



EPOS White Paper

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DIPLOMACY AND NEGOTIATION STRATEGIES IN INTERNATIONAL CRISES: TIMES OF CHANGE

**Emanuela C. Del Re
Luigi Vittorio Ferraris**

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This EPOS White Paper is a project. It is aimed at elaborating recommendations addressed to decision makers, institutions, practitioners, experts, representatives of civil society at all levels, to raise a truly productive debate on the crucial issue of negotiation and diplomacy in international crises.

The final version of the white paper will be the result of a collaboration of prominent experts, diplomats, practitioners, politicians from many areas of the world.

It is in fact being circulated in the world to gather comments, suggestions, integrations, critiques from opinion leaders in all fields and in as many countries as possible. Those who participate in the elaboration of the document become also the signatories of the document.

The white paper will then be adapted and presented to decision makers and relevant institutions in all countries.

1. CONCEPT AND ISSUES

Negotiation in conflict prevention and resolution plays a crucial role that cannot be underestimated. Yet, recent crises seem to indicate that the strategies until now followed need to be innovated, especially in the field of energy.

The global scenario has changed: new political, social and economic actors have emerged, as well as interactions and networks, such as for instance, new challenges and patterns in migration fluxes (people, money, resources) and energy security. Yet the process of change in conflict prevention and resolution is still immature, because it does not fully reflect the need for a change in the approach by the decision makers, by all the parties and all the actors, at local and international level. The timing, the practices, the approaches must then be examined and must undergo a process of reform.

Negotiation and diplomacy must undergo true innovation, in order to be able to respond to the new demands and needs, in particular as regards energy issues, as a new tool for effective conflict prevention.

2. CURRENT SITUATION

Recent international events show that within the actual international system which is changing rapidly, being constantly in movement:

- a. it is not possible to predict international events: since the fall of the Berlin wall, no international crisis has been predicted;
- b. it is difficult to negotiate: there is a series of open conflicts that seem doomed to stay open forever;
- c. the idea of humanitarian intervention and the duty to protect is intended as an overcoming of the non-interference and sovereignty of the states is more and more selective because of the interests of those who intervene;
- d. International Organizations - either universal (UN) or regional (AU, Arab League) and local and international NGOs - do not seem to be able to negotiate and recur, with unpredictable consequences, to other alternatives, often to the use of force;
- e. the international system as a whole seems to be able to negotiate and find a new balance without the great powers exercising control on it, having overcome the impasse caused by the loss of an equilibrium that until 1991 had been based on bipolarism;
- f. The Major issues are about the possibility to prevent and how, and whether there are alternatives to military intervention.

The result of all this has been defined by some analysts, opinion leaders, politicians of various geographical provenance, as a failure of diplomacy and negotiation which are nevertheless essential. The consequences of the failure of negotiations are difficult to predict, but it is clear that the cost is high, especially when the conflicts are violent and armed.

3. TRADITIONAL DIPLOMACY AND NEGOTIATION

Analysts, opinion leaders, politicians in the world are pointing out that the opportunity of negotiating is often questioned because: a) negotiation can be perceived as a far more serious interference in internal affairs than military intervention; b) peace negotiations often fail or obtain insignificant results, and too much diplomacy can result in violence in various forms of constraint; c) to oppose negotiation in some cases becomes a political or ideological position for those who fear or are against intervention perceived only as external interference.

Negotiation can be criticized, as a strategy of conflict resolution or peace-building process, because it presents a number of shortcomings and inadequacies. There have been exposures and harsh critiques both from the conflict areas - where all the parties in the new global communication system are now able to express their opinions to the world and interact - and from the public opinion in intervening and non intervening countries, that negotiations and diplomacy have been superficial in various conflicts and need to be reconsidered.

Negotiation strategies, techniques and methods must be reconsidered.

Recent events have seriously questioned some of the foundations on which diplomacy and negotiation were based:

- a. **directions:** Western countries have always indicated political directions, assuming that those directions were right;
- b. **human rights:** they represent a set of values which constitute now a challenge: although there is the aspiration of making the concept "universal" on one side, there is an approach that sees them as "discretionary", arbitrary, on the other;
- c. **new actors:** communication technology has changed the social scenario at global level, making it more unpredictable, allowing more state and non-state actors as well as individuals to emerge, with an immense potential whose nature and effects are not always identifiable and predictable.

There have been major changes also in the concept of diplomacy and negotiation under the point of view of those who conduct the process. The function of diplomats in high position is undergoing changes and will have to adjust to the changing global scenario. For instance, since the EU expanded to 27 members, there are pressures to have only one single EU diplomatic representative in third countries, given that other envoys are perceived as a duplicate function: the process of change is long and articulated, because each EU country still wants to maintain its own position in third countries for a number of interests.

Diplomacy must be reformed:

- a. it is not anymore only in the hands of the great powers;
- b. it is not only an issue at bilateral level;
- c. it is not only in the hands of international organizations.

4. WHAT MUST BE DONE

A profound change in the philosophy and morality of conflict prevention and resolution is urgent and needed.

There are a number of issues to be considered that need a solution:

- a. **Prevention:** when it is right to intervene and how?
- b. **Reconciliation:** who is responsible for it? What role for Diplomacy? What kind of negotiation strategies must be adopted?

Possible answers can be:

- a. Diplomacy and negotiation must find a common denominator focusing on a new concept, which is "Preventive Diplomacy", in an appropriate time framework.
- b. It is not a question of finding diplomatic means of negotiation, but negotiation methods and tools through other routes, taking into account and exploit the immense potential of new actors and social scenarios, seeing them not only as beneficiaries but as partners in the process; focus on different approaches such as intercultural, inter-group, involving diversified sectors of society (women, military...). The method must be flexible enough to be adapted to the new and diversified contexts.
- c. Could traditional diplomacy be substituted? By what?

5. NEW SCENARIOS, OLD PROBLEMS

There are a number of issues that often emerge in negotiation and diplomatic processes in various conflict areas:

- a. **timing:** often the process is too long, with frequent delays; the consequence is that the local population in a highly risky and violent context ends up by asking for a more decisive intervention; the population and the international global opinion loses faith in negotiation as a solution; it is essential to be able to reassure the population during the talks providing security;
- b. **prevention:** find **new ways of sending messages** instead of sanctions, a low risk and easy option, which is very costly for the population with unpredictable and grave consequences, such as military actions; new effective methods must be found to avoid a negative impact on the population;
- c. **actors:** the strategies must be designed taking into account that the actors in conflict have changed; there are new actors and the old ones have undergone significant changes (for instance the characteristics of some armed groups and terrorists); an **efficient coordinating structure** must be created;
- d. **public opinion:** it influences the process, and can invent, ignore or create problems, or can define a hierarchy of interests as regards ongoing conflicts; a mechanism that allows some issues to be overexposed, others to be forgotten.

The above mentioned shows that the approach today must take into account both the qualitative and quantitative dimensions of the problem.

The issues that arise regard the methods and techniques of negotiation and diplomacy, and the role of the traditional actors.

Who can negotiate?

- a. Traditional diplomacy?
- b. the UN?
- c. the EU (is it able to negotiate)?
- d. Regional Organization?
- e. Local actors (NGOs and others)?

Could the answer then be: find new methods, new strategies, new profiles of negotiators?

6. ENERGY ISSUES: a crucial case study

The current energy scenario and regime appears to be a complex system where not only institutions but many actors play an important role, with an intricate network of political interests that constitute the strong connections that keep it together. A system that has so far proved to be solid, especially in front of external challenges. This is due to the activity of the international organizations, and to the interplay management. The countries of IEA have in fact been able to establish good relationships with countries and organizations engaged in the same field such as India, China, Opec, Russia. Yet, there is an apparent lack of coherence and rationality in the actual system of governance of energy security. It does not seem to be the result of one or more processes of negotiation which have all carefully operated or co-operated on one single issue.

There are a number of issues such as:

- a. turbulence,
- b. demand,
- c. the role of China and others,
- d. the crisis of the nuclear power,
- e. the need for the control of energy.

Energy is controlled in uncertain areas of the world: not only there is the problem of consolidating those areas, but also of making sure that energy is not exploited as a bribe. In this case negotiation is even more important: **negotiation is a formidable form of prevention.**

Important variables that influence energy issues and related negotiation processes, amongst others, are:

- a. a series of countries directly or indirectly involved influence energy issues;
- b. un-trustable countries;
- c. sponsors (banks and others)
- d. new interlocutors.

Given the continuous changes in the energy issues and the different interests involved, the current situation can and will change. There cannot be only a single organization in this sector.

New relevant challenges today are:

- a. the need for these actors to be able to include in the coordination the new two big consumer countries, China and India and establish more solid contacts with the producers - Russia and Opec – in a coherent system;
- b. guarantee that the environmental issues are integrated more efficiently in the policies and in the energy global governance structures;
- c. the management of the interaction between the various institutions is crucial to increase the international cooperation, avoid conflict and guarantee energy security;
- d. Reform of diplomacy and negotiation strategies is fundamental to achieve the above mentioned.

Diplomacy and negotiations are important for energy issues because:

1. they can create an environment where binding agreements can be realized;
2. they can define the right political conditions.

A new philosophical approach must be adopted, that is the concept of **interdependence**, which changes the global scenario and has a strong impact on the way energy is perceived and the way both demanders and suppliers perceive each other and participate in the game, guaranteeing a new, power balanced, respectful, mutually productive, consensual and therefore long standing result.

7. TIMES OF CHANGE: INNOVATION IS NEEDED

In the new scenario, the following recommendations seem appropriate, which are all interrelated and consequential:

1. always **act in the framework of conflict prevention** rather than conflict resolution;
2. clearly **identify the limits** of diplomacy and its present connection with the resort to the use of force, which is considered a diplomatic means of action;
3. **professionals and expert in negotiation** must be involved instead of diplomatic representatives who might not be able to carry out a negotiation process (for instance in the US diplomacy there is a movement of thought that sustains that diplomacy must undergo reform on the wave of the new demands and the changed global scenario, taking into account the need to present itself as more accessible and closer to the local populations);
4. recognize the **crucial importance of professional negotiators; new negotiation and diplomacy strategies** can be elaborated through the collaboration between professional negotiators, diplomats, politicians and other;
5. **change the way of perceiving the process** and reduce the media impact of it linked to the presence of eminent people who lead the process;
6. **acquire a new set of values** in diplomacy and negotiation, leaving the model of European diplomacy by which nations act rationally in name of their interests: take irrationality and emotionality into account;

7. the **international value system** must be re-considered in relation to all the other value systems, in order to make them universal;
8. adopt **text based negotiations**, in which options are stated, aimed at identifying areas of convergence;
9. strengthen the ability to communicate at global level using **new media**;
10. **overcome the impasse** between the people involved in the conflict who urge rapid intervention to stop violence, and the philosophy of resorting to time consuming, long term negotiation instead of intervening;
11. to **create an environment** where binding agreements can be realized;
12. to **create sound political conditions**;
13. **engage strongly in restoring trust** between all the parties involved; this would also contribute to overcome the impasse posed by the so called un-trustable countries and by the political-ideological stereotyping that often undermine confidence in negotiations;
14. adopt a new philosophical approach, that is the concept of **interdependence**, which significantly changes the global scenario and has a strong impact on the way international, regional and local relations are perceived, avoiding systems of relations based on hegemony and subalternity, as for instance in the field of energy;
15. apply **empathy** to all aspects and phases of the processes, to overcome conflicting interests and approach the core of the issues respecting all parties, also because compromises are often rejected by the parties; empathy should be applied by negotiators towards the parties in the process and the local populations, by the parties towards the negotiators and towards each other, by the public opinion (local and international) towards both the negotiators and all the parties.

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***Amb. Luigi Vittorio Ferraris** - Retired diplomat, well known for his years of service in Bonn, plays a significant role in the European landscape in networking and raising relevant issues. Served as an Undersecretary of State for Foreign Affairs in the Italian Foreign Office. Served as Judge in the Italian Council of State (Supreme Administrative Court). Head of Chair for International Relations at Gorizia-Trieste University and Rome Third University. Is the President of the Center for Studies in International Reconciliation (CISCI).*

***Prof. Emanuela C. Del Re** - Expert in Geopolitics and Security Issues, with long field work researches in areas in conflict and in transition. Specialist in the Balkans and Caucasus. Chair of Political Sociology at UNISU University of Rome. Member of international think tanks and consultant of Italian and international Institutions. International Observer (UN, EU, OSCE). Author of several publications on the themes of her researches (terrorism, illicit trafficking, Pan-European Corridors, conflicts and other). Member of the Editing Committee of Limes and regular contributor of the Italian Review on Intelligence Gnosis. Chair and founder of EPOS Mediating and Negotiating Operational Agency.*