



Universiteit
Leiden
The Netherlands

Diplomatic negotiation : essence and evolution

Meerts, P.W.

Citation

Meerts, P. W. (2014, November 4). *Diplomatic negotiation : essence and evolution*. Retrieved from <https://hdl.handle.net/1887/29596>

Version: Corrected Publisher's Version

License: [Licence agreement concerning inclusion of doctoral thesis in the Institutional Repository of the University of Leiden](#)

Downloaded from: <https://hdl.handle.net/1887/29596>

Note: To cite this publication please use the final published version (if applicable).

Cover Page



Universiteit Leiden



The handle <http://hdl.handle.net/1887/29596> holds various files of this Leiden University dissertation.

Author: Meerts, Paul Willem

Title: Diplomatic negotiation : essence and evolution

Issue Date: 2014-11-04

CHAPTER V

Negotiation and Warfare

This chapter is based on an unpublished paper written by Paul Meerts in 2006, with its abstract published as Meerts (2006b), and includes a paragraph on mediation that is based on Meerts' book review in *The Hague Journal of Diplomacy* (2013a).

CHAPTER V: NEGOTIATION AND WARFARE

Warfare and negotiation are two sides of the same coin and, for this reason, negotiation may be described as 'war by peaceful means' (Meerts 2014b: 4). They are the most important instruments in managing conflicts between and inside states. The question is: which is the most effective? It is often easier to start a war than to negotiate a conflict. Still, negotiating a conflict is more effective, as it avoids personal and material casualties, while the costs are negligible. Casualties not only weigh heavily on the present, but also constrain the future. Traumas created by warfare do not easily fade away. It might – and often does – take centuries before these traumas are overcome. We do not need to go to the Balkans, the Middle East, Africa or East Asia to find traces of wars still impacting upon the present. For example, when Englishmen meet the French, they sometimes show them their right hand as if it draws a bow: a remembrance of the victory of the Black Prince over the French King in the fourteenth Century. While negotiation is more effective in the long run, it does not mean that it is the best tool in the short term.

While we might prefer peace over war as a more effective way of running the society of mankind, it does not necessarily mean that war is the exception and that peace is normality:

From the point of view of evolutionary psychology, if war is so universal and ubiquitous as has been claimed by advocates of the Universal Human Belligerence theorem, the mere fact [of] peace constitutes a problem, and we would have to develop a theory of peace as an abnormal, anomalous condition (Dennen, 1994: 498).

However, we should keep in mind 'Kant's principle that no one should do anything in war that will make reconciliation impossible' (Randle, 1973: 501). One way to create ripeness for reconciliation is diplomacy. 'Diplomacy, like war, can be seen as a perennial institution, influencing relations between polities throughout history' (Jönsson and Aggestam, 2009: 34). According to Jönsson and Aggestam, diplomatic norms and practices can facilitate conflict resolution through coexistence and reciprocity, open communication channels and shared language, commitments to peace, diplomatic immunities and *pacta sunt servanda* (agreements will have to be kept) (Jönsson and Aggestam, 2009: 36–40). They also notice, however, that diplomatic norms and practices could complicate conflict resolution because of problems of precedence and recognition, too much openness, constructive ambiguity and complexity in multilateral and polyilateral negotiations (Jönsson and Aggestam, 2009: 40–46). Furthermore, as Iklé has argued, negotiation can also be used to gain time in order to prepare for war, or to stop the other party from going to war until that war is no longer an attractive option (Iklé, 1964: 51). Likewise, negotiation can be used to avoid any

outcome, following the reasoning that the time is not ripe for conclusion as long as the negotiation process is in place – in short, negotiation as deception.

The utility of War and Words

The title of this section on war and words has been inspired by General Sir Rupert Smith's fascinating book *The Utility of Force: The Art of War in the Modern World* (Smith, 2005). The following question comes to the fore: what about the utility of that non-overpowering tool that we call 'negotiation', or in a more narrow sense 'bargaining', in relationship to warfare in risky situations, with bargaining here being part of the much more encompassing process of – in this case international – negotiation? The other author of interest here is the Prussian strategist Carl von Clausewitz, with his saying 'that war is the continuation of politics with the admixture of other means' (Holsti, 1991), which was referred to earlier in this thesis.

The idea behind this chapter is to compare warfare and negotiation in the framework of inter-state relationships. The chapter therefore looks at the role of the state as actor in both the use of violence against other states, as well as peaceful give and take, because 'Clausewitz regarded the growth of the modern state as the most significant process in history' (Paret, 1976: 3). If we are in agreement with Clausewitz's opinion, we might add that one of the main issues with which states have to deal are internal and external conflicts. The more advanced – in other words 'modern' – states are, the more sophisticated their conflict mechanisms will have to be. Negotiation processes are probably the most frequently used tool of conflict management, and anyway are peaceful, a characteristic that they share with facilitation, mediation and adjudication. 'Negotiating in warfare can be used in different ways. An alternative way of reading Clausewitz would be: negotiating is the continuation of war with non-violent means' (Van Es, 1996: 105).

As a mode for conflict prevention, management and resolution, negotiation has to compete with – or go hand-in-hand with – the use of force, whether for defence, containment, repression, or conquest. What can we say about negotiation and warfare? Are the two connected? How did they develop in history, how do they relate to each other, and did this connectedness change? What do they have in common, and to what extent do they differ? Are they equally effective in dealing with risky situations, or is there more risk involved in using one or the other?

This chapter starts with a short review of the evolution of inter-state ('diplomatic') negotiation and the use of force ('warfare'). In a second step, the nature and characteristics of both conflict mechanisms will be analysed: what is their commonality? Step number three focuses on the differences between negotiation and warfare. Which situations are more apt for warfare, and which for negotiation? What are the consequences of this? Part four deals with the synergy between the two phenomena: whether they go together and if so when? In a fifth step, some conclusions are drawn about the utility of negotiation and warfare in dangerous international relations.

While the application of military means in conflict situations has been the object of study for thousands of years, for example by the aforementioned Sun Tzu (Chung, 1991; Handel, 1992; Hanzhang, 1993), the analysis of negotiation processes is a more recent phenomenon (Hemmer, Garb, Phillips and Graham, 2006: 129–162). Yet both negotiation

and warfare are among the oldest professions in the world (although perhaps not the oldest), not only connected as a means of conflict management, but also as a means of economic and imperialistic expansion. Trade (*negotie* in ancient Dutch) and war have been twins for ages of human history. It is interesting to note that the leisured class of the Roman Empire, the patricians, had two main activities in life: warfare; and negotiation, in the sense of trading.

Historical Background

As mentioned in the second part of chapter II, states settled their conflicts first of all through violent means. City-states fought over resources, as did nomadic tribes whose political structures could be defined as 'mobile states'. 'If anything, war was more central to the politics of the Amarna period than it has been in modern times' (David, 2000: 62). The 'Amarna period' or 'Amarna age' is named after the Amarna archive (fourteenth-century BCE), documenting the diplomatic and military relationships of five major powers in the ancient Middle East: Pharaonic Egypt of Ramses II; Hittitian Hatti of Muwatalli; and Mesopotamian Babylonia, Assyria and Mittani. Although diplomacy – and thereby inter-state negotiation – played a role, it was merely a side-effect of military strength, a tool to serve successful military policies. In an age of naked power, diplomacy played the role of the loincloth, and the power of states was translated into soldiers, not in diplomats. This does not mean that diplomacy was overlooked in ancient times. For Sun Tzu it was a very useful tool in warfare. 'He [Sun Tzu] used to make alliances with forces in order to fight against a common enemy' (Hanzhang, 1993: 27).

Yet as far as diplomacy and inter-state negotiation had a role to play, it was subordinate to the military effort. It is interesting to note here that in some societies this is even true today, because the state has the tendency to define a crisis in the context of its means to deal with the problems at hand. If the state is powerful, it will use the means available. A strong and technologically advanced army is there to be used. '*Si vis pacem para bellum*' (if you want peace, prepare for war) might in theory lead to the prevention of war, as the other side will refrain from an attack, but in practice the temptation to use the tools you have is often stronger than the wisdom to refrain from action. Even though, Sun Tzu thought 'it best to subdue the enemy's army without fighting' (Hanzhang, 1993: 21), and rulers through the ages have used peaceful means to implement their aggressive objectives. Examples include Louis XIV of France, fighting for the expansion of his kingdom in the seventeenth and eighteenth centuries, who used peace talks to divide his enemies, but resorting to war again as soon as their coalition faltered; and Adolf Hitler in 1938 in Munich, who using the mere threat of his army to occupy Czechoslovakia, and later Denmark, without a shot being fired.

There is more to be said, however, about the dynamics obstructing the use of peaceful means. One element is the security dilemma of risk-taking. '*Si vis pacem para bellum*' expresses the fear of being surprised by the other party, of being unprepared for war. It is better not to take the risk of having to rely on peaceful means like negotiation. Having a strong army, however, means a higher risk of using it. One step further, it implies the preventive use of force in order to prevent the risk of losing your dynastic possessions. In the absence of effective diplomatic relations, cooperation could not be sustained, could

not perform as a sufficient guarantee against the 'evil empires'. As words can only function in the framework of diplomatic cooperation, they could not hope for an equal footing with war. Negotiation could therefore not function as risk insurance; its basis was too feeble, trust was lacking, and treason lurked around the corner. In order to prevent the risk of being overtaken, preparation for violence was the only means available, with negotiations in a supportive role.

Many cultures in our modern world still regard the offer to negotiate as a sign of weakness instead of wisdom (Schechter, 1998). Decisions are often made to fight, even if the advantages of dialogue are obvious. The state's face is at risk if hands are reached out to the opposite side, which might undermine the country's credibility, thereby weakening its overall position in the region and in the world. Negotiators are sometimes unwilling to make a trade-off, even if it is more than obvious that they will gain more in return than they will sacrifice, because the loss is more difficult to digest than the fruitfulness of obtaining a concession from their opponents. Moreover, if the other side concedes, there must be something strange about the situation, so how can we be confident that they are not gaining something in secret? It might be a gambit, a bait to catch a bigger fish, or a short-term loss for long-term gains. The psychological mechanism is entrapment, as analyzed in the preceding chapter. According to prospect theory, people – and thus negotiators – will take more risks if they are threatened with losing something than if they expect a profit. This will result in tying negotiators to downward spirals and investing more and more in situations from which they should, rationally speaking, withdraw. Emotions steer rationality and the actor, fearing loss of face, works against his or her own interests. The more powerful states have more face to protect, and are thus more prone to entrapment cycles than smaller states. As already discussed, entrapment can therefore be used as a tactical device by weaker powers, both in negotiation and in warfare.

Over the course of the centuries, war became an extremely costly affair and a severe risk for a state's treasury. The relative importance of negotiation as a cost-effective means of settling conflicts therefore slowly came to the fore. One of the first diplomats to understand this, as illustrated in chapter VII, was the famous and notorious French ambassador Talleyrand. Confronted with the defeat of Napoleon and having to rescue France from oblivion, Talleyrand used the Congress of Vienna negotiations in 1814–1815 to strengthen the French position through coalition-building, meanwhile introducing true multilateralism into the negotiation process. Later, the disastrous twentieth century with its ravaging two world wars showed the ineffectiveness of large-scale warfare in settling international conflicts. It became seen that negotiation often creates options for win/win outcomes. Wars in the past led to win/lose solutions, but modern technology and mass participation created so much devastation that statesmen increasingly preferred negotiation over warfare. The world saw a shift from negotiation as a tool in warfare towards warfare as a tool in negotiation.

One more factor in diminishing the effectiveness of war in conflicts is the growing complexity of states, which became so institutionalized that it is nearly impossible to overthrow them and subdue them on a permanent basis. However, states might be held hostage through nuclear threats. The chance today of being completely overrun is much less immanent than in ancient and medieval times. Add to this the strength of ideology and religion, the interconnectedness of the world through television and the internet, as

well as the availability of modern technology to guerrilla and terrorist forces. In short, leaders started to acknowledge the necessity of channelling, strengthening and protecting negotiation processes as a major tool in international relations. As a consequence, international regimes were created, both on global and regional levels, which were meant to streamline and fortify inter-state negotiation. Regime-building has the important function of diminishing risk through cooperation. Regimes can help to press their member states in living up to the agreements made. Trust and risk have always been a major problem in settling conflicts through give-and-take. Ambassadors were beheaded, or had their beards shaved off if they were lucky, for the sake of showing strength and contempt to the other ruler, thus, in turn, provoking war (Frey and Frey, 1999).

Commonalities

War and words share a number of characteristics, while they differ at the same time. This section focuses on their commonality and asks to what extent common features are applicable to both, looking at the relationship between one of the main formats in which negotiations take place – trade – and one of the main systems in which the use of force plays a dominant role – war. As said before, they often go together in history. Wars opened trade routes or blocked them. Profitable trade links were often created by force and force was needed to sustain them. Yet the trade itself was done by bargaining. Negotiations were the focus; force supported the negotiations. This was an interesting pairing, which conceals another phenomenon: the contradiction between trade (and therefore an important component of negotiation: commercial bargaining); and warfare. They often went together, but like twins it does not mean that they were always identical. In fact, trade and warfare have their own character and characteristics.

Trade and warfare can also be opposed to each other. War diminishes net profits. War puts profit margins at risk, so peace was the preferred option. While violence was often the preferred option in opening trade links and creating monopolies, in order to sustain the monopoly, war should be avoided if possible. This is why colonies in the seventeenth century were mere trading posts, controlling areas around them through indirect rule. It was only in the nineteenth century, the age of imperialism, that European powers substantially expanded the overseas territories under their direct control into full colonies. Portugal and the Netherlands were cases in point.

Using war and negotiation in order to handle contentious issues is, as said before, their main common characteristic. In that sense, they are tools used by other strata in society. Negotiation/warfare is the servant of politicians, civil and military servants, financiers, and some religious groups. In other words, it is not an end in itself. Negotiation/warfare is a path, a route, a pathway in dealing with conflict, and this road is walked by negotiators – diplomats, civil servants and merchants – and soldiers, on foot or horseback, boats or planes, tanks or offices. Negotiators and soldiers share the task of dealing with conflicts, being dependent on others in society and judging the circumstances.

What are the best ways to deal with a conflict in a given situation? In order to deal with the context in which they find themselves, both negotiators and military men and women deploy strategies and tactics. They are closely connected to risk. '[T]here is more than one kind of risk in a peace agreement and [...] the type of risk will, to some

extent, determine the kinds of negotiation tactics and resolving formula' (Hampson, 2006). Meanwhile, Clausewitz states that '[t]actics teaches the use of armed forces in the engagement; strategy, the use of engagements for the object of war' (Luttwak, 1987: 239). It seems that this statement is directly applicable to negotiation: tactics teach us the use of bargaining – in the sense of give and take – in the encompassing diplomatic negotiation process; while strategy teaches us the use of negotiation for the object of an agreement. The next few paragraphs focus on strategy in order to look for the commonality and divergence of war and negotiation.

One way to approach strategies is to use the aforementioned Thomas and Kilmann approach (Thomas and Kilmann, 1974). Five modes figure in one model: competition (domination); collaboration (integration); compromise (sharing); avoidance (neglect); and accommodation (appeasement). The order of the strategies here is intentionally in accordance with the Thomas and Kilmann approach, as used to score participants in a self-assessment exercise that they developed alongside the model. This exercise is, of course, only applicable in table-top gaming (simulation exercises) and not in field operations.

To start with: *competition*. When will parties compete with the other side, risking total failure? In both warfare and negotiation, a dominant strategy will be effective and realistic if the stakes are high, while enough power is available to push the other party into agreement. This minimizes the risk of failure and maximizes the chance to harvest as much profit as possible. In negotiation, parties can do this by maximizing their profits in such a way that the other party will – still – not walk out because of future benefits from the dossier under negotiation, or from other dossiers that are of more importance to them. To remain within the realm of negotiation, the other party should not be overwhelmed completely. If one of the parties is brought fully to the mercy of its opponent, the process can still be defined as warfare, but no longer as a negotiation process.

If the opposing parties are bullied into an outcome that is unacceptable to them, the negotiation framework will break down. Negotiation is, after all, a process in which both parties come to an agreement in a more or less voluntary way. Negotiation is a bi- or multilateral, more or less balanced, and fair process, while war can be unilateral. One of the parties can just be forced to cede, while the common understanding of negotiation is to give something in order to get something. In cases of high priority of interest and low structural power – that is, not enough power resources – negotiators and military officers will have to build up strength during the process itself. Negotiators, as well as soldiers, can do this by having more and stronger allies than the other party, better organization and more efficient leadership than the other side, employing more effective strategies and tactics, having more skilled negotiators or fighters, and collecting more and better information, in short by changing the situation in such a way that it will be ready for their victory. Both negotiation and warfare are highly situational.

Collaboration stands for value-added behaviour. In this strategy, parties will cooperate if they perceive this to be a lesser evil than confrontation. Through collaboration, negotiators and soldiers create a more favourable situation than in a non-cooperative mode. For negotiators, collaboration means integrative negotiation processes: diagnosing a problem as a common problem and not just as a cake that should be divided. The outcome might be a win-win situation: all of the parties involved will get more out of the

process than they put into it. In other words, collaboration is possible, even if the parties are opponents, as long as they perceive the object of bargaining as a matter of common concern. They should be willing to go for an optimal outcome, not simply maximizing their profits in the short term, but expecting benefits from long-term cooperation. In view of future developments, they should be prepared to sacrifice part of their profits now, in order to create sustained positive margins in the future.

If countries are equally powerful, war will be difficult, the outcome will be uncertain and the costs will be high. Both sides will have to understand that a fight is not yet in their interest. The consequence of this collaboration is a status quo, a situation of peaceful coexistence, but not a solution for the problem. However, a status quo can create the circumstances under which negotiations can be used to move in the direction of a solution. This will only happen, however, if the status quo is seen as inferior to a possible solution, or, as discussed in Chapter I, if the parties involved perceive their 'relationship' as being a 'mutual hurting stalemate' (MHS) while they also have a vision of a 'mutual enticing opportunity' (MEO) to change their circumstances (Zartman, 2005: 1-3). Yet collaboration between allies is, of course, a military option, and enemies can turn into allies and vice versa. The ally of today might be the enemy of tomorrow.

Compromise is a half-way solution, accepted by both parties, while they might do better by going for collaboration. In a way, the parties are half-hearted: they want to avoid both the risks of confrontation and collaboration. There is trust, but not enough to take the risk of being exposed. However, in many cases of negotiation, the pie can only be divided and not be enlarged. Effective negotiators will normally try to move from 'distributive bargaining' (win-lose) to 'integrative bargaining' (win-win), whereby we should be aware of the fact that even in a win-win outcome, one side might win much more than the other. Circumstances (time, for example) will not always allow for this, and a division of profits in a linear way might be the only solution (Saner, 2005).

In warfare, a compromise will normally be an unplanned outcome of a battle, a stalemate in which both sides are unable to be victorious. There are some exceptions, however, to this outcome. For example, army leaders during the European Renaissance sometimes decided to call it a day after a symbolic fight, as they preferred this compromise over the risk of losing to many of their expensive mercenaries. In ancient times and during the Middle Ages, battles were sometimes decided through a compromise, with each side nominating a strong and brave fighter and agreeing to accept defeat if their champion lost. One problem of solving conflicts through compromise is its sustainability. Compromise is often an unsatisfactory solution for all the parties involved. It is of a backward-looking nature. To build a regime on the foundations of compromise is not an easy task, and time might quite easily undermine the settlement, after which it collapses.

Avoidance – or shying away from a risky situation – can be a useful strategy in both negotiation and warfare if one of the parties sees that it will be outmatched, while it perceives possibilities for stalling the confrontation until the context has changed in such a way that negotiation or battle might deliver a positive outcome. This can be taken literally: parties refuse to negotiate or to fight. Negotiators might feel that a fake process of bargaining will be more beneficial than a real one – for example, a process going in the direction of a solution, or an outcome. In the 1970s, the former USSR and the United States negotiated on arms reduction in Geneva over many years, not with the aim of really

reducing the level and quality of their armaments, but in order to be in contact with each other and perhaps to exchange information. Communication can thus be an important confidence-building measure and collecting information can be very useful for both sides. Stalling might also function as a means to wait for a more favourable situation. Finally, the USSR–US talks were a good excuse for neither disarming nor raising the level of armed forces, especially if the talks ultimately ended in failure. This might have been in the interest of some politicians on both sides, who were strengthening their internal positions, and perhaps also for the military men with an interest in not fighting, but in collecting as many arms as possible. Diplomats were, perhaps, less happy with this, and tough internal discussions therefore followed suit.

In Renaissance times, *condottieri* (leaders of the professional mercenary forces) often preferred manoeuvring over fighting, thereby keeping each other in the saddle instead of destroying one or both sides. They might have had a common interest in avoiding battle, much to the sorrow of their monarchs. But who was dependent on whom? It was often the prince who was dependent on his general. Often the soldiers themselves refused to fight, for all that they wanted was to be able to profit from their payments instead of dying on the battlefield, which was one of the reasons that induced Machiavelli to be critical about mercenary armies over conscript armies (Skinner, 1981).

The most obvious example of avoidance strategy, however, is guerrilla warfare. As the enemy is too strong to be confronted directly, avoidance will be combined with selected small-scale actions. Guerrilla forces will use the terrain where they have a situational power advantage over their structurally more powerful opponent. As the situation changes to the advantage of the weaker party, open warfare will again become an option, as we have seen in China in the late 1940s with Mao Zedong's guerrilla tactics against the Kuomintang, and during the Vietnam War by the Viet Cong. NATO's involvement in Kosovo in 1999 and its out-of-area wars at the beginning of the twenty-first century are tragic examples of the effectiveness of avoidance strategies by the weaker party, and the failure of the 'dominant' power to be successful in its competitive strategy. The paradox in Afghanistan (but in a way in Iraq as well) is that the United States and its Northern coalition, in crushing the Taliban (and Iraqi) regular forces, created a situation ripe for guerrilla warfare. The conventional means that are needed to be successful in a head-on clash are not apt for winning an indirect confrontation.

Accommodation, or appeasement, is the policy of not putting the relationship with the other side at risk. It is a strategy to be used if the relationship with the opponent is more important than the actual outcome of the negotiation or the battle. The Munich Agreement of 1938 is again the stereotypical example of negotiations in which one side decides to have the opponent gaining much more than one's own party – or even everything. However, accommodation is quite a normal process in the European Union, although in this case it is not a question of giving in to an overwhelming power, but to the necessity of solving collective problems. The strategy hinges on the question of priorities, as different countries have different priorities. While the political and security situation in the Mediterranean is of great concern to the Union's southern countries, the northern member states might have their worries about the Baltic Sea, or the western countries about the Atlantic, while the new members in Central Europe have a special concern about the Union's relationship with the Russian Federation and – for other reasons – with

Ukraine and Belarus. Negotiations on an issue are not of equal importance to all parties, which might therefore decide to accommodate the parties that have a vested interest in a crisis where they do not see major stakes for themselves. Of course, they equally expect other countries to appease them in cases when a dossier deals with issues of vital importance to their country.

The Hexagame that will be analyzed in Chapter XI shows that the Organization for the Prohibition of Chemical Weapons (OPCW) can only maximize its profits if the member states go for optimal outcomes. In other words, the collective whole can only really be successful if non- or less-involved partners agree to accommodate. Yet the reverse could also be true. The most involved, but also most vulnerable, countries might accommodate opponents in order not to disrupt relationships. During the Cold War, for example, the Federal Republic of Germany showed more willingness to accommodate the Soviet Union than the United Kingdom and the United States. The Germans could be blackmailed after all, as many of their compatriots lived in the German Democratic Republic, and the Federal Republic of Germany itself would be among the first victims of Soviet troops attacking Western Europe. Meanwhile, Egypt, Jordan, Lebanon, Saudi Arabia and – perhaps despite a lot of rhetoric – Syria have to be more prudent with the state of Israel than the Islamic Republic of Iran. He who is close to the fire can burn his hands. Thus South Korea has to be more accommodating in dealing with North Korea than Japan, and Japan has to be more sophisticated in handling the issue than the United States. For armies, accommodation can be a strategy if one is outnumbered, as one might decide to give in without a fight, or after a symbolic battle.

Alternatively, armies might even join the enemy. Especially in the history of the nomadic people, we see an ease in joining the stronger party and even adopting its identity. In Central Asia, many Turkic tribes adopted the enemy's name as if they had always been allied with them. Yet the reverse has happened as well. The Turkic tribe of the Bulgars gave its name to (Danube) Bulgaria, and the Thracian and Slavic tribes in the region became known as Bulgarians as well, but the original Bulgars lost their identity and accommodated the language of the people they once conquered. Equally, the Serbs and Croats – originally Alans and thereby Iranian nomadic tribes – became Slavonic as they moved deeper into Central and later into Southern Europe (Ascherson, 1995: 242); and the Franks adopted the language of the Romanized Celts whom they conquered. On the other hand, however, most of the people from Asia Minor accommodated the language of their Turkish overlords. It can go either way.

Divergences

The processes of negotiation and warfare share many characteristics and ways to handle risky matters. Their objective is often identical, but the tools that they use are very different. It is time to turn to the differences between negotiation and violence in order to be able to conclude about the questions: how are they connected and to what extent can we see them as being identical or at least complementary? Differences between warfare and negotiation already came to the fore in the paragraphs on commonality, in which common characteristics were stressed, as expressed in the use of strategies for example. Yet there are also differences, and the final question will be to decide whether these disparities

should be seen as being more important to our understanding of the two phenomena than the elements that they share.

There are differences in the behaviour of actors, the character of their needs, the implementation of available tools and the consequences of the outcomes. Concerning the behaviour of actors, the obvious differences between soldiers and diplomats come to the fore (Sjöstedt, 2003). While discipline and flexibility are important for professionals from both strata, it is clear that discipline is of more importance for military people than diplomatic staff, and flexibility for diplomats. Their tools are, of course, completely different. For military officers, technology dominates the scene. Without knowledge of – and insight in – advanced weapons technology, the armed forces cannot be effective. This goes along with the soldier's dependence on material tools for defensive and offensive purposes. The inter-state negotiator will also lean on high-tech tools, but his or her main modes are the spoken and written language, networking, analysis of behaviour or other negotiators, cultural and character understanding, skilful use of procedures and processes, in-depth knowledge and understanding of the balance of interest, and – more than with soldiers – political empathy. For the negotiator, immaterial needs are of more importance, while for soldiers material support is vital. This is, of course, a bold statement, as morale is vital for warriors while diplomats in multilateral conferences cannot do without language equipment. Still, warriors are more vulnerable without technological means, and diplomats are more helpless if the political and bureaucratic climate is working against them. The military seems to be more dependent on hardware, while diplomacy is by nature more a matter of software – software of the human mind. Negotiation is human interaction and bridge-building, while warfare is human struggle and bridge-blowing.

As military men and women need more hardware than civil men and women who have to solve problems in a non-violent way, the costs of military action are clearly far higher than those of diplomacy. As civil society will have to pay for the costs of military action, the burden on mankind is much more substantial than the expenses to be made for diplomatic action. However, this does not mean that it is easier to get money for peaceful means, including war prevention and peace-building, than for military devices. The process of collecting money for the build-up of strong forces is much smoother than that of collecting money for conflict prevention and peace-building.

A lost military battle is a more serious issue than a lost diplomatic battle. The threat to survival is more serious with a lost military battle, and therefore the willingness to invest more heavily. We can even see this in the fight against terrorism. Terrorist activities are, of course, a major threat to nation-states, but in comparison to large-scale conventional and nuclear threats, terrorism is still perceived as less damaging to the survival of state structures, so less money is therefore allotted to those units fighting terrorism. This also has to do with the fact that conventional and nuclear means are more costly than the weapons needed to fight insurgents, but the fact remains that less energy seems to be needed to collect money for regular arms build-up than for means to ward off terror. This might change over time, but we cannot expect an easy race for diplomacy here. One should add that this issue is linked to overall power: if you have a hammer, you are inclined to see your problem as a nail; if you have a carrot, you will define your problem as a rabbit. Your tool defines your action.

Military action and diplomatic overtures are dramatically different in their consequences. It is obvious that a successful military campaign assures more control over the other party in the short run, while a positive negotiation outcome does not assure too much as far as the probability of implementation is concerned. But how should we diagnose the mid- and long-term consequences? They are different as well, but are perhaps more to the advantage of diplomacy than to the military. A lost war creates huge risks of enormous collective remembrance, but this is much less so if a negotiation's outcome is more favourable to the opponent than to one's own country. The first is more traumatic than the other and will therefore throw a shadow over future relationships. One might postulate that an outcome by military means assures short-term security but long-term insecurity, while in diplomacy a victory through negotiation will not result in much short-term stability, but will probably assure a more stable relationship over the years to come. A crisis can be handled effectively and immediately through the use of force, but the risk of a renewed crisis emerging on the same issue is enormous.

Diplomatic means are often insufficient in handling serious crises, but it is possible that the crisis will no longer arise after agreement has been reached, or the risk of flaring up will be less (Bercovitch, 2011). This might be true for present times, when technological tools create much more destruction – and often a more equal power balance on the ground – than in the past. As war was less destructive in the past – in general at least – and nations and societies were less rooted in their own identity, problems could be solved by war without having the boomerang effects that we see today. There are many unresolved conflicts from the past lingering on today, but not – with some notable exceptions – in a violent way. In sum, the decision to use military or diplomatic means has grave future consequences, but the choice to use either one will shape the future in completely different ways. Military and diplomatic tools can, of course, also be used in concurrence and in one way or another they are often not to be separated, like Siamese twins with different characters and therefore different consequences.

Synergies

Negotiation and the use of force often in practice go together, run parallel, or interchange. Wars might start after diplomatic negotiations have failed, or diplomacy steps in after one military force has been more successful than the other – or has failed to achieve its goals and therefore negotiations have to break the stalemate. It is clear that in negotiations after the defeat of one of the parties, the victor will most of the time follow a dominant negotiation strategy, while the other side has to accommodate. In that sense, we can ask the question of to what extent these negotiations can really be labelled as such. If a negotiation process is a voluntary exchange between more or less autonomous parties, how can we use the label of 'bargaining' for a situation with an extreme asymmetrical balance of power? Perhaps this should instead be seen as a dictate, as the Germans – or at least Adolf Hitler – perceived the Versailles conference to be after Germany's First World War defeat.

These kinds of negotiation will not easily lead to a truly peaceful situation. They anyway require extra measures to be taken. The victor should avoid taking measures that are too draconic and should as well create conditions that will foster peaceful development in

the foreseeable future. The mistakes of the post-First World War negotiations were not repeated after the Second, which was concluded with a conciliatory peace settlement, but it almost 50 years after the end of the war, in 1990 with the Treaty on the Final Settlement with Respect to Germany. Justice must be done, but this is easier said than done. The crooks are not ready to conclude peace if they know that justice will be done at their expense. Still, for reconciliation purposes (Anstey, 2011: 24–29; Anstey and Rosoux, 2011: 31–33), ‘some’ justice should indeed be done, but the victims of this are often those who played a relatively minor role in any atrocities. The leaders, those who held final responsibility for the conflict, find – and are often offered – their way to safe havens before it is too late. Peace and justice alone are not sufficient, however, and should be followed with long-term cooperation. A common project for the future (as with the Arab League, or European Union) will take the problems to another level, thereby solving – or at least diluting – them. Negotiations rolling out of an undecided war have a much more balanced character than those where victors and victims are sitting around the table, although the skilful way in which Talleyrand operated on the behalf of the defeated France during the Vienna Conference of 1814–1815 clearly showed that circumstances can sometimes be changed by skilled and effective negotiators.

Besides negotiations being used in pre- and post-war situations, there are processes of conflict management in which negotiation and warfare are used as parallel tools, where they go hand-in-hand. There will not always, of course, be equilibrium. During this process, war or negotiation might be dominant according to the developments at hand, changing parties’ positions and strengths, and shifts in interests and emotions. Emotions will play a decisive part in this. Atrocities can lead to an abrupt end of hostilities and the upgrading of negotiations as parallel to the war theatre. It is often supposed that outbreaks of war will put a hold on negotiation processes, but this is doubtful. Parties always have need for communication, be it over temporary cease-fires like on the Western Front during the First World War, exchange of prisoners, or attempts to put an end to the fighting when both sides suffer serious losses. Havoc can inspire new talks. These negotiations will not be visible, but will go through ‘back channels’. Back-channel negotiations can be extremely helpful in restraining the warring parties, and in devising formulas for the future. Just as negotiations can be pushed forward by the threat or use of force, they can also be disrupted by this. The risk exists, however, that spoilers might discover the back-channel talks and publicize them, thereby derailing the process (Wannis-St John, 2006).

There are many examples of ‘coercive diplomacy’ pushing the negotiation process in a positive direction, although the question can again be asked of to what extent these talks can still be seen as genuine bargaining. We have many examples of fruitful negotiation processes being destroyed by violent acts, which are often aimed at the destruction of the peaceful attempts to end the crisis. For example, implementation of the Oslo peace process in the first half of the 1990s has been eradicated by the violence of extremists who did not want the moderates to be successful. As a case in point, Israeli Prime Minister Yitzak Rabin was killed by one of his own countrymen. The downward spiral initiated by this destructive behaviour could hardly be bent in a positive direction, and indeed this has not yet been the case. The problem is that violated trust is even more difficult to handle than lack of trust, which is a problem that we often face within the negotiation process,

where violation of trust creates an atmosphere of more severe distrust than before the start of negotiations, as people's positive emotions relapse into negative ones.

In the case of the Oslo peace process, one of the main problems was the inability of the parties to sell the outcome to their populations. The political leaders took the risk of signing an agreement, while they could not be sure of its implementation. One notices the same development in South Caucasus since the successful negotiations between the governments of Azerbaijan and Armenia on the Nagorno-Karabakh issue in the first half of the 1990s. (Then) Defence Minister Vazgen Sargysyan took the risk of settling the issues with Azerbaijan, but was later shot and killed when prime minister in the Armenian Parliament in 1999, while Armenia's first President Levon Ter-Petrosyan had to resign in 1998 in favour of one of the staunch opponents against the deal: the 'President' of Nagorno-Karabakh, Robert Kocharyan, who then became the president of Armenia, ending the peace process, and the Minsk group is still unsuccessful in its attempts to repair the 'crisis'. Is this a crisis, or is it non-peaceful coexistence? The term 'smouldering crisis' seems to be appropriate here. The negotiations continue without any visible process, while the Azerbaijanis can one day use their oil revenues to reopen the war that 'ended' over twelve years ago, incidents left aside. However, it is to be hoped that Azerbaijan will refrain from doing so, as it has been quite clear since the Georgian-Russian war that Russia will side with its Armenian ally.

It should be added here that – although public support is vital for successful negotiation – it is even more important in cases of warfare (Wijk, 2005: 257). A war that lacks public support will be shipwrecked sooner than a bargaining process.

In sum, the interaction between negotiation and warfare as parallel tools in conflict management is an uneasy one. Depending on the circumstances, the mix can be successful or disastrous. No prescription can be given, apart from a tentative one. An approach through negotiations 'supported' by the threat of viable – and if possible legitimate – warfare seems to be a more or less balanced pairing between the phenomena of negotiation and warfare. Abiding by international law and the legitimate use of force – for example, sanctioned by a UN Security Council mandate – is of utmost importance in avoiding a never-ending collective remembrance by the losing party, and negotiations will also have to play their part in preparing for 'just' warfare. This combination of negotiating and trying to work within international law is not always successful, as we saw in the run-up to the War in Iraq in 2003. It depends on the actors and their interests. The dilemma is that by voting against the resolution, opponents to the war could not prevent the Iraq War from breaking out, while at the same time they blocked the option of a war waged in a legitimate way.

Between warfare and negotiation we have coercive diplomacy (George, 1991). Coercive diplomacy can be seen as a tool to be used if negotiations do not work, while it is still too early to apply warfare. Coercive diplomacy can be regarded as a tool between negotiation and warfare, for it tries to prevent the risk of stand-alone negotiations and stand-alone warfare. How effective is it to threaten the other side, supposing that the victim will perceive the threats as credible? Looking at warfare, one might postulate that a threat can be a useful means in getting the enemy to surrender without a fight, as happened in the case of Denmark's surrender to Germany in the Second World War. Terror has exactly that significance: threatening the opponent, in this case by using limited but

focused force, without unleashing a full-scale war. However, by threatening the other side, surprise is gone. This could become a major obstacle to success, as the opponent can also now prepare for war.

Mediation

If negotiation does not help in managing a conflict and war looms around the corner, mediation might be the tool to prevent warfare and save the negotiation process as an instrument. With *Herding Cats*, Crocker, Hampson and Aall edited a book on mediation that acted as a milestone in mediation research (Crocker *et al.*, 2001). It gave rise to much more work, for example in the *Journal of International Negotiation*. From thereon, Jacob Bercovitch's contributions helped to further the understanding of international mediation as an instrument in international negotiation. Bercovitch's book *Theory and Practice of International Mediation* is his legacy to academics and practitioners in the field, and a very valuable one (Bercovitch, 2011). This thesis will now discuss Bercovitch's views on mediation in connection with Kyle Beardsley's book *The Mediation Dilemma*, which is a valuable extension of, and critique on, Bercovitch's writings (Beardsley, 2011). According to Beardsley, mediation is often counterproductive in the longer run. Mediation might be useful in managing a conflict in the first few years, but after about four-and-a-half years, the mediation effort loses its impact and the conflict will resurface. Beardsley argues that mediation has often put the lid on the can without solving the underlying issues. As a consequence, the recurrent conflict might be even more violent.

How to study and do research on mediation is the opening chapter of Bercovitch's book. He gives us a definition by enumerating nine characteristics of the phenomenon, describing it as an extension and continuation of peaceful conflict management. He then introduces the elements of mediation to us: the parties in conflict; the issues and their nature; identity and characteristics of the mediator – the context of it all. In doing this, he arrives at a contingency framework where context, process and outcome are linked.

In the first part of the book, Bercovitch connects context and mediation. To him, mediation is an appropriate method for dealing with international conflict, when a conflict is long, complex, or intractable, when the parties themselves proved unable to break the impasse and there is a 'mutual hurting stalemate', as well as a 'mutual enticing opportunity' for cooperation to end the cycle of conflict. In other words, Bercovitch defines mediation as a decisive factor in negotiation processes that cannot be managed by the contending parties. He then poses four questions for research: why do parties and the mediator decide to enter into mediation, who may mediate, how do the mediators behave, and what are the conditions for success? On the last issue, he does not really draw substantial conclusions. This is obviously outside his reach, which is problematic, as both practitioners and researchers will look for these conditions in order to judge whether a mediation process will be effective or worthwhile to study.

The second part of the book deals with two case studies in the context of Israeli-Palestinian peacemaking: Camp David; and Oslo. Bercovitch puts them in an interesting sequential framework and distinguishes 'antecedent', 'concurrent' and 'consequent' phases. Within that flow, he shows us the interrelationship of goals, personal factors, role factors, interactional factors, situational factors, and the outcome of the process. He then

gives the reader a prescription for the actions that the mediator should take in order to be successful. He enlightens us on at least one condition for an effective mediation process: how the third party should behave. He adds a prerequisite: 'international mediation is a form of conflict intervention that requires the prior acceptance and cooperation of the parties' (Bercovitch, 2011: 129).

The third part of the book deals with quantitative studies in mediation, starting with the question of choice between mediation and negotiation. On two different occasions, Bercovitch shows that mediation is an important means in conflict management. According to the data used, mediation comes first in something like 60 per cent of the cases of peaceful conflict resolution, in 309 conflicts between 1945 and 1995. Negotiation comes only second, in almost 40 per cent of the instances of peaceful conflict management. Although based on the same dataset, the percentages differ slightly in the tables presented to us. It is in this part that Bercovitch discusses three strategies for mediation, concluding that mediation is a diverse and complex process of social interaction, a conclusion already drawn by the reader before he or she started reading the book, presumably.

'Current Issues in Mediation Research' is the title of Part IV. Four mediation issues are dealt with: 1) internationalized ethnic conflict; 2) culture in mediation; 3) intractable international conflicts; and 4) the contribution of international mediation to the prevention of deadly conflict. On the first issue, Bercovitch proves the usefulness of mediation in dealing with ethnic conflict. On the second, he concludes that culture has a major impact on mediated negotiation processes. This is why he stresses the necessity of selecting culturally sensitive mediators. On issue three, he presents his finding that mediation has little impact in intractable conflict situations, but he does not offer a solution for the problem. On the final issue, Bercovitch recommends institutionalization of mediation, in the sense that the international community should create a mediation system like the system of international negotiation, a system that is ready to respond quickly whenever mediation is needed to prevent (more) casualties.

Kyle Beardsley's *The Mediation Dilemma* is more consistent than Bercovitch's 'reader', but at the same time it lacks its richness and helicopter view. To Beardsley, '[m]ediation is the inclusion in a peace process of a third party with mutual consent of the parties involved without binding authority or the use of violent coercion' (Beardsley, 2011: 43). The author thereby limits himself to mediation in violent conflict situations, excluding mediation in more peaceful processes such as the European Union and United Nations, etc. His main conclusion is that by solving short-term problems through mediation, long-term stability might not be accomplished. In other words, mediation will often allow conflicts to linger on, and might therefore be questioned as a tool in managing internal and external conflicts. This is quite the contrary of Bercovitch's approach.

Beardsley presents five chapters on the questions of: 'Negotiating Mediation'; the issue of accepting mediation as a tool in conflict resolution; the 'Short-Term Benefits of Mediation'; the 'Struggle for Self-Enforcing Peace'; as well as 'Mediation in Intra-state Conflicts'. The final chapter is on 'Implications, Applications and Conclusions'. Beardsley's 'Policy-Relevant Recommendations' are:

First, mediation should be used sparingly when there are major vulnerabilities to failed implementation, [...] Second, third parties should be aware of issues related

to legitimacy, [...] Third, outside actors should intervene more carefully when the disputants could benefit from using mediation for ends other than peace, [...] Fourth, potential third parties should hesitate to become involved in a peace process when coordination and implementation is likely to prove difficult [...] Fifth, the use of leverage itself is not actually a source of long-term instability; it is the attenuation over time of that leverage that increases the propensity for renegotiation (Beardsley, 2011: 183–187).

Beardsley's study has been based on an analysis of international crises since 1918. He finds that nearly half of those conflicts ended with some sort of agreement, but that 52 per cent of them recurred, while 50 per cent of the crises that did not end with an agreement also recurred. In the first ten years of the new millennium, 34 per cent of the mediated conflicts relapsed, against 21 per cent of the unmediated ones. Mediation, then, creates less stable peace. He notes the catch-22 that under the UN system, countries have an obligation to defend human security, which then might lead to more problems instead of fewer. He continues by testing his hypotheses on several inter-state cases: Jimmy Carter in the Middle East when they mediated the Camp David Accords in 1978; Carter in North Korea in the 1990s mediating the Agreed Framework; and Teddy Roosevelt at Portsmouth, mediating the end of the Russo–Japanese war of 1904–1905. He then tests the hypotheses on intra-state cases: Rwanda; Haiti; Sri Lanka; and Aceh; as well as 'Oslo' as a hybrid between intra-state and inter-state. 'Beardsley's research shows to us that in addition to considering dynamic properties in the supply side and demand side factors that produce mediation, we must also consider the dynamic properties of the conflicts they are designed to resolve' (Mitchell, 2014: 199).

While Bercovitch values mediation highly as one of the few tools – with shortcomings for sure – to deal with conflicts in a peaceful manner, Beardsley modifies this statement by proving that mediation is useful in the short run, but often contra-productive in the long term. Beardsley concludes with five recommendations for policy-makers: (1) use it sparingly; (2) be aware of issues related to legitimacy; and (3) of disputants using the mediation efforts to prolong the conflict; (4) coordinated implementation must be feasible; and (5) attenuation of leverage over time might increase the propensity for renegotiation.

In conclusion, the two books help us to get to grips with the positive and negative consequences of mediated negotiations. While mediation is often an international obligation, it does not always help to solve the problems at hand; it might even be counter-productive. As the Buddhists say, not acting is sometimes more effective than taking action. This seems to be valuable advice to the political systems of our world, foremost to the most powerful on Earth.

On multi-party mediation, Sinisa Vukovic's doctoral dissertation *Analysis of Multiparty Mediation Processes* discusses cooperation and coordination, exogenous geopolitical shifts, changes in conflict dynamics, the way to negotiate for cooperation, the strategic interests involved and their legitimacy, and achievement of coordination (Vukovic, 2013). He launches a game-theoretical model (Vukovic, 2013: 57), which is essentially a prisoner's dilemma. Vukovic's study concurs (Vukovic, 2013: 10) with William Zartman's hypothesis that 'if a number of conciliators are available to the parties themselves and if a number of friends of the conflicting parties can coordinate their good office and pressure,

the chances of success are improved' (Zartman, 1989: 276). This does not mean, however, that we know to what extent multi-party mediation will soften the Kyle Beardsley's conclusions of mediation as a tool in actually solving conflicts, instead of postponing a renewed outbreak.

In Conclusion

As analyzed in this chapter, negotiation and warfare are intimately linked. They are meant to diminish the chance of unnecessarily yielding to the other side, they share a common goal and use the same strategies, but their tools are completely different. Words and regimes are negotiation's methods; violence and technology are warfare's instruments. Diplomacy is based on software; military is dependent on hardware. Their actors will therefore have to be of a different character. Creativity is important for diplomatic negotiators; discipline is vital for military officers. This does not mean that diplomats do not need hardware and discipline at all, or that military men or women can do without software and creativity. All of these skills will have to be applied, but the emphasis is different. Negotiation and warfare are closely connected, run parallel, or interchange constantly. Negotiation can often fail without the threat of war, and wars cannot be concluded without follow-up negotiations.

On the basis of common aims, common strategies and close connectedness, we could reach the conclusion that negotiation is indeed warfare by other means and vice versa. The question is about in which conflict phase we are. In practically all circumstances, warfare will be followed by negotiation, and therefore this particular bargaining is bullying by other means. Negotiations will almost always preclude warfare, and in those cases war is wheeling and dealing by other means. Of course, both will often run in parallel: negotiations will take place during violent conflicts; while skirmishes often happen when serious peace talks are occurring. It is important to analyze the strategies used in warlike situations. According to James Ray, "bullying" strategies led to war in almost two-thirds of the crises (researched in recent history) [...] while reciprocating strategies achieved either diplomatic victory or a compromise nearly two-thirds of the time' (Ray, 1998: 147).

Using threat and force might help to manage a problem in the short term, but bargaining is the best tool for long-term problem-solving. By using force, you risk violence being used against you, but by only using words, you might give the other party time to build up strength. Conflict management can be done by using force, but negotiation is the most effective tool for conflict resolution, if the risk against doing so is perceived as being minimal. In that sense, the utility of negotiation is greater than that of warfare: to solve an inter-state conflict through violence is virtually impossible; to do so through international negotiation is very probable.

Not all conflicts are ripe for negotiation, and therefore the less utile tool of warfare is often seen as the only alternative. Even then, however, diplomats should try to keep the dialogue going, to negotiate as a form of communication in order to keep the option of real give-and-take open. The sooner that enforcement can give way to mutual understanding, the more valuable the final solution will be. And if the argument against negotiation is that warfare is a more effective tool as it will create more assured outcomes than bargaining,

one might counter this by stating that war creates problems for the future because of the traumas involved. Add to that 'an undecided war creates a feeble peace' (Teitler, 2002: 59) and the conclusion that negotiation is more utile to politics than force comes to the forefront of one's mind.

One can brush aside the notion that peace established by outright enforced victory might be established in the short run, but will fail in the long run to create a sustainable non-violent situation. There are always exceptions to these value judgements. In some cases, war is unavoidable and must be waged, but never without giving ample opportunities to negotiation processes to perform their peaceful duties for mankind's peace. Negotiation can then be a tool in conflict management or conflict resolution. In conflict management the means of conflict can be demoted from violence to politics; in conflict resolution the issues between the parties will be resolved. Whether it will be management or resolution depends very much on the nature of the conflict and the phase during which negotiation enters into the conflict situation. In some cases, conflict management can be transformed into conflict resolution.

Can negotiation cope with conflicts in an efficient and effective way? Kalevi Holsti identifies eight major prerequisites for peace: the negotiations should effectively deal with problems of governance; legitimacy; assimilation; deterrence; conflict resolution; war; peaceful change; and issues concerning the future (Holsti, 1991). Did the famous peace treaties tackle these issues? Holsti analyzed five major international negotiations as turning points in recent European history: Westphalia (seventeenth century); Utrecht (eighteenth century); Vienna (nineteenth century); Versailles (twentieth century); and the proclamation of the United Nations in San Francisco (twentieth century). Westphalia only coped with half of the conditions for enduring peace; Utrecht with one-quarter; Vienna and San Francisco with a slight majority of the prerequisites; and Versailles with only a minority of them. Holsti therefore identified Utrecht and Versailles as ineffective peace negotiations, and Vienna and San Francisco as successful regime-building attempts.

In other words, while Utrecht and Versailles were backward-looking outcomes, Vienna and San Francisco were forward-looking conferences. Westphalia then takes a balanced position, producing a forward- and backward-looking mix (Meerts, 2005b). This list does not suggest a substantial evolution in diplomatic negotiation becoming a viable alternative to warfare as centuries pass. However, Holsti does not include the 1949 Treaty of Washington and the 1957 Treaty of Rome in his overview. These treaties, which gave birth to NATO and the EU (ultimately), created strong regimes that in turn secured more substantial outcomes than previous negotiations could assure. According to Schelling, eight characteristics of negotiation processes will stimulate substantive outcomes (Schelling, 1963: 28–35). First, the use of bargaining agents; then the reputation of the bargaining parties; precedents to which to refer; continuity of the process; simultaneous bargaining; options for compensation; the mechanics of the process; and its principles and commitments. All these factors are part and parcel of modern bargaining in the stronger regimes of our times. We therefore dare to conclude here that the negotiation process of the twenty-first century is gaining strength as an alternative to warfare, but this does not preclude warfare from happening.

War between countries seems to be diminishing. 'Violence has declined over long stretches of time, and today we may be living in the most peaceable era of our species'

existence' (Pinker, 2011: xxi). The Conflict Barometer 2012 of the Heidelberg Institute for International Conflict Research (Conflict Barometer, 2012: 2–3) observes that inter-state conflicts remained at the same level on average from 1945 until 2012. This was not the case for intra-state conflicts, which went up from around five to over 40 in 2010. Is the decline of inter-state violence the consequence of negotiation? We cannot be sure about this, but there might be some indication that this is indeed the case. 'In the new millennium, the number of conflicts ending in victory has declined, while the number ending in negotiated settlements has increased' (Mack *et al.*, 2007: 35). For example, while sixteen wars came to closure in the 1950s through the victory of one of the sides, only nine were dealt with through negotiation. Meanwhile, in the 1960s the balance was 23 to eleven; in the 1970s, 22 to thirteen; and in the 1980s, twenty versus eight. Then, in the 1990s, the balance switched in favour of negotiation: 23 to 41; while in the first five years of the new millennium, it was five to seventeen. In total, from 1950–2005 there were 104 conflicts settled through victories and 82 through negotiation (Mack *et al.*, 2007: 35). While more wars are ending through negotiation, the number of multilateral negotiations has been exploding: 'In the middle of the nineteenth century there were about three international conferences annually; today more than three thousand (Holsti, 2004: 191).

Nevertheless, one has to be cautious about linking the diminishing frequency of conflict to the frequency of international conferences. Jan Geert Siccama states that 'If wars are time-dependent, and earlier wars can be considered a cause of later wars, previous peace conferences may also determine the outbreak of subsequent wars (and the success of later peace settlements)' (Siccama, 1993: 125). The Paris Peace Conference of 1919 seems to be an example of such causality.

