Negotiating Conflict Transformations

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Introduction

Negotiations are too often analyzed in terms of single episodes, which conclude with an agreement or fail to do so. Usually, however, negotiation episodes between large collectivities are linked in a sequence over several years in which a conflict is transformed. In this chapter, I examine negotiations within the context of a changing relationship, considering how a series of negotiation episodes, often including agreements that are realized, are part of constructive conflict transformations.

The focus on isolated episodes of negotiations that conclude with an agreement, or fail to do so, is in some degree a consequence of thinking in terms of conflict resolution. That term was adopted in the late 1950s, with some recognition of its misleading implications (Kriesberg 2007). Members of the group at the University of Michigan who gave prominence to the term were aware of the reality that many conflicts are never "resolved." The conflict's destructive intensity may be reduced and constrained, but the conflict is not ended.

In recent decades, the term conflict transformation has come into increasing usage. Usually this refers to destructively waged conflicts changing so that they are conducted in mutually acceptable ways (Kriesberg 2008). The term conflict transformation indicates that conflicts are not static and change over time. It also suggests that they may be done in a better or a worse manner; they may be variously destructive and also variously constructive (Kriesberg and Dayton 2012).

In this chapter, after discussing the concept of conflict transformation, I examine and illustrate three major paths a series of negotiation episodes may take. Then structural matters that help account for the different courses that conflicts take are discussed. These include the context of the conflicts, the asymmetry of the relations, the qualities of the non-contentious aspects of the relationship, and past methods of waging the conflict. Finally, various conflict resolution negotiation strategies that affect reaching agreements and constructive conflict transformations are examined. The strategies include mediation, negotiation styles, representative-constituency relations, reframing of conflict, and the sequencing of agreements and their implementation.

Conflicts vary along many dimensions, and therefore, they can change along many dimensions. Some of these changes can be transformational, usually meaning the changes are major ones and the changes are regarded as improving the relations between the adversaries. Transformational conflict changes, then, are usually viewed as greatly reducing the destructiveness of a

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relationship and increasing its constructiveness. So it is often indicated by reductions in deaths, hostility, and suffering resulting in the way the adversaries contend with each other. Many other kinds of changes in the relationship of adversaries may occur, which conceptually may be independent of the transformational constructive one. For example, adversaries may move toward greater integration and interdependence or toward more autonomy and separation from each other.

Examples of Negotiation Sequences

Three kinds of negotiation sequences related to conflict transformations can be distinguished. In one kind, episodes of extended negotiations over several years fail to yield a substantial transformation in the relations between adversaries. Negotiation sequences often have yielded constructive transformations of two varieties. In one variety the transformation is limited, and it yields more congenial management of the conflict. In the other kind, the transformation is profound, resolving the major issues in contention between the adversaries. I briefly identify some examples of each kind of consequence.

Failed Transformations

Three major conflicts, identified below, have persisted for many years, in varying degrees of hostility and with varying levels of negotiations, but without enduring transformation, as yet.

US–North Korean Negotiations, 1971–2009

In 1950, the civil war in the Korean peninsula changed into a large-scale international war between the Republic of South Korea and the Democratic People's Republic of Korea (DPRK), joined by the United States and the People's Republic of China (PRC). The war ended in a stalemate close along the earlier dividing line between the two Koreas. Two years of tough negotiations yielded a cease-fire in 1953, but no peace treaty.

Finally, in conjunction with President Richard M. Nixon's opening of diplomatic relations with China in 1971, secret, direct conversations between the leadership of South and North Korea began (Oberdorfer and Carlin 2014). They agreed to take measures to avoid military incidents between them and to oppose external interference in their domestic affairs. Public meetings and exchanges followed, which were beneficial to the authoritarian leaders, Kim Il Sung of DPRK and Park Chung Hee of ROK. However, no substantial negotiations to improve relations between the two Koreas were held.

With the expanding of relations between the PRC and the United States, there were a few exploratory conversations in the 1970s and 1980s about improving relations between North Korea and the United States. I focus on the negotiations between the United States and North Korea beginning in the 1990s, relating to the development of nuclear weapons in North Korea. The US government had become deeply concerned about this program and sought United Nations approval for strong economic sanctions (Sigal 1998). By June 1994, US plans to attack North Korea's nuclear facilities were being prepared. This was averted by former President Jimmy Carter's visit to North Korea when he persuaded Kim Il Sung to dismantle its graphite nuclear reactors under certain conditions. The US and North Korean governments then conducted negotiations leading to the 1994 Agreed Framework, according to which North Korea would roll back its nuclear arms program and the United States would gradually normalize relations, help replace the graphite reactors with two light water nuclear reactors, and supply heavy fuel oil on an interim basis.

Implementation of the agreement, however, did not occur on schedule and each side became suspicious of the other. In 1998 North Korea launched a medium-range missile over Japanese territory, which further undermined the agreement. Nevertheless, Clinton took steps that resulted in agreements that resolved some issues in contention. Benefits were promised, critically offering to improve relations. That would follow from agreements about supervising nuclear activities and ending destabilizing missile

development programs (Albright 2003: pp. 459–470) (Cumings, Abrahamian et al. 2004: pp. 52–54). In addition, Kim Dae-jung, president of North Korea, had already begun his sunshine policy, trying to warm relations with North Korea. In June 2000 he was welcomed in Pyongyang by the North Korean president, Kim Jong-il, which was followed by family visits across the previously closed border. In October 2000, Vice Marshall Jo Myong Rok, the second highest military figure in North Korea, was sent to Washington conveying from Kim Jong-il's an invitation for Clinton to come to Pyongyang. He also conveyed constructive proposals relating to the missile programs.

The progress toward improving relations between the United States and North Korea was abruptly broken off when George W. Bush became president. In Bush's first State of the Union address, in January 2002, he spoke of an Axis of Evil, referring to Iraq, Iran, and North Korea. Nevertheless, some negotiations did occur, but agreements were not reached. Sanctions against North Korea remained, and North Korea continued to develop its nuclear weapons capabilities. The United States did not offer any benefits to North Korea for ending its nuclear programs. As was said by neocons in the Bush administration, "We don't reward bad behavior" (Oberdorfer and Carlin 2014: p. 377). Negotiations thus largely consisted of the United States stating requirements that North Korea should meet, while North Korea continued its nuclear weapons program, including testing missiles.

Israeli–Palestinian Oslo Peace Process, 1992–2001

Starting in December 1992, officials of the Palestine Liberation Organization (PLO) met secretly, near Oslo, initially with Israeli academics. Officials negotiated a Declaration of Principles (DOP), which was signed in Washington, DC, in September 1993 (Quandt 2005; Watkins and Lundberg 1998). This signified a major change: mutual recognition. The DOP spelled out a framework for an interim period not to exceed five years in which progress toward peace would move step by step to build mutual confidence.

Clinton set out to assist the Israeli and PLO leadership in implementing what came to be called the Oslo peace process. Initial moves seemed auspicious. In September 1995, Israeli–Palestinian negotiations led by Prime Minister Rabin and Chairman of the PLO Arafat produced the Interim Accord that established the Palestinian Authority (PA). It set forth how and when the redeployment of Israeli military forces and the transfer of Israeli control in the West Bank and Gaza to the PA would be implemented.

The peace process, however, was opposed by some Palestinians and by some Israeli Jews, and a few extremists took violent actions to stop the progress. Most significantly, on the Israeli side, on November 4, 1995, Yitzhak Rabin was assassinated by Yigal Amir, an Israeli law student and right-wing extremist who opposed the Rabin-led peace accords with the Palestinians. Shimon Peres, who succeeded Rabin as prime minister, undertook to fulfill the policies Rabin had begun. He also sought to demonstrate his toughness in dealing with terror attacks. But this did not go smoothly and terror attacks increased.

In the May 1996 Israeli elections, Netanyahu and the Likud Party defeated Peres and the Labor Party. The new Likud-led coalition government greatly slowed the peace process by failing to implement the agreement the Israeli government had reached to withdraw Israeli security forces from Hebron. By the fall of 1998, Clinton was sufficiently frustrated by the many months of deadlocked negotiations to try a summit conference. The conference was held near Wye River, Maryland, mediated by Clinton and others in his administration. Netanyahu and his Defense Minister Ariel Sharon were there for Israel and Arafat for the PA. With difficulty, a new agreement was salvaged by October 23. It was to implement the modified Interim Agreement of September 28, 1995. However, no substantive progress was actually made. The failures of interim measures contributed to reasoning in the United States and in Israel that a shift to comprehensive final status negotiations might be more productive.

Ehud Barak won a landslide victory in the Israeli elections in May 1999, based on the promise to move to comprehensive peace negotiations. To the consternation of the Palestinians, however, Barak brusquely announced that implementation of the Wye agreement would become part of those negotiations (Sher 2006). This tough negotiating policy is generally not how to overcome mistrust from one's negotiating counterpart. Nevertheless, Barak won Clinton's agreement and ultimately Arafat's acquiescence to a summit meeting (Albright 2003: 484). The meeting began on July 11, 2000 at Camp David. Israel made significant concessions, contingent on Palestinian concessions, but no agreement was found and after two weeks Camp David II ended. There were some continued negotiations, but violence erupted following the visit to the Temple Mount/Haram al-Sharif area, on September 28, 2000 by Ariel Sharon, who was accompanied by Israeli police. The police shot at protesters and large-scale protests the next day produced a rapid escalation of violence. A violent Intifada erupted and the Israeli tried to suppress it with violence.

On December 9, 2000, Barak announced his resignation as prime minister and, in accord with electoral rules, remained in office until he faced elections in February. Some negotiations even continued into January 2001, but no agreements were reached. Barak was overwhelmingly defeated by Ariel Sharon and the Likud Party in the February 6, 2001 elections. The Oslo peace process was over.

US–Iranian conflict 1993–2014

US–Iranian relations were highly antagonistic after the 1979 Iranian Islamic Revolution and the Iranian seizure of the US Embassy in 1979, fueled by memories of the 1953 US actions to oust Iran's prime minister, Mohammad Mossadegh. When Bill Clinton became president in 1993, several specific issues were the focus of US hostility toward Iran. These issues included Iran's aid to Lebanon's Hezbollah, which had attacked Americans in the 1980s, and its apparent pursuit of a nuclear weapons capability. In 1995, the US government increased actions against Iran, including banning all trade and investment with Iran (Crist 2012). Then in December Congress passed legislation incorporating $20 million for CIA operations against Iran. Covert and overt exchanges of retaliatory actions were underway between the US and the Iranian governments.

A spike in the tension occurred in June 1996, when the US Air Force facility in Khobar, Saudi Arabia, was destroyed by a truck bomb. Some evidence implicated a group with close links to Iran's Revolutionary Guards, but the intelligence was unclear about the involvement of Iran's senior leadership. Clinton considered a massive military retaliation but recognized that could escalate destructively quickly (Clarke 2004: pp. 119–121). Instead, a measured response was made, coupled with communications with the adversary. The White House warned Iran not to commit further attacks. In addition, American installations in the Gulf region were hardened and US warplanes were deployed to an air base in the Saudi desert. Iran never acknowledged its role in Khobar, but terror attacks were stopped and the organization thought to have perpetrated the Khobar bombing was dismantled.

Clinton was reelected in November 1996 and a rethinking of Iranian relations appeared possible (Albright 2003: p. 319). American–Iranian relations actually began to be transformed following the Iranian presidential elections, in August 1997, which a reformist Islamic cleric, Sayyid Mohammad Khatami, won. He soon indicated in a CNN interview that he sought a new relationship with the United States and wanted to bring down the "wall of mistrust" with the American people (Talwar 2001). Official US efforts to engage the Islamic Republic followed. Clinton sent several public messages conveying his interest in improving people-to-people relations and expressing his appreciation for Iranian culture (Crist 2012: pp. 409–411). Clinton wanted direct diplomatic relations with Tehran and made efforts to that end. For example, in October 1997, the administration sent a message by way of the Swiss Embassy in Tehran, inviting Iranian officials to meet with high-level US officials. But Iran did not respond positively. In May 1998 Vice President Al Gore asked Crown

Prince Abdullah to arrange meetings between American and Iranian government officials. Again the Iranians deferred and asked for people-to-people dialogue before official talks started. Iranian officials, however, did interact directly with US officials in multilateral settings. The most active discussions were at the UN, pertaining to Afghanistan and the Taliban, since Shiite Iran had its own differences with the Sunni Taliban controlling Afghanistan.

In March 2000, the US government undertook a broader effort to begin direct talks. Albright publicly expressed understanding Iranian resentment about past American conduct, acknowledging that in 1953, the United States played a significant role in the overthrow of Iran's popular prime minister, Mohammed Mossadegh. Albright also announced several actions including the beginning of a process to return millions of dollars in frozen Iranian assets, which had been held since 1980 after Iranian militants seized the US Embassy. The actions included lifting an import ban on several Iranian luxury goods such as pistachios and caviar and relaxing entry restrictions for Iranian scholars and athletes to visit the United States.

These American efforts failed to produce direct negotiations with Iranian officials and negotiations to resolve the differences between the two countries. Perhaps this was because Iran's supreme leader, Ayatollah Ali Khamenei, and more hard-line elements in Iran opposed such talks (Rriedel 2010). Or perhaps the intensity of hostility toward Iran in many American circles undermined the credibility of Clinton's actions. Perhaps bolder conciliatory gestures continued longer would have overcome Iranian hard-line resistance.

In any case, Clinton's term in office ended and President George W. Bush pursued a different approach toward Iran. He quickly characterized Iran as a member of the Axis of Evil along with Iraq and North Korea. Bush increased the severity of the US sanctions and demands made of the Iranian government. But this proved to be counterproductive. During this period, the Iranian government greatly enhanced its nuclear development program.

When Obama took over the White House in January 2009, he made it clear that the United States wanted a serious dialogue with Iran (Parsi 2012; Mathews 2014). That position produced international support, which enabled him to obtain broad international sanctions against Iran. The multilateral sanctions hurt the Iranian economy much more severely than had the unilateral US sanctions. Then, at the next Iranian elections, in June 2013, Hassan Rouhani ran as a moderate and won a majority against five other presidential candidates. Rouhani, a cleric and member of the ruling circle, was close to Supreme Leader Ayatollah Ali Khamenei. Serious negotiations quickly ensued.

In November 2013, Iran and the P5 + 1 group (the five permanent members of the Security Council, the United States, Russia, China, France, the United Kingdom, and Germany) announced that they had negotiated a 6-month interim agreement. Iran agreed to stop several elements of its nuclear program, eliminate its stockpile 20 % enriched uranium, and permit a very extensive inspection system. In exchange, the P5 + 1 agreed to lift about $7 billion worth of sanctions. At the time this is written, the results of the negotiations to reach a long-term agreement are not known. If a mutually agreed upon agreement is reached, it may set the tone and conditions for a relationship that is transformed from an intense conflict to a managed conflict.

Transformations to Managed Conflict

Some conflict transformations are relatively limited, changing a hostile contentious relationship into one with mutually accepted ways to manage their conflict.

US–Soviet Arms Control Negotiations, 1963–1975

After the end of World War II, negotiations among the victors, Soviet Union and the United States, United Kingdom, and France, about many issues ensued. The Soviets and the three Western powers staked out opposing positions about disarmament and waged propaganda campaigns

against each other (Myrdal 1982). After the Soviet Union developed its own nuclear weapons, there was a shift to negotiations about arms control. The idea of stopping nuclear weapons testing in the atmosphere gained expert and public support, particularly because of the health hazards of nuclear fallout. Following the widespread fears generated by the Cuban Missile Crisis, negotiations quickly succeeded in formulating a treaty to ban nuclear weapons testing in the atmosphere, signed in 1963 by the USSR, the United States, and the United Kingdom (Kriesberg 1992). Other cooperative agreements were negotiated in this little thaw.

As the technology for long-distance missiles with nuclear warheads improved, so did the dangers of the mutually assured destruction (MAD). Unofficial meetings, including US and Soviet atomic scientists, were held and various technical issues in monitoring arms control agreements and other matters were discussed, which assisted official negotiations (Pentz and Slovo 1981; Rotblat 1972). President Nixon and Henry Kissinger, in trying to end the US involvement in the war in Vietnam, thought that isolating North Vietnam from China and the Soviet Union would make North Vietnam willing to settle on terms the United States could accept and claim victory. So they opened relations with China and sought to move closer to each, as they contended against each other.

During the 1970s, several treaties were signed by the United States and the USSR, sometimes with other signatories, marking what was called *détente*. The treaties included bans or limits on seabed weapons, antiballistic missiles, strategic nuclear weapons, biological weapons, and testing of nuclear weapons. In addition, there were trade agreements and cultural exchange agreements. This Conference on Security and Cooperation in Europe (CSCE) and the resulting Helsinki Accords, completed in 1975, made particularly profound contributions to the transformation of American–Soviet relations (Thomas 2001). Among other elements in the Helsinki Accords, two are especially important. The westward shift in borders and the division of Germany were recognized and not to be changed by unilateral actions, providing important reassurance to the Soviet and Eastern European countries. The other element was the recognition of basic human rights of expression and movement, which prompted the formation of civil society organizations in many countries of Eastern Europe and in the USSR. This case of transformed conflict management was to contribute to the fundamental ending of the Cold War, as discussed later in this chapter.

Israel–Egypt, 1973–1979

The 1967 war between Israel and its Arab neighbors, Egypt, Syria, and Jordan, ended with the Israeli occupation of the Syrian Golan Heights; the West Bank and East Jerusalem, annexed by Jordan; and the Sinai up to the Suez Canal which was Egyptian. In September 1970, Abdel Nasser, president of Egypt, died and Anwar al-Sadat succeeded him as president. Sadat lessened Egypt's ties with the USSR, believing that improving relations with the United States would better serve Egypt's domestic and international goals (Kriesberg and Klein 1987). He sought to open negotiations with Israel to regain some of the Sinai and reopen the Suez Canal. When the Israeli government did not respond to enter negotiations, Egypt and Syria attacked Israel on October 6, 1973. Egyptian military forces crossed the Suez Canal and advanced into the Sinai Peninsula, driving back the Israeli forces, which had been surprised by the attacks. However, the Israeli forces regained the initiative and soon advanced, almost encircling the major portion of the Egyptian forces. At that point, the United States and the USSR interceded in the UN to end the fighting on October 25, 1973. Subsequently, a cease-fire agreement between Egypt and Israel was negotiated and was signed formally on November 11, 1973, being the first agreement between Israel and any Arab country since the 1949 armistice agreements.

In December 1973, the United States and the USSR organized a Peace Conference in Geneva, inviting Israel, Syria, Jordan, and Egypt. However, the conference ended on January 9, 1974 because Syria refused to participate and also because the PLO was not invited. US

Secretary of State Kissinger undertook to mediate between Israel and each of the opposing Arab states. I focus here on Israeli–Egyptian relations as Kissinger took his step-by-step path. The first agreement, signed by Israel and Egypt on January 18, 1974, entailed the separation of the entangled Egyptian and Israeli military forces. Israel also agreed to pull back its forces from areas west of the Suez Canal where the security zones for Egypt, UN, and Israel were created.

Although Israel gave over 12–13 miles of the eastern bank of the canal, it still occupied the rest of Sinai. Kissinger undertook another Egyptian–Israeli mediation and the second Sinai disengagement agreement was signed in Geneva on September 4, 1975. This agreement led Israel to withdraw from another 12–26 miles and a new buffer zone for the UN was created at the vacated area. These agreements had mutual benefits and were well implemented on schedule.

When Jimmy Carter took office as president in January 1977, he gave considerable attention to the Arab–Israeli conflict and decided to seek a comprehensive solution to the conflict. There were a variety of exploratory meetings, but a broad peace conference was not coming together. Sadat believed that such a conference could not succeed and decided to make a grand gesture and create a psychological breakthrough. He expressed his readiness to go to Israeli-controlled Jerusalem. Menachem Begin, prime minister of Israel and leader of the Likud Party, invited him to speak to the Israeli Knesset. On November 19, 1977, Sadat flew to Israel and spoke to the Knesset the next day.

Direct Egyptian–Israeli negotiations that followed, however, soon became stalemated. Carter then invited Israeli and Egyptian leaders to negotiations at Camp David. The two parties did not conduct direct negotiations. Rather, Carter and the mediation team shuttled between the two sides, with a draft agreement that was repeatedly modified in response to criticisms from each side. In this process, a single negotiating text is presented and each side is asked to accept the plan as a whole (Fisher 1981). After thirteen days, agreement was reached on two framework accords, which were signed on September 17, 1978, at the White House. One was *A Framework for the Conclusion of a Peace Treaty between Egypt and Israel*, which led directly to the 1979 Egypt–Israel Peace Treaty. The other accord, *A Framework for Peace in the Middle East*, was concerned with the Palestinian territories, but this was rejected by the PLO and the other Arab governments. Indeed, Egypt was ostracized by the Arab world for breaking Arab unity. Nevertheless, the terms of the Egyptian–Israeli Peace Treaty were speedily implemented and sustained. The result has been stabilized security arrangements, but otherwise a cold peace.

Fundamental Transformation of Relations

Some highly conflicting relations can and are fundamentally transformed, with mutual recognition of the benefits of the change. Such transformations are often aided by long negotiation sequences. Three such profound transformations are noted here: the ending of Apartheid in South Africa, of enmity between France and Germany, and of the Cold War between the United States and the USSR.

Ending Apartheid, 1984–1994

The imposition of apartheid policies in South Africa in 1948 after the election victory of the National Party immediately faced resistance. The African National Congress (ANC) struggle against apartheid began nonviolently, but following deadly violence against demonstrators, Nelson Mandela and some other ANC leaders announced they would resort to armed struggle. In 1964, they were tried, found guilty, and sentenced to life imprisonment for this decision. At the trial, Mandela made it clear that the armed struggle would not commit acts of terrorism or wage guerilla warfare, but would conduct sabotage (Mandela 1994). Their goal was a negotiated end of Apartheid and all South African adults having a vote. Strikes and other nonviolent actions were conducted within South Africa and the country was subjected to various international sanctions.

In 1984, unofficial meetings were held between ANC leaders and groups of leading Afrikaners in

Lusaka, Zambia. Soon, changes in Afrikaner policies occurred: in 1985 the prohibition of marriages between whites and others was repealed and in 1986 the law requiring blacks to carry identifying pass books was repealed and the Dutch Reformed Church resolved that forced racial separation could not be considered a biblical imperative. In August 1989 Frederik Willem de Klerk was elected president of South Africa and in February 1990 Nelson Mandela was unconditionally released from prison.

Official negotiations began with a meeting between the ANC and the South African government in May 1990, resulting in a commitment to remove practical obstacles to negotiation including the release of political prisoners. Comprehensive negotiations began with a multiparty meeting, the Convention for a Democratic South Africa (CODESA). Nineteen organizations participated in the first meetings, in December 1991; some Afrikaners and some black African organizations chose not to participate. It lasted a few days, and working groups were appointed to deal with specific issues. In May 1992, CODESA resumed meetings, but in June a massacre by mainly Zulu hostel dwellers killed 46 residents of Boipatong. Mandela accused de Klerk's government of complicity in the attack and withdrew the ANC from the negotiations, ending CODESA II. The ANC moved to street actions, but that was met by further violence.

After CODESA II, collapsed, negotiations continued bilaterally between the ANC and the NP. The key negotiators were Cyril Ramaphosa of the ANC and Roelf Meyer of the NP.

In the major disagreement, de Klerk's government sought a two-phase transition with an appointed transitional government with a rotating presidency. The ANC insisted on a single transition stage to majority rule. The breakthrough arrangement was for a coalition government for the 5 years following a democratic election and many guarantees and concessions to all sides. On September 26, 1992, the government and the ANC agreed on a *Record of Understanding*, which dealt with a constitutional assembly, an interim government, and political prisoners. It also restarted the negotiation process in the Multiparty Negotiating Forum (MPNF), which had a broader range of participants than had CODESA. The two main negotiating parties, the ANC and the NP, agreed to reach bilateral agreement on issues before taking them to the other parties in the forum. Some difficulties continued. On April 10, 1993, Chris Hani, a senior ANC leader, was assassinated by a white right-winger. As discussed later, this was handled so that progress strengthened. More substantially threatening to the process of transformation, Mangosuthu Buthelezi, leader of the mainly Zulu Inkatha Freedom Party (IFP), withdrew from the MPNF and remained out of the negotiations.

Despite all the obstacles, elections were held on schedule. On May 2, 1994, the ANC won a large electoral victory and on May 9 the newly elected parliament chose Mandela to be the first president of postapartheid South Africa.

Germany, France, and the European Union, 1951–1963

After generations of intense enmity between France and Germany, after the horrors of World War II, a remarkable transformation in their relationship occurred. A major contributor to that transformation was the negotiated agreements and institutions that led to the actual European Union. The major initial institution in that movement was the 1951 treaty establishing the European Coal and Steel Community (ECSC). It was ingeniously designed to balance the disparate concerns of the participating countries and to foster transnational ties that would bind coal and steel managers, coal and steel workers, and coal and steel consumers together across national borders (Haas 1958). National concerns differed. Thus, on the one hand, France and its Western allies wanted West Germany to rebuild its coal and steel industries for its well-being and to strengthen the West against the Soviet Union. On the other hand, they feared a too-strong, independent West Germany. West German leaders wanted Germany to be treated as an equal, normal friend of the West.

The ECSC answered these somewhat contradictory needs by creating a supranational institution consisting of six countries: France, West Germany, Italy, Belgium, the Netherlands, and

Luxembourg. The ECSC structure consisted of a High Authority, an Assembly, a Council of Ministers, and a Court of Justice. Significantly it also had a Consultative Committee, equally divided between employers, workers, consumers, and dealers in the coal and steel sectors. Members of the Consultative Committee were selected by trade unions, industry associations, and other civic organizations. This fostered transnational bonds and provided access for workers and consumers at the transnational level that they lacked at the national level, creating a vested interest in supranational structures (Kriesberg 1960).

Despite the achievement of the ECSC, the next attempt to bolster European identity and new European institutions failed. The idea of a European Defense Community (EDC) was originally proposed in 1950 and a treaty to establish it was signed in May 1952. However, issues about German rearmament, lines of command, and inclusion of the United Kingdom resulted in the failure of the French National Assembly to ratify the treaty. The external conditions and the design of the institution did not suffice to overcome nationalist sentiments.

In 1956 the Suez war between the United Kingdom, France, and Israel on one side and Egypt on the other produced gas shortages in Europe. This spurred the next steps in building unified Europe. In 1957 the Treaties of Rome established two, similar communities creating a common market (European Economic Community) and promoting atomic energy cooperation (Euratom). The membership and functions of European institutions gradually grew. In 1992, the Treaty of Maastricht was signed by representatives from the 12 member states of the European Communities and the European Union was established. The economic integration of Europe was tight and the German–French relationship was very close.

USA–Soviet Union, End of Cold War, 1983–1989

Important hanges in the Cold War began in 1983 (Garthoff 1994; Oberdorfer 1998). At first, tensions spiked between Soviet and US leaders. On March 8, 1983, in a highly publicized speech, Reagan called the Soviet Union an evil empire. Later in March, he announced the Strategic Defense Initiative (SDI), commonly called "Star Wars" and viewed by Soviet leaders as a grab for military dominance. In September 1983, a Korean Airlines 747 passenger plane strayed over Soviet territory. Believing the plane to be on a US intelligence mission, it was shot down by Soviet fighter planes, killing 269 people. Indeed, a US reconnaissance aircraft had been in the area about an hour before the airliner appeared there (Gates 1996; Suri 2002). A major crisis resulted, exacerbated by other US actions. For example, in November 1983, US ground-launched cruise missiles began arriving in Britain and Pershing II missiles in West Germany. Some Soviet officials became convinced that the United States was about to launch a nuclear attack.

Reagan was briefed by CIA Director William Casey that the Soviets feared that the United States might launch a surprise attack. Reagan grasped the dangerous implications of such a belief. Some analysts mark this as the turning point in Reagan's thinking. Reagan wrote in his memoirs that recognizing Soviet fears made him "even more anxious to get a top Soviet leader in a room alone and try to convince him we had no designs on the Soviet Union and the Russians had nothing to fear from us" (Reagan 1990: p. 589).

The event producing the most profound turn in the Cold War was the Politburo's selection of Mikhail Gorbachev to be the new Soviet leader, following Chernenko's death in March 1985. Gorbachev was relatively young, energetic, and ambitious to make major changes, which were desired by many Soviet leaders because they recognized the stagnation and backwardness of the Soviet system.

Gorbachev initially tried to correct economic problems by new technologies and more discipline, but by late 1988, Gorbachev's economic reforms were clearly failing and he increasingly argued to his associates that it was necessary to reduce military spending and that would require more conciliatory policies toward the West. Reagan's conciliatory gestures after 1983 helped give them reason to believe that such a Soviet course would be reciprocated.

Gorbachev and his associates had become familiar with the ideas that were being developed by peace researchers in West Germany, Denmark, England, and elsewhere in Western Europe (Evangelista 1999). They recognized how security could be more assured by adopting military defense strategies that were not offensive rather than ones that were likely to be perceived as threatening. It included restructuring military forces so that they clearly were for defensive purposes, which the Soviets did undertake.

Arms reduction agreements were signed and the Soviet Union told the Communist leaders of the East European countries that they must win the support of their own people and not be propped up by Soviet military forces. Popular demands rose, and concessions were made, but they were too late. Very quickly all the Communist governments in Eastern Europe were gone. In November 1989, the East German government did not prevent the opening of the Berlin Wall. The Cold War was over and American–Russian relations were fundamentally transformed.

Variations in Structural Conditions

Many conditions greatly affect how and to what degree negotiations contribute to constructive conflict transformation. I will discuss four conditions that appear to have been important in the cases described above: the context of the conflict, the intensity of the prior struggle, the symmetry of the relationship, and the magnitude of mutual benefits from the relationship.

Context of the Conflict

Conflicts are interlocked in many ways: over time, with smaller ones nested in larger ones, and overlapping with still other conflicts. Changes in the intensity of salience of one may fuel or diminish the intensity of other connected conflicts. Thus, during the Cold War, changes in its salience and intensity of antagonism affected relations between Germany and France, between the United States and North Korea, and between Egypt and Israel. Its ebbing could provide space within which parties in other relationships might try improving their relations.

Methods of Waging the Conflict

Some conflicts are waged with great violence and dehumanization, but others are waged constructively, as was notably the largely nonviolent, nonracist struggle waged by the ANC, despite the violence of the government. Generally, great human rights abuses and terrorizing attacks on noncombatants are obstacles to constructive transformations. They often generate desires for revenge and further destructive escalations. Even so, at some time, efforts at constructive transformation are tried. Creativity, sensibility, and perseverance are helpful for such undertakings, as indicated in the South African and the French–German cases. Nevertheless, there are times that a spike in violence or the threat of great violence proves to be a spur to transformative undertakings. This was the case in different phases of the Cold War.

Symmetry Dimension of the Relationship

Variations in symmetry in large-scale conflicts are often viewed in terms of balance in coercive strength. However, the degree of symmetry should also take into account many other dimensions, including moral claims, demography, and availability of allies. Symmetry also can vary in regard to the particular issues in contention in a conflict. Thus, a matter of high importance to one side and of less importance to the other side means that the former side will be willing to expend much more of its resources on that issue than does the latter side.

Generally, in an asymmetric relationship, when the less weighty side rises in the balance, a transformative effort is likely to occur. The negotiations relating to nuclear weapons are illustrative in the case of US relations with the Soviet Union, North Korea, and Iran, in which negotiations began in earnest when the country without nuclear weapons capacity gained weapons or approached having them. The rising

capacities of blacks relative to whites in South Africa are also illustrative. The stability of considerable asymmetry in Palestinian–Israeli, US–North Korean, and US–Iranian relations also help account for the failures in the transformation of their relations.

Non-contentious Aspects of the Relationship

Contending parties in a conflict often also share some identities, interests, and concerns. Recognizing and giving such common matters, in so far as they are available, more prominence is often part of transforming a conflict. Illustratively, for the French and Germans, the shared identity as Europeans was attractive after the horrors of World War II. Furthermore, the attractiveness of increased economic well-being through economic cooperation was prominent in building European institutions and overcoming extremist nationalism between the French and Germans. This was also important in the South African case. It also was evident in the final transformation of the Cold War.

Variations in Strategies

Structural conditions raise obstacles against and provide paths for conflict transformation. Appropriate strategies for constructive transformation must be found for each case with its mix of changing conditions. A variety of negotiation strategies were used in the negotiation sequences noted earlier, some with mixed results and others consistently related to the occurrence of conflict transformation. The strategies include mediation, negotiation framing, mutual recognition of concerns, implementation of agreements, multilevel engagement, and managing spoiling actions.

Mediation

The participation of a mediator can be helpful in moving a destructively contentious relationship toward constructive transformation. This was the case in the Israeli–Egyptian Sinai negotiations, but it cannot be regarded as successful in the Oslo peace process. Greater involvement of significant mediators might have been useful to bring about more transformation movement in the cases of the US–Iranian and US–North Korean cases. The absence of an official major mediator did not prevent the fundamental transformations ending the Cold War and apartheid, but in these cases there were significant track two, nonofficial diplomacy.

Negotiation Framing

How negotiators frame the issues about which they are negotiating is certainly crucial. Posing particular difficulties, in some cases, the different sides do not agree about the issue, greatly hampering reaching agreements that are transformative. For example, consider the differing conceptions that the Americans and North Koreans had relating to the Agreed Framework. From the North Korean perspective, the main goal was normalization of political and economic relations, but the Americans generally viewed the Framework as a nonproliferation tool (Carlin and Lewis 2008).

The framing that emphasizes future mutual benefits are likely to be more effective in constructive transformations than ones that are one-sided and focusing on the past (Zartman and Kremenyuk 2005). This is evident in the case of the negotiations relating to the ECSC and other European Community treaties.

Mutual Recognition of Concerns

Conduct that demonstrates awareness of the other side's concerns is important in progressing along the path of constructive conflict transformation. To ignore, misconstrue, or deny and deprecate the other side's concerns is likely to be experienced by the other side as disrespectful, insulting, and even humiliating. The failure of leaders to recognize how the members of the other side think and feel about their situation is sometimes due to leaders' pandering to their own

constituency, presuming it demonstrates strong in-group solidarity.

Transformation is fostered by leaders on each side acting in ways that help their counterpart leaders maintain their constituency support. This was the case, at least at critical times, in the transformation of white–black relations in South Africa. There was a lack of such conduct, however, in the Oslo peace process, which contributed to its failure; the leaders on each side pursued policies that made a mutual accommodation between them more rather than less difficult.

Implementation of Agreements

The faithful mutual implementation of an agreement obviously increases the likelihood of further agreements. This was true for the interim agreements between Egypt and Israel. Interestingly, this was important in the US–Soviet agreements during the Cold War. A great deal of attention was given to verify that the terms of an agreement were not violated. In addition, joint committees were sometimes instituted in treaty to resolve disagreements about how to interpret a provision of the treaty.

A basic fault in the Oslo peace process was that agreements were not implemented in timely and full fashion. On the Israeli side, Jewish settlements were expanding mostly close to Jerusalem but also in many parts of the occupied territories and Palestinians collectively were not treated as peers. On the other side, the PA leadership did not counter the inflammatory language in schools and the press about Israeli Jews and did not foster an open democratic political system and equitably develop the Palestinian economy.

Failing to implement one element of an agreement may be the source of misunderstanding when it was simply applied as leverage to get the other side to implement a different element it had agreed to do. A failure to implement an element may then mistakenly be regarded as a rejection of the agreement, not as a bargaining ploy. This sometimes was the case in the US–North Korean negotiations.

Multilevel Engagement

In-depth support is important if conflict transformation is to be sustained and increased. Too often, the negotiations are conducted secretly and without preparing each side's constituencies for a fundamental change in the relationship. At particular times in the course of negotiations, for example, in exploratory overtures, confidential conversations may be useful. Lacking broad engagement, a transformation to a managed conflict may occur, but it then may remain a "cold peace," as was the case for the Egyptian–Israeli relationship after the 1979 Peace Treaty was signed. The transformation of the US–Soviet conflict into the managed one during the 1970s is another example of this. Furthermore, failure of the US–Iranian and US–North Korean negotiations to result in conflict transformation is in part attributable to the lack of widespread public readiness for it within any of the countries involved.

On the other hand, the negotiations to end Apartheid in South Africa incorporated arrangements that would maximize broad participation. Initially, this was tried with CODESA, and later, with somewhat more success, negotiations were also conducted in the Multiparty Negotiating Forum (MPNF). In addition, the National Peace Accord was signed by 27 government, political, and trade union leaders in September 1991 (Borer et al. 2006). It established a national network of structures that included codes of conduct for political parties and organizations and for the conduct of security forces; it included a national peace committee, a national peace secretariat, regional and local dispute resolution committees, a commission of inquiry regarding the prevention of public violence and intimidation, socioeconomic reconstruction and development, and a police board. These structures also provided settings for persons from opposing sides to get to know each other and to work together at the national, regional, and local levels.

Managing Spoiler Attacks

Some members of each side may try to disrupt and even halt movements for constructive conflict transformation. They may do so because they

believe that too much is being conceded to the enemy, they are simply satisfied with the status quo, or they seek a larger role in the emerging new relationship. Spoiling attacks may be perpetrated by fringe groups or by factions of major institutions. Such attacks often happened during the Oslo peace process, notably with the assassination of Rabin and bombings of Israeli noncombatants.

How such attacks are dealt with by those leaders working to transform a hostile relationship is critical. If the targeted side's leaders push ahead in the transforming direction, the movement can be strengthened. This was the case in South Africa in April 1993, when an ANC leader, Chris Hani, was assassinated by an immigrant from Poland, a member of the right-wing Afrikaner Weerstandsbeweging. The assassin was captured after an Afrikaner woman telephoned the police, giving his license plate number. Mandela and de Klerk quickly acted together to isolate the event. Mandela went on national television, reporting what had happened and fervently asserting, "Now is the time for all South Africans to stand together against those who, from whatever quarter, wish to destroy what Chris Hani gave his life for—the freedom of all of us" (Mandela 1994: p. 530). The ANC organized protest demonstrations to allow for nonviolent expressions of anger and the government arrested a member of the Conservative Party in connection with the murder. The negotiations continued.

Another constructive way of responding to possible spoiling attacks occurred in South Africa and also pertains to ways to engage many societal levels in constructive conflict transformation. As noted earlier, in 1990, political violence erupted as the transition toward nonracial democracy began. Some deaths arose from the use of lethal force by security forces in public order policing, but much violence was among black groups, particularly between two ethnic groups, the Xhosa and the Zulu, and two political organizations, the ANC and the Inkatha Freedom Party (IFP). A "third force," consisting of right-wing white elements, was initially linked to the government security forces and supported violence perpetrated by some of the IFP.

No single person or organization could stop the violence or even possessed the legitimacy to convene a conference that might end it. Fortunately, the South African Council of Churches and the Consultative Business Movement, acting together, were able to call such a conference, which led to the National Peace Accord cited earlier. The NPA together with other actors were able to maintain the momentum for the transformation marked by the election of Mandela as president of South Africa.

Conclusions

For a series of negotiation episodes to contribute to a conflict's transformation, it requires the convergence of many structural conditions and well-conducted appropriate negotiation strategies. Even when destructive relations are fundamentally transformed, the course is never entirely smooth. Disruptions are likely and they can prevent advances for long periods. Yet there are reasons to think long term and persevere. Turning to non-negotiated coercive impositions can result in mutually destructive results.

There are many possible ways a transformation movement may be disrupted, including developments within one adversary camp or changes in the external context of the contentious relationship. Such disruptions, however, can be overcome with determined will, good judgments and skills, and perseverance.

Negotiations can take many different forms and no one form fits all circumstances. Creativity and good judgment is needed to choose the most suitable ones for a constructive transformation to be achieved. Often in the course of a long sequence of negotiation episodes, the form shifts over time. It is critical to try to forge agreements that create vested interests for further advances that rally supporters mutually.

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