general methods proposed to get the parties to agree to negotiate. The first is to change the parties' perceptions towards the conflict and towards each other. The second is to identify or create a moment in which negotiations are likely to be successful.

To get to the table, Rothman (1990), Osgood (1966), and Saunders (1985, 1991) advance various processes for increasing trust, liking, and familiarity between the parties. These approaches illustrate the "adjusting perceptions" of the relationship's critical dimension. Identifying the sources of the conflict, understanding the other party's position, creating mutually acceptable alternatives, and taking unilateral tension reducing measures are some of the activities through which a will to negotiate should develop and the relationship should improve.

"Seizing the moment" when negotiations are likely to be successful is a different way to get to the table. Zartman's ideas of a "Ripe Moment, Hurting Stalemate, and a Way Out" (1991) identify the conditions under which negotiations will take place. A ripe moment and hurting stalemate may occur naturally or could be engineered, but in either case a party wishing to negotiate could identify the salient factors, offer a way out, and push for negotiations.

#### **2.1.1. Critical Dimension: Adjust Perceptions**

##### **Prenegotiation Workshop (Rothman, 1990)**

This is a workshop for middle-level officials to help them change their negative views of the conflict, invent solutions, and develop the structure for official negotiations. A will to negotiate should result from the new understanding and trust that is fostered. This approach focuses on the prenegotiation process and confronts the issue as it seeks a resolution to the problem and/or issue.



### **Anatomy of the Approach**

This approach involves three stages: framing, inventing, and structuring. Participants should be from low and informal political levels, preparing for direct negotiation between higher-level negotiators. The approach should be implemented in an unofficial setting and use a seminar format. Each session begins with a presentation by the seminar organizer and is followed by participant discussion or simulations focused on applying the new material to the parties' own or other intractable conflicts.

#### **Framing**

There are three objectives for the first stage: to change the parties' negative views of the conflict; for participants to publicly acknowledge their own needs and values; and to teach the participants how to distinguish between the positions, interests, and needs that each party brings to the conflict. Tactics for use in this stage are Mutually Acceptable Restatement of the Arguments and Put Yourself in Their Shoes (see Section 5).

#### **Inventing**

During the second stage, the participants generate integrative solutions through "guided brainstorming." The object is to develop solutions which fulfill both parties' needs without undermining the needs of either party.

Useful tactics are Education, Fractionation of the Conflict, and The "Yesable" Proposition (see Section 5). Rothman identifies three categories of integrative solutions to help participants during the inventing stage:

- 1) **Resource expansion:** The amount, type, and/or use of available resources are expanded through developing more of an existing resource (such as more access), adding different resources (such as economic aid), or fostering a new kind or use of the resource (such as statehood).
- 2) **Exchange techniques:** Each side prioritizes its interests and needs and an acceptable exchange or compensation is arranged based on these preferences (such as territory exchanged for security).
- 3) **Functional Techniques:** When both parties' interests and values are the same, the solution will involve sharing, division, or delegation of the resource.

Reality testing is an important follow-up to the brainstorming process. Once ideas have been generated, they should be evaluated in light of the underlying needs that were listed during the framing stage, and likely acceptance by each party's constituency should be considered. The most promising possibilities should be elaborated upon to provide new, concrete ideas for future negotiations.

#### **Structuring**

During the last stage, preparations are made for negotiations on the solutions that were developed during the inventing stage. The agenda and the order of the agenda are established, keeping in mind the implications of putting easy, hard, or confidence building issues first. Procedural issues should be decided upon, such as decisions on time and venue for negotiations, selection of participants, and the need for and role a third party could play. Tactics at this stage include Communication Tactics and Procedural Tactics. The tactics of Influencing An Opponent's Choice of a Negotiator by One's Own Choice and Out-of-Character Positioning (see Section 5) are particularly relevant to the choice of participants.

### **When/What Circumstances?**

This approach could be used early in a crisis, contributing directly to exploration and fact-finding efforts to ascertain if and how negotiations should be pursued. It was designed based upon experience with the Arab-Israeli dispute, which is a long-standing conflict in which the parties have resisted talking with one another. In this situation, developing a will to negotiate is important.

### **Anticipated Outcome**

This process seeks to change attitudes towards the conflict and negotiation and to generate possible solutions, contributing to a more fruitful negotiation. The model seeks to instill the will to negotiate amongst participants, build confidence in negotiation, and build up a momentum for negotiation. Momentum is important because the parties need to see that solutions to the conflict are possible and resolutions that will last can be made, thus inspiring confidence that negotiations are worth undertaking.

### **Examples**

This model was developed through integrating theory with experience with students, diplomats, and policymakers. Empirical evidence shows that various pieces of the model have been used to help groups solve problems cooperatively. This model has not, however, been used in its entirety to bring about conflict resolution.

The main application of the model was a diplomat training seminar entitled "Pre-negotiation: The Art and Science of Getting to the Table," for mid-level diplomats from thirteen countries (which were not all parties to a single conflict). The seminar was conducted over a period of two months, with meetings taking place one afternoon a week (for four hours) and concluding with a two-day retreat.

### **Correspondence with Other Approaches**

The first stage--framing--is similar to Doob's workshops, but Rothman links this step directly with other preparations for negotiation whereas Doob's workshops are an end in themselves. Rothman's participants should have the authority to set up negotiations if they are deemed feasible; this authority is not necessarily shared by Doob's (1974) participants.

The second stage--brainstorming--is also used in Principled Negotiation (Fisher and Ury, 1981), however in Rothman's model both parties participate while this may not be the case in Fisher and Ury's model. Fisher and Ury's description of brainstorming is more elaborate than Rothman's and should be consulted. During brainstorming, a third party is more active in Rothman's model, instructing about ways to integrate a solution and generally guiding the process.

### **GRIT (Graduated and Reciprocated Initiatives in Tension-Reduction) (Osgood, 1966)**

This approach begins with one party making a small, unilateral move to reduce tensions in the hopes that the other side will reciprocate. If the other side responds positively and tension reduction continues, it is likely that mutual trust will develop, leading the parties to negotiate further and contributing to a positive atmosphere at the negotiating table. This approach is process oriented and seeks to resolve the problem.

### **Anatomy of the Approach**

A party that wishes to reduce tensions makes a series of calculated moves aimed at de-escalating the conflict. The conciliatory actions should be spread over different issue or geographical areas, and be accompanied by public statements that the moves are intended to reduce tension.

Each move should be sufficiently small so that the other party cannot take advantage of the side taking the step. The other party's response should be treated with a carrot-and-stick approach. If it tries to change the status quo by force, firm resistance should be used to restore the status quo. If it tries to change the status quo by reciprocated tension reduction measures, a reward of further tension reduction should be offered. A strong military capability should be kept to maintain security, but at the same time persistent communication of one's sincere intent to reduce and control international tensions should be made.

This approach explicitly uses the tactic of Coupling. Other tactics are Communication Tactics, Maintenance of High Aspirations and a Problem-Solving Stance, and Effective Timing to Save Face.

#### **When/What Circumstances?**

This strategy was designed to facilitate negotiation between the US and the USSR, long-term adversaries in the realm of international relations.

#### **Anticipated Outcome**

Reciprocated de-escalation should help to create a negotiation environment characterized by mutual trust, within which agreements of increasing significance are possible. Mutual trust is an expected result, not a prerequisite, of this approach.

#### **Examples**

Osgood developed this strategy in the early 1960's during the height of tensions in the nuclear confrontation between the US and the Soviet Union. The US-Soviet detente that accompanied the nuclear test ban treaty of 1963 is an example of the use of GRIT principles. Kennedy announced his changed policy in a speech at the American University, and offered trade improvements in addition to the test ban treaty. Soviet reciprocation included a reduction in the production of strategic bombers (Fogg, 1985).

#### **Correspondence with Other Approaches**

Saunders (1985, 1991) talks about the need for political processes to change for success in negotiations to be possible, which echoes Osgood's theory that there exists an "intimate facilitative relation between non-negotiated steps of a tension-reducing nature and formal negotiations" (Osgood, 1966).

Zartman (1991) calls for "seizing the moment" and maybe even assigning more importance to an event than it merits to create a ripe moment for negotiation. De-escalation could be such an event, and reciprocation by the other side would show requirement and thus build a will to negotiate. On the other hand, in Zartman's approach agreement to negotiate resolution for an intractable conflict results when the conflict has reached the point of a hurting stalemate. De-escalation may therefore work against negotiation, because the stalemate may become more tolerable and a negotiated resolution less urgent.

#### **Changing the Political Environment (Saunders, 1985 and 1991)**

Precipitating a commitment to negotiate in the political arena is a slow process but is necessary before diplomats will succeed. Saunders emphasizes the preliminary step of obtaining a political commitment to negotiate and the need for political change to bring about conflict resolution. Careful implementation of unconnected negotiated agreements could provide a jumping off point for further negotiation and agreement. This approach focuses on process and seeks to resolve the issue.

### **Anatomy of the Approach**

This approach does not describe specific actions that can be taken to precipitate negotiations, but instead suggests a general way of thinking about a conflict. The following five stages of negotiation represent a series of judgments that need to be made in logical progression. Decisions should be constantly reviewed because new developments in the conflict or relationship between the parties will arise. Saunders' emphasis on changing the political environment is especially evident in the first two stages.

1. Defining the problem--The first step to resolving a conflict is to determine how each party defines the problem and to discover whether the definitions overlap. The parties' definitions will determine their ideas about agenda items and affect the resulting action (or inaction). Due to concerns about constituents and re-election, politicians may not redefine the conflict and agree to negotiate until national consensus on the problem and national objectives change. The whole body politic is therefore involved in this indefinite, evolutionary process. Tactics such as Out-of-Character Positioning and Mutually Acceptable Restatement of Arguments (see Section 5) may apply at this stage.

2. Producing a commitment to a negotiated settlement--Certain questions must be asked and issues or positions vocalized in order to produce a commitment to negotiate. A party may believe that perpetuating the present situation serves its interests. This belief should be exposed and discussed. Substantive Tactics and Communication Tactics could be used to facilitate this discussion.

Secondly, each party should believe that a fair settlement could result from the negotiation. This judgment will depend on whether a negotiated settlement is a more attractive alternative than continuing with the status quo or taking unilateral action. Realization by each side that the ideal solution is not attainable may encourage a fair settlement. If a mediator is involved, he or she should help both parties understand the consequences of extreme solutions and the possibility of creative arrangements. The tactic of Potential Agreement Discussions could be used to show each side that acceptable options exist.

The third factor affecting each party's commitment to a negotiated settlement is its estimates of the other side's willingness to accept a negotiated solution and to reach a compromise. Refusal to negotiate with a party may be based on "principles", such as Khomeini's refusal to negotiate directly with the "Great Satan" during the hostage crisis. "Principle" may be invoked to cover other purposes; this tactic should be exposed and the real obstacle found. The tactic of Escrow System (see Section 5) could work to convince the other party of one's intention to make good on its promise.

A fourth factor is whether the balance of forces is such that a fair settlement will be permitted. A militarily inferior party may be concerned that the militarily superior party will not negotiate all issues fairly and a third party might be necessary to assure a fair negotiation. The tactic of Control by a Disinterested Third Party might be useful to influence this situation, and a mediator may need to use the Power Equalization tactic at the table (see Section 5).

3. Arranging a negotiation--Once the parties have agreed to negotiate, the objectives and procedures for the negotiation should be arranged.

The objective of the negotiation should represent an agreement on the principles that will guide the drafting of the settlement. It should include an understanding of the strategy that will be used for reaching agreement--i.e. will the settlement be comprehensive or address only certain issues?

The organizational arrangements of a negotiation may have political implications and therefore should

receive careful attention. Among the issues to be considered are the roles supporters may play (will they have a place at the table?) and who will sit next to whom.

4. The actual negotiation--This stage is the most visible part of negotiation, however prenegotiation preparation greatly influences the environment and forces that govern it.

5. Implementation--This stage is an important part of the negotiation process. A negotiation will not have succeeded unless both parties have a stake in implementing the agreement. In addition, implementation of one agreement may lead to and influence future negotiations.

#### **When/What Circumstances?**

This approach resembles the program approaches in its application to truly intractable conflicts for which negotiation on specific problems may have failed and a change of the structure of interaction between the parties to the conflict is necessary.

#### **Anticipated Outcome**

Saunders does not rule out negotiation in the process of resolving intractable conflicts, but he urges that the focus of conflict resolution be on a political process of changing relationships rather than on specific, unconnected negotiations. He writes that "Until political leaders act in the political arena to change the political environment, diplomats and negotiators do not succeed." (1991)

#### **Examples**

This approach is based on Saunders' experience with conflict resolution efforts after the 1967 Arab-Israeli war, the Kissinger shuttles, Camp David, the negotiation of the Egyptian-Israeli peace treaty, and the negotiations on the release of the American hostages in Tehran.

The political environment of the Arab-Israeli-Palestinian conflict must change before conflict resolution will last. Definitions of the problem vary. For some the Palestinian problem is a part of the state-to-state conflict and for others the Palestinian problem is a conflict between two groups with claims to the same land. Conflict resolution will require the construction of a shared or complementary definition of the problem to ensure that the negotiation agenda of each party addresses the same issues and to identify who the negotiating parties would represent.

#### **Correspondence with Other Approaches**

Saunders concentrates on the political perceptions and Zartman (1991) on the situational factors required to encourage conflict resolution. The two can be closely related. An example is the situational factor of the volcanic eruption in the Philippines which changed US and Philippine perceptions, positions, and strategies in the US base negotiations.

Rothman (1990), Burton (1986), and Doob (1974) provide concrete plans for changing the actors' perceptions, and could be part of the process of bringing about the change Saunders calls for.

#### **2.1.2. Critical Dimension: Seize the Moment**

##### **Ripeness, Hurting Stalemate, and a Way Out (Zartman, 1991, and Zartman and Berman, 1982)**

The concurrence of certain changes in the crisis, the promise of a more attractive outcome through negotiation than through continued conflict, and the identification of a formula upon which a resolution to the conflict can be based will lead the parties to negotiate. Such a situation may happen naturally or could be engineered through the actions of one of the parties to the conflict or by a third

party. This approach focuses on process and seeks to resolve the problem.

### **Anatomy of the Approach**

Parties to a conflict will agree to negotiate when the conflict is "ripe." "Ripeness" of the situation occurs as the result of intensification or escalation of the conflict, a change in the structure of the relationship of the parties or relationships internal to one party, or a change in the attitudes of influential individuals. A change in the situation or actors may provide the parties an excuse to retract political principles and negotiate, or may alter the conflict so that negotiation becomes a desirable alternative to continued conflict. Such salencies could be obvious to all involved or a party interested in negotiation could use a carrot-and-stick approach to make a reluctant party recognize the ripe moment and agree to negotiate.

Tactics that could create or affect a ripe moment are Out-of-Character Positioning, Changing to Higher Echelons, Pinpointing Cooperative Officials, Coalition-Building by Scattered, Peaceful Forces, Synergy, A Financier-Imposed Solution, Fractionation of the Conflict, Coupling, Control by a Disinterested Third Party, and *Fait Accompli* (see Section 5).

A "hurting stalemate" further defines the necessary conditions in which negotiations will take place. This situation is a type of deadlock that keeps both parties from achieving their goals in the conflict at acceptable costs. Before agreeing to negotiate, each side must perceive that they would be better off with a negotiated agreement than through unilateral action or the status quo. Substantive Tactics could be used to draw attention to a hurting stalemate.

A ripe moment and hurting stalemate are not sufficient to bring about negotiation; there must be a "way out." A formula around which a negotiated settlement could focus must emerge before negotiations will occur. The way out could result from the introduction of a new solution, new alternatives, or a new way to define the issue. On the other hand, it could be shown that only worse alternatives exist in the absence of a joint solution. An indication that the other party will also choose the way out (requisite) is necessary before either party will respond positively to the other's moves in that direction.

Tactics for designing a way out are Potential Agreement Discussions, The "Yesable" Proposition, the tactics for developing integrated solutions, and The Disownable Concession.

### **When/What Circumstances?**

This approach applies to conflicts that have reached advanced stages of crisis.

### **Anticipated Outcome**

Negotiation will occur when each party perceives that negotiation will yield a more attractive solution than will unilateral action. Conflict management and resolution in this approach begins with the attempt to make multilateral outcomes attractive in comparison to continued conflict.

### **Examples**

In the Iran-Iraq war, the breakdown of the Iranian arms sources created a stalemate after both sides had been worn out by nine years of war (ripe moment). The possibility of an Iraqi chemical missile raid on Teheran represented possible catastrophe (hurting stalemate) to Iran. Requisite was shown in Iraq's earlier acceptance of UN cease-fire plans in 1982 and 1987, contingent on Iranian acceptance. Iran finally accepted after continued Iraqi escalation at the end of 1987 and early 1988. The UN Secretary General provided a formula for an agreement, with the exact resolution left to direct negotiations between the disputants.

### **Correspondence with Other Approaches**

In Zartman and Berman's (1982) "diagnosis, formula, details" approach, ripeness and a hurting stalemate occur during the diagnosis stage and a way out is the development of a formula. The detail phase is the actual negotiation.

Pressure or manipulation of the situation by a third party might create or redefine a conflict as having reached a "hurting stalemate" and/or present a way out. In addition, the involvement of a third party may provide a necessary political excuse, or ripe moment, for parties whose stated principles otherwise preclude negotiations.

### **2.2 Principal Actors at the Table—Convergent Bargaining versus Problem Solving**

A negotiated agreement is achieved through convergent bargaining or problem solving. The convergence approaches utilize various procedures for extracting concessions either by encouraging cooperation, such as through reciprocation, or through force, such as through the involvement of a powerful third party. The strategies are either executed by the parties themselves, as with "Tit-For-Two-Tats" (Axelrod, 1980), or by a third party, as with "Shuttle Diplomacy" (Rubin, 1981). Mediator types, such as "Biased" (Touval, 1975) or "Power Based" (Pruitt, 1981), are also designed to elicit concessions. These strategies are discussed briefly below.

The "problem solving" approaches are designed to alter the parties' conception of the bargaining process to one of a problem solving debate. "Principled Negotiation" (Fisher and Ury, 1981), "Single-Text" (Sohn; as quoted in Fisher and Ury, 1981), "Facilitation" (Druckman, 1991), and "Consultation" (Ronald Fisher, 1983) draw attention to the parties' interests and develop integrated solutions rather than emphasizing the need for the parties to move from their opening, incompatible positions. As with the convergent bargaining dimension, the approaches that illustrate problem solving include strategies for the parties themselves and roles for third parties.

#### **2.2.1. Critical Dimension: Convergent Bargaining**

##### **Tit-for-Two-Tats (Axelrod, 1980)**

In a prisoner's dilemma, the first move should be cooperative and non-cooperation should only follow two consecutive non-cooperative moves by the other party. This approach focuses on a process for eliciting cooperation and convergence to resolve the problem.

##### **Anatomy of the Approach**

This approach provides a strategy for non-zero sum games (situations in which the possibility exists for both parties to achieve gains) where there are two choices--to cooperate or not to cooperate. The strategy calls for the player to begin with a cooperative move and defect (not cooperate) only after the other player has made two consecutive uncooperative moves.

##### **When/What Circumstances?**

This strategy was developed for a prisoner's dilemma game--a situation in which both players will do well if they cooperate, but if only one defects while the other cooperates the defecting side gets its highest payoff while the other side gets its lowest payoff. Both sides thus have the incentive to defect, but if they both do they will both do poorly.

##### **Anticipated Outcome (and Examples)**

Tit-for-Tat is known, through experimentation, to elicit a good degree of cooperation from one's opponent. (Oskamp, 1971; as quoted in Axelrod, 1980).

The Tit-for-Tat decision rule won in a computer tournament, although the unsubmitted rule of Tit-for-Two-Tats would have done better. The tournament paired each decision rule with each other decision rule entry in games that consisted of 200 moves. Points were awarded as follows: 3 for mutual cooperation, 1 for mutual defection, and 5 for the defector and 0 for the cooperator in mismatched pairs. Forgiveness (not matching the other party's defection) was found to be important; a defection could have indirect effects by leading to unending mutual recriminations several moves later. As a result of this delayed self-punishment, forgiving decision rules prevent the echoes that follow from the other side's defections.

This study is meant to show some of the characteristics of interaction in a prisoner's dilemma situation. Other factors, such as the possibility that a player's choice is meant to send a message, the problems of implementing a choice, uncertainty about the prior choice of the other side, etc., are not taken into account in the strategy, and therefore might alter the wisdom of this strategy.

### **Correspondence with Other Approaches**

The strategy and experimentation does not account for the presence of third parties, among other things.

GRIT (Osgood, 1966) supposes that unilateral action could elicit an equal, cooperative move from the other party, and could be viewed as a pre-negotiation strategy based on the same premise of Tit-for-Two Tats.

### **Signaling (Cross 1969, 1978, Coddington, 1968, and others)**

The parties' opening positions establish the parameters of the "bargaining space," and subsequent concessions signal to the other party the outcome each side would accept. The dynamics of the process are the movement and the manipulations of each other's concept of the point of convergence. This approach focuses on a process to be used to achieve agreement and resolve the problem.

### **Anatomy of the Approach**

In a bargaining session, each party presents its opening positions and through an interactive series of offers and counter offers, the parties reach an agreement. When, why, and how concessions are made has been the subject of inquiry for many studies, and could provide guidelines for the practitioner.

### **Strategies**

There exist several theories on strategies of how to or how not to match the other party's strategy. Cross (1978) describes "tracking" in which increased conciliatory behavior by one side induces less conciliatory behavior by the other; in this case the first party's concessionary strategy is exploited. On the other hand, a "matching" strategy can be effective if meeting the other's offer leads to cooperation in concession making.

The "toughness" dilemma is the finding that bargaining with a "tough" strategy decreases the likelihood of reaching an agreement but increases the likelihood of a higher payoff. Conversely, using a "soft" strategy increases the likelihood of reaching an agreement but decreases the payoff (Swingle, 1970). In addition, as described in the "tracking" phenomenon, a "soft" strategy often generates a tough strategy in the opponent.

### **Learning and Signaling to an Endpoint**

Schelling (1960; as quoted in Pruitt, 1981a) writes that agreement can be reached if a mutually prominent alternative emerges from amongst the alternatives that lie within both parties' limits. To be mutually prominent, this alternative must stand out in both parties' thinking and become the object



of convergent expectations. When such an alternative exists, bargainers are expected to match one another's offers and coordinate their behavior in a cooperative fashion.

Cross (1983; as quoted in Schellenberg and Druckman, 1986) finds that expectations and learning play a central role in bargaining. Negotiation is a ripening process in which alternatives are gradually eliminated and a solution emerges through both successful and failed encounters. Knowledge of the other's preferences may be imperfect so the bargainers must adjust their expectations as new information becomes available.

Coddington (1968; as quoted in Schellenberg and Druckman, 1986) characterizes the interaction between bargainers as following a process of expectation/evaluation/adjustment. Through listening to the other party's offers a party will learn about the other's expectations and range for possible agreement. The first party's own position and offer may be adjusted according to this new information, and the distance between offers will become smaller until they finally converge.

#### Security Points

Each party should be aware of its alternative to a negotiated agreement. This "security point" is the position a party will be in if it walks away from the bargaining table. It provides a bottom line for the negotiator, because any agreement that would leave the party in a worse situation should not be accepted.

#### When and Why Concessions Are Made

Zeuthen (1930; as quoted in Schellenberg and Druckman, 1986) finds that concessions are based on willingness to risk conflict; the combination of the potential value of a current position and the likelihood that maintaining it will result in conflict determines the probability of whether the party will make further concessions. Concessions should continue from the party with the most to lose until that party is no longer the least willing to risk conflict. Agreement is reached at the point that represents a balance in the parties' relative willingness to risk conflict. This point can be predicted based on the parties' preferences for agreements in relation to their anticipated costs of conflict.

Pen (1952; as quoted in Young, 1975) finds that the gains and losses associated with alternative strategies are calculated based on their expected utility value. The bargainer's willingness or propensity to fight will be the maximum acceptable risk of conflict.

Costs of time lapses also play a role in each party's analysis. An estimate of the other's concession rate over time and the costs to oneself arising from time lapses will be determinates as to which party will make the next concession (Cross, 1978). Time can be calculated in three ways: as a discount of future benefits; as a utility changing with calendar dates; or as a fixed cost of bargaining which recurs in each time period.

#### **When/What Circumstances?**

These theories are for use when the concession/convergence aspect of bargaining is emphasized or appropriate. Many of these theories were developed from analysis of economic bargaining and are especially relevant for these situations.

#### **Anticipated Outcome**

These theories provide a better understanding about how a compromise may be reached in a bargaining situation, but they were developed to explain negotiation processes and not to prescribe action. Most assume perfect information about the desirability and feasibility of alternatives, as well as about each other's value systems. In real situations, such knowledge is not so precise and the process may not exactly follow the principles outlined here.

### **Examples**

Raiffa's "Elm Tree House" (1982) example is about a halfway house that wanted to relocate and a developer who was interested in the building. The cost of a new building was approximately \$220,000. This was the reservation point for Steve, the negotiator for the halfway house. Steve calculated the developer's reservation point to be somewhere between \$250,000 and \$775,000, depending on his options for development.

The developer started the negotiation with an offer of \$150,000. Had he started, Steve would have asked for \$750,000, but he instead countered with \$600,000, with the midpoint between the two offers (\$350,000), remaining above his reservation point. The developer then offered \$250,000, Steve countered with \$475,000, and the developer increased his offer to \$300,000. The last offer was well above Steve's reservation point, but he wanted to test to see if the developer would go higher. He asked for an additional \$25,000 as a tax-free donation. This was a face-saving way for the developer to go above his "final offer." Steve took the chance that the developer would not walk away from the negotiation after making a perfectly acceptable offer, but his tough bargaining style paid off.

### **Correspondence with Other Approaches**

The theory that "matching" the other's offer may lead to cooperation in concession making is much the same theory as Tit-For-Two-Tats (Axelrod, 1980) and GRIT (Osgood, 1966).

### **Diagnosis, Formula, Details (Zartman and Berman, 1982)**

Once a formula is established, negotiations center on the details through which the formula will be enacted. This approach is process oriented--it advocates the order in which issues should be discussed--and it could be used to resolve the issue or the problem.

### **Anatomy of the Approach**

In this approach to negotiation, a formula around which the parties will build a settlement emerges after a period of diagnosis. Diagnosis is the prenegotiation stage during which the parties evaluate the situation; this description focuses on the formula--details part of the approach.

A formula is a shared perception or definition of the conflict that establishes the structure for resolution. It might be based on some type of trade or a shared sense of justice. There are five guidelines for developing a formula: keep it flexible; keep in mind that it is the problem, not the opponent, that must be overcome; do not be deterred by unfriendly behavior; keep talking; and think of detailed application while thinking of the broader formulas. The formula must address the heart of the controversy and be comprehensive, yet flexibility and the ease with which it can be improved or amended will be important during the detail stage. Trial and error is the best way to reach agreement on a formula.

Tactics that might prove useful in developing a formula are Potential Agreement Discussions and the methods to develop an integrative solution.

During the detail phase, the negotiators will respond to the other's previous move as well as to one's own previous move in a series of interactions guided by some of the same principles described in the Signaling Approach (Cross 1969, 1978). The difference is that the end point has already been established in formula-details; bargaining may be used to reach this point. Precise agreement on the details is important, but the big issue should be kept in mind. The negotiator always has a three-fold choice: agree, refuse, or continue talking.

If agreement cannot be reached on an issue, negotiators should break it down into its component parts and seek agreement on them ("Fractionation" tactic). Communication Tactics, Procedural Tactics, The "Yesable" Proposition, Maintenance of High Aspirations and a Problem-Solving Stance, Escrow System, and Creating Deadlines (see Section 5) may also be useful tactics.

#### **When/What Circumstances?**

This approach may be especially applicable to negotiations on a broad subject that take place over a long time span or when the parties are not ready to handle the entire problem, but could deal with single elements of the issue (Wall, 1975; as quoted in Zartman, 1978).

#### **Anticipated Outcome**

The deductive search for an agreement provides the negotiation with a structure and helps facilitate the search for solutions. A positive, creative image of the negotiation should result.

#### **Examples**

Peace efforts in the Middle East are often characterized as searching for a formula upon which to structure an agreement. President Sadat's trip to Jerusalem and the eventual Camp David agreement were based on the formula of peace for territory--if Egypt offered full peace to Israel, Israel would give back the territory that had been occupied in the 1967 war (Saunders, 1985).

#### **Correspondence with Other Approaches**

This theory offers a deductive approach to reaching agreement. Whereas the signaling approach (Cross, 1969, 1978, Coddington, 1968, and others) builds upon details in its search for an agreement, formula--details first establishes the general principles of an agreement and the negotiation centers on the details.

Zartman's (1978) analysis of case studies concludes that most negotiations utilize a formula--details order in constructing an agreement and do not follow the concession--convergence procedure.

Development of a formula followed by negotiations on the details is the same structure Saunders (1985) advocates when he writes that the parties to a conflict must believe that a fair settlement could be reached before they will agree to negotiate.

#### **Tough vs. Soft Personalities (Snyder and Diesing, 1978)**

The individual negotiator is a factor in the negotiation and this approach calls for personality distinctions such as hard-liners who seek to win and soft-liners who seek accommodation to be factored into the timing and size of concessions. Developing trust between the two negotiators is also important in this negotiation process that seeks a resolution of the problem, and possibly the issue.

#### **Anatomy of the Approach**

Several analyses of negotiation hold that a bargainer's offers and counter-offers will depend on the negotiator's personality, and therefore a negotiation strategy should take this into account. Nicolson (1939) distinguished between Shopkeepers and Warriors. Snyder and Diesing (1978) echo this distinction in their discussion of Hard-liners and Soft-liners.

The hard-liner sees world politics as conflict-ridden and is sensitive to power--strategic considerations and potential aggression from others. A reputation for resolve is important for this type of personality. Winning is the hard-liner's objective.

The soft-liner focuses on common interests in international relations, seeks mutual accommodation

to deal with conflict, and is less sensitive to risk than a hard-liner, appearing weak to his or her opponent. A reputation for trustworthiness and willingness to accommodate the other on disputed issues is important for this type of personality. The soft-liner is conscious of the risk of miscalculation and places a high value on settlement.

This hard-liner-soft-liner comparison is further defined in a comparison of rational and irrational bargainers. The reference to rationality is in an information-processing sense. The rational bargainer focuses on the opponent's strategy and is prepared to change his or her initial diagnosis as new information becomes available. The irrational bargainer holds tight to a rigid belief system and follows only one strategy. If this strategy does not work a solution will not be possible, and the irrational bargainer will not realize the strategy is incorrect until it is too late to avoid defeat or disaster.

Deception will cause problems for soft-liner and rational bargainers who look for signals from the other party. The soft-liner seeks to accommodate the other party and must be especially careful in judging whether a message is truthful or not. The hard-liner and irrational bargainer will assume deception when confronted with information that does not fit into his or her preconceived notions, making honest communication attempts less successful.

Analysis of the negotiator's Interpersonal Orientation (IO) reveals additional personality traits for consideration. There are Low IOs and two types of High IOs--Cooperators and Competitors. When IOs are matched, the bargaining session should have a positive result. If mis-matched, however, the bargainers will be unproductive because they will grate on each other. (Rubin and Brown, 1975; as quoted in Zartman, 1988).

The development of trust between the negotiators is an especially important component in the bargaining process and types and rates of concession.

Tactics that can be used with this approach include Influencing an Opponent's Choice of a Negotiator by One's Own Choice, Ignoring an Uncooperative Contender, Out-of-Character Positioning, The "Yesable" Proposition, Maintenance of High Aspirations and a Problem-Solving Stance, Effective Timing to Save Face, The Disownable Concession, Humor, and Face Saving Statements.

#### **When/What Circumstances?**

Negotiations in which individuals rather than negotiating teams are in the limelight and must represent or present an image of themselves as well as the entity they are representing, are especially illustrative of this theory of negotiation behavior.

#### **Anticipated Outcome**

As discussed in the first section, negotiations will be more successful if personality types are matched. The rational, soft-liner is susceptible to being deceived and the irrational, hard-liner may misread the conflict and not adjust his or her strategy until it is too late.

#### **Examples**

An example is when Reagan and Gorbachev held a summit in Iceland and failed to agree on an arms control treaty. Reagan had committed himself to the development of SDI and thought that backing down on that issue would be caving in to the Soviets.

#### **Correspondence with Other Approaches**

The analysis of personalities should be kept in mind when preparing for negotiations. Doob (1974) and Burton's (1986) approaches would especially benefit from such analysis when decisions are taken

on who is to be invited, as the personality mix will be an important factor in the success of the encounter and may affect the extent to which views of the conflict are changed when the participants return to their jobs.

Rothman (1990) notes the possible benefit of including those with hard-line views, for if they change their view of the conflict it may be easier to convince that individual's colleagues to do the same.

### **I Cut, You Choose (Hopmann, 1991)**

This approach is based on the children's game where one party cuts the cake and the other party chooses which piece will belong to whom. Each side assigns value to the components of its own holdings and the other side chooses components to be eliminated based on a predetermined percentage of the total value. This approach is process oriented and seeks to resolve the problem.

#### **Anatomy of the Approach**

Both sides must first agree upon data about the size of all of their forces stationed in Europe, and then achieve approximate parity between the two traditional postwar alliances in major categories of armaments. With approximate parity achieved, the approach can be applied. Each side assigns a total number of points (10,000 is the suggested maximum) to all of its remaining forces. Assignment of points should/would be according to the value each side believes each element of its force contributes to its overall security. Criteria for weighting might include firepower, defensibility, mobility, or preparedness.

Once these points are assigned, each side chooses 400 points from the forces of the other side to be eliminated (or some other number based on the desired reduction of forces) each six months until the total desired level is reached. Each party can reassign its points after each reduction to reflect changes in perception regarding security requirements and in light of the reductions made during the previous period. The increments of forces reduced should be small so that a single reduction will not cripple the defensive structure of either bloc.

A prior freeze on the deployment of new forces or the modernization of existing forces is a suggested antecedent to this approach, although it is not a prerequisite. If such a freeze is not in place, newly deployed forces might face elimination in the next round of cuts.

This model assumes that adequate verification procedures can be agreed upon to assure that the selected reductions are actually made and that any new forces or armaments introduced into the region in any period are added to the data base.

#### **Anticipated Outcome**

Balanced, but not necessarily quantitatively equal, reductions should result from this approach to arms reductions.

Cheating in the assignment of points can backfire and therefore will be discouraged. If one force is overrated others will be underrated, and the opponent can take advantage of this distortion by requiring that a large number of underrated forces be eliminated.

The remaining forces should be more defensive than offensive, because each side will choose to eliminate more offensive forces than defensive forces. Each side should gain a reduction of "perceived threat" greater than the percentage of forces reduced, thereby producing positive sum gains because the threat from the other is reduced by a larger percentage than the "defensive" value of one's own reduced forces.

### **Example**

A simulation of this model was undertaken between the Center for Foreign Policy Development at Brown University in the United States and the Institute for USA and Canada Studies of the Soviet Academy of Sciences. Some realism was therefore possible, because American experts played the role of Western participants and Soviet experts played the role of the Eastern participants.

At the end of the exercise, both NATO and the Soviet Union had preserved their defense in depth and the ability to mobilize through use of stored forces if confronted with a major renewed threat. In addition, the security concerns of small and potentially vulnerable countries such as Poland were taken into account and regional balances were preserved.

The political acceptability of such an approach is not great, even with the encouraging results from the simulation. Used unofficially, however, the approach could provide negotiators with new proposals. A joint analytical team could play the game and identify tradeoffs based on equal reductions in "units of perceived threat."

### **Correspondence with Other Approaches**

In "Principled Negotiation," Fisher and Ury (1981) suggest that one way to arrive at a fair agreement is to utilize the "I cut, you choose" method. Their example is that parties decide what is a fair arrangement before deciding their roles. In a divorce case, visiting rights of the other parent could be decided before deciding who has custody. Each side will have a greater incentive to agree on fair visitation rights.

### **2.2.2 Critical Dimension: Problem Solving**

#### **Single-Text Negotiation (Sohn; as quoted in Fisher and Ury, 1981)**

The single-text negotiation is more of a tactic than an approach, but it provides a necessary contrast to the concession/convergence strategies. A draft text is developed and negotiations center on how the text might be made acceptable to each party. The approach is process oriented and seeks to resolve the problem.

#### **Anatomy of the Approach**

After listening to the interests and concerns of both sides, a single text that incorporates both sides' interests is drafted. The parties are shown the draft (which should be explicitly called a draft) and comments and criticisms are encouraged. Subsequent drafts, criticisms, and redrafts are made until one party to the negotiation (either one of the principals or a third party) feels that the best draft possible has been developed, given the requirements of both parties. At this point, an ultimatum may be given that the parties accept the current draft or reach no agreement.

This approach could be used as a tactic in other approaches. Tactics that could be used to enhance the outcome of single-text negotiation are: Substantive Tactics, Communication Tactics, Fractionation of Conflict, The "Yesable" Proposition, Maintenance of High Aspirations and a Problem-Solving Stance, the tactics for creating integrative solutions, Separation of the Unacceptable, Escrow System, Caucusing, Power Equalization, Creating Deadlines, and Face Saving Statements (see Section 5).

#### **When/What Conditions?**

The single-text around which the negotiation focuses is most appropriately developed by a third party, as it is meant to incorporate the interests of both parties and perceived impartiality may be important.

This method is most appropriately applied at an early stage in the negotiation process, after each side has presented its interests and concerns but before they have become too committed to their own proposals and positions. Alternatively, a single-text approach could provide the stimulus needed to break a stalemate and move the parties to look at the other side's interests and areas of possible agreement.

### **Anticipated Outcome**

This process encourages problem solving rather than hard bargaining. An agreement will be based on an attempt to reconcile conflicting interests, rather than a compromise of the type that emerges from more traditional bargaining and concession making. Drawbacks to this approach include the risk of focusing too early on the details of a final text, the difficulty in knowing how much to include in the single-text, and the likelihood that some type of ultimatum will be necessary to terminate the process. The final decision for each party is a "yes" or "no" answer, the simplicity of which can be either good (easy to say yes) or bad (easy to say no).

### **Examples**

The single-text negotiation approach was used by President Carter and Secretary Vance at the first Camp David meeting with President Sadat and Prime Minister Begin. Carter and Vance listened to the two sides' opening proposals and drew up a draft that they presented to each party for criticism. The Separation of the Unacceptable tactic was used in this case, with Carter and Vance moving between Sadat and Begin's rooms. After twenty-three drafts and thirteen days of responding to the interests of both parties, Carter decided the text could not improve and he asked each party to agree to the text, which they did.

### **Correspondence with Other Approaches**

Whereas a convergence bargaining process begins with the parties at two extreme positions and resolution requires identification of and movement towards a point in between, single-text negotiation focuses on a single draft and how it could be made acceptable to each side.

### **Principled Negotiation (Fisher and Ury, 1981)**

Negotiators should separate the people from the problem, develop a variety of options before decisions are made, and base arguments on some objective standard. The focus of negotiations should be interests rather than positions. This approach advocates the content of discussions (interests) and establishes the process through which this discussion will be facilitated. Resolution of the problem is the goal of this approach.

### **Anatomy of the Approach**

This approach breaks the negotiation process into three stages and presents four basic guidelines for negotiator's actions.

### **Stages in the Negotiation Process**

1. **Analysis**--The situation is diagnosed through information gathering and identification of the interests of both sides and existing options.
2. **Planning**--New solutions are generated and an action plan is developed. Tactics that apply to this stage are those that involve developing creative solutions and Brainstorming.
3. **Discussion**--The parties address their differences in perception and each side communicates their interests to the other. Tactics that could be used during this stage are Substantive Tactics, Potential Agreement Discussions, Mutually Acceptable Restatement of Arguments,

Communication Tactics, Fractionation of the Conflict, The "Yesable" Proposition, Maintenance of High Aspirations and a Problem-Solving Stance, Face Saving Statements, and Put Yourself in Their Shoes.

The first two stages are generally preformed by each party individually and the parties come together for the third stage. However, interaction during the first two stages may improve the available information and evaluations.

#### Guidelines for the Principled Negotiator

1. **Separate the People From the Problem**--The participants should sit side-by-side rather than face each other ("confronting the problem rather than the people"). Negotiators should put themselves in the other's place and proposals should be consistent with the other side's values. Communication should be phrased so that the problem is attacked rather than the people.
2. **Focus on Interests, Not Positions**--Negotiating positions (what each side says it wants) often obscure each side's interests (what each side really wants). An example is two women arguing over an orange and deciding to divide it in half, only to discover that one wanted the fruit to eat and the other the skin to bake a cake. The negotiator should consider the other side's choices and whether one's own positions and proposals have been presented clearly--can the other side understand what they have been asked to do? Discussion should be focused on the future and where the situation should go rather than on the past and how the situation was created.
3. **Generate a Variety of Possibilities Before Deciding What To Do**--To avoid premature judgment, inventing solutions should be a separate activity from deciding what to do. After the problem and causes or barriers are identified, approaches for resolution should be generated and ideas for action developed. Participants should sit side-by-side and not criticize ideas during brainstorming sessions. At the end, the more promising ideas could be highlighted and an action plan created. Ideas with different strengths, such as comprehensive versus partial, should be generated to increase the negotiator's flexibility. Options should be drafted with the other side's constraints and interests in mind, so that "yes" would be a sufficient, realistic, and operational response from the other party.
4. **Insist that the Result be Based on Some Objective Standard**--The negotiator's position should be based on some principle, such as market value, expert opinion, custom, or law, and he or she should ask upon which principle the other's position is based. This principle should be incorporated in the development of a BATNA (best alternative to a negotiated agreement) prior to negotiation. A BATNA represents the point from which the negotiator will not concede further but instead would prefer no agreement (also called security or reservation point).

Throughout this approach, improved communication is the key to success. The negotiators should listen actively, rephrase the other's argument to show it is understood, and phrase one's own position in terms of how one feels (which is hard to attack) rather than how the other party has created the problem. Facts should be subject to correction by the other side ("Correct me if I am wrong, ...").

#### **When/What Conditions?**

This approach is most applicable during the actual negotiation session, and because consistency of demand upon an objective standard is important, this strategy would work best if applied from the start of the negotiation.



If the other negotiator will not participate in a principled negotiation or is using dirty tricks, insistence upon objective standards or making explicit the other's use of dirty tactics and insistence on a jointly established procedure for the negotiation may keep the negotiation principled.

### **Anticipated Outcome**

This approach should yield a wise agreement. The usual game involved with negotiations, in which each side digs into a position and underlying concerns are paid little attention, is avoided. Better communication of interests should result in a more efficient decision for everyone involved.

The decision is also better because of the quantity of solutions that can be evaluated. In regular negotiations, new ideas may be inhibited due to the fear that an idea will be understood as a committed position or confidential information may be compromised. Joint brainstorming in which ideas are presented informally or in pairs could avoid these problems. At the very least, each side could brainstorm alone and develop more creative options to present to the other side.

### **Examples**

Most of the examples in which this approach was used in its entirety involved community disputes between tenants and landlords or home buyers and sellers.

In one case, a tenant discovered he had been charged more than the rent controlled maximum for his apartment and he requested a refund. His landlady became defensive and accused him of just wanting money and trying to take advantage of the fact that he was still in the apartment. The tenant insisted he only wanted to be treated fairly, and offered the concession that he would move out once a refund had been made (he concealed the fact that he was planning to move out whether or not the problem was settled). The incorporation of the landlady's interests into the agreement, its face saving aspect, and its basis on fairness provided an acceptable solution for both sides.

### **Correspondence With Other Approaches**

In this approach, interests are the focus for discussion. Fisher and Ury recognize that interests may be based on deeper needs (security, economic well being, recognition, etc.), but it is Burton who urges that the focus be entirely on needs. Fisher and Ury's approach utilizes negotiation to arrive at an agreement, while Burton (1986) moves away from negotiation and tries to achieve a new understanding and changed perceptions between the conflicting parties.

Single-text negotiation is suggested if the other side will not play the principled negotiation game. This method keeps criticism focused on the issues and not the people, and keeps both sides from locking into positions.

## **2.3 At the Table with Third Party Involvement—Convergent Bargaining versus Problem Solving**

### **2.3.1 Critical Dimension: Convergent Bargaining**

#### **Presence of a Mediator (Pruitt, 1981a)**

The mere presence of a mediator may facilitate agreement because the negotiators may be less likely to use unfair tactics and acceptance of the mediator indicates that both parties are serious about negotiating. This approach has a process focus and is most appropriate when a resolution to the problem is sought.

### **Anatomy of the Approach**

This approach can vary from one in which the mediator takes little action to one where the mediator serves in a secretarial support role.

In the first instance, the parties in conflict negotiate as usual with the only change being that a third party is also in the room. The mediator does not contribute substantively to the exchange between the two parties, but may act to relieve tension, such as through use of the Humor tactic.

A more active mediator role in this approach is one in which the mediator handles paperwork, lightening the load of non-substantive issues that the negotiators must worry about, thus leaving more time for discussion of substantive issues (Procedural Tactic). Trivial disputes may also be avoided and kept from spoiling a negotiating atmosphere.

#### **When/What Circumstances?**

In experimentation, this approach could be used as a control condition--the effect of the presence of the mediator should be compared with the effect of the mediator's involvement.

#### **Anticipated Outcome**

Pruitt labels this the "Passive Approach" to mediation, and he states that the mere presence of a mediator will change the atmosphere of a negotiation in a positive way. Each party's agreement to allow a mediator into the negotiation setting indicates they have some level of interest in coordinating conflict resolution procedures. The result should be greater trust, more information exchanged, and matching concessions. In addition, the presence of a third party should put the negotiators on their best behavior. Hostile displays and unfair tactics will be less frequent because each party would look bad to the outsider. In addition, a mediator may serve as a target for angry displays, thereby deflecting these displays from being directed at the other bargainer (Accommodation due to the Arrival of a Common Adversary tactic).

#### **Biased Mediation (Touval, 1975)**

When a mediator has a stake in the conflict and this stake is transparent, the parties to the conflict gain some leverage over the mediator and the mediator will participate in the negotiation and bargaining in addition to fulfilling the more usual functions of facilitating communication and inventing proposals. This approach is process oriented and seeks to resolve the problem and possibly avoid the issue.

#### **Anatomy of the Approach**

In a political situation, a mediator is likely to have interests at stake in the negotiation, and he or she will most likely be involved in the negotiation and bargaining in addition to fulfilling the more usual mediator functions of facilitating communication and concessions. He or she should also be a source of ideas, suggestions, and proposals, and may suggest rationalizations and justifications to persuade the parties to reach an agreement.

A biased mediator may enter the conflict without an invitation, but his or her continued involvement and ultimate success will most likely depend upon the acceptance of the parties. Mediator acceptability and effectiveness are determined by both the control each party believes the mediator exerts over the other party and by the control each party believes it has over the mediator.

Because of the mediator's self-interest in the agreement, he or she might offer to guarantee the agreement and even to actively participate in its implementation.

The tactics that help with the development of creative solutions, as well as other mediator tactics

(Caucusing, Humor, Instruction, Power Equalization, and Creating Deadlines; see Section 5) should prove useful during the execution of this approach.

#### **When/What Circumstances?**

In a political system, there is a high degree of interdependence and biased mediation may be both desirable and unavoidable. The mediator may become involved due to his or her stake in the matter. The transparency of the mediator's bias is desirable so that the parties to the conflict can give appropriate value to the mediator's suggestions and involvement rather than speculate on them.

In an apolitical situation, such as trade agreements or family disputes, an impartial mediator is more appropriate.

#### **Anticipated Outcome**

The mediator's interest in the agreement gives the adversaries some leverage over the mediator, and the resulting negotiation is tripartite bargaining.

Touval finds that because of the specific interdependencies and interests that prompted the mediator's initiative in the first place, the same third party is likely to mediate repeatedly in recurring quarrels between the disputants.

#### **Examples**

The US's role as an intermediary in the Middle East is regarded as being pro-Israeli, but they have mediated several cease-fires and treaties between the parties in the region. Following the October 1973 war between Israel and the Arab coalition, Secretary of State Kissinger shuttled between Jerusalem and the Arab capitals, interpreting to each side the other's position and influencing both sides to soften their positions and make concessions. The result was a separation-of-forces agreement. The durability of the agreements reached through the use of the biased mediation has not been great, but the approach is credited with some agreement at least being reached.

#### **Correspondence with Other Approaches**

Touval advocates the concurrence of a biased and powerful mediator. A powerful mediator (Pruitt, 1981b), or one who has plentiful resources at his or her disposal, will more likely succeed in this style of negotiation than a weak and poor one.

Both the powerful mediator and biased mediator may find it difficult to remove him or herself from a conflict once involved in it. The reasons for this are slightly different, but complementary. In biased mediation, this is explained by the fact that the mediator has a stake in the conflict. In powerful mediation, the parties to the conflict entered into negotiation and/or agreement due to some coercion and continued coercion may be necessary if more progress is to be made.

#### **Power Based Mediation (Pruitt, 1981b)**

The mediator's resources are used to facilitate or force concessions from the parties to the conflict. However, long term resolution of the conflict may not result and the mediator may be unable to extricate himself from the resolution process. This approach is process oriented and seeks to resolve the problem and possibly avoid the issue.

#### **Anatomy of the Approach**

The mediator's power will most likely be an established fact prior to his or her involvement in the dispute. This power will be over resources and/or opinions and the mediator must be willing to use this power to manipulate the situation or perceptions of the parties. The participation of a powerful

mediator may facilitate concession making without any real action on his or her part--the mediator's presence may be used as a face saving excuse to move toward agreement. A powerful mediator may also act as a guarantor of each side's adherence to certain agreements, assuring each side that the other's promises will be kept and thus motivating each side to offer concessions.

Rubin (1981) identifies three types of resources over which a third party might exercise control, and which give definition to the role the mediator should play and tactics he or she should utilize during the negotiation. The first is the mediator's willingness to continue to participate in the discussions. Threats to leave the negotiation or making continued participation contingent upon certain movement in the negotiation may pressure the parties to make concessions (the tactic of Creating Deadlines). The second resource a mediator could control is public sentiment. Threats to release information to the media may pressure the parties to alter their bargaining positions. A mediator's control over physical goods is the third resource. A powerful mediator may be able to identify and secure resources that were available or apparent to the parties to the conflict. By providing additional money, land, or other tangible resources or by soliciting these resources from other parties, the mediator could modify the size of the pie over which the conflict is centered (the tactic of Broadening the Pie).

#### **When/What Conditions?**

A mediator with power may be able to influence the dimensions of the dispute prior to actually sitting down to negotiate. This was the case when Kissinger prevented Israel from destroying the Egyptian Third Army at the end of the 1973 war, knowing that negotiations would be more likely if there was a relative power balance between the two.

Use of a powerful mediator is effective for achieving immediate resolutions or when power is necessary to get the parties to the negotiation table over a large conflict. If the conflict is small in scope or a long lasting resolution is desired, Walton (1969; as quoted in Rubin, 1981) found that the less power the third party has the better.

#### **Anticipated Outcome**

Concession making may be easier in the presence of a powerful mediator, because the concessions will be less likely to be viewed as signs of inherent weakness of the party but instead due to the pressure of the mediator.

Additionally, concession making may be encouraged if the mediator promises to act as guarantor of the agreement. In the knowledge that the agreement will be implemented, the parties may be encouraged to make larger concessions because they will not be exposing themselves to as great a risk; they are assured that they will receive something in return for what they agree to give up. Schelling (1960) found that the possibility of a third party guarantee gives a bargainer greater capacity to make a personal commitment and hence to enter into a contract.

One caution that should be observed is the danger that the parties will become resentful of the powerful mediator's threats, as Israel did when they accused Kissinger of lying at one point in his shuttle diplomacy. Additionally, the provision of resources should be done with care, lest the disputants come to expect the same generosity in the future. The danger exists that the conflict could become triadic in nature with the mediator becoming the initiator of future negotiations or at least an integral player in the initiation and conduct of such negotiations.

#### **Examples**

In the Camp David talks, President Carter provided new resources to make an agreement between Israel and Egypt more acceptable to both. Carter promised to build a new airfield for the Israelis,

in return for their evacuation of the Sinai. The Egyptians were promised economic and military assistance in exchange for its agreement with Israel. With this increased pie, concessions could be made without sacrificing interests.

### **Correspondence with Other Approaches**

Zartman's "Ripeness" approach could use a powerful mediator to adjust the situation, take action, or induce actions by the parties to the conflict that would result in a situation that could be "seized" upon and negotiations agreed to.

As noted in the biased mediator approach, the powerful and biased mediator roles are complementary and often used together.

### **Shuttle Diplomacy (Rubin, 1981)**

The mediator conveys offers back and forth between the principals, physically moving between them and avoiding face-to-face confrontation. This approach suggests a process for resolution of the problem and may avoid addressing the issue.

### **Anatomy of the Approach**

The mediator has total control over communication between the two bargainers, physically moving between the two. The mediator's skill and judgement are the keys for this approach. Exploratory concessions can be encouraged and timing of concessions coordinated by the mediator. The mediator will encourage the parties to be open with him or her, but will not necessarily tell the parties everything he or she knows about the other party's position. The parties must trust that the mediator will be strategic in his or her use of the information they share with him or her. The mediator may also serve as a therapist for the parties, witnessing or being the target of angry displays, and thus deflecting angry displays from the other party and allowing the client to experience catharsis. Since the mediator knows about both parties' interests, he or she will be in a position to develop creative alternatives that integrate both parties' requirements.

Tactics for use with this approach include Substantive Tactics, Potential Agreement Discussions, the tactics for creating integrative solutions, Fractionation of Conflict, The "Yesable" Proposition, Maintenance of High Aspirations and a Problem-Solving Stance, Humor, Creating Deadlines, and Put Yourself in Their Shoes.

### **When/What Conditions?**

Shuttle diplomacy is particularly appropriate when two parties cannot physically meet in the same location—usually due to non-recognition of the other party or an especially tense relationship for which face-to-face meetings result in confrontations and a deterioration in the situation. This approach may also be useful to get two parties to agree to negotiate and to lay the ground work for such a negotiation.

### **Anticipated Outcome**

The shuttle diplomacy approach may make concession-making easier because the mediator can elicit a concession from one party but present it to the other party as his or her own proposal, shielding the first party from appearing soft. Face-saving is also allowed because the parties make concessions to the mediator and not to the other party. The ability to time concessions is important, because early concession can be slowed down so that the party will not appear soft.

Hardening of negotiating positions due to angry displays (Pruitt, 1981b) is avoided with this approach, as are nonverbal dominance struggles or other nonverbal tactical ploys that can occur in face-to-face

encounters. Momentum is best maintained by a constant flow of concessions and agreements, as well as a belief that future agreement is possible, and a shuttling mediator may be able to orchestrate such a situation.

### **Examples**

Kissinger's shuttle diplomacy in the Middle East is the premier example of this approach, and it is from an analysis of the theory and lessons learned from his experience that this approach has been drawn.

An often quoted example of the mediator becoming the target for angry displays is when Kissinger listened to an angry lecture from Israeli Prime Minister Golda Meir "about the sufferings of Israel and the injustice of its world position." (Golan, 1976; as quoted in Pruitt, 1981b) After she finished, Kissinger agreed with her but pointed out the realistic need for concessions.

### **Correspondence with Other Approaches**

The Kissinger example upon which this approach is based is one in which the shuttling mediator was both biased and powerful.

### **Preventive Mediation (Stenelo, 1972)**

The third party keeps the parties from adopting conflicting positions or encourages agreement when positions conflict. This is a future-oriented type of mediation and is more often designed to influence attitudes and values than actual behavior. It suggests a process for resolving a problem or possibly avoiding the issue.

### **Anatomy of the Approach**

The mediator intervenes in problem areas that might become obstacles to agreement. The mediator should be alert to the potential positions of each party, using search strategies to increase his or her knowledge about a subject and to investigate the need for preventive mediation efforts. The mediator then attempts to coordinate the standpoints and positions of the parties and makes moves to keep them from committing to incompatible negotiatory positions. The following persuasive strategies can be used to carry out these tasks:

- o Open argumentation, with the mediator explicitly attempting to influence a party's decision;
- o Contributing strategic evaluation of the issue or the options in an effort to influence a party's decision to commit or not to commit to a certain position;
- o Providing "knowledge innovation" to alter the number of alternative courses of action; information concerning the practical difficulties associated with various types of solutions is introduced and the mediator indirectly recommends the adoption of certain courses of action.

If one party has already taken a position on a particular issue, the mediator may try to prevent the other party from taking any position, to avoid any disagreement that could arise. The mediator might also try to prevent a party that has taken a position from replacing provisional commitments by formal commitments. Conversely, a mediator may attempt to hasten commitments that are compatible with the positions of others. The mediator can introduce new information to delay a party from taking a position that will not facilitate agreement or the mediator may release information that reinforces a particular line of argumentation (Substantive and Communication Tactics).

When the parties are in agreement, the mediator might attempt to prevent the parties from abandoning positions which could facilitate agreement. To do this, the mediator might cite the principle of strategic continuity or produce new resources in an effort to neutralize technical obstacles to

agreement.

#### **When/What Circumstances?**

The preventive mediator's strategies often involve providing new information, alternatives, or analysis, which will be most effective when the situation is characterized by a relatively high degree of uncertainty.

#### **Anticipated Outcome**

Fewer obstacles to agreement should arise as a result of the preventive mediator's activity, decreasing the inertia in the negotiation process. The positive effects of preventive mediation include the fact that the recipient's prestige is not tested because retreat from commitments is avoided.

Negative aspects of preventive mediation include the fact that the mediator may direct attention towards potential obstacles to agreement that the parties had not previously considered and which (had they not been discovered) might not have become manifest obstacles to agreement. In addition, the "neutralized" obstacles may accumulate and thereby become more formidable in the future.

#### **Examples**

Sweden has attempted to prevent stalemate situations caused by a lack of information and knowledge on many occasions.

One example was when Sweden utilized technical and scientific advisers to try to neutralize technical obstacles during the 1967 discussion of monitoring underground testing. Sweden was the only nonaligned delegation participating in the ENDC (Eighteen-Nation Committee on Disarmament) negotiations that had access to technical-scientific advisers, and this expertise enabled Sweden to take a leading role in the preparation of joint non-aligned proposals dealing particularly with technical-scientific problems.

#### **Correspondence with Other Approaches**

This approach could resemble a proactive shuttle mediator, going between the two parties, assessing where conflicts might arise, and providing them information or incentives to avoid taking conflicting positions.

#### **Mediation/Arbitration (3rd party)** **(McGillicuddy, Welton, Pruitt, 1987)**

If no decision is reached by the parties during the mediation phase of negotiations, the third party arbitrates a solution. The parties should have an increased incentive to negotiate and the mediator should play a greater role in facilitating an agreement before the arbitration option is necessary. This approach provides a process to follow in achieving resolution of the problem.

#### **Anatomy of the Approach**

In this approach, the parties agree that at some point the mediator will become an arbitrator if a mutually acceptable settlement has not been reached. A time limit or group decision process may be established to designate the point in the negotiation when the structure is to change.

Other than this distinction, it is not specified how the mediator or arbitrator is to carry out his or her role; options presented elsewhere in this paper may be adopted to define these roles, as well as the strategies for the parties to the conflict.

#### **When/What Circumstances?**

The option to impose a time limit might be desired when one or both parties are not acting with urgency even though a timely resolution should be reached.

### **Anticipated Outcome**

The disputants in this approach were less hostile and more conciliatory than when straight mediation is used. Fewer offensive comparisons were made between parties and more new proposals and concessions were made. This behavior was attributed to the parties' desire to appear reasonable to the mediator, who might in the end arbitrate a decision, and also to the desire to negotiate the decision themselves rather than resort to the arbitration option.

The mediator in this approach plays a more active role in helping the two parties arrive at a negotiated resolution. This is attributed to his or her interest that the parties reach an agreement rather than have an arbitrated settlement. This approach enhances the motivation of all parties involved to reach a negotiated settlement.

### **Examples**

The McGillicuddy, et al., study was conducted at a community mediation center. The disputes were referred by the city court to the center and varied from misdemeanors to minor felonies. In every case the disputants had had a continuing relationship (i.e. neighbors, family members, landlord and tenant, etc.). The results of the study are included in the above discussion on anticipated outcomes.

### **Correspondence with Other Approaches**

The experimentation on this approach was done in contrast to straight mediation and Med/Arb (4th party).

### **Mediation/Arbitration (4th party)** **(McGillicuddy, Welton, Pruitt, 1987)**

If no decision is reached by the parties during the mediation phase of negotiations, a fourth party steps in and arbitrates a decision. The parties should have an increased incentive to negotiate and may be more open with the arbitrator than in the Med/Arb (3rd party) condition. This process oriented approach seeks a resolution to the problem.

### **Anatomy of the Approach**

The parties agree ahead of time to use a mediator during the negotiation process. If they do not reach an agreement before some designated point (time limit, vote to discontinue, etc.), the conflict will be taken before an arbitrator who will hand down a decision.

As with Med/Arb (3rd party), the roles for the mediator and arbitrator are not specified in this approach and can be chosen from another model, as can the strategies for the parties to the conflict.

### **When/What Circumstances?**

As with Med/Arb (3rd party), the option to impose a time limit may be useful if a timely resolution is necessary.

### **Anticipated Outcome**

The parties should have increased incentive to negotiate a settlement, as with the other approaches that introduce a time limit or pressure mechanism to hasten concessions and agreement.

In contrast to the Med/Arb (3rd party) condition, the mediator plays a more passive role in Med/Arb (4th party) due to the smaller individual stake he or she has in how the decision is to be made. The



parties to the conflict, however, may be more open during the negotiation because they need not fear that some thing they say will be turned against them in an arbitrated decision.

### **Examples**

The McGillicuddy, et al., study was conducted at a community mediation center. The disputes were referred by the city court to the center, and varied from misdemeanor to minor felonies. In every case the disputants had had a continuing relationship (i.e. neighbors, family members, landlord and tenant, etc.). The results are discussed above.

### **Correspondence with Other Approaches**

The experimentation for this approach was done in contrast to the straight mediation and Med/Arb (3rd party) conditions.

### **Final-Offer Arbitration (Farber, 1980)**

If a negotiated agreement is not reached, the parties submit their final offers to an arbitrator, who chooses one offer in its entirety. Uncertainty about the decision the arbitrator will make should facilitate a convergence of offers and resolution before the arbitration option is necessary. This approach is process oriented and is designed to resolve the problem.

### **Anatomy of the Approach**

Prior to negotiations, the negotiators agree to submit the dispute to Final-Offer Arbitration (FOA) if they do not reach an agreement themselves. A time limit or other point in the negotiation (i.e. the parties vote that the arbitrator step in) is established to designate when the FOA option is to be exercised.

The arbitration option is operationalized by each party presenting its final offer to the arbitrator and the arbitrator choosing one offer. When there are two or more issues in the dispute, there are two options for FOA--"whole package" or "issue by issue." If the "whole package" option is chosen, each party presents an offer covering all of the issues in the dispute and the arbitrator chooses one of the two packages. In the "issue by issue" option, each side presents a separate offer for each issue, and the arbitrator develops a compromise by awarding some issues to one party and some to the other.

### **When/What Circumstances?**

FOA may be used when one party wants to place the responsibility for an unfavorable outcome on the shoulders of a third party (Feuille, 1975; Olson, 1978; Stern et al. 1975; as quoted in Farber, 1980). This desire may be especially important in political situations where the negotiator must answer to his or her constituents.

### **Anticipated Outcome**

The major justification for the use of FOA is that it encourages parties to negotiate their own agreements. Uncertainty concerning what decision the arbitrator will make combined with risk aversion should make FOA a costly alternative to making concessions and reaching an agreement through negotiation.

One drawback to this approach is that if the parties do not agree on a point in the contract zone (the area between one party's minimum acceptable settlement and the other party's maximum acceptable settlement beyond which both would rather use FOA), the parties "retrench" to more extreme positions in their final offers. Each final offer will be outside the parameters of what was discussed as a possible solution and the decision will therefore be farther from an optimal solution than if an

agreement had been negotiated.

The more risk-averse party will submit a more reasonable final offer, which thus has a higher probability of being selected by the arbitrator. Therefore, settlements negotiated under FOA will be skewed against this more risk-averse party.

### **Examples**

This approach is most frequently associated with labor negotiations between unions and management.

### **Correspondence with Other Approaches**

This approach provides another option for imposing a deadline on the negotiation.

### **Agents (Rubin and Sanders, 1988)**

Representatives of the parties negotiate on behalf of their clients. This approach is useful when agents can provide expertise in substantive knowledge, process expertise, or special influence. Agents also provide a "buffer" between the two parties which may be necessary when the parties are openly hostile to one another, in which case the issue would be avoided. This approach is process oriented and seeks to resolve the problem.

### **Anatomy of the Approach**

Each party to the conflict (the "principal") chooses an agent to represent him or her in the negotiation. The agent negotiates with the other party's agent (or one side may be directly represented), reports the results to and receives new instructions from the principal, and returns to negotiate with the other agent.

Several tactics can be utilized by an agent and principal. In the "good cop/bad cop" ploy, the agent will take a very hard line after which the principal will intercede with relative reason and appear conciliatory. Another tactic is that in which the agent gathers information from the other party during the bargaining session, shares it with the principal, and returns to the other party stating that the agreement was not acceptable to his or her client and make new demands.

Other tactics that could be used are the "What is being negotiated?" tactics, Fractionation of Conflict, The "Yesable" Proposition, and Humor.

### **When/What Circumstances?**

Agents are most often used because they possess expertise that will make agreement more likely and increase the chances of a more favorable outcome for the principal. This expertise consists of either substantive knowledge (i.e. accountant), process expertise (i.e. lawyer), or special influence (i.e. lobbyist).

If the principals are too emotionally entangled in the subject of the dispute, agents may be necessary to "buffer" the communication between the two parties.

### **Anticipated Outcome**

The decision to use agents is made with the expectation that a more favorable agreement will result. Agents may also be used to avoid an impasse or emotional explosion that might result from a direct exchange with adversaries.

Selection of an agent and strategy for negotiation should be made with care to ensure that both the principal and agent agree on what is desired from the negotiation and how it will be obtained. One

example of a problem that could arise is when the agent desires to arrive at a fair outcome to maintain a reputation as a fair bargainer while the client is not worried about a long term relationship with the other client and desires the most favorable resolution to the situation. In another situation, the agent may be paid a percentage of the price he or she negotiates, creating a conflict between the client's desire for the lowest price possible and the agent's desire for a large commission.

There are several precautions that should be kept in mind when using agents. The first is that the "additional moving parts" that agents add to the negotiation will mean additional expense in the form of time required to find, evaluate, and engage the agents, time to relay messages, and financial cost for retaining their services. Messages may not be relayed as intended and unwanted coalitions may arise between one's own agent and the other party's agent or the other party itself, resulting in undue pressure being applied on a principal.

Asymmetry might arise due to differences in the readiness of the negotiators to move forward, in their ability to be shielded by a representative, and in their willingness or ability to guarantee that any agreement reached will be adopted. This situation should especially be watched for when an agent is negotiating directly with the other principal.

Another drawback to the use of agents is that the parties to the conflict may lose all direct contact with each other and rely exclusively on their agents. In this case a solution to the problem at hand may be arranged but reconciliation of the conflicting parties will not occur and their animosity towards each other may continue.

### **Examples**

An example of an asymmetrical situation is the case in 1978 at Camp David with Sadat and Begin. Sadat considered himself empowered to make binding decisions for Egypt while Begin acted as a representative of his cabinet and the Israeli parliament. The difference in readiness to move forward, the claim of necessity to answer to another body, and their willingness/ability to guarantee an agreement posed difficulties in the talks, but an agreement was reached.

### **Correspondence with Other Approaches**

The shuttle diplomacy approach has similar benefits and risks due to the fact that the parties will not deal with each other face-to-face: angry displays will be avoided, as will reconciliation.

### **2.3.2 Critical Dimension: Problem Solving**

#### **Consultation (Ronald Fisher, 1983)**

An impartial third party facilitates communication and helps the parties develop a solution. This approach was developed by combining certain aspects of other problem-solving workshops guided by an impartial third party (see Burton, 1986, and Doob, 1974, in the "Programs" section). It is similar to these other approaches, but is used here as a general guide for mediators in a negotiation setting. This approach is process oriented with some mention of content (needs) and seeks to resolve the problem if not the issue.

#### **Anatomy of the Approach**

The consultant should have a moderate knowledge of the parties, low power over them, and high control over the situation. In most applications, the third party has been composed of a team of social scientists/practitioners (two to six) whose group or national identity is perceived as impartial or the combination of panelists is balanced.

This approach is executed using small group discussions (five to twenty participants) in a neutral and informal setting. The participants are representatives of conflicting parties, with their identity varying from formally appointed representatives to informal members of decisions-making elites, to members at large of their respective groups.

The third party works to induce positive motivation, improve communication, diagnose the conflict, and regulate the interaction between the two parties to the conflict. Tactics such as restating a participant's opinion and more general procedures that involve structured exercises for participants, such as development and exchange of intergroup images, are employed. The consultant role also includes supportive activities, such as preliminary interviews of potential participants. Additional tactics include Accommodation due to the Arrival of a Common Adversary, Substantive Tactics, Potential Agreement Discussions, Mutually Acceptable Restatement of Arguments, Communication Tactics, Procedural Tactics, Fractionation of Conflict, The "Yesable" Proposition, Maintenance of High Aspirations and a Problem-Solving Stance, Humor, Instruction, Power Equalization, Face Saving Statements, Put Yourself in Their Shoes, Give Them a Stake in the Outcome, and Brainstorming (see Section 5).

Theoretically, discussions move through the problem solving phases of identification, diagnosis, the generation of alternatives, the selection of the best solution, implementation, and evaluation.

#### **Anticipated Outcome**

Communication between the two parties and understanding of the other's needs is what is supposed to hinder conflict resolution. The third party consultant works to assist the parties to overcome this barrier.

The objectives of this approach are to improve attitudes, improve the relationship, and resolve the conflict between the two parties. Traditional mediation attempts to facilitate a negotiated settlement on a set of specific issues; consultation seeks to facilitate problem-solving and changed attitudes of the parties' relationship.

#### **Examples**

Ronald Fisher reports that there has been no clearly unsuccessful attempt to use third party consultation to improve relations between racial or religious groups, however there are some risks of intervening in situations of intense conflict. Expectations may be falsely raised and frustration may be encountered once the participants return to their own environment and try to act on what they have learned during the encounter. (See also "Examples" section for Burton, 1986, and Doob, 1974.)

In many uses of this approach, the process is terminated at the stage of generation and selection of solutions, and a chosen alternative is seldom actually implemented or evaluated due to time limitations (encounter schedules have varied from fifteen hours to two weeks).

#### **Correspondence with Other Approaches**

This approach is based upon and closely resembles those designed by Burton (Conflict Seminars, 1986) and Doob (Conflict Workshops, 1974). However, in this approach the participants may talk to one another instead of having communication strictly controlled through the third party and negotiations are not ruled out as the next step in the process which is started with this approach.

Many aspects of this approach are similar to Rothman's Prenegotiation Workshops (1990). The two could even be used together, with this approach describing the consultant's role and Rothman's model outlining participant activities and providing a scenario for how to make something happen as a result of the new ideas and understanding that is generated.

In more traditional mediation or arbitration formats, the third party must be knowledgeable in the specifics of the range of possible agreements between the parties as well as be skillful in facilitating acceptable compromises or in imposing fair solutions. A mediator is more engaged in "agenda management" than is a consultant.

### **Facilitation (Druckman, 1991)**

The third party facilitates problem-solving discussions and manipulates the situation to encourage the parties to change positions and to help them reach an agreement. This approach is process oriented with some suggestions about content, and seeks to resolve the problem.

#### **Anatomy of the Approach**

This approach consists of both facilitation of problem-solving discussions and some engineering of the situation by a third party. There are three stages involved with this approach: diagnosis, facilitation, and appraisal.

The conflict should first be diagnosed in terms of its causes and the facilitating or impeding factors that exist for resolution of the situation. Second, the negotiations are facilitated through various tactics intended to create a problem-solving atmosphere conducive to agreements and an improved relationship between the parties. Appraisal of the process, in terms of its impacts on the parties' negotiating behavior as well as the outcomes achieved, is an important final stage for this and all approaches, because such analysis will contribute to our knowledge of conflict resolution and how this and other approaches can be made more effective.

Mediator tactics include suggestions that the parties focus on relational issues rather than only getting agreements in the short term, accepting the norm of reciprocity, selecting manageable issues that can be resolved while not letting the large issues linger until an agreement is in sight, being aware of partisan biases by participating in role-reversal exercises intended to enhance understanding of the others' positions, learning to deal with pressures from constituents (i.e. handling the boundary role dilemma), and identifying turning points as the process unfolds from one stage to another.

Additional tactics include Accommodation due to the Arrival of a Common Adversary, Substantive Tactics, Potential Agreement Discussions, Mutually Acceptable Restatement of Arguments, Communication Tactics, Procedural Tactics, The "Yesable" Proposition, Maintenance of High Aspirations and a Problem-Solving Stance, the integrative solution tactics, Coupling, Humor, Instruction, Power Equalization, Creating Deadlines, and Face Saving Statements.

#### **Anticipated Outcome**

The conflicts of interest that bring the negotiators to the table in the first place are likely to be intensified by value differences, commitment or emotional investment in the issues, relative status or power within organizations, constituency pressures, and different approaches to solving problems. This approach seeks to reduce the influence of these factors at the negotiation table, so that the negotiators can concentrate on their differences of interest and resolve the conflict.

The conflict is viewed as a problem that can be solved through the combined efforts of the negotiators and the third party, which should encourage the parties to be collaborative problem solvers. This atmosphere should also make the parties to the conflict more receptive to the tactical suggestions made by mediators.

#### **Examples**

This approach is based on empirical evidence obtained through numerous experimental situations.

It has not, however, been used explicitly in a conflict situation. Analysis of the approach is therefore an important step in the process.

#### **Correspondence with Other Approaches**

In this approach, the mediator must find a middle ground between the role of a consultant (Ronald Fisher, 1983) and a powerful/biased mediator (Pruitt, 1981b/Touval, 1975).

### **3 CONFLICT RESOLUTION MECHANISMS AND CRITICAL DIMENSIONS: PROGRAMS**

The "Program" approaches are divided into two groups based upon the critical dimension they illustrate. Programs do not involve negotiations on immediate problems. Instead, they seek to create lasting changes in the relationship of the parties—a goal that the author feels is unlikely to be achieved directly through negotiated agreements. This change is achieved either through "addressing the underlying sources of conflict" or "changing the level of interaction" between the parties.

#### **Address Underlying Sources of Conflict versus Change Level of Interaction**

Burton (1986) and Doob's (1974) approaches suggest situations which facilitate discussion that addresses the underlying sources of the conflict, namely, each party's needs. The result should be a better understanding of the sources of the conflict and the other party's position, which should translate to changed behavior towards the other party.

Through "changing the level of interaction," other approaches seek to develop new arenas for cooperation. Fogg lists various ways to "seek common interest on which to build" as a way to resolve conflict. This can be done through "Upgrading of Common Interests" (Haas, 1961; as quoted by Fogg, 1985) in which a competitive activity is turned into a cooperative one, switching from a political to a technical or economic solution, "Formation of a Security Community" (Deutsch, 1957; as quoted in Fogg, 1985) where contenders defend against outsiders jointly, and "Unusual Modification of Existing Institutions" or "Establishment of New Institutions" (Fogg, 1985). These would all aim to achieve the same goal—building new arenas of cooperation and changing the factors of the conflict. A new world order based on "Functionalism" (Mitrany, 1946; as quoted by Fogg, 1985) where common loyalties are built through functional organizations, is one vision of the outcome of such activity. The specific conflict should become less important and over time be forgotten.

#### **3.1 Critical Dimension: Address Underlying Sources of Conflict**

##### **Conflict Seminars (Burton, 1986)**

An impartial panel directs a discussion by high-level officials from each party about each party's needs. This approach seeks to break down stereotypes, establish effective communication, and explore means of resolution between the parties in conflict. The content of discussion (needs) is a major focus of the approach, but Burton also describes the process, and the intent is to resolve the issue.

#### **Anatomy of the Approach**

This approach uses a seminar format with a panel of impartial academics to facilitate exploration of the conflict and the needs of the participants, who should be high-level officials from the parties to the conflict.

The parties that are most immediately affected by the conflict should be invited. Other parties should

be assured that their views and interests will not be neglected in subsequent discussions. The encouragement or involvement of powerful states may be necessary in an effort to limit the conflict and to establish greater cooperation and confidence between all parties involved.

The seminar should take place outside the realms of diplomacy and inter-state institutions so that participants will feel free to explore the issue without commitment, without obligations to arrive at solutions, and without giving up the bargaining position that they hold; any outcome must be acceptable to both parties and their electorates.

The panel members should have no specialized knowledge of the conflict; it should be the parties who define the dispute and determine the relevant issues, values, and motivations. The panel plays a major role in developing integrative solutions to the conflict. The tactics for creating integrative solutions may be useful for this endeavor.

The main focus of the discussion should be on needs, as distinguished from values or interests. Values and interests are goals that are specific and subject to change. Needs are non-negotiable, universal goals which are sought by all persons in all cultures and in all circumstances.

At the beginning of the seminar each party is invited to state its position, to the panel; the parties do not address or look at each other. Each party is invited to pose questions which must be strictly for information purposes and not to engage in debate. The panel follows up with questions which seek to uncover aspects of the conflict that have not been touched upon. The panel members need to have frequent opportunities for discussion among themselves during the analytical period. The analytical period continues for several days. This approach also calls for the conflict to be broken into component parts before analysis and definitions are assigned (Fractionation of Conflict tactic).

Returning to their positions after the seminar will be a problem for the participants and the panel should constantly remind the participants of this problem and of the need to not compromise on key values and to maintain as close contact as possible with those whom they represent.

The most appropriate tactics for this approach are Accommodation due to the Arrival of a Common Adversary (with anger directed at the panel), Substantive Tactics, Potential Agreement Discussions, Mutually Acceptable Restatement of Arguments, the tactics for creating integrative solutions, Communication Tactics, Procedural Tactics, The "Yesable" Proposition, Face Saving Statements, Superordinate Goals, Put Yourself in Their Shoes, and Power Equalization (see Section 5).

#### **When/What Circumstances?**

The panel should be invited in and controlled by the parties to the conflict. The objective could be to reach a satisfactory redefinition of the conflict, laying the groundwork for negotiation or, in a truly intractable conflict, to bring new understanding and possibly to foster a changed relationship (such as that of which Saunders writes) when negotiations have failed.

#### **Anticipated Outcome**

Burton finds that protracted conflicts are primarily over the non-negotiable values of human and identity needs and his approach seeks to reveal these needs and to deal with them. The panel should help to reveal self-fulfilling prophecies and self-defeating actions, help the parties to differentiate between their declared policy and their action, and help the parties to understand the other party's process of decision making.

#### **Examples**

Two seminars were held on the Lebanese conflict. Both seminars were held in private, under the

auspices of the University of Maryland, to protect the confidentiality of the proceedings. Seven or eight scholars, political advisers, and consultants were invited to represent the views of the leadership of the Lebanese religious and political communities. The panel consisted of four or five scholars and practitioners who were specialists in conflict analysis at different levels of social organization. Each meeting lasted four days and featured intensive discussions of the values, needs, issues, and expectations of the various communities and the whole region. The first meeting focused on whether a united Lebanon was desired as the homeland for the conflicting Lebanese communities. The second meeting focused on what kind of Lebanon was desired.

During the first day, each participant set out the conditions under which he came to the meeting. The second and third days were more difficult. Tension levels were higher, emotions were revealed, and deadlocks encountered. The participants were only asked to see the values of the other side as authentic and real; they were not asked to give up or change their own views. The last day was characterized by nervousness and worry. There was a tendency to express cynicism about the real intentions of each other. Almost all were concerned about how to agree and on what points, how to disagree and on what points, and what to take back home and how to defend it effectively. When problems arose, the panel introduced empirical data about other cases in which the similarities or differences would be instructive for the participants. Fresh ideas began to emerge and in some cases creative approaches to the problem began to appear on each side. The panel's low-profile and use of comparative data and theory were most significant in this process.

#### **Correspondence with Other Approaches**

With reference to the tactic that calls for peacekeeping forces, Burton says that this institutionalizes conflict, and makes resolution more difficult.

Burton is the strongest advocate of the importance of discussing needs. Doob (1974), Rothman (1990), and Ronald Fisher (1983) also utilize a discussion of needs, although not with Burton's vigor.

#### **Conflict Workshops (Doob, 1974)**

In a "laboratory setting", middle-level officials are brought together to learn communication techniques, to participate in empathy exercises, and to discuss the conflict and possible solutions. This is a process approach and seeks to help resolve the issue.

#### **Anatomy of the Approach**

The role of the third party is central in initiating, planning, and executing a conflict workshop, usually an intensive, two-week encounter between middle-level officials from each side of the conflict.

To begin, a feasibility study should be conducted. This study should include meeting with representatives of important groups on each side and ascertaining the interest in, and even obtaining an invitation for, conducting a conflict workshop. Doob suggests describing workshop experiences in other conflicts to ascertain interest rather than arguing in favor of the project.

After the decision is made to hold a conference and funding is arranged, participants are recruited. The participant make-up will influence the interaction during the workshop and determine whether the effects will be lasting, so much care should be given to this stage. Doob utilizes three criteria for choosing who is to be invited: the candidate needs to be interested in reducing social conflict and hence willing to participate; the candidate should have influence in the community or be in a position to transmit whatever is learned to those in power within the community or within one or more of its organizations; and the candidate should be emotionally capable of responding fruitfully under conditions of stress. Doob chooses twelve participants from each group, to allow them to split up



into two or three equal subgroups yet still be sufficiently large to form a community for the two-week session.

Doob believes that no one encounter technique is necessarily useful in all conflict situations, and chooses his professional colleagues based on their skill in the type of conflict Doob feels exists. For the aborted Cyprus workshop, Doob chose to use an approach which encouraged the search for new ideas rather than one which increased the participants' knowledge concerning the functioning of groups. Role playing and reverse role playing are two activities which would generally be included in the workshop schedule. However, timing, budget, site, participants, and technique are all aspects that cannot be considered separately.

Tactics that could be used in this approach are Pinpointing Cooperative Officials, Substantive Tactics, Potential Agreement Discussions, Mutually Acceptable Restatement of Arguments, the tactics for creating integrative solutions, Communication Tactics, Procedural Tactics, Fractionation of Conflict, The "Yesable" Proposition, Face Saving Statements, Put Yourself in Their Shoes, Brainstorming, and Power Equalization (see Section 5).

Follow-up sessions are an important part of this approach. The lessons learned can be reinforced, problems encountered when trying to implement what was learned are evaluated, and strengths and weaknesses of the method analyzed.

#### **When/What Circumstances?**

An expression of interest by influential participants in the conflict to have a workshop would make the organizer's job easier in conducting the feasibility study and having access to other influential individuals whose participation in the workshop could make a difference in the conflict situation.

Doob asked the participants if they would be running any personal risk by attending the workshop because he could not guarantee even partial success and did not wish to jeopardize any of the participants whose safety or position might be threatened afterwards.

#### **Anticipated Outcome**

There is a danger in raising false hopes because the workshop does not in itself produce a visible product. New, integrated solutions or ideas for action may be generated and better understanding between the parties fostered, but actual change will depend upon what the participants do once they return to their home environments.

#### **Examples**

Ronald Fisher (1983) describes the results of a conflict workshop in Northern Ireland. Influential grassroots leaders from the opposing religious factions of Catholics and Protestants living in Belfast took part in a ten-day consultation program in Scotland, where they participated in human relations training, sensitivity training, and problem-solving exercises.

Evaluations were mixed as to the appropriateness and utility of the experience. There was significant learning about group and intergroup processes as well as increased awareness of the other group. Joint plans for community development projects were generated. Follow-up interviews held ten months after the workshop indicated increased personal and organizational effectiveness for participants. However, two co-workers resigned from the project, contending that the workshop's goals were ill-defined and contradictory and that the experience was ineffective and harmful. (Boehringer et al., 1974; as quoted in Ronald Fisher, 1983). To counter this assertion, Doob and Foltz (1975; as quoted by Ronald Fisher, 1983) report that after a follow-up workshop selected participant evaluations continued to show a healthy balance of costs and benefits.

### **Correspondence with Other Approaches**

Doob provides a description of what must go into planning a workshop, which is applicable to preparation work in Rothman's Prenegotiation Workshop (1990) and Burton's Conflict Seminars (1986). The focus on changing attitudes is similar to these two approaches and to Consultation (Ronald Fisher, 1983).

## **3.2 Critical Dimension: Change the Level of Interaction**

### **Refocus the Conflict (Ozawa and Susskind, 1985)**

Ozawa and Susskind (1985) present a model for resolving science-intensive conflicts through cooperative efforts in which workgroups composed of all affected actors (politicians, scientists, etc.) work together to structure research or institutions. New arenas for interaction are developed and joint decisions that none can easily dispute are made. This model is included here as one way to build common interests or change the factors in the conflict. This approach is process oriented and avoids the issue with the intention that it will eventually be overcome as a result of the new levels of interaction.

#### **Anatomy of the Approach**

In the science-intensive dispute model, the participants might be representatives of government agencies, special interest groups, and private individuals along with their respective scientific advisors. All key interests should be represented because without the participation of every party that has the political or economic power to block the resolution the process will not succeed (Give Them a Stake in the Outcome tactic). Information sharing, joint fact-finding, and collaborative model building are techniques that are particularly well suited for resolving science-intensive disputes.

Information sharing is important because any effort to suppress information carries with it the possibility of being discovered, resulting in a subsequent loss of credibility. Decision makers can demand and receive information in whatever form they feel best highlights the contradictory claims put forth by affected interests. Substantive tactics and Communication tactics should help during this activity.

Joint fact-finding involves jointly framing the research questions, specifying the method of inquiry, selecting the researchers, and monitoring the work. As a result, every party has injected their concerns at every appropriate point. Parties to the dispute make these decisions collectively and debate the possible alternatives before the analysis is completed, and will therefore be less likely to reject the scientific findings that emerge.

Collaborative building of forecasting models is one vehicle for joint fact-finding. Mediation can be used to draw each party away from its preconceived preferences and to encourage collaboration. The development of a forecasting model that incorporates assumptions acceptable to all should produce a prediction that none can easily dismiss. The Superordinate Goals tactic and theory are especially relevant to this approach.

#### **When/What Circumstances?**

This approach was created in response to the failure of traditional dispute resolution methods. Due to the superior results that should be achievable, it would be appropriate to use this approach from the start.

#### **Anticipated Outcome**

Attempts to resolve science-intensive policy disputes without the coordination and participation of

both the scientists and the policy makers could produce unwise and potentially dangerous results. Scientific research often produces varying results depending on the institutional environment in which it is undertaken and the political orientation of the investigators. When establishing science-intensive policies, disagreement can arise at two key points: on the scientific evidence itself or on the significance or implications of available scientific evidence. Each side may produce data or dispute data according to its interests. As a result of information sharing, joint fact-finding, and collaborative model building, jointly established science-intensive policies should be superior to policies that are developed using traditional methods.

### **Examples**

During the negotiations on the Law of the Sea, an impasse was reached concerning the allocation of profits from mining manganese nodules in the ocean floor. A computer model had been created at MIT, with US funds, without direct reference to the Law of the Sea negotiations. The participants saw it as being nonpartisan, and they used it to analyze their financial proposals. Those who used the model were free to substitute their own assumptions if they preferred. Because the structure of the model was perceived as neutral, the representatives felt no loss of face in revising their financial demands in accordance with the results of the model.

### **Correspondence with Other Approaches**

Saunders advocates a change in the political environment, mostly as a result of the changed perceptions of policy makers. This approach seeks to change the environment of the relationship through increased interaction, which should then allow a change in the perceptions of policy makers.

## **4 GENERAL DIMENSIONS**

Two dimensions apply to all of the programs and procedures, and to many of the tactics. The first is the distinction between approaches that concentrate on process versus those that focus on the content of the negotiation. The second is whether the approach seeks to resolve the issue or the problem, and if it avoids the issue.

### **Critical Dimension: Process versus Content**

Each party comes to the conflict, and the table, with positions, interests, and needs. "Content" approaches directed at the level at which the substance of the discussion should be, such as Burton's "Conflict Seminars" (1986), which require a discussion of the parties' needs. Positions are what is stated to the other party as the desired outcome of the negotiation (Fisher and Ury, 1981). Interests are what caused or motivated each party to decide on their position (Fisher and Ury, 1981). Needs underlie interests and are the "bedrock of the person." They include the need for security or for economic well-being and are not negotiable (Burton, 1987; as quoted in Avaruch and Black, 1990).

"Process" refers to prescriptions for structuring an environment in which problem solving will be facilitated or concessions will be encouraged. Deadlines may be built into the structure of the approach, as with "Med/Arb" (McGillicuddy, Welton, and Pruitt, 1987), timing or size of the moves may be prescribed, as with "GRIT" (Osgood, 1966), or the order of issues to be discussed may be assigned, as with "Formula-Details" (Zartman and Berman, 1982). The content approaches usually also prescribe the process that will permit the intended discussion, such as the problem-solving atmosphere Fisher and Ury (1981) establish to facilitate discussion of interests. Most of the process approaches do not also prescribe content, as in the case of "Final-Offer Arbitration" (Farber, 1980) which establishes the structure for an arbitrated decision but says nothing about the subject of conversation.

### **Critical Dimension: Resolution of Issue versus Resolution of Problem (versus Avoidance of Issue)**

A second general distinction is that of what is to be resolved, i.e., the issue or the problem. Resolution of the issue requires a study of the roots of the conflict and the underlying needs of the parties. This may be the only way to achieve a lasting agreement, but it may be difficult to achieve because the parties' needs and values may be opposed to one another. Resistance to changing political positions and interests may also be met. Doob (1974), Burton (1986), and Saunders' (1985, 1991) approaches seek to foster an overall change in perceptions about the other party and the conflict to enable resolution of the issue.

Resolution of the problem is a more immediate way to resolve a conflict. These approaches focus on the parties' stated positions (with some going further to look at interests) and concentrate on how to get agreement—either through compromise or coercion. Depending upon the conflict, resolution of the problem could be all that is necessary or all that is feasible for the moment. In some cases, the issue is avoided because addressing it would impede resolution of the problem. In other situations, resolution of the problem is viewed as a step towards establishing the confidence and trust that are necessary for resolving the issue (see Saunders, 1985).

The means through which resolution is achieved can be broadly categorized as either through new understanding of one another and the conflict or through cooperation, either voluntary or forced. The approaches that seek to resolve the issue utilize methods that encourage a better understanding of the other party's needs and interests (see Rothman, 1990; Doob, 1974, and Burton, 1986). Resolution of the problem at hand is sought through cooperative concession making, such as "Signaling" (Cross, 1969, 1978; Coddington, 1968, and others) or problem solving, such as "Single-Text" (Sohn; as quoted in Fisher and Ury, 1981). In some cases, cooperation may be forced ("Power Based Mediation," Pruitt, 1981b). In this case, the issue is avoided and resolution could be artificial—it may suit the present circumstances but when situations or relationships change, the agreement could fail. "Preventive Mediation" (Stenelo, 1972) may be the most specific method for avoiding the issue, with the mediator working to suppress overt signs of the conflict. "Changing the Factors in the Conflict" (Mitraný, 1946; as quoted in Fogg, 1985; Ozawa and Susskind, 1985; etc.) is an exception. It does not specifically address the issue, but seeks to overcome the issue by making it lose its importance through increased cooperation on the new levels of interaction that are established.

## **5 TACTICS**

Tactics are utilized within procedures and programs. Tactics are more like "moves" than approaches to negotiation and they usually involve a degree of manipulation in the sense of not letting the other party know one's real intent. The following list of tactics is broken into three sections based on who is negotiating, what is being negotiated, and how it is being negotiated. Some of the tactics are included in specific approaches, some may be useful for accomplishing the tasks set out in the approaches (i.e. "mediator manipulation" techniques), and all should be helpful when impasses are met and creativity is necessary if a negotiated resolution to an intractable conflict is to be obtained.

### **Who is negotiating?**

Influencing an Opponent's Choice of a Negotiator by One's Own Choice (Shultz and Dam, 1977; as quoted in Fogg, 1985)

When one party chooses a negotiator from the field and level of responsibility that can most readily resolve the dispute, other parties are likely to follow suit.

Ignoring an Uncooperative Contender (Ikle, 1964; as quoted in Fogg, 1985)

Negotiators ignore a disruptive party and proceed on their own, anticipating the disrupter will quiet down or risk being left behind.

Accommodation due to the Arrival of a Common Adversary (Bernard, 1957; as quoted in Fogg, 1985)

The addition of a common adversary to a negotiation setting may reduce animosity and increase sharing amongst the original disputants. A variation of this tactic is one in which the mediator encourages the disputants to direct their anger at him or her rather than the other party, such as the catharsis feature of Shuttle Diplomacy (Rubin, 1981).

Out-of-Character Positioning (Fogg, 1985)

This tactic could be used to gain constituent support for a negotiator's agreements. The hypothesis is that U.S. recognition of the People's Republic of China was domestically acceptable because the change in policy was made by President Nixon, a firm anti-Communist. This is similar to Fisher and Ury's (1981) suggestion to act inconsistently with the other side's perceptions to change their opinion of the other party. Egypt's President Sadat did this when he visited Jerusalem in 1977.

Changing to Higher Echelons (Fisher, 1969; as quoted in Fogg, 1985)

One party assumes that the source of the conflict is the lower echelon officers on the other side and elevates control of the situation to its own upper level officers, encouraging the other side to do the same and scapegoat their lower level officers.

Pinpointing Cooperative Officials (Fisher, 1969; as quoted in Fogg, 1985)

Agreements are pursued with officials that have been identified to have the authority to do what is wanted and desire to cooperate. An example is the Soviet-American cooperation in the conservation of fur-bearing seals in the North Pacific, managed by fish and wildlife officials.

Coalition-Building by Scattered, Peaceful Forces (Ball, personal communication; as quoted in Fogg, 1985)

It may be possible to organize scattered, minor forces to outweigh the power of organized, major forces.

Synergy (Fuller, 1970; as quoted in Fogg, 1985)

This is an extension of the previous tactic. Relationships can be exploited so that the whole is greater than the sum of its parts. An example is that when the non-aligned countries join together on an issue in the UN, their political power is greater than it is when they act individually.

**What is being negotiated?**

These tactics influence the substance, or content, of what is being discussed.

Substantive Tactics (Simkin, 1971; as quoted in Jones, 1989)

This tactic—fact-finding concerning the issues in dispute—could be used to influence another party or simply to clarify the facts. It can be accomplished through: calculating the cost of demands, identifying deviation of demands from standard practice, indicating the "reasonableness" of a demand, and making suggestions for resolution. In its most neutral use the information would clarify the issue. Information seeking, however, could be used to pressure disputants in their decision making.

Potential Agreement Discussions (Jackson, 1952; as quoted in Fogg, 1985)

During the negotiation, the parties discuss what could be agreed before attempting to arrive at an actual decision.

Mutually Acceptable Restatement of Arguments (Rapoport, 1960; as quoted in Fogg, 1985)

This tactic is used in some of the group encounters included in the approach section. Rapoport has found that if each side in a conflict states the arguments of the other side so clearly and persuasively that the other side will accept the wording, conflicts over unnecessary disagreements are minimized.

(Tactics for creating integrative solutions.)

Package Deals (Fogg, 1985)

The present issue is resolved by bringing unrelated issues into the agreement. By adding resources to the discussions, a more equitable solution may be possible. One side may get the advantage in the current dispute, and the other in another dispute,

Broadening the Pie (Pruitt, 1987)

The size of the disputed resource is increased, with a focus on trying to allow each side to achieve its goals by asking if the conflict hinges on a resource shortage and how this critical resource can be expanded.

Nonspecific Compensation (Pruitt, 1987)

One party gets what it wants by paying the other for its losses and costs. Similar to package deals.

Logrolling (Pruitt, 1987)

In a multi-issue negotiation, the high priority items for one party are traded off for the high priority items for the other party. This tactic is possible when the preferences of the parties do not overlap.

Cost-cutting (Pruitt, 1987)

A party adjusts its offer so that the negative aspects for the other party are minimized (costs are cut) to the point where the other party can agree to the proposal.

Bridging (Pruitt, 1987)

Both parties' interests are analyzed and a new alternative is identified that satisfies both sets of interests.

**How is it being negotiated?**

These tactics are process oriented and change the interaction of the parties, increase cooperation or concession making, create a problem solving environment, etc.

Communication Tactics (Simkin, 1971; as quoted in Jones, 1989)

This entry defines a general purpose for the mediator—aiding the parties in communicating with one another. It can be accomplished through: serving as a conduit of information, presenting a party's positions and rationales to the other, distorting the party's position to interject the mediator's views, raising points of clarification, and making direct requests for information.

Procedural Tactics (Simkin, 1971; as quoted in Jones, 1989)

This entry defines a general purpose for the mediator—making arrangements for the negotiation. It can be accomplished through: structuring the format and sequencing of meetings, arranging joint or separate meetings, developing an agenda, and threatening to withdraw from mediation.

A Financier-Imposed Solution (Fisher and Ury, 1981)

A tactic to build common interests--bankers can impose creative and peaceful solutions through deciding who will receive loans and for what purposes. An example is the case in which the World Bank encouraged development of and funded projects that benefitted both India and Pakistan during

their dispute over the use of the Indus River in Kashmir.

Fractionation of Conflict (Fisher, 1969; as quoted in Fogg, 1985)

The conflict is broken into single elements that can be settled separately. This tactic can be used to resolve easier issues first and in doing so develop trust and momentum for the resolution of more difficult issues. This tactic may also be useful if there are some issues upon which resolution seems impossible—separation of the issues will allow some diplomatic progress to be made. Such was the case with the Antarctic Treaty that left Argentina and Chile's territorial claims unsettled in order to reach an agreement they would sign.

The "Yesable" Proposition (Fisher, 1969; as quoted in Fogg, 1985)

Consideration of what the other side can realistically accept should be given and requests should be framed so that the other parties' constraints will not prevent the request from being accepted.

Maintenance of High Aspirations and a Problem-Solving Stance (Follet, 1941, and Pruitt, 1981a; as quoted in Fogg, 1985)

Experiments indicate that the highest joint utility is reached when both sides set high aspirations and stick to them, and work together to solve the problems that are faced during negotiations. This approach to negotiations contrasts with low or loose aspirations, which can result in excessive readiness to accept a compromise with lower joint utility, and the distributive approach, which seeks to gain more at the opponent's expense.

Coupling (Jervis, 1970; as quoted in Fogg, 1985)

A new meaning or signal is added to a diplomatic action to facilitate negotiation. This could be used to engineer a ripe moment in the conflict and move the parties to negotiate a resolution.

Tacit Agreements to Ignore the Conflict (Fogg, 1985)

Fogg lists several examples in which the parties were unable to address or resolve their differences but nevertheless did not push one another to a point of overt conflict. This was the case in Korea when the Communists and UN soldiers did not want to fight but could not agree on mutually acceptable territorial boundaries for their patrols. Independently, UN patrols took to the low ground and Communist patrols stayed in the hills.

Separation of the Unacceptable (Fisher, personal communication; as quoted in Fogg, 1985)

Parties that cannot work together take coordinated action separately. This tactic is based on the example of the Test Ban Treaty which was adopted by governments that did not recognize each other—separate drafts were signed in separate places.

Minor Powers' Concerted Appeal to Major Powers' Best Intentions (Sohn, personal communication; as quoted in Fogg, 1985)

The basis of this tactic is proaction rather than reaction—minor powers in the UN or elsewhere introduce a peaceful resolution before the major powers with aggressive programs have proposed a resolution. Time pressures and the desire to maintain a certain image may work to get such a resolution passed.

Escrow System (Fisher, 1969; as quoted in Fogg, 1985)

One party takes action to assure the other party that it will make good on its promises. It is hypothesized that the North Vietnamese might have believed that President Johnson meant to aid Vietnam if he had put money into the Asian Development Bank.

Effective Timing to Save Face (Lash, 1961; as quoted in Fogg, 1985)

Desired action by the opponent may have to take place at the "right time" in order for the opponent to save face and not appear to be capitulating.

The Disownable Concession (Pruitt, 1972; as quoted in Fogg, 1985)

This could also be entitled "The Disownable Messenger." Concessions are proposed through an intermediary whose statements can be disowned if the adversary is not interested in the proposal.

Humor (Jones, 1989)

Humor, used appropriately, can reduce tension and promote a relaxed and informal relationship between the mediator and the disputants. O'Quin and Aranoff (1979; as quoted in Jones, 1989) found that appropriate humor can increase concession making, increase the disputants' liking of the task, and decrease tension.

Control by a Disinterested Third Party (Fogg, 1985)

Temporary or permanent authority over part or all of the conflict is given to a third party. The parties may or may not retain the power to remove the intervenor. UN peacekeeping forces are a common example of this, and are used most often to "buy time" for negotiations.

Fait Accompli (Fogg, 1985)

One party takes unilateral action to achieve what it wants, or to give it a bargaining chip for negotiating a more preferable agreement.

Creating Deadlines (Pruitt, 1981a)

Time pressure can induce parties to coordinate and cooperate in a negotiation. Several of the approaches utilized structures which introduced deadlines (i.e. Med/Arb). One way in which to set a deadline is that a mediator may threaten to leave the negotiation if certain movement has not occurred by a certain time.

Face Saving Statements (Fisher and Ury, 1981)

Statements can be prefaced with "disclaimers," such as "I am no expert, but..." or "Correct me if I am wrong..." to minimize or soften their possible negative effects.

Superordinate Goals (Sherif, 1966; as quoted in Fogg, 1985)

Cooperative work to achieve goals that the parties could not achieve on their own or that both were originally pursuing will reduce hostilities in a competitive relationship and could even change the relationship into a more cooperative one.

Put Yourself in Their Shoes (Fisher and Ury, 1981)

In order to influence the other side, one must first understand their position.

Give Them a Stake in the Outcome (Fisher and Ury, 1981)

Decisions that are based on joint work (joint framing of the problem, discovery process, and analysis) will be harder to dispute and more likely to be accepted by all. Included in this tactic is the need to give credit where it is deserved.

Brainstorming (Fisher and Ury, 1981)

With the parties seated side-by-side and a no-criticism rule established, the participants list as many ideas as possible. The ideas should be recorded in full view. After brainstorming, the more promising ideas should be starred and improved. Development of ideas with different strengths (such as comprehensive versus partial) should be considered. A meeting at which the ideas will be evaluated and decided upon should be arranged before the participants leave the session.



(Tactics particularly for use by a third party.)

Caucusing (Welton, Pruitt, and McGillicuddy (in press) as quoted in Pruitt, et al., 1989)

The mediator meets separately with each party at some point in the negotiation. This tactic is controversial. Proponents (Moore, 1987; as quoted in Pruitt, et al., 1989) say that caucusing helps move difficult sessions toward agreement. Opponents (Markowitz and Engram, 1983, and Pruitt, 1981a; as quoted in Pruitt, et al., 1989) fear that caucusing produces four problems: mediator bias; disputant perception of mediator bias; undue mediator influence; and reduced opportunity for disputants to learn how to deal effectively with future conflict.

Instruction (Pearson, et al., 1982; as quoted in Jones, 1989)

Educating the parties to the conflict about the role of the mediator, the nature of mediation, and constructive negotiation behaviors may be beneficial if disputants are unfamiliar with mediation. Some parties may think that mediation is arbitration, and expect the mediator to render a decision. Education increases the probability that the parties will adopt a problem-solving rather than an adversarial stance. This tactic could be extended to educating the negotiators about flexibility or other negotiating techniques.

Power Equalization (Pruitt, 1981a)

The mediator may urge the more verbal party to say less, leaving room for the other party to speak. If one party is especially weak, the mediator may need to represent that party's interests. One reason for using this tactic is to create a deadlock, which should make the parties more willing to cooperate with the mediator.

## **6 CONFLICT SCENARIO AND SCRIPTS FOR EXPERIMENTATION**

### **6.1 Conflict Scenario**

As a result of the preceding study and the critical dimensions identified, a framework for analysis of when and how to intervene in a conflict is developed. This framework is placed against the period August 2, 1990 and January 15, 1991, prior to the Persian Gulf War, and experiments are designed to test if and how the crisis could have been resolved through alternative conflict resolution processes. Representative approaches provide the vehicle for operationalizing the dimensions. Experimentation should provide a better understanding of the critical dimensions and how they affect conflict resolution. Analysis of the individual approaches will also prove useful, as empirical data is lacking for many of them.

Prior to January 16, 1991, there were at least seven different stages in the conflict during which negotiation strategies and conditions were different<sup>3</sup>. The experiments designed here may not represent the only way negotiations could have proceeded at that point during the actual conflict. Rather, based on the point in the conflict and the critical dimensions, they have been scripted to test certain hypotheses that are presented in this paper. Additional approaches or points in the conflict might be equally appropriate for some of the scenarios.

Some of the experiments could be designed to progress through several of the stages. For example, "Prenegotiation Workshop" (Rothman, 1990) could be used to alter perceptions and develop a will

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<sup>3</sup> Dates and stages chosen largely as a result of Ambassador John McDonald's paper "Missed Opportunities for Peace in the Gulf," June 8, 1991.

to negotiate during the early stage of the crisis and the same participants could resume their talks at the point that Bush and Hussein expressed an interest in negotiations and develop the structure for the negotiation. At this point, participants posing as Baker and Aziz could step in and utilize the negotiation structure that was developed.

The stages and different levels of conflict were instrumental in how actual negotiations and changes in positions did (or did not) take place. One analysis (I. William Zartman, June 29, 1991, personal communication) focused on the pressure tactics used by the US and determined that the US and Iraq understood and reacted differently to pressure. The US thought pressure would cause movement towards a resolution of the conflict, whereas Iraq became more resolved not to move. A true to life experiment would include this mind set in the instructions to the negotiator, but it could also over determine the outcome.

A major problem in remaining true to the actual conflict is that many analyses have concluded that after August 2nd a negotiated solution was not possible because President Bush had made up his mind to use military force to expel Iraq from Kuwait, and possibly Saddam Hussein from Iraq. There is a complementary analysis which holds that no amount of negotiation could have convinced Hussein to leave Kuwait, in which case negotiation was not a viable option for resolving this issue. Increased and successful uses of negotiations could make them a more viable option for achieving a nation's goals and change this type of mind set. It is hoped that the experiments and resulting analysis outlined here will contribute to such success.

The approaches and critical dimensions to be tested, and periods during which they should have been used, are as follows:

**Before August 2, 1990**--Prior to Iraq's invasion of Kuwait. Foresight and preventive action might have helped to avert the crisis.

Preventive Mediation (Stenelo, 1972) vs. Consultation (Ronald Fisher, 1983)

The "avoid issue versus resolve problem" dimension is examined here. The first concentrates on positions and may ignore the issue and needs of the parties; the second confronts the problem through a discussion of interests and possibly needs. Preventive Mediation is meant to be used before parties become committed to positions and is the most proactive of the approaches that were studied. Comparison of its methods with an approach that confronts the issue should be made to allow analysis of the dynamics and outcomes of each process.

**August 2 to November 8, 1990**--The UN Security Council passed ten resolutions condemning Iraq, establishing a total land, sea, and air embargo, and effectively isolating Iraq from the world community. The resolve of the coalition to not let Iraq's action go unchecked was established, effective pressure was applied, and the coalition negotiators were given tangible objectives to negotiate and warnings or promises to make.

Conflict Seminars (Burton, 1986) vs. Refocus the Conflict (Ozawa and Susskind, 1985)

Both are "program" approaches that aim to achieve lasting changes in the relationship, but the first confronts the underlying sources of conflict while the second changes the level of interaction. This comparison is repeated once negotiations have broken down to allow analysis of the effect of the level of conflict on the outcome of these programs, in addition to comparison between the two approaches for changing the relationship.

Prenegotiation Workshop (Rothman, 1990) vs. Ripeness, Hurting Stalemate, and a Way Out (Zartman, 1991)

This experiment compares methods for getting to the table: adjusting perceptions of the relationship versus seizing the moment when negotiations are likely to be successful. The first two stages of Rothman's approach will be especially relevant at this point, with the structuring of the negotiation more appropriate later, during the December 1 to 5 period. This experiment is repeated or carried over into the next period when pressure is added by the US.

**November 8 to 29, 1990**--President Bush announced he would send additional troops to the Gulf to provide an offensive option, making real the threat of military conflict if Iraq did not withdraw. UN Resolution 678 on November 29 authorized this option. (This "option" may prove even more credible in experimental situations if the participants know the real history. As a result, the experiment could be further removed from reality, because some analysts did not think that Bush would actually go to war and the threat was therefore not necessarily credible.)

Prenegotiation Workshop (Rothman, 1990) vs. Ripeness, Hurting Stalemate, and a Way Out (Zartman, 1991)

This experiment once again compares methods for getting to the table: adjusting perceptions of the relationship versus seizing the moment when negotiations are likely to be successful. It is repeated to allow an examination of the effect of the additional pressure, which in Zartman's previously mentioned analysis affected the two parties differently. The added pressure could add to the sense of a hurting stalemate and a change in the outcome could add to our understanding of this factor.

**December 1 to 5, 1990**--President Bush offered to talk with Iraq; Iraq accepted the offer.

Prenegotiation Workshop (Rothman, 1990) vs. Ripeness, Hurting Stalemate, and a Way Out (Zartman, 1991)

This experiment utilizes the last stages of these two approaches: the structuring stage for Prenegotiation Workshop and the way out (or formula-details) for "Ripeness". It is particularly appropriate to carry this experiment over from that which was begun in the last stages; the groundwork has been laid, the authorities have agreed to meet, and the structure of the negotiation can now be established. The question to be answered is if and how adjusted perceptions vs. seize the moment approaches prepare the participants for substantive negotiations on the conflict. If the preparations made at this stage are carried over into the January 9 scenario, this question can be explored further.

Consultant Mediation (Ronald Fisher, 1983) vs. Shuttle Diplomacy (Rubin, 1981)

Two mediation methods are used here to set the stage for negotiations. The consultation approach becomes a mini prenegotiation exercise, communicating needs and interests face-to-face. Shuttle diplomacy, with a biased, powerful third-party, is a coercive method for laying the foundations for negotiation. The critical dimension to be examined is that of convergence versus problem solving approaches. The usefulness of the two types of approaches in achieving an agreement is the most immediate question to be asked, but it is also important to examine if the method used affects the outcome in the substantive negotiation. In the first approach, the parties may not agree to negotiate, but in the second a will to negotiate may not be developed even though the parties agree to meet at the table. This dimension (Adjust Perceptions versus Seize the Moment) can be examined if the groundwork laid in this experiment is carried over into the January 9 scenario.

**December 6, 1990 to January 8, 1991**--The western hostages were released, providing the possibility for the parties to view the situation as changed--Hussein de-escalated or tried to set the stage for negotiations. (In reality, Bush said the prisoner release should have taken place weeks before and began to put conditions on the Baker-Aziz meeting.)

GRIT (Osgood, 1966) vs. Hurting Stalemate (Zartman, 1991)

Two descriptions of the release of the hostages will be assigned randomly in the January 9, 1991 experiments to test "adjust perceptions versus seize the moment" interpretations of this event. The de-escalation represented by the release of the hostages could have affected the conflict in two ways. GRIT calls for de-escalation as a way to build confidence in negotiations (Adjust Perceptions). De-escalation, however, may make the situation more tolerable, working against the development of a hurting stalemate (Seize the Moment).

**January 9, 1991--**Baker and Aziz finally meet and talk face-to-face, with the UN deadline only six days away.

Principled Negotiation (Fisher and Ury, 1981) vs. Signaling (Cross, 1969, 1978, Coddington, 1968, and others)

This experiment studies problem solving versus convergence bargaining for achieving agreement at the negotiating table. Other distinctions, such as that between process (Signaling) and content (Principled Negotiation) or the merits of discussing interests (Principled Negotiation) versus positions (Signaling), should emerge as a result of the use of these two approaches and could also be highlighted and examined in this experiment.

Final-Offer Arbitration (Farber, 1980) vs. Med/Arb (3rd party) (McGillicuddy, et al., 1987)

These two approaches have deadlines built in to their structures, and the UN deadline could therefore be made more real in this experiment. This experiment would also provide data on the dimension of convergence bargaining with and without a mediator. It is unlikely that either party would have agreed to an arbitrated decision, but it would be interesting to examine negotiating behavior under the threat of a third party stepping in and taking charge of the situation. The existence of such a third party would be counter to the prevailing value placed on sovereignty, but some biased, powerful countries have nevertheless been known to act in this manner.

**After January 9, 1991--**The Baker-Aziz talks conclude with no progress. Last minute attempts are made by the UN Secretary General, France, and others to try to structure a peace.

Conflict Seminars (Burton, 1986) vs. Refocusing the Conflict (Ozawa and Susskind, 1985)

Both programs aim to achieve lasting changes in the relationship, but the first confronts the underlying sources of conflict and the second seeks to change the level of interaction between the parties. This experiment is repeated because negotiations have broken down and some alternative to negotiation should be tried. Differences from the previous use and comparison of these programs may occur due to changes in the levels of conflict, commitment, and pressure.

## **6.2 Scripts**

This section contains the scripts, which outline the objectives, participants, background, and instructions necessary for carrying out the experiments. Following the scripts are two supporting documents, "History of the Conflict Between Iraq and Kuwait" and "Positions, Interests, and Needs of the US and Iraq," which should be distributed to participants as directed in the scripts.

An attempt has been made to respect the conditions of the actual situation, for it was a real-life intractable conflict and altering it may change this fact. It has been necessary to make some changes or simplifications for the sake of experimentation, however. Similarly, the approaches for conflict resolution are used to represent the critical dimension that is to be tested, and may not remain true to the author's intent.

### **Before August 2, 1990**

Through use of the following script, Preventive Mediation (Stenelo, 1972) will be used to avoid the issue in resolving the problem and Consultation (Ronald Fisher, 1983) will be used to confront the issue in resolving the problem. Measurement of the participant's expectations for the future of peaceful relations between the two should be made.

### **Critical Dimension: Avoid the Issue versus Resolve the Problem**

#### **Preventive Mediation (Stenelo, 1972)**

##### **Objectives:**

The mediator tries to prevent the parties from taking conflicting positions in the attempt to resolve the Iraqi claims against Kuwait. In the process the real problem and needs of the parties may be ignored.

##### **Participants:**

Principal actors from the parties to the conflict--Aziz or Hussein from Iraq and the Emir of Kuwait.

Third party--Stenelo developed this approach from a study of Sweden, a non-biased country. A comparison between the use of a non-biased (UN Secretary General) and a biased (US actor--Baker or Bush) third party could fit here.

##### **Background:**

Participants are provided material on the history of the conflict and the positions, interests, and needs information (relevant to the period prior to July 31, 1990). If the third party is also in the experiment, he or she should be given a description of "Preventive Mediation" and the tactics that can be employed. The experiment is set on July 31, 1990.

##### **Instructions:**

Using the Caucusing tactic, the mediator would meet individually with each party, suggesting strategies and positions to be taken. This process should be used at the beginning to establish an understanding between the mediator and the parties, and then when necessary throughout the negotiation.

The mediator should begin the negotiation with a summary of the situation, allowing the parties to add their ideas but working to soften their comments or avoiding issues that might bring out open disagreement. This attitude should continue throughout the discussion. The mediator should be well versed in the various tactics for inventing new solutions, persuasion, etc., to keep the negotiation moving away from disagreement and towards settlement.

Useful tactics include: Substantive Tactics; Potential Agreement Discussions; Communication Tactics; Procedural Tactics; Fractionation of Conflict; The "Yesable" Proposition; the integrative solution tactics; Coupling; Tacit Agreements to Ignore the Conflict; Escrow System; Caucusing; Humor; Instruction; Control by a Disinterested Third Party; Power Equalization; Creating Deadlines; and Face Saving Statements.

#### **Consultation (Ronald Fisher, 1983)**

##### **Objectives:**

The mediator should facilitate communication between the parties and foster understanding of the other's interests and needs in the search for an integrative solution. This approach confronts the problem, rather than avoid it as does Preventive Mediation.

##### **Participants:**

Principal actors from the parties to the conflict--Aziz or Hussein from Iraq and the Emir of Kuwait. (This deviates from Fisher's prescription for the participants to be high level officials, but is necessary to keep the experimental situation balanced with "Preventive Mediation.")

Third-party consultant (possibly a team of two to six social scientists/practitioners)--unknown to the parties, fulfilling an academic role of instructing about communication techniques and helping the parties analyze and deal with their underlying attitudes and the basic issues in their relationship.

**Background:**

Participants are given materials on the history of the conflict and their positions, interests, and needs, up through July 31, 1990, which is the date of the meeting.

**Instructions:**

The agenda and a short presentation by the third party on the method of consultation, group communication skills, and integrative solution building should precede group participation and interaction. The discussion agenda should follow the sequence of problem identification and diagnosis, generation of alternatives, feasibility of implementation, and how the solution should be evaluated.

During the identification period, the parties first examine the conflict as they see it and then use the tactics of Put Yourself in Their Shoes, Mutually Acceptable Restatement of Arguments, and the tactics and objectives utilized in the framing stage of Rothman's Prenegotiation Workshop model. Diagnosis closely follows the identification period, with participants pinpointing the exact causes for the conflict.

The generation of alternatives and selection of the best solution exercises should follow the brainstorming guidelines included in the Principled Negotiation (Fisher and Ury, 1981) and Prenegotiation Workshop (Rothman, 1990). The rule of no criticism should be established and all ideas should be written down. The third party could suggest possible solutions and instruct the parties about the tactics for constructing integrative solutions (Brainstorming and Instruction tactics). After the brainstorming session, the most promising ideas should be highlighted and elaborated upon--outlines for implementation and evaluation could even be developed. The consultant should remind the participants of their constituents to ensure that the solution will remain feasible once the parties leave the negotiation.

Throughout the exercise, the consultant utilizes tactics to keep the focus on problem solving. The consultant stresses the importance of openness and understanding at each stage, and tries to bring the dislike and mistrust between the two parties into the center of the discussion.

Additional tactics include: Accommodation due to the Arrival of a Common Adversary (with anger directed at the consultant); Substantive Tactics; Potential Agreement Discussions; Communication Tactics; Procedural Tactics; The "Yesable" Proposition; Power Equalization; Face Saving Statements.

**August 2 to November 8, 1990**

Two comparisons are scripted here. The first is between the two types of programs and ways of resolving the issue. The second involves two ways of getting the parties to agree to negotiate. The programs experiment will be repeated later in the conflict and the prenegotiation experiment will be carried over into the next three periods in the conflict to test the effect the crisis level and extent of commitment to positions has on their outcomes.

## **Critical Dimension: Address Underlying Sources of Conflict versus Change the Level of Interaction**

### Refocus the Conflict (Ozawa and Susskind, 1985)

#### **Objectives:**

Parties design new/alter old institutions/arenas in which to work cooperatively. Measurement will be made of changed attitudes and prospects for future relationship. This experiment will be repeated after negotiations break down, so the effect of the stage of the conflict on the outcome of this approach can also be studied.

#### **Participants:**

Middle-level officials from parties to the conflict--US and Iraqi bureaucrats with vague authority to explore the creation of new institutions/change old ones.

Third party--"observer"/information source role

#### **Background:**

Participants are given material on the history of the conflict and on their positions, interests, and needs up through October 20, 1990. They are told that their talks are unofficial and off the record. They are to design the framework for a Middle East Development Bank and/or Security Cooperation. The third party is knowledgeable about existing Bank and Cooperative structures, and also serves to keep the negotiation focused on problem solving.

#### **Instructions:**

This experiment should begin with a short discussion between the parties about the situation and their interests, followed by a presentation by the third party about the idea of a Bank and or Cooperative and how it might work. The presentation should be vague so that creativity is not inhibited.

Brainstorming should be the next activity, to establish a focus on problem solving and joint work. The third party could serve as a recorder of the ideas that are generated, and the rule of no criticism should be established. Following the brainstorming, the most promising ideas should be starred and elaborated upon.

### Conflict Seminars (Burton, 1986)

#### **Objectives:**

Parties learn about the conflict as the other party sees it, underlying needs are identified, and perceptions are changed. As with "Refocus the Conflict," measurement will be made of changed attitudes and prospects for future relationships.

#### **Participants:**

Middle-level officials from the parties to the conflict--about five bureaucrats from the US and Iraq sent to explore the conflict and report back on possible solutions or directions to follow.

Third-party--impartial, panel of two to six social scientists/practitioners, unknown to the parties.

#### **Background:**

Participants are given materials on the history of the conflict and their positions, interests, and needs prior to October 20, 1990. They are also given information on the seminar format and an agenda.

#### **Instructions:**

The main focus of the discussion should be on needs, as distinguished from values or interests.

Values and interests are goals that are specific and subject to change in a hierarchical order. Needs are universal goals which are sought by all persons in all cultures and in all circumstances. This definition could be included in an opening remark from the panel.

The panel opens with a presentation on communication techniques and conflict resolution theory. Each party is then invited to state its position, with the panel as the target; the parties do not address or look at each other. Each party is invited to pose questions which must be strictly for information purposes and not to engage in debate. The panel follows up with questions which seek to uncover aspects of the conflict that have not been touched upon. The panel members need to have frequent and adequate opportunity for discussion among themselves during the analytical period. This approach also calls for the conflict to be broken into component parts before analysis and definitions are assigned (Fractionation of Conflict tactic).

Additional tactics are Substantive tactics; Potential Agreement Discussions; Mutually Acceptable Restatement of Arguments; Communication Tactics; Procedural Tactics; Caucusing; Humor; Instruction; Power Equalization; Face Saving Statements; and Put Yourself in Their Shoes.

**Critical Dimension: Alter Perceptions versus Seize the Moment**

The following comparison is between an approach that seeks to alter the psychology of the relationship ("Prenegotiation Workshop," Rothman) and one that encourages parties to seize the moment when negotiations are likely to be successful ("Ripeness, Hurting Stalemate, and a Way Out," Zartman). The test is to see if and how the decision to negotiate is made and then when the situation created here is carried over into experiments at future points, to see how the preparation for negotiation affects the outcome.

Prenegotiation Workshop (Rothman, 1990)

**Objectives:**

The main goal is to adjust the participant's perceptions of the conflict and to help them develop a will to negotiate. Integrative solutions and a framework for substantive negotiations should also be created.

**Participants:**

Non-manipulative third party--experienced in group encounter techniques and/or conflict resolution theory; possibly several individuals with expertise in different fields.

High-level political officials from each party to the conflict--must have authority to make arrangements for substantive negotiations; open-minded (or not firmly wedded to extreme positions) so that inventing new solutions will be a productive exercise, although inclusion of those with extreme views may be beneficial because if they are won over to the new solutions they could be instrumental in convincing those with similar views.

**Background:**

Participants are given materials on the history of the conflict and their positions, interests, and needs through October 20, 1990. They are also given a description of the prenegotiation workshop and objectives, and a schedule of the exercises in which they will participate.

**Instructions:**

A three-stage format is followed for this approach, with the third party providing instruction and guiding the discussion throughout the process. Each stage should begin with a presentation from the third party.



During the Framing stage the third party lectures on communication and empathy, followed by directed group discussions. This is the most important stage, for success at this point will determine whether or not the parties can continue with the other stages. Tactics include Mutually Acceptable Restatement of the Arguments and Put Yourself in Their Shoes.

The Inventing stage begins with instruction on integrative solutions and then moves to group participation in a brainstorming session. Fisher and Ury's "Principled Negotiation" also describes how to conduct brainstorming sessions, but Rothman's inventing stage calls for more guidance from the third party. Instruction should be given about the tactics for constructing creative, integrated solutions and Rothman's ideas for integrative solutions.

The third stage will take place during the December 1 to 5, 1990 period. The participants should complete the first two stages, be given "news" of the situation that exists in the November 8 to 29, 1990 stage and complete the first two stages again, and then be given "news" that Bush and Hussein have agreed to negotiate and that they must create the agenda, at which point they will complete Rothman's model using the "structuring" stage.

Ripeness, Hurting Stalemate, and a Way Out  
(Zartman, 1991, and Zartman and Berman, 1982)

**Objectives:**

The ripe moment is "seized" and the parties agree to negotiate. The parties should move from their originally mutually unacceptable positions when they realize that their choice to negotiate a resolution to the conflict is more attractive than continued conflict. There is a danger in designing this experiment with a situation that gives the negotiators no alternative but to reach a decision to negotiate.

**Participants:**

High-level official from the parties to the conflict--sent to see if negotiations are possible.

(A third party could have a possible/necessary role. For the sake of the experiment, it might be useful to have one to ensure that the negotiations move along or to help carry out tactics designed to create the ripe moment for negotiation.)

**Background:**

Participants are given materials on the history of the conflict and their positions, interests, and needs up to October 20, 1990.

**Instructions:**

The experiment begins with instruction about BATNAs (Best Alternative to a Negotiated Agreement) and the participants working individually to think about their own and their options.

The US participant should be lead to focus on the Congressional reluctance to allow the use of force and the public demonstrations against the war on one hand and the consequences of higher oil prices and Saddam Hussein's military, especially chemical and nuclear, capabilities on the other hand.

The Iraqi participant should be lead to focus on the economic sanctions and the need to sell oil to buy basic necessities. Possible outcomes from military attack and international isolation could also be stressed.

The ripe moment would be that the 300,000 coalition troops are in place and the UN economic boycott is complete--defensive pressure has been applied and a waiting game will commence.

The hurting stalemate would be as described above in instructions for US and Iraqi participants. During the next stage (November 8 to 29, 1990) the stalemate should be more "hurting" and therefore the desire to negotiate should be greater.

Tactics: related to ripe moments--Changing to Higher Echelons and Coupling; related to hurting stalemates--Coalition-Building by Scattered, Peaceful Forces and Synergy; related to a way out--A Financier-Imposed Solution, Fractionation of Conflict, the integrative solution tactics, and Effective Timing to Save Face.

The participants should prepare individually and then discuss with one another whether negotiations should take place. During the discussion, "news" of a change in the situation (the November 8 to 29, 1990 scenario) should be introduced. The parties should first work individually to reassess BATNAs and options and then resume the discussion. "News" of Bush and Hussein's willingness to talk (a Way Out) would then be announced and the parties instructed to develop a formula for negotiations.

#### **November 8 to 29, 1990**

The Prenegotiation Workshop and Ripeness experiments are continued in the face of the higher crisis level caused by the troop escalation and UN Resolution authorizing force.

#### **Critical Dimension: Adjust Perceptions versus Seize the Moment**

The history and positions materials for the period from November 8 to 29, 1990 are introduced to the participants as "news," the participants are given a short time to reevaluate their situation, and the experiment continues as described in the instructions of the previous scripts. For "Ripeness," the ripe moment becomes "The coalition troops and threat of an offensive attack are in place and the UN economic boycott has begun to hurt Iraq."

#### **December 1 to 5, 1990**

Two experiments are designed for this period. The first is carried over from the two previous periods, using two methods for viewing prenegotiation. The second involves two roles a mediator could play during the preparations for negotiations, after the parties have agreed to meet. The stage that is set in both experiments is carried over into the actual negotiation experiment.

#### **Critical Dimension: Adjust Perceptions versus Seize the Moment**

The Prenegotiation Workshop and Ripeness experiments are continued, with an emphasis on the last stages. The groundwork has been laid through the participants previous discussions. The announcement of the decision to negotiate by the two nations' leaders should give new purpose to their talks.

#### **Prenegotiation Workshop (Rothman, 1990)**

##### **Objectives:**

A framework for the substantive negotiations should be developed.

##### **Participants:**

(Same as before)

##### **Background:**

Participants are given materials on the history of the conflict and their positions, interests, and needs through December 5, 1990.

##### **Instructions:**

The previous experiment using this approach ends after the inventing stage. The same participants are told that the two nations have agreed to meet and that they should establish the agenda. The last stage of Rothman's model, structuring, takes place.

The Structuring stage might require tactical maneuvering by the third party, who should be aware of negotiation theories on issues such as easy/hard issues first, possible roles for third parties, deadlines, etc. The stage begins with instruction about relevant negotiation theory. The third party should work to ensure that the "structure" is not flawed so as to ruin the actual substantive negotiation. Possible tactics are: Power Equalization, Fractionation of the Conflict, "Yesable" Proposition, Communication Tactics, Procedural Tactics, Influencing an Opponent's Choice of a Negotiator by One's Own Choice, Out-of-Character Positioning.

Ripeness, Hurting Stalemate, and a Way Out  
(Zartman, 1991, and Zartman and Berman, 1982)

**Objectives:**

The parties agree to a formula for negotiation.

**Participants:**

(Same as before)

**Background:**

Participants are given materials on the history of the conflict and their positions, interests, and needs up to December 5, 1990.

**Instructions:**

During the experiment utilizing this approach, the participants are notified that their presidents have agreed to talk and that the participants should prepare to develop a formula and agenda.

The ripe moment now becomes the willingness of the leaders to talk. A suggested way out is presented: Iraqi withdrawal from Kuwait and the talks between Iraq and Kuwait over the Iraqi complaints will be resumed with the involvement of the UN Secretary General and a party of Iraq's choosing from the Arab League.

**Critical Dimension: Problem Solving versus Convergent Bargaining with a Third Party.**

The comparison that is highlighted is the significance of approaches seeking to change the parties' perceptions of the process from one of bargaining to one of problem solving ("Consultation", Ronald Fisher, 1983) versus those approaches that are designed to produce concession making and convergence in the bargaining process. ("Shuttle", Rubin, 1981). These two also resemble the adjust perceptions versus seize the moment distinction in how they seek to reach an agreement. The preparations made in this experiment will be carried over into the January 9, 1991 scenario of actual negotiations.

Consultation (Ronald Fisher, 1983)

**Objectives:**

Communication between the parties is facilitated, understanding of the other's interests and needs is fostered, and an integrative solution is developed in the preparations for negotiation.

**Participants:**

High-level officials from the parties to the conflict (about five)--in a position to affect change in own side's policy after the meeting and bounded by constituent restraints to ensure that ideas will be feasible, but able to talk relatively freely about constraints and possible solutions.

Third-party consultant (possibly a team of two to six social scientists/practitioners)--unknown to the parties, fulfilling a more academic role by instructing them about communication techniques and helping them to analyze and deal with their underlying attitudes and basic issues in their relationship.

**Background:**

Participants are given materials on the history of the conflict and their positions, interests, and needs, up through December 5, 1990, which is the date of the meeting. The participants are told that they are to develop an agenda for negotiations between Baker and Aziz.

**Instructions:**

The agenda and a short presentation by the third party on the method of consultation, group communication skills, and integrative solution building should precede group participation and interaction. The discussion agenda should follow the sequence of problem identification and diagnosis, generation of alternatives, feasibility of implementation, and how the solution should be evaluated.

During the identification period, the parties first examine the conflict as they see it and then use the tactics of Put Yourself in Their Shoes, Mutually Acceptable Restatement of Arguments, and the tactics and objectives utilized in the framing stage of Rothman's Prenegotiation Workshop model. Diagnosis closely follows the identification period, with participants pinpointing the exact causes for the conflict.

The generation of alternatives and selection of the best solution exercises should follow the brainstorm guidelines included in the Principled Negotiation (Fisher and Ury, 1981) and Prenegotiation Workshop (Rothman, 1990). The rule of no criticism should be established and all ideas should be written down. The third party could suggest possible solutions and instruct the parties about the tactics for constructing integrative solutions (Brainstorming and Instruction tactics). After the brainstorming session, the most promising ideas should be highlighted and elaborated upon—outlines for implementation and evaluation could even be developed. The consultant should remind the participants of their constituents to ensure that the solution will remain feasible once the parties leave the negotiation.

Throughout the exercise, the consultant utilizes tactics to keep the focus on problem solving. The consultant stresses the importance of openness and understanding at each stage, and tries to bring the dislike and mistrust between the two parties into the center of the discussion.

Additional tactics include: Accommodation due to the Arrival of a Common Adversary (with anger directed at the consultant); Substantive Tactics; Potential Agreement Discussions; Communication Tactics; Procedural Tactics; The "Yesable" Proposition; Power Equalization; Face Saving Statements.

Shuttle Diplomacy (Rubin, 1981)

**Objectives:**

The objective is to secure agreement to an agenda for negotiation by obtaining and coordinating concessions from the parties.

**Participants:**

Principal actors from the parties to the conflict--Baker and Aziz

Mediator/Shuttler--probably biased and powerful, knowledgeable about the situation, trusted (or at least respected) by both parties, skilled in tactical uses of mediation.

**Background:**

Participants are given materials of the history of the conflict and their positions, interests, and needs through December 5, 1990.

**Instructions:**

The mediator has total control over communication between the two bargainers, physically moving from meeting with one to meeting with the other.

The mediator encourages the parties to be open with him or her, but will not necessarily tell the parties everything he or she knows about the other party's position. Exploratory concessions are elicited from the parties and may be presented as the mediator's own idea to the other party. The mediator may develop creative alternatives, and if powerful may introduce new resources to obtain concessions/agreement from the parties.

Possible tactics include: Influencing an Opponent's Choice of a Negotiator by One's Own Choice; Accommodation due to the Arrival of a Common Adversary (with anger directed at the mediator); Out-of-Character Positioning; Changing to Higher Echelons; Pinpointing Cooperative Officials; Coalition-Building by Scattered, Peaceful Forces; Substantive Tactics; Potential Agreement Discussions; Communication Tactics; Procedural Tactics; Fractionation of Conflict; The "Yesable" Proposition; Maintenance of High Aspirations and a Problem-Solving Stance; the integrative solution tactics; Coupling; Separation of the Unacceptable; Escrow System; Effective Timing to Save Face; Caucusing; Control by a Disinterested Third Party; and Creating Deadlines.

**December 6 to January 8**

The interpretation of the release of the hostages could be used to test the Adjust Perceptions versus Seize the Moment dimension's effect on the outcome of the January 9, 1991 negotiation. Two interpretations are described here and should be randomly assigned in the January 9, 1991 experiment to determine if they affect the outcomes.

**Critical Dimension: Adjust Perceptions versus Seize the Moment**

**GRIT (Osgood, 1966)**

On December 6, 1990, five days after accepting President Bush's offer of face-to-face talks on the Gulf crisis, Saddam Hussein announced that he would release the Western hostages he was holding in Iraq. On December 11, 1990, the hostages were in fact permitted to leave Iraq. The release of the hostages has been recognized as a tension-reduction measure according to a theory entitled "Graduated and Reciprocated Initiatives in Tension-Reduction" (GRIT) (Osgood, 1966).

GRIT is a conflict management theory that states that a party who wants to reduce tensions makes a series of calculated moves aimed at de-escalating the conflict. Each move should be sufficiently small so that the other side cannot take advantage of the side taking the step. Reciprocation by the other side is rewarded with additional tension-reduction moves. De-escalation should help to create a negotiation environment characterized by mutual trust within which agreements of increasing significance are possible. Mutual trust is an expected result, not a prerequisite, of this approach.

**Hurting Stalemate (Zartman, 1991)**

On December 6, 1990, the day after accepting President Bush's offer to talk about the Gulf crisis, Saddam Hussein announced that he would release the Western hostages that were being held in Iraq. On December 11, 1990, the hostages were in fact permitted to leave Iraq. The US response has been to complain that the release should have taken place weeks before.

### **January 9, 1991**

The first comparison focuses on the difference between problem solving and convergence approaches at the table. The second experiment utilizes two types of arbitration and tests convergence with and without the presence of a third party. When the participants from previous experiments are involved, the effect that the prenegotiation dimensions have on the outcome can also be analyzed.

### **Critical Dimension: Problem Solving versus Convergent Bargaining**

#### **Principled Negotiation (Fisher and Ury, 1981)**

##### **Objectives:**

A negotiated agreement will be reached and it will be a wise decision.

##### **Participants:**

Principal actors from the parties to the conflict.

A third party may be necessary to help the parties concentrate on principles, interests, and problem solving.

##### **Background:**

Participants are given materials on the history of the conflict and their positions, interests, and principles up through January 9, 1991. They are also coached on the basics of conducting a "principled" negotiation. Before any interaction begins, they are encouraged to think about their BATNA (which should be based upon their principle) and the other side's situation, interests, and BATNA.

##### **Instructions:**

The physical arrangements are such that the parties are not opposed to each other but instead are working side-by-side.

Both parties give opening remarks in which they present their positions and the principles upon which they are based. Communication and/or Empathy instruction or exercises could help each side realize their own interests and allow them to put themselves in the place of the other party in an attempt to better understand the other's interests and constraints. Brainstorming should take place early on to create a variety of options. The more promising options could then become the focus of further discussion.

This approach involves numerous tactics through which the principled negotiator can create a problem solving environment, generate many possible solutions, and arrive at an agreement both sides can feel good about. Clear communication of each sides' interests and insistence upon a principle is important throughout the negotiation.

Useful tactics include: Substantive Tactics; Potential Agreement Discussions; Mutually Acceptable Restatement of Arguments; Fractionation of Conflict; The "Yesable" Proposition; Maintenance of High Aspirations and a Problem-Solving Stance; the integrative solution tactics; Coupling; Escrow System; Effective Timing to Save Face; Instruction; Control by a Disinterested Third Party; Power Equalization; Face Saving Statements; and Put Yourself in Their Shoes.

#### **Signaling (Cross, 1969, 1978, Coddington, 1968, and others)**

##### **Objective:**

The parties converge towards an acceptable solution, moving from originally incompatible bargaining positions.

**Participants:**

Principle actors from the parties to the conflict and at least one other individual from each party.

A third party may be necessary to suggest possible concessions, trade-offs, etc.

**Background:**

Participants are given materials on the history of the conflict and their positions and interests through January 9, 1991. They are also given the theoretical information on bargaining processes that is described in the "Signaling" approach section of this document. The participants are encouraged to think of their BATNAS before the negotiation begins.

**Instructions:**

The participants begin with opening statements presenting their positions. To operationalize the processual bargaining atmosphere, each party is instructed to periodically discuss the situation with his or her colleague (who is designated as his or her constituents) and can make no offer or final decision without first consulting this individual.

Information on additional tactics may also be provided. Possible tactics are: Substantive Tactics; Communication Tactics; Procedural Tactics; Power Equalization; Creating Deadlines.

**Critical Dimension: Convergence Bargaining With and Without a Third Party**

Final-Offer Arbitration (Farber, 1980)

**Objectives:**

The objective is that the parties will negotiate a resolution to the problem to avoid the uncertainty of the arbitrated answer.

**Participants:**

Principal actors from both parties.

Arbitrator--the International Court of Justice

**Background:**

Participants are materials on the history of the conflict and their positions, interests, and needs up through January 9, 1991. They are also instructed about how the procedure of final-offer arbitration works.

**Instructions:**

The parties first agree when the arbitration option will be exercised (i.e. time limit, vote that the arbitrator will step in, etc.).

The parties then negotiate to try to reach a resolution, and to learn what their final-offer should be if the option is utilized.

If an arbitrated solution becomes necessary, the parties either submit "whole package" final offers or "issue by issue" final offers. If they are whole package, the arbitrator chooses only one. If they are issue by issue, the arbitrator can create a compromise by awarding some issues to one party and some to the other.

Possible tactics include: Substantive Tactics; Potential Agreement Discussions; Communication Tactics; Procedural Tactics; Fractionation of the Conflict; The "Yesable" Proposition; Maintenance

of High Aspirations and a Problem-Solving Stance; the integrative solution tactics; Coupling; Escrow System; Instruction; Control by a Disinterested Third Party; Creating Deadlines; and Face Saving Statements.

Med/Arb (3rd Party) (McGillicuddy, Welton, Pruitt, 1987)

**Objectives:**

It is hoped that an agreement will be reached by the parties, but if not the mediator will arbitrate a solution.

**Participants:**

Principal actors from the parties to the conflict.

Mediator, unknown to the parties, who could become the arbitrator if that option becomes necessary.

**Background:**

Participants are given materials on the history of the conflict and their positions, interests, and needs up through January 9, 1991. They are also instructed about the Med/Arb (3rd party) procedure.

**Instructions:**

Participants are educated about the procedure and decide when to exercise the arbitration option.

The mediator role could vary from mere presence to powerful/biased. In the McGillicuddy, et al. study (1987), it was found that the mediator has a stake in the resolution being negotiated and will play an active role in facilitating such a resolution, so it would be best if the mediator's hands are not tied but is given some latitude to interact with the negotiators. An active mediator would be in keeping with the desire to test convergence bargaining with a third party.

After January 9, 1991

The two program approaches are repeated, in view of the new crisis level, commitments to position, and frustrated negotiation efforts to resolve the crisis.

Refocus the Conflict (Ozawa and Susskind, 1985)

**Objectives:**

Parties design new/alter old institutions/arenas in which to work cooperatively. Measurement will be made of changed attitudes and prospects for future relationship.

**Participants:**

Middle-level officials from parties to the conflict--US and Iraqi bureaucrats with vague authority to explore the creation of new institutions/change old ones.

Third party--"observer"/information source.

**Background:**

Participants are given material on the history of the conflict and on their positions, interests, and needs up through January 15, 1991. They are told that their talks are unofficial and off the record. They are to design the framework for a Middle East Development Bank and/or Security Cooperation. The third party is knowledgeable about existing Bank and Cooperative structures, and also serves to keep the negotiation focused on problem solving.

**Instructions:**

This experiment should begin with a short discussion between the parties about the situation and their



interests, followed by a presentation by the third party about the idea of a Bank and or Cooperative and how it might work. The presentation should be vague so that creativity is not inhibited.

Brainstorming should be the next activity, to establish a focus on problem solving and joint work. The third party could serve as a recorder of the ideas that are generated, and the rule of no criticism should be established. Following the brainstorming, the most promising ideas should be starred and elaborated upon.

### Conflict Seminars (Burton, 1986)

#### **Objectives:**

Parties learn about the conflict as the other party sees it, underlying needs are identified, and perceptions are changed.

#### **Participants:**

Middle-level officials from the parties to the conflict--about five bureaucrats from the US and Iraq sent to explore the conflict and report back on possible solutions or directions to follow.

Third-party--impartial panel of two to six social scientists/practitioners, unknown to the parties.

#### **Background:**

Participants are given materials on the history of the conflict and their positions, interests, and needs up through January 15, 1991. They are also given information on the seminar format and an agenda.

#### **Instructions:**

The main focus of the discussion should be on needs, as distinguished from values or interests. Values and interests are goals that are specific and subject to change in a hierarchical order. Needs are universal goals which are sought by all persons in all cultures and in all circumstances. This definition could be included in an opening remark from the panel.

The panel opens with a presentation on communication techniques and conflict resolution theory. Each party is then invited to state its position, with the panel as the target; the parties do not address or look at each other. Each party is invited to pose questions which must be strictly for information purposes and not to engage in debate. The panel follows up with questions which seek to uncover aspects of the conflict that have not been touched upon. The panel members need to have frequent and adequate opportunity for discussion among themselves during the analytical period. This approach also calls for the conflict to be broken into component parts before analysis and definitions are assigned (Fractionation of Conflict tactic).

Additional tactics are Substantive tactics; Potential Agreement Discussions; Mutually Acceptable Restatement of Arguments; Communication Tactics; Procedural Tactics; Caucusing; Humor; Instruction; Power Equalization; Face Saving Statements; and Put Yourself in Their Shoes.

### **6.3 History of the Conflict**

The history of the conflict includes information concerning the origination of the conflict and the development and escalation of the conflict from Iraq's August 2nd invasion of Kuwait until the January 16th coalition bombing of Iraq. An attempt has been made to capture the major events, especially the interaction between the US and Iraq.<sup>4</sup>

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<sup>4</sup> Information compiled from SPSSI (1991) and Sifry and Cert, eds., (1991).

— (Before August 2, 1990) —

Until World War I, the territory that comprises Iraq and Kuwait was formally under the control of the Ottoman empire, but Britain exploited Ottoman weakness and enjoyed a strategic position in the Gulf.

After World War I, the British controlled Kuwait in the form of a protectorate. The territory which is now Iraq became a League of Nations mandate, with Britain as the mandatory power. In 1922, the British steward of the Gulf, Sir Percy Cox, unilaterally established the boundaries of Kuwait, Saudi Arabia, and Iraq.

Iraq became formally independent in 1932, but remained under effective British control until the nationalist revolution of July 1958. In the late 1930's, the Iraqi monarchy unsuccessfully campaigned to have Kuwait restored to Baghdad. When Kuwait became formally independent in June 1961, Iraq renewed its claim to Kuwait territory. In October 1963, Iraq recognized the independence of Kuwait.

Saddam Hussein was amongst those in the Baath party that seized power in Iraq in 1968. He was vice-president until 1979, when he took over the top post after his predecessor resigned. In September 1980, Hussein ordered the Iraqi invasion of Iran with the intention of overthrowing the new Islamic republic in Tehran and establishing Iraq's position as paramount power in the region. The war lasted until August 1988, when Iran accepted a ceasefire resolution. After the ceasefire, Iraq launched an offensive using chemical weapons against its Kurdish population, a minority group which opposed Hussein's rule.

The US favored both Iraq and Kuwait during the Iran-Iraq war. The US tacitly supported Iraq, largely as a result of its disfavor for Iran. The UN Security Council ceasefire resolution, in which the US was instrumental, was tailored to Iraq's needs. The US also provided the Iraqis with hundreds of millions of dollars of military equipment through a loophole in the arms embargo. (Iraq is currently the fourth largest military power in the world, with over one million men in arms.) As for Kuwait, its oil tankers were reflagged and protected by the US navy during the later part of the war.

The Middle East is rich in oil reserves, which have played a large role in its history. The majority of the wealth in the region is owned by a small number of families. In Kuwait, much of the wealth earned has been invested in the West, with some small loans or grants being made to finance development projects in other Arab countries and a token sum being made to show solidarity with the Palestinian cause. One Iraqi complaint is about the maldistribution of oil income.

Since the 1930s, Iraq has pressed for long-term access to two of the Kuwait controlled islands in the Gulf, for assured access to the sea. Kuwait has been reluctant to yield on any territorial claims or even to lease the uninhabited islands. When Iraq renewed its demands for more secure access to the Gulf in 1990, it tied this issue to a larger set of economic grievances against Kuwait, including:

- o Repayment of the debt Iraq accumulated during the Iran-Iraq war should be regarded as "assistance" and canceled (Iraq considered that the war had provided a shield defending the other Arab states of the Gulf against an aggressive Iran);
- o Reimbursement for Kuwait's alleged pumping from the Rumalia field, which crosses beneath the two countries' border, should be made; and
- o Kuwaiti production over the OPEC quotas should be discontinued. The over-production had caused a drop in oil prices, and Iraq desired that the price rise to \$25/barrel (even higher than if there were no Kuwaiti overproduction) to help finance its reconstruction.

Iraq claimed that it had been trying to negotiate its border dispute with Kuwait since 1988, but that Kuwait had not responded seriously. On July 23, 1990, the Washington Post reported that Iraq had amassed 30,000 troops on the Kuwait border. On July 24, Iraq and Kuwait agreed to meet in Saudi Arabia to discuss the situation, and set a meeting for July 31.

On July 25, Saddam Hussein met with US Ambassador to Iraq April Glaspie. Hussein told Glaspie that Iraq would not "do anything [with the troops] until we meet with them [Kuwait] in Saudi Arabia." Glaspie told Hussein that the US has "no opinion on the Arab-Arab conflicts, like your border disagreement with Kuwait."

— (August 2 to November 8, 1990) —

On July 31, Iraq and Kuwait sent delegates to negotiate their oil and border dispute, but the talks broke down on August 1, 1990. Iraq invaded Kuwait on August 2, and within seven hours occupied the capital.

During the period between August 2 and November 8, the United Nations Security Council passed ten resolutions condemning the invasion, calling for withdrawal, and establishing a total land, sea, and air embargo over Iraq and occupied Kuwait. The more noteworthy provisions are as follows:

- Aug 2: Resolution 660--Condemned the invasion and demanded Iraq and Kuwait to negotiate their differences.
- Aug 6: Resolution 661--Economic sanctions established.
- Aug 9: Resolution 662--Condemned Iraq's invasion of Kuwait and called its invasion "illegal." (On August 8, Iraq announced formal annexation of Kuwait and declared that all foreign missions in the capital should move their staff to Baghdad.)
- Aug 18: Resolution 664--Demanded the release of the foreign nationals detained in Iraq and Kuwait.
- Aug 25: Resolution 665--Authorized the use of all necessary measures to enforce the economic sanctions.
- Sept 16: Resolution 667--Condemned the Iraqi aggression against the diplomatic premises and personnel in Kuwait and demanded the release of foreign nationals.

The remaining evolution of the conflict and current situation are as follows:

- Aug 2: The US, France, and Britain called for the immediate withdrawal of Iraqi troops from Kuwait, froze Iraqi and Kuwaiti assets, and stopped arms deliveries to Iraq. The USSR, Iraq's main arms supplier, also announced a halt in arms sales to Baghdad.
- Aug 3: The ministerial council of the League of Arab States met in Cairo and urged an Arab solution to the crisis; in a 12 to 9 vote, it condemned the invasion, called for Iraq to withdraw from Kuwait, and warned against foreign intervention in any Arab country.
- Aug 6: Iraqi troops round up hundreds of Westerners in Kuwait. US Defense Secretary Cheney goes to Saudi Arabia to meet with King Fahd, who invites US forces into Saudi Arabia. Saudi Arabia announces it will increase oil production to replace half of the oil lost as a result of the embargo.

- Aug 8: President Bush defines US policy objectives: unconditional Iraqi withdrawal, restoration of the legitimate government of Kuwait, maintain security in the Persian Gulf, and protect US citizens.
- Aug 12: Saddam Hussein offers a "peace plan" to resolve "all issues of occupation" in the Middle East, including Israeli withdrawal from the occupied territories and Syrian withdrawal from Lebanon.
- Aug 15: Bush indicates he will provide Amman more economic aid if Jordan will support the embargo and close its port of Akaba off to Iraq. US troops in the Gulf total 60,000.
- Aug 18: Iraq announces that detained citizens of "aggressive nations" have been moved to strategic military and civilian installations.
- Aug 19: Saddam Hussein offers to let Westerners leave if Bush will withdraw US troops and lift the embargo.
- Aug 29: With Iraq, Iran, and Libya dissenting, OPEC ministers vote to increase crude production by 4 million barrels a day, the amount lost as a result of the embargo.
- Aug 30: 21 of the Arab foreign ministers meet on the first day of the Arab League meeting in Cairo; the League is split into two camps—one supporting US action (Bahrain, Djibouti, Egypt, Kuwait, Lebanon, Morocco, Oman, Qatar, Saudi Arabia, Somalia, Syria, and UAE) and those who oppose Western intervention (Algeria, Iraq, Jordan, Libya, Mauritania, the PLO, Sudan, Tunisia, and Yemen).
- Aug 31: UN Secretary-General Perez de Cuellar and Iraqi Foreign Minister Aziz meet.
- Sept 14: Iraqi soldiers break into Western embassies and hold hostage several diplomats.
- Oct 3: The US Senate approves a resolution supporting the deployment of US military troops to the Gulf by a 96 to 3 vote.
- Oct 5: The Washington Post reports that there are 200,000 US troops and almost 100,000 other foreign troops in the Gulf.
- Oct 20: The first large US protests against a US military presence in the Persian Gulf take place, demanding that the US troops be brought home immediately.
- (November 8, 1990) —
- Nov 8: President Bush announces that the US will send an additional 200,000 troops to the Gulf to provide an offensive option.
- Nov 22: Visiting US troops in Saudi Arabia, President Bush states that Iraq's nuclear weapon potential adds "a real sense of urgency" to their mission.
- Nov 29: UN Security Council Resolution 678--Authorized member states to use all necessary measures to implement Resolution 660 and to restore peace and security to the area, unless Iraq on or before January 15, 1991, fully implemented Resolution 660.

— (December 1, 1990) —

Nov 30: President Bush offers to talk with Iraq on the Persian Gulf crisis and suggests a meeting between Secretary of State Baker and Saddam Hussein.

Dec 1: Iraq accepts Bush's offer to talk.

— (December 6, 1990) —

Dec 6: Saddam Hussein announces that all hostages and foreigners in Iraq and Kuwait can leave.

Dec 10: Algerian President Chadli Benjedid begins visiting leaders in the Persian Gulf in an attempt to find an Arab solution to the crisis. Jordan's King Hussein and PLO leader Yasser Arafat continue their efforts.

Dec 11: US citizens in Iraq and Kuwait are permitted to leave.

— (January 9, 1991) —

Dec 18: A tentative meeting between President Bush and Iraqi Foreign Minister Aziz is indefinitely postponed because the two sides could not agree on a reciprocal visit by US Secretary of State Baker to Iraq.

Dec 19: Lieut. Gen. Calvin Waller, deputy commander of the American forces in the Gulf states that the coalition troops will not be ready to attack on the January 15 UN deadline.

Jan 3: President Bush proposes a meeting between Secretary Baker and Foreign Minister Aziz, suggesting January 7, 8, or 9, while Baker is meeting with allies in Switzerland.

Jan 9: US Secretary of State Baker and Iraqi Foreign Minister Aziz meet in Geneva.

— (After January 9, 1991) —

Jan 9: After meeting for six hours, Baker and Aziz emerge and report that they were not able to make any progress towards peace.

Jan 12: The US Senate and House of Representatives pass resolutions authorizing President Bush to use force against Iraq should it be necessary.

Jan 13: UN Secretary General Perez de Cuellar meets with Saddam Hussein, but makes no progress.

Jan 15: France proposes that the UN Security Council agree to an international conference on the Palestinian situation if Iraq withdraws from Kuwait, but the US and UK strongly oppose the offer. The UN-imposed deadline for Iraqi withdrawal from Kuwait passes with no move by Iraq to comply.

#### **6.4 Positions, Interests, and Needs**

Each side comes to the conflict, and table, with positions, interests, and needs. The various approaches to negotiation dictate on which level the participants should negotiate. The following information on positions, interests, and needs should be distributed to the participants in the

experiment, based upon their role and the period in the conflict that they are to enact.<sup>5</sup>

*Positions* are what is stated to the other party as the desired outcome of the negotiation (Fisher and Ury, 1981). *Interests* are what caused or motivated each party to decide on the position that they state (Fisher and Ury, 1981). *Needs* underlie interests and are the "bedrock of the person." They include the need for security or for economic well-being and are not negotiable (Burton, 1987; as quoted in Avaruch and Black, 1990).

### United States--Positions

As declared August 8 by President Bush, four principles guide the US policy towards Iraq's invasion of Kuwait:

1. There must be an immediate, unconditional, and complete withdrawal of all Iraqi forces from Kuwait.
2. Kuwait's legitimate government must be restored to replace the puppet regime.
3. The US is committed to the security and stability of the Persian Gulf.
4. The US will protect the lives of American citizens abroad.

Additional positions have been added during the course of the conflict and are as follows:

o No linkage will be allowed. Saddam Hussein's "peace plan" to resolve greater Middle East conflicts should not be taken seriously; Iraq did not invade Kuwait to help the Palestinian cause.

o President Bush has repeatedly stated that the US policy is "No negotiation, no compromise."

(Before November 8, 1990)

o The US troops are only for defensive purposes (to protect Saudi Arabia).

(Before December 6, 1990)

o The Western hostages must be released.

### United States--Interests

#### Sovereignty and International Law

The occupation of Kuwait is illegal under international law and the legitimate Kuwaiti government must be restored.

Collective security and resistance of aggression are two motivating factors--the World War II example of Chamberlain appeasing Hitler by giving away Czechoslovakia is a corollary to this situation, and must not be repeated.

#### Allies

The international law argument may also be useful to obtain support for the US position from the world community. In a meeting on August 2, British Prime Minister Margaret Thatcher encouraged President Bush to take a strong stand on resisting the Iraqi aggression, stating that the invasion of Kuwait was a matter of principle.

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<sup>5</sup>Information compiled from SPSSI (1991) and Sifry and Cerf, eds., (1991).

Maintaining some support for the US in the Middle East is important. The sovereign independence of Saudi Arabia is of vital interest to the United States and there has been a longstanding friendship and security relationship between the US and Saudi Arabia.

#### Oil and the Economy

The US imports nearly half the oil it consumes and could face a major threat to its economic independence...Much of the world is even more dependent upon imported oil and is even more vulnerable to Iraqi threats. Even the Iraqi proposal of \$25 per barrel is a hostile act towards America because it would cause a shock "ruinous for Western economies." (Prior to August 2, 1990, Iraq controlled the world's second largest oil reserves.)

#### Constituency

With the presidential elections scheduled to take place in two years, it would be best to have the January deadline; if there is fighting, a protracted war should not stretch out into the campaign.

#### Iraqi Threat

In the long run, some of the President's advisers think that it would be best to take out Saddam Hussein now, before he gets in a position to cause even more trouble, especially to Israel. Saudi Arabia and Egypt agree with this rationale.

The no-concessions, no-compromise policy must be maintained because anything that would make Saddam Hussein appear to have gained anything from his attack on Kuwait would make him a hero in the eyes of the Arab world and a future menace.

#### United States--Needs

Security is important for the US--especially economic security (i.e. no oil shocks) and safe allies (i.e. Israel and Saudi Arabia have been threatened).

A vital US interest is the stability of the post-Cold War world and a US role in deciding how the new world order will be structured.

Some think that Bush is fighting against being seen as a wimp, and that he needs to prove something to himself and the world by showing what a tough guy he is. (Bush has said that Hussein is "going to get his ass kicked".)

#### IRAQ--Positions

Iraq wants recognition of and compensation for its economic complaints with Kuwait, which are as follows:

- o Reimbursement for the oil Kuwait has pumped from the Rumalia oil field;
- o Maintenance of higher prices and less Kuwaiti and UAE oil production; and
- o Forgiveness of the debt Iraq accumulated from Kuwait during the Iran-Iraq war.

(After August 2, 1990)

Iraq would like to see the greater Middle East peace and security question addressed, beginning with a conference on the Palestinian issue.

Iraq wants the coalition troops to be removed from the region.

Iraq wants the economic sanctions removed.

#### **Iraq--Interests**

(The following three interests should be altered to the present tense for the "Before August 2, 1990" script.)

Kuwaiti greed was the reason that Iraq requested talks with them, and invaded them. Iraq tried to negotiate these issues but Kuwait was not serious. Saddam Hussein told April Glaspie that "We are not aggressors but we do not accept aggression either. We sent them [Kuwait] envoys and handwritten letters. We tried everything. We asked...King Fahd to hold a four-member summit, but he suggested a meeting between the oil ministers. We agreed...They reached an agreement which did not express what we wanted, but we agreed." (The Iraqi's wanted to set the minimum price of a barrel of oil at \$25. Kuwait and the UAE agreed to cut output by 1.5 million barrels a day. The final decision was to set the minimum price at \$21 a barrel and a new production ceiling.)

Iraq desires high oil prices now to pay for its reconstruction and development.

The Iran-Iraq war included the defense of Kuwait, and therefore the "aid they gave us should not be regarded as a debt."

The way the UN is treating Iraq is not equal to that of Israel. A number of UN resolutions on the Palestinian issue have been neglected for decades; no coalition of forces have been sent to impose their implementation and measures have not been taken against Israel. In fact, the US has protected Israel in the Security Council and supplies Israel with the military and financial means to maintain its intransigent position.

#### **Iraq--Needs**

Aziz has stated the Iraqi need for peace, security, and stability--"What is at stake is the whole region."

Iraq desires to be treated equally under international standards.

#### **Kuwait--Positions**

The loans to Iraq during the Iran-Iraq war were just that--loans that must be paid back.

The Rumalia oil field is beneath Kuwait as well as Iraq, and therefore Kuwait did nothing wrong in pumping the oil.

Oil prices should be lower than the level that Iraq demands.

Iraq renounced its claim to Kuwait a long time ago and Kuwait has a right to sovereign independence, irregardless of Iraq's claim.

#### **Kuwait--Interests**

Higher oil prices or smaller world supplies could encourage energy efficiency or switching, which would be bad in the long run because the Kuwaiti economy is based on oil and we need to live off the income for the indefinite future.



The oil market and other OPEC countries have been unpredictable and the coordination of OPEC has not always been strict. Therefore, Kuwait should look out for its own interests.

Kuwait has financed some development projects in the Arab world and given money to support the Palestinian cause, so there is evidence that Kuwait is interested in her neighbors and greater Arab issues.

#### **Kuwait--Needs**

Kuwait's sovereign claim to its territory has never been secure. Beginning with a 1961 payment to Egypt to secure support against Iraq's territorial claims against Kuwait, we have over the years disbursed funds to Arab states to insure our protection.

Iraq complains that Kuwaiti income is diverted from the Middle East and invested in the West, but our financial security (and our future) depends on investing our income in profitable, stable ventures and most of these are in the West.

## BIBLIOGRAPHY

- Avaruch, K. and P.W. Black. (1990) "Ideas of Human Nature in Contemporary Conflict Resolution Theory." Negotiation Journal 6:221-228.
- Axelrod, R. (1980) "Effective Choice in the Prisoner's Dilemma," Journal of Conflict Resolution 24, 1:3-25.
- Bercovitch, J. (1991) "International Mediation and Dispute Settlement: Evaluating the Conditions for Successful Mediation." Negotiation Journal 7:17-30.
- Bernard, J. (1957) "The Sociological Study of Conflict." International Sociological Association, The Nature of Conflict. Paris: UNESCO, pp. 33-117.
- Boehringer, G.H., V. Zeruolis, J. Bayley, and K. Boehringer. (1974) "Stirling: The Destructive Application of Group Techniques to a Conflict." Journal of Conflict Resolution 18:257-275.
- Brown, B.R. (1977) "Face-Saving and Face-Restoration in Negotiation." In D. Druckman, ed. Negotiations: Social-Psychological Perspectives. Beverly Hills, CA: Sage Publications, Inc.
- Burton, J.W. (1986) "The Procedures of Conflict Resolution." In E.E. Azar and J.W. Burton, eds. International Conflict Resolution: Theory and Practice. Sussex: Wheatsheaf Books.
- Coddington, A.J. (1968) Theories of the Bargaining Process. Chicago: Aldine.
- Cross, J.G. (1969) The Economics of Bargaining. New York: Basic Books.
- (1978) "Negotiation as a Learning Process." In I.W. Zartman, ed. The Negotiation Process: Theories and Applications. Beverly Hills, CA: Sage Publications, Inc.
- (1983) A Theory of Adaptive Economic Behavior. Cambridge, England: Cambridge University Press.
- Deutsch, K.W. (1968) The Analysis of International Relations. Englewood Cliffs, NJ: Prentice-Hall.
- Doob, L.W. (1974) "A Cyprus Workshop: An Exercise in Intervention Methodology." The Journal of Social Psychology 94:161-178.
- and W.J. Foltz. (1975) "Voices From a Belfast Workshop." Social Change 5(3):1-3, 6-8.
- Druckman, D. (1991) "An Approach to Third-Party Intervention in Intractable Conflicts." Written and personal communication.
- Farber, H.S. (1980) "An Analysis of Final-Offer Arbitration." Journal of Conflict Resolution 24:683-705.
- Feuille, P. (1975) "Final-Offer Arbitration and the Chilling Effect." Industrial Relations 14:302-310.
- Fisher, R. (1969) International Conflict for Beginners. New York: Harper and Row.
- and W. Ury. (1981) Getting to Yes: Negotiating Agreement Without Giving In. New York:

Penguin Books.

- Fisher, Ronald. (1983) "Third Party Consultation as a Method of Intergroup Conflict Resolution: A Review of Studies." Journal of Conflict Resolution 27:301-334.
- Fogg, R. W. (1985) "Dealing with Conflict: A Repertoire of Creative, Peaceful Approaches." Journal of Conflict Resolution 29:330-358.
- Follett, M.P. (1941) The Collected Papers of Mary Parker Follett. (H.C. Metcalf and L. Urwick, eds.). London: Pittmann.
- Fuller, B. (1970) Operating Manual for Spaceship Earth. New York: Pocket Books.
- Golan, M. (1976) The Secret Conversations of Henry Kissinger. New York: Quadrangle.
- Haas, E.B. (1961) "The European and the Universal Process." International Organization 15:366-392.
- Hopmann, P.T., in collaboration with A. Konovalov, S. Fought, M. Gerasev, E. Mlyn, and A. Lynch. (1991) "Mutual Security and Arms Reductions in Europe: A Joint Soviet-American Simulation Exercise." Paper presented to the 32nd annual convention of the International Studies Association, 20-23 March, 1991, Vancouver, British Columbia, Canada.
- Ikle, F.C. (1964) How Nations Negotiate. New York: Harper and Row.
- Jackson, E. (1952) Meeting of Minds. New York: McGraw-Hill.
- Jervis, R. (1970) The Logic of Images in International Relations Princeton: Princeton University Press.
- Jones, T.S. (1989) "A Taxonomy of Effective Mediator Strategies and Tactics for Nonlabor-Management Mediation." In M.A. Rahim, ed. Managing Conflict: An Interdisciplinary Approach. New York: Praeger.
- Lash, J. (1961) Dag Hammarskjold. Garden City, NY: Doubleday.
- Lockhart, C. (1979) Bargaining in International Conflicts. New York: Columbia University Press.
- Markowitz, J.R. and P.S. Engram. (1983) "Mediation in Labor Disputes and Divorces: A Comparative Analysis." Mediation Quarterly 2:67-78.
- McDonald, J. (1991) "Missed Opportunities for Peace in the Gulf." Paper delivered at the National Conference on Peacemaking and Conflict Resolution, Charlotte, North Carolina, June 8, 1991.
- McGillicuddy, N.B., G.L. Welton, and D.G. Pruitt. (1987) "Third-Party Intervention: A Field Experiment Comparing Three Different Models." Journal of Personality and Social Psychology 53:104-112.
- Mitrany, D. (1946) A Working Peace System. London: National Peace Council.
- Moore, C.W. (1987) "The Caucus: Private Meetings That Promote Settlement." Mediator Quarterly

- Nicholson, H. (1939) Diplomacy. New York: Oxford.
- Olson, C.A. (1978) "Final-Offer Arbitration in Wisconsin After Five Years." Proceedings of the Thirty-First Annual Meeting of the Industrial Relations Research Association: 111-119.
- O'Quin, K. and J. Aranoff. (1979) "Eliciting Compliance: Humor as a Technique of Social Control." Paper presented at the annual convention of the American Psychological Association, New York.
- Oskamp, S. (1971) "Effects of Programmed Strategies on Cooperation in the Prisoner's Dilemma and Other Mixed-Motive Games." Journal of Conflict Resolution 15:225-259.
- Osgood, D.E. (1966) Perspective in Foreign Policy (Second Edition). Palo Alto, California: Pacific Books.
- Ozawa, C.P. and L. Susskind. (1985) "Mediating Science-Intensive Policy Disputes," Journal of Policy Analysis and Management 5:23-29.
- Pearson, J., Thoennes, N., and L. Vanderkooi. (1982) "The Decision to Mediate: Profiles of Individuals Who Accept and Reject the Opportunity to Mediate Contested Child Custody and Visitation Issues." Journal of Divorce 6(1/2):17-36.
- Pen, J. (1952) "A General Theory of Bargaining." American Economic Review 1:29-42.
- Pruitt, D.G. (1972) "Methods for Resolving Differences of Interest." Journal of Social Issues 28:133-154.
- (1981a) Negotiation Behavior. New York: Academic Press.
- (1981b) "Kissinger as a Traditional Mediator with Power." In J.Z. Rubin, ed. Dynamics of Third Party Intervention: Kissinger in the Middle East. New York: Praeger Publishers.
- (1987) "Creative Approaches to Negotiation" in Conflict Management and Problem Solving, D.J.D. Sandole and I. Sandole-Staroste, eds. London: Frances Pinter.
- , W.R. Fry, L. Castrianno, J. Zubek, G.L. Welton, N.B. McGillicuddy, and C. Ippolito. (1989) "The Process of Mediation: Caucusing, Control, and Problem Solving." In M.A. Rahim, ed. Managing Conflict: An Interdisciplinary Approach. New York: Praeger.
- Raiffa, H. (1982) Art and Science of Negotiation. Cambridge: Harvard University Press.
- Rapoport, A. (1960) Fights, Games and Debates. Ann Arbor: University of Michigan Press.
- Rothman, J. (1990) "A Pre-Negotiation Model: Theory and Training," Policy Studies, No. 40. The Leonard Davis Institute for International Relations, The Hebrew University of Jerusalem.
- Rubin, J.Z. ed. (1981) Dynamics of Third Party Intervention: Kissinger in the Middle East. New York: Praeger Publishers.

- and B. Brown. (1975) The Social Psychology of Bargaining and Negotiation. New York: Academic Press.
- and F.E.A. Sander. (1988) "When Should We Use Agents? Direct vs. Representative Negotiation," Negotiation Journal 4:395-401.
- Saunders, H. H. (1985) "We Need a Larger Theory of Negotiation: The Importance of Prenegotiating Phases." Negotiation Journal 3:249-262.
- (1991) "Political Settlement and the Gulf Crisis." Mediterranean Quarterly Spring.
- Schellenberg, J.A. and D. Druckman. (1986) "Bargaining and Gaming." Society 23:65-71.
- Schelling, T.C. (1960) The Strategy of Conflict. Cambridge, Mass.: Harvard University Press.
- Sherif, M. (1966) In Common Predicament. Boston: Houghton Mifflin.
- Shultz, G. and K.W. Dam (1977) Economic Policy Beyond the Headlines. New York: W.W. Norton.
- Sifry, M.L. and C. Cerf, eds. (1991) The Gulf War Reader: History, Documents, Opinions. New York: Times Books.
- Simkin, W.E. (1971) Mediation and the Dynamics of Collective Bargaining. Washington, DC: Bureau of National Affairs.
- Smith, W.P. (1985) "Effectiveness of the Biased Mediator." Negotiation Journal 1:363-372.
- Snyder, G.H and P. Diesing. (1977) Conflict Among Nations. Princeton, N.J.: Princeton University Press.
- SPSSI. (1991) The Persian Gulf: Historical Perspectives, Psychological Interpretations, and Analyses. Fact sheet by SPSSI Task Force on Peace, April 1991.
- Stenelo, Lars-G. (1972) Mediation in International Negotiations. Malmo, Sweden: Studentlitteratur.
- Stern, J.L., C.M. Rehemus, J.J. Loewenberg, H. Dasper, and B.D. Dennis. (1975) Final-Offer Arbitration. Lexington, MA: D.C. Heath.
- Swingle, P. (1970) Structure of Conflict. New York: Academic Press.
- Touval, S. (1975) "Biased Intermediaries: Theoretical and Historical Considerations." Jerusalem Journal of International Relations 1,1:51-69.
- (1985) "The Context of Mediation." Negotiation Journal 1:373-378.
- Wall, J.A. (1975) "Effects of Constituent Trust and Representative Bargaining Orientation on Intergroup Bargaining." Journal of Personality and Social Psychology 31:1004-1012.
- and M. Blum. (1991) "Community Mediation in the People's Republic of China." Journal of Conflict Resolution 35,1:3-20.

- Walton, R.E. (1969) Interpersonal Peacemaking: Confrontations and Third-Party Consultation. Reading, Mass.: Addison-Wesley.
- Young, Oran, ed. (1975) Bargaining. Urbana: University of Illinois Press.
- Zartman, I.W. (1978) "Negotiation as a Joint Decision-Making Process." In I.W. Zartman, ed. The Negotiation Process. Beverly Hill, CA: Sage Publications, Inc.
- (1988) "Common Elements in the Analysis of the Negotiation Process." Negotiation Journal 4:31-43.
- (1991) "Regional Conflict Resolution." In V. A. Kremenyuk (ed.), International Negotiation: Analysis, Approaches, Issues. San Francisco: Jossey-Bass Publishers.
- and M. Berman. (1982) The Practical Negotiator. New Haven, Connecticut: Yale University Press.
- Zeuthen, F. (1930) Problems of Monopoly and Economic Welfare. London: Routledge and Kegan Paul.