

Parsing Parley: Strategy & Outcome in Negotiations
Between States and Non-state Armed Groups

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Dissertation submitted in partial
fulfillment of the requirements for the degree of
Doctor of Philosophy in the Department of
Political Science in the Graduate School of
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ABSTRACT

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Abstract

Though scholars have long explored the determinants of negotiation outcomes at the state and non-state levels separately, negotiations between states and non-state actors have been understudied. Of the work that addresses negotiations between states and non-state armed groups (NSAGs), the variables typically used to explain outcomes are external to actual talks. My research shifts the analytic focus from the strategic context in which negotiations take place to the negotiations themselves. The principal research question is, “How do negotiation strategies affect outcomes in negotiations between states and non-state armed groups (NSAGs)?” To answer this question, I derive a series of hypotheses, deductively and from existing literature, and evaluate those hypotheses using qualitative methods in case studies from the Middle East and Latin America. I find that certain combinations of negotiation strategies favor negotiation success, and other combinations favor negotiation failure.

Dedication

This dissertation is dedicated to my parents, Joseph M. and Kathy B. Cantey, who always emphasized the importance of education.

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1. Strategy and Outcome in Negotiations between States and Non-State Armed Groups

"There is no theory of negotiating over terrorism. Such negotiations simply lie on the fragile, delicate edge of the possible and exemplify the most tentative aspects of the general negotiation process."

-I. William Zartman and Guy Olivier Faure (2011)

1.1 Introduction

This dissertation seeks to contribute to our knowledge about the conditions under which negotiations between states and non-state armed groups (NSAGs) are likely to be effective. In recent years, a great deal of work has been undertaken on the question of why NSAGs resort to violence, and the effectiveness of violent strategies has been extensively treated in the academic literature. Nevertheless, negotiations between states and NSAGs have been understudied. According to Peter Neumann (2007, 128), "the rigidity of the "no negotiations" stance has prevented any systematic exploration of how best to conduct such negotiations."¹

Scholars have made some progress on this front, but the variables used to explain outcomes in negotiations between states and NSAGs (e.g., mutually hurting stalemate, leadership quality, splintering, international mediation) are usually only indirectly related to what happens at the negotiating table. My research attempts to

¹ Zartman and Faure (2011, 4), refer to the "few works" on negotiations with "political terrorist organizations." I avoid the terms terrorism and terrorist to the extent possible, instead using "Non-State Armed Group" (NSAG) for reasons outlined below.

shift the analytic focus away from the strategic context in which negotiations take place to the negotiations themselves. It identifies negotiation strategy as a key variable that contributes to whether negotiations between states and NSAGs are likely to result in success or failure.

The principal research question is, “How do negotiation strategies affect outcomes in negotiations between governments and non-state armed groups?” By explaining how strategies have affected outcomes in the past, the dissertation sheds light on the kinds of strategies that may be effective in similar negotiations in the future. Thus, beyond its scholarly dimension, the study has policy relevance.

To answer the research question, I derive a series of hypotheses, deductively and from existing literature, and evaluate those hypotheses using qualitative methods in case studies from the Middle East and Latin America. The cases include negotiations between Israel and the PLO in Oslo (1993) and at Camp David (2000), as well as talks between Colombia and the FARC (1998-2002) and Colombia and the M-19 (1986-1990).

The hypotheses are based on the recognition that governments and NSAGs can and do negotiate with each other in different ways. In some cases, parties adopt hardline, *distributive* strategies, attempting to maximize self-interest while showing little regard for the interests of their negotiating partners. In other cases, parties employ *integrative strategies*, seeking to work with their counterparts to reach mutually agreeable, often creative solutions.

My argument is that *how* governments and NSAGs negotiate, not simply whether they do so under propitious conditions, affects negotiation outcomes, including whether conflicts are resolved through political dialogue. I hypothesize that certain patterns of negotiation strategy favor certain outcomes. The mutual adoption of integrative strategies by governments and NSAGs, for example, tends to favor accommodation. The mutual adoption of distributive strategies tends to favor failure. These and other hypotheses are developed later in this chapter.

1.2 *Terminology and Scope*

The terms “state” and “government” require little explanation, but in a dissertation about negotiations between states and the non-state entities that fight them, what is the appropriate terminology for the latter group? Aila Matanock (2012) writes about “militant groups.” William Zartman and Guy Faure (2011) use the term “political terrorist organization.” Veronique Dudouet (2009, 5) refers to “resistance and liberation movements” (RLMs). The list of phrases used to describe these groups (e.g., rebel movements, national liberation movements, extremist organizations, freedom fighters, insurgencies, etc.) goes on seemingly ad infinitum.

All of this research exists within the subfield of security studies known as terrorism studies; indeed, the term “terrorist” has been used more than any other to refer to these kinds of groups and is often used synonymously with the phrases listed above. A long-running definitional debate over what constitutes terrorism

has failed to produce consensus,² but academic and policy definitions normally have three components. Terrorism is violence that is 1) politically motivated, 2) perpetrated by non-state actors, and 3) intentionally targets civilians.³

The groups treated in this dissertation, and the universe of groups like them, use or have used terrorism according to the above definition. Instead of referring to “terrorist groups,” though, I use the term *non-state armed groups*. I do this for three main reasons. First, terrorism represents only one of many tactics that these groups employ. NSAGs often adopt non-violent strategies in parallel with violent ones. Negotiations, the focus of this dissertation, are one such example. Second, when NSAGs use violence, the violence that they use is not necessarily terrorism. Attacks against military bases, for example, are not generally understood to constitute terrorism, but NSAGs employ this tactic regularly.

The terrorism label has been used to delegitimize opponents by states and NSAGs alike, undermining prospects of reaching political settlements through negotiations. When states negotiate with NSAGs that they have previously labeled

² In their (1988) book *Political Terrorism*, Alex Schmid and Albert Jongman survey over a hundred definitions of terrorism. After 9/11, Boaz Ganor (2002) argued against the oft-cited claim that “one man’s terrorist is another man’s freedom fighter” but did little to quell the debate. A decade later, Ben Saul (2012) concluded that despite UN efforts to reach consensus, an internationally accepted definition of terrorism remains elusive.

³ William Cunningham (2002, 22) provides a typical definition: “Premeditated, political motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents.” For examples of other research that describes terrorism in these terms, see Crenshaw (1981); Della Porta (1987); Zartman (2003), Pruitt (2006), Jones and Libicki (2008), and Cronin (2010). See also UNSC Resolution 1373.

terrorists, they often attempt to re-label those groups even when their use of terrorist tactics has not necessarily ended. Doing so is necessary on a practical level to justify negotiations, to show good faith, to prepare the groundwork for possible settlement, and/or for other reasons.⁴

The more neutral term that I use, non-state armed group, has been used by the International Committee of the Red Cross (ICRC), the United States Institute of Peace (USIP), the International Campaign to Ban Landmines (ICBL), and the Council on Foreign Relations (CFR), among others. Borrowing from Zartman and Faure (2011, 5) and Claude Bruderlein (2000, 8-9), I define NSAGs as non-state groups that possess an institutionalized structure, including a military and a political wing, provide some level of services, conduct some level of foreign diplomacy, and have a complex belief system.⁵ These groups use violence, including but not limited to the targeting of civilians, for political purposes. They are independent from state control, they contest geographic territory, and they are usually indigenous to the countries in which they seek political change.

Examples of organizations that meet these criteria include the Armed Revolutionary Forces of Colombia (FARC), the National Liberation Army (ELN), the Moro National Liberation Front (MNLF), the Lord's Resistance Army (LRA), the Free

⁴ For a discussion of the labeling and re-labeling of enemies and the complications that this can cause for negotiations, see Spector (1998; 2003).

⁵ Zartman and Faure use these characteristics to describe what they refer to as "political terrorist organizations." Bruderlein uses the term "armed groups."

Aceh Movement (GAM), the National Union for the Total Liberation of Angola (UNITA), the Coalition for the Defense of the Republic (CDR) in Rwanda, and the Sudan People's Liberation Movement/Army (SPLM/A). These are the kinds of groups that constitute the primary focus of this research.

Not all groups that have been deemed terrorist organizations fit within the scope of this dissertation. Al Qaeda core is one such group.⁶ Though al Qaeda core has received enormous media, academic, and policy attention in recent years, more traditional NSAGs, such as those outlined above, have inflicted more violence against states generally, and civilians specifically, than groups like al Qaeda. In databases constructed for quantitative studies of terrorism,⁷ and in more qualitative case studies of terrorism (examples below), traditional NSAGs constitute the lion's share of cases.

In sum, despite a lack of academic consensus regarding the definition of terrorism and a strong reluctance by some scholars, myself included, to define

⁶ Note the distinction here between al-Qaeda's core organization, widely believed to be based in Pakistan, and al-Qaeda affiliate groups (e.g., al-Qaeda in Iraq, al-Qaeda in the Islamic Maghreb) that have primarily, though not exclusively, local grievances. Al-Qaeda affiliates represent something of a hybrid between what has been deemed "new terrorism" (i.e., the transnational form) and the more traditional form of terrorism used by insurgencies and other NSAGs that tend to focus on domestic grievances and goals. The arguments presented in this dissertation would likely apply *more* to affiliate groups of al-Qaeda than to al-Qaeda core, and less to affiliate groups than to more traditional NSAGs.

⁷ See, for example, the Terrorist Organization Profiles of 856 NSAGs created by the Memorial Institute for the Prevention of Terrorism Database, the American Terrorism Study's indictment Database, the Terrorism Knowledge Database, and a series of other databases referenced in the literature review, below.

groups in terms of whether they employ this tactic, NSAGs are often lumped together in academic literature as terrorist groups. In the review that follows, I use the term “NSAG” and other terms articulated by the authors (e.g., terrorist groups, insurgencies, resistance movements, etc.) interchangeably. Unless otherwise noted, the work reviewed here refers to NSAGs, as defined above. The term “terrorism” is consistent with the aforementioned three-pronged definition commonly used in academia and policy circles.

1.3 Literature Review: Non-state Armed Groups, Negotiations, and Strategy

Given the amount of attention devoted to terrorism in recent years,⁸ it is surprising that relatively little work has been done on the question of how groups that use terrorism end. Seth Jones and Martin Libicki (2008, 1) note that “there has been virtually no systematic analysis by policymakers or academics on how terrorism ends.” Audrey Kurth Cronin (2009, 1) writes that while many people

⁸ Much of this work has centered on whether terrorism is effective, and the literature is far from consensus. A key axis of disagreement relates to whether commitments to civil liberties and low tolerance for civilian (and non-civilian) casualties dissuade democracies from taking measures necessary to “defeat” terrorism. For more on the “effectiveness” debate, see Abrahms 2006; Dershowitz 2002; Kydd and Walter 2002, 2006; Lake 2002; Pape 2003, 2005; and Sprinzak 2000. The question of why individuals and groups resort to terrorism has been even more extensively treated. For general discussion, see Bloom 2005; Crenshaw 1981; Hoffman 2006; Reich 1998; Sageman 2004; and Stern 2003. For psychological explanations, see Crenshaw 2000; Lerner et al. 2003; Moghaddam 2005; and Victoroff 2005. For organization-level explanations, see Crenshaw 1987; Rapoport 2001; Sageman 2004; and Ressler 2006. For structural explanations, see Targ 1988; Ross 1993; Smith and Damphousse 1998; and Bergesen and Lizardo 2004.

focus on the causes of terrorism, “few direct attention toward its end.” Though the broad question of how NSAGs end is beyond the scope of this work, some context is appropriate to situate the dissertation in the literature.

How Non-state Armed Groups End

Until recently, most work on how NSAGs end consisted of case studies about individual groups. Examples include work by Rogelio Alonso (2004) on the IRA and ETA, Fawaz Gerges (1999) on the decline of radical Islam in Algeria and Egypt, Hans Horchem (1991) on the Red Army Faction, Alison Jamieson (1990) on the Red Brigades in Italy, George Kassimeris (2005) on the November 17 movement in Greece, and Fernando Lopez-Alves (1989) on the Tupamaros in Uruguay.

These studies are not strictly comparable, because their methodologies vary widely, they ask different questions, and they test different hypotheses. Because they are not consistently and comparably structured, the findings from these studies in particular – and from individual case studies generally – do not accumulate in a way conducive to theory building.

In her article “How al-Qaida Ends,”⁹ Cronin (2006) attempts to establish some agreement regarding the variables that contribute to NSAG demise, but she

⁹ This article marks what might be called the current round of research on how NSAGs end, because its methodology (the combined use of statistics and case studies to determine correlations between a group’s size, age, etc. and its longevity and kind of decline) has taken root and is ongoing. The 2008 RAND book, *How Terrorist Groups End*, and Cronin’s (2009) book, *How Terrorism Ends: Understanding the Decline and Demise of Terrorist Campaigns*, work off of this foundation.

does so by applying “lessons learned” from the experiences of traditional NSAGs to al-Qaeda core, a group that she acknowledges is “in many ways distinct from its terrorist predecessors.” She points to seven broad explanations for the decline and demise of NSAGs in the modern era. These are: 1) capture or killing of the leader, 2) failure to transition to the next generation, 3) achievement of the group’s aims, 4) transition to a legitimate political process, 5) undermining of popular support, 6) repression, and 7) transition from terrorism to other forms of violence.¹⁰

Jones and Libicki (2008) build on Cronin’s work by analyzing 648 NSAGs that existed between 1968 and 2006 to determine (the title of their work) *How Terrorist Groups End*. Using a dataset of all NSAGs active during the aforementioned years,¹¹ the authors find that most NSAGs have ended in one of two ways: 1) they joined the political process, or 2) local police and intelligence agencies arrested or killed key

¹⁰ Cronin devotes subsequent sections of the paper to each of these explanations, proffering theoretical conditions under which each may be the primary contributor to the decline and demise of the organizations treated in her study. She also provides miniature case studies to demonstrate when these conditions have led to the termination of past groups.

¹¹ The basis of this dataset was the RAND-MIPT Terrorism Incident Database, which has since been transferred to the National Consortium for the Study of Terrorism and Responses to Terrorism (START) at the University of Maryland. The dataset is no longer publicly available through RAND or START. However, Jones and Libicki make their data available in their book, and Cronin has a searchable dataset (based on MIPT data) on her website: www.howterrorismends.com.

members.¹² A transition to the political process was the most common way groups ended (43%), and the authors found that the breadth of NSAG goals is inversely linked to the likelihood of a political solution. The narrower their goals, the more likely NSAGs were to transition into politics.¹³

Theorizing Negotiations – From Enemies to NSAGs

Transitions by NSAGs into the political process, of course, do not come out of the blue. They result from negotiations between governments and NSAG leadership (or its representatives). But why would governments negotiate with enemies at all? What are the obstacles to negotiations with enemies generally and with NSAGs in particular? What are the risks and how should these be weighed against potential benefits?

¹² Dipak Gupta (2008) has also built on Cronin's work, providing explanations for what he terms the "endgame" of NSAGs. These include: 1) absolute victory for the movement, 2) the transformation of the movement into a largely criminal movement, 3) a military or political defeat.

¹³ The authors note that groups that did not end with a transition to the political process were most likely to end as the result of policing (40%). The relationship between policing and/or military action that removed the NSAG leader and the end of the NSAG is unclear in this study. Rather than argue that decapitation was one of the principal explanations for the demise of NSAGs, Jones and Libicki subsumed decapitation under other categories. "If a police force adopted this strategy, we included it under law enforcement. If military forces adopted it, we included it under military force" (Footnote 1 in Jones and Libicki 2008, 10). This is confusing since the authors note in their summary that one of the two most important explanations for the end of terrorist groups was "local police and intelligence agencies arrested or killed key members" (xiii) and that "military force led to the end of terrorist groups in [only] 7 percent of the cases" (xiv). Thus the role of decapitation in this study is unclear. For an assessment of the effectiveness of NSAG leadership decapitation, see Jordan, 2009.

Even in conflicts between states, governments often express policies of “no negotiation” with their enemies. Various reasons can be attributed to this stance. Governments may feel constrained by popular opinion, negotiation may be perceived as a sign of weakness or appeasement, governments may not trust their enemies to negotiate in good faith, negotiations may be perceived as validating bad behavior, and/or governments may feel that negotiation is morally problematic, given the actions of their enemies.

Still, many have argued that leaders have responsibilities to their constituents to negotiate directly with their enemies (Dueck 2006; Eban 1994; Fisher, Ury and Patton 1991; Ury 2007), and in the past seemingly implacable enemies have reached compromises as a direct result of negotiations. At the state level, talks between Israel and Egypt (1978-1979), between the US and the USSR (1972, 1987), and between the US, Britain and Libya (2003) are among many examples.¹⁴

¹⁴ Spector (1998; 2003) has written about the decision to negotiate with “villains,” which he defines as “international actor[s] that [are] perceived as believing or acting in a threatening or hostile fashion in contravention of or in a manner that is totally indifferent to accepted norms of particular societies and the international community” (2003, 613). He notes that villains do not designate themselves as such; rather, they are designated villains or, more commonly, “terrorists” by their enemies. This leads to a problem that he calls the “villainizer’s dilemma,” whereby the designator limits its options for resolving the conflict. “By villainizing a group or state, the designator seeks to punish and pressure the villain to change its behavior. Sanctions and negative incentives are mobilized. But in doing so, the villainizer greatly limits the possible ways of finding a solution. Responsibility for resolving the crisis is shifted almost entirely to the villain, who must comply with the sanctions imposed and change its villainous behavior before anything else will be forthcoming from the designator country” (Spector 1998, 49).

Empirical research has also demonstrated that negotiations may lead to the resolution of conflict at the intrastate level. Ted Gurr (1995), for example, has shown that negotiations have led to mutually agreeable settlements in ethno-political conflicts. Caroline Hartzell (1999) observes that while civil wars most often end when one party achieves victory, negotiated settlements are increasingly common. Stephen Stedman et al. (2002) have shown that negotiations have been key to implementing agreements that end civil wars.

Negotiations between states and NSAGs, of course, are different than negotiations that exist entirely between states. Bertram Spector (2003, 616) argues that among several differences between states and NSAGs, the latter are not legitimate representatives of a physical territory or population; they lack formal accountability and thus may not abide by international law, norms, or principles. Further, NSAGs may not act as reliable negotiation partners, they often hold extreme positions, values, and beliefs that are not widely shared, and they do not typically participate in the traditional channels of communication and interaction that states use.¹⁵

One result of these differences is that governments may be more reluctant to negotiate with NSAGs than they are to negotiate with other governments. The concerns that states have about negotiating with state counterparts can be more

¹⁵ Some of these characteristics do not necessarily distinguish NSAGs from states. Some states lack formal accountability (as in the case of dictatorships), may not act as reliable negotiation partners, and may hold positions and values that seem extreme.

poignant when the enemy is a non-state actor. Sitting down to negotiate with a NSAG implies recognition of the group, and recognition may confer a degree of legitimacy that overshadows what the state deems illegitimate tactics.

Still, in the context of a costly stalemate and when there is no moderate alternative, incentives may arise for talks. When this happens, states weigh the costs of two different policies: confrontation and negotiation. They also weigh the “opportunity gains” or gains to be achieved by not engaging (i.e., the chances of winning or of not losing what one had to pay to get an agreement) (Hampson and Zartman 2012, 109).

As important as these considerations are for states contemplating negotiations with NSAGs, they are equally important for NSAGs contemplating negotiations with states. Much literature in this area focuses on the state’s decision to negotiate and assumes willingness on the part of the NSAG to do the same (Hughes 1990; Beyer and Bauer 2009). In reality, recognition goes both ways, and the risks of negotiation to both parties are in many ways similar (Miller 2011, 173-176). When negotiations begin, all parties forego claims to exclusive legitimacy.

This is not to suggest that parties should simply recognize that the decision to negotiate is difficult and come to the table. In some cases, negotiations with NSAGs may be imprudent. NSAGs may have non-negotiable aims, and they may be unwilling to negotiate at all. Thus, one of the first steps that states must take in deciding whether to negotiate with NSAGs is to determine whether the organization

in question would be open to talks. Much of the research that deals with this question centers on various “kinds” of NSAGs, some of which are more likely to be open to talks than others.

Kinds of NSAGs

Among the adjectives commonly used to describe NSAGs are: absolute, new, traditional, contingent, instrumental, demonstrative, revolutionary, rational, irrational, and millenarian. In this section, I briefly describe the most common distinctions and in doing so discuss the conclusions drawn in the literature vis-à-vis the advisability and likely effectiveness of engaging in negotiations with these different kinds of groups.

Richard Hayes et al. (2003, 452) differentiate between absolutist NSAGs and traditional NSAGs. The former, which the authors believe represent a “new form of terrorism,” are “absolutist because they are not willing to enter into political discourse. Rather, their demands are immediate, unconditional, and universal.” Traditional NSAGs, in contrast, are those that do not fall into the category of absolutists. Bruce Hoffman (1999) makes a similar distinction between what he calls new terrorism and old terrorism.¹⁶ Al Qaeda core is an example of an

¹⁶ For Hoffman, the goals of new terrorists are less tangible, new terrorists use technology to build global networks, and new terrorists tend to be united by common religious fanaticism. New groups are more willing and likely to target large numbers of individuals than traditional NSAGs. Crenshaw (2000), however, argues that there is little evidence that the kind of terrorism employed by these groups is new. According to her, the non-tangible

organization that employs “new terrorism.” More traditional NSAGs employ “old terrorism.”

Zartman (2003, 444) goes further, distinguishing between two kinds of absolutist NSAGs: total and conditional. Total absolutists have nothing to negotiate over; for them, the use of violence is an end rather than a means. Conditional absolutists are not necessarily inclined to negotiate, but they “have something tangible to bargain about such as territory or autonomy even if their methods ... categorize them as absolutes.”¹⁷ As for the basic distinction between traditional NSAGs and absolutist NSAGs, “the former have more moderate and flexible goals than the latter.”¹⁸

Dean Pruitt (2006, 383) has critiqued the distinction between absolutist and conditional NSAGs, arguing that the typology “may pigeonhole an [NSAG], leading to the false conclusion that the group is beyond hope for change.” He cites NSAGs that at one time appeared to be absolutist in their aims, but that eventually made

goals that characterize absolutists have existed throughout the twentieth century and before.

¹⁷ Wither (2009, 22) characterizing Zartman (2003, 444). A modern example of a conditional absolutist NSAG is the Lord’s Resistance Army in northern Uganda. This group may be considered the “archetype of an irrational organization, with a radical theocratic ideology and extremely brutal methods of rebellion, but it is nonetheless amenable to moderation through political bargaining – that is, in exchange for a deal at the International Criminal Court, which has indicted its top leaders” (Quinney and Coyne 2011, 23).

¹⁸ For Zartman, the term traditional should be replaced with “contingent or instrumental,” which denotes the use of others’ lives as exchange currency.

concessions and were able to reach agreements. A more prudent approach, he writes, would be to “assume that most [NSAGs] and governments, like most negotiators in general, start with extreme demands that cannot easily be met by the other side, but that many of them become considerably more flexible as a result of circumstances” (384). The key issue is to determine the circumstances that encourage such flexibility. Zartman and Faure (2011, 2) agree, noting that “absolute” is an attribute, not a permanent condition.

This insight suggests that states should not rule out negotiations with groups that employ terrorist violence or assume that groups are not amenable to negotiated settlements. Indeed, history suggests that the *a priori* assumption that any particular group is beyond hope of negotiation may be flawed. Determining the circumstances that encourage groups to come to the table, and encourage flexibility *within* negotiations, are key issues determining whether political settlements between states and NSAGs are possible and/or likely.

Other important distinctions that have been drawn in the literature have to do with ideology and representation of constituents. Pruitt (2006, 372) argues that NSAGs can be classified along two dimensions: “1) more or less ideological, in the sense of adhering to an integrated set of abstract beliefs, and 2) more or less representative of real constituents, in the sense of speaking for a sizeable set of people who acknowledge their leadership.”

Ethno-nationalist NSAGs (e.g., the PLO, the IRA and the ANC), whose political objectives usually consist of gaining power, autonomy, or independence in a certain region or for a certain ethnic group, often have substantial support in their communities. These groups tend to be relatively less ideological than groups like al Qaeda in the sense that their ideology – usually a form of nationalism – is unlikely to preclude negotiation.¹⁹ Indeed, these groups may be the best candidates for negotiation: they are difficult to defeat militarily, and talks are unlikely to fundamentally contradict their *raison d'être*.

Less representative, more ideological groups are generally unsuccessful, both at reaching their goals “militarily” and at reaching political settlements with states. Though negotiations with at least some of these groups (e.g., Italy’s Red Brigades or Japan’s Aleph, formerly Aum Shinrikyo) should not be ruled out *a priori*, extremist ideology in such cases could make talks difficult both for groups and the states that might otherwise seek to negotiate with them.

Organizations like al Qaeda core are less representative and more ideological groups, and these kinds of groups tend to be the most problematic for negotiations. Extreme ideological rigidity suggests difficulty for the state in justifying negotiations at all, much less making concessions, even in cases where the state might be inclined

¹⁹ This point is related to the coherence of group objectives, which is treated in the section (below) on scope conditions for negotiations considered in this dissertation.

to negotiate (which intuitively would be rare). This same ideological rigidity makes the prospect of negotiations unpalatable for this kind of NSAG.²⁰

Contemporary Theory on Negotiations with NSAGs²¹

Relatively few studies have dealt directly with the conditions under which negotiations with NSAGs are likely to be successful, but most that have relate to the relatively “more representative / less ideological” type described above (i.e., the

²⁰ To convey these distinctions, Pruitt (2006, 372) provides a 2x2 table that characterizes groups as more or less ideological and more or less representative. Though the groups placed in the “more representative / less ideological” cell (e.g., PLO, ANC, IRA) and the “less representative / more ideological” cell (e.g., Red Brigades, Aum Shinrikyo) make sense, the other cells are problematic. Both the KKK and al Qaeda are included in the “more representative / more ideological” cell, for example, and the final “less representative / less ideological” cell is empty. Though the KKK at one time had much more support than it currently does, that group should not be considered in any way representative. Similarly, though al Qaeda does have some support it is slight relative to the population that the group seeks to represent. For reference, Pruitt’s table is included in Appendix A.

²¹ Hostage taking is a class of negotiations that represents a “special case,” one that is not directly treated in the body of this text. The literature on negotiations with hostage takers is large and specialized. In instances of hostage taking, “terrorists have put themselves in the unusual circumstances of being intermingled with their victims in a location that is [generally] known to the authorities” (Pruitt 2006, 373). Despite some similarities in the underlying process, hostage negotiations and negotiations with NSAGs are fundamentally different. Whereas negotiation with hostage takers is tactical, the goal generally being the safety and release of the hostage(s), negotiations with NSAGs are strategic. In the latter case, the overarching goal is not to win the freedom of a particular kidnapped individual, but rather to find a way to incorporate the NSAG into the political process, thus providing a pathway to end the conflict between those actors and the state. Recent high-profile examples of hostage negotiations include Beslan (2004), where Chechen terrorists captured a school with 1,200 people inside, and Hamas’s (2006) capture of Israeli Corporal Gilad Shalit, who was held for over five years. Hostage negotiations may play a role in strategic negotiations, but they are not in themselves strategic. They will not lead to a durable cessation of conflict between NSAGs and the state. Excellent discussions of hostage negotiations can be found in Cristal (2003), Dolnick (2003), Donohue and Taylor (2003), and Faure (2003), all in a special issue of *International Negotiation*. See also Donohue and Roberto (1996). Some of the findings in this literature lend themselves to evaluating hypotheses at the broader, strategic level of negotiations with NSAGs. These are reviewed in the section below, where I outline the dissertation’s hypotheses.

kind of groups that form the focus of this study). These studies have ranged from discussions of pre-negotiations (Byman 2006; Zartman 2012) to whether states should acknowledge NSAG interests (Spector 2003), and from the necessity of “mutually hurting stalemates” (Hampson and Zartman 2012; Pruitt 2006; Zartman 2000) to the importance of broad political support for negotiations within states (Cronin 2010). The study that has most directly addressed what Zartman has called “ripeness” for negotiations with NSAGs was published by the US Institute of Peace in 2010.²² This short piece posits seven promising and unpromising conditions for negotiations, framed as lessons for policymakers.

First, negotiations are best initiated in the context of a mutually hurting stalemate. When NSAGs and states suffer high costs from confrontation, but are unable to defeat each other by way of arms, both parties may take the view that further violence is unproductive.²³ Also relevant to the question of stalemate, groups are more likely to compromise if popular support among their constituents is waning and in cases where constituent casualties are mounting. In cases where popular support for the state is declining relative to popular support for the group, negotiations are unlikely to be productive.

²² For early work on ripeness theory, see Zartman and Berman 1982; Zartman 1983; Touval and Zartman 1985; Zartman 1985.

²³ Fearon (1995), Powell (2002), and Bapat (2006) would agree with this point, at least with regard to warring states.

A second important condition for successful negotiations is the presence of strong leadership on both sides of the divide. NSAGs must have leaders that are willing and able to negotiate on behalf of the group. Otherwise, possible settlements are unlikely to hold. Strong leadership on the part of the government, including support across representative political parties, is also likely to be necessary. According to Cronin (2010, 7), “[Successful] negotiations by democratic states are virtually impossible without both.”

Splintering is a third consideration. A common side effect of negotiations, splintering is the breaking apart of parties involved in talks (often of those who want to engage in talks and those who do not).²⁴ It can occur within NSAGs or within states. NSAG splintering is sometimes a policy objective of the state, which may aim to divide moderates from extremists through a process of negotiations. Unlike the aforementioned conditions, the likely effects of splintering must be determined on a case-by-case basis. The splintering of certain groups may be conducive to negotiations; the splintering of other groups may lead to their unraveling.

²⁴ Examples include the splintering of the Provisional Irish Republican Army into the Real Irish Republican Army, the Continuity IRA, and the Irish National Liberation Army; the Popular Front for the Liberation of Palestine-General Command breaking off from the Palestinian Liberation Organization; and Basque radicals from ETA continuing the use of terrorism while that organization’s political wing, Batasuna, moved toward assimilation into the political process.

Splintering can be benign, but it may also lead to a fourth consideration: spoilers. Spoilers, which can emerge from NSAGs or governments, are those who oppose negotiations and take steps to sabotage the negotiation process (Stedman 1997). By using violence to demonstrate that peace agreements cannot hold, spoilers can contribute to the derailment of talks.²⁵ After accords are signed, spoilers can use violence to show that peace cannot be durable. This can lead to a resumption of conflict between the NSAG and the state.

The role of third parties is a fifth factor considered by the USIP. “Third-party states neighboring or having interests in a conflict is crucial, as are mediators, outside guarantors, and other external actors willing to push along or support negotiations” (Cronin 2010, 9). These actors may be representatives of interested (or disinterested) states, third-party government intermediaries, or others. Their role often goes beyond facilitating negotiations, in the sense of providing support, to

²⁵ In a 2002 study, Kydd and Walter examined 14 peace agreements signed by states and NSAGs during civil wars over a ten-year period (1988 to 1998). When NSAG attacks occurred during talks, only one in four signed settlements actually took effect. When attacks did not occur during talks, some 60% took effect. Desirée Nilsson has shown that parties involved in negotiations sometimes take the danger of spoilers into account when signing agreements. In these cases, qualitative research has shown that spoilers do not negatively affect the longevity of agreements (Duyvesteyn and Schuurman 2011, 684). Further, when spoilers cannot depend on popular support for their attempts to sabotage talks, such acts may actually strengthen the peace process (Cronin 2009, 69-70). Finally, Cronin finds that “a crucial element in the success or failure of ... talks is the ability of policymakers to devise a plan in advance for what will happen when violence does occur again (Cronin 2010, 1).

enabling them. Without support from third parties, negotiations between states and NSAGs may be moot in some cases.²⁶

In addition to an absence of suicide attacks,²⁷ “a last crucial element” in determining whether negotiations are likely to be successful is an understanding on the parts of those involved of the historical context in which they are operating and an ability to adapt to that context. According to the report, the historical record shows that campaigns that have ended in negotiated agreements have “all” involved groups “whose cause was no longer in the ascendancy on the international stage... Talks with groups whose global cause is perceived to be on the ascendancy in terms of broad-based political support are unpromising” (Cronin 2009, 9-10).

Aside from the conditions addressed above, scholars have offered other assessments of the conditions under which negotiations with NSAGs are likely to be effective. Fen Hampson and Zartman (2012) have observed that dealing with NSAGs (through talks or otherwise) is more straightforward in the early phases of a terrorist campaign, “before the terrorism becomes a mainstream activity.” The paradox is that the incentive to negotiate with NSAGs tends to correspond to the strength of those organizations: when groups are weakest there is little incentive to negotiate.

²⁶ The failure of Syria to support the Palestinian-Israeli peace process, for example, has significantly undermined that process.

²⁷ The report flatly states, “the presence of suicide attacks is an unpromising factor for successful negotiations, because they reduce the ability and willingness of populations to live side-by-side” (Cronin 2010, 6).

Spector (2003, 616) has pointed to “prerequisites” for successful negotiations, which “often include the cessation of hostilities, open communication channels, a belief in reciprocity, and trustworthiness.” Some of these factors are likely to be more important than others. Whereas open communication channels seem intuitively important, Cronin (2010) has observed that about half of the NSAGs that engage in talks continue to carry out violence while talks are underway.²⁸ Only one in ten of these negotiations processes clearly fails; thus, a cessation of hostilities seems an unlikely prerequisite for successful talks.

Further, Spector’s idea that states and NSAGs need to trust each other as a prerequisite for negotiations seems an unfruitful starting point. Groups that are battling each other rarely trust each other, especially before trust can be demonstrated through talks. A belief in the willingness of both sides to *build* trust over time may be a more appropriate prerequisite, if one is appropriate on this point at all.

Neumann (2007) advises that states should negotiate with NSAGs only when those organizations offer the prospect of being good negotiating partners. This means having coherent objectives, being amenable to moderating the use of violence, and having leadership that is able to control the group’s rank and file.

²⁸ Cronin finds that only 18% of NSAGs engage in strategic negotiations at all. The reason for this is unclear. More work needs to be done to determine the conditions under which NSAGs and states are willing to negotiate NSAGs’ strategic objectives. Note also that nearly all NSAGs that have entered talks in recent decades have had strategic objectives related to the control of territory. Cronin (2010, 3) argues that it is “hard to know whether this connection to territory will hold in an era of “virtual” globalized causes.”

Jonathan Powell (2008) agrees and adds that consistent leadership on both sides of the divide, as well as broad political support, are necessary ingredients for successful negotiations. Powell argues that while groups must agree to end violence before formal talks begin, no preconditions should be required for groups to engage each other initially.

Negotiation Strategy: A Missing Variable

A prominent gap exists in this literature, and I argue that this gap contributes to the confusion regarding the findings outlined above. As demonstrated above, the variables typically used to explain outcomes in negotiations between states and NSAGs (e.g., mutually hurting stalemate, splintering, spoilers, suicide attacks, hostilities while talks are underway) are external to actual talks. Scholars have attempted to explain outcomes with reference to the conditions that propel parties to the negotiating table rather than by focusing on the dynamics of talks once they are underway. In other words, they have focused more on the strategic contexts in which negotiations take place than on negotiations themselves.

In this research, I seek to shift the analytic focus from external conditions to what happens at the negotiating table, arguing that negotiation strategy is an important missing variable in this body of research. Though contextual conditions that give rise to negotiations are indeed important, it is also important to study how negotiations themselves unfold. I argue that within certain scope conditions, the strategies that states and NSAGs adopt strongly contribute to the outcomes of

negotiations. Specifically, negotiation strategy is likely to be an important variable when the following conditions hold:

- There are structural incentives for negotiations.²⁹
- The non-state actor fits the definition of NSAG, as outlined above.³⁰
- The state and NSAG have coherent objectives.³¹
- The state and NSAG have identifiable negotiating strategies.³²
- The state and NSAG have strong leadership.³³

Strategy is an important variable regardless of whether third parties mediate talks and regardless of whether hostilities continue while talks are underway. Further, whether parties trust each other's motives prior to dialogue is irrelevant. As mentioned above, trust is more often a product of talks than a prerequisite.

²⁹ Most prominently, this includes a mutually hurting stalemate.

³⁰ This scope condition speaks to NSAG "type." Groups that constitute the universe of relevant cases are of the relatively "more representative, less ideological" type, as described by Pruitt (2006). Groups with maximalist, millenarian goals (e.g., al Qaeda core) are not among the kinds of NSAGs considered here.

³¹ For states, primary objectives often include the reduction or cessation of violence on the part of the NSAG and, ultimately, the dissolution of the NSAG. For NSAGs, objectives are often nationalistic and almost always fall short of the overthrow of the state (which would likely preclude negotiations).

³² This does not mean that parties cannot change negotiating strategies once talks are underway or move away from their strategies tactically. Rather, it means that during negotiations parties have identifiable, strategic orientations; they do not act in a ways that appear *ad hoc*.

³³ This means that leadership is able to negotiate as a coherent entity. It does not mean that leaders need unqualified support, either within the government or within the ranks of the NSAG.

Indeed, certain negotiating strategies may aim to demonstrate good faith and cultivating trust.

The literature on negotiations is enormous and cross-disciplinary, and a large subset of the literature deals with negotiation strategy. At the broadest level, strategies are described as distributive or integrative.³⁴ Richard Walton and Robert McKersie first identified these models in their (1965) book *A Behavior Theory of Labor Negotiations*. The models were more fully developed by the 1970s, and in recent decades there has been some debate over whether one model is “better” than the other for producing agreements.³⁵ At present, there is strong consensus that integrative bargaining, though less intuitive, is more constructive than distributive bargaining. The integrative model has been considered the “centerpiece of normative negotiation scholarship and negotiation teaching” since at least the

³⁴ Given its breadth, a full review of negotiations literature here is unrealistic. The dominant strategies in the literature, and the ones that form the focus of this work, are the integrative and distributive models. Other models, which generally exist under the umbrella of distributive, integrative, or some combination of the two, include “Graduated Reciprocation in Tension Reduction (GRIT)” and “Arms Race in Reverse” (Osgood 1962); phase models (Douglas 1962; Gulliver 1979; Putnam 1990; Holmes 1992); episodic models (Baxter 1982); Dual Concerns (Pruitt and Carnevale 1992 and Shapiro and Kulik 2004); “Tit-for-Tat” (Axelrod 1984); Specific and Diffuse Reciprocity (Keohane 1986); “Interests, Rights, and Power (IRP)” (Ury, Brett, and Goldberg 1988); and “Coordinated Unilateral Action” (Bland 2006). These strategies are normally suited to specific contexts and do not apply to negotiation generally in the ways that integrative and distributive strategies do.

³⁵ The publications of two books contributed to this debate. The first was Herb Cohen’s (1980) *You Can Negotiate Anything*, which advocated for distributive bargaining. The second was Fisher and Ury’s (1991) *Getting to Yes*, which advocated for integrative bargaining.

publication of Roger Fisher and William Ury's *Getting to Yes* in 1981 (Korobkin 2007, 1).³⁶

Parties that employ distributive strategies (also known as “hard” or “positional” bargaining) take the view that negotiations are win/lose, “divide the pie,” zero-sum situations, where a fixed amount of resources is to be divided among the negotiating parties (Coleman and Fraser 1979). Distributive strategies are coercive in the sense that they intend to influence opponents’ resistance points and force them to reveal their reservation points,³⁷ thus allowing the party employing the strategy to maximize its gains (Deutsch 1977; Lax and Sebenius 1987; Olekalns, Smith and Walsh 1996). To the extent that they exchange information, they do so tactically in an attempt to control negotiations (Putnam and Wilson 1990), attempting to get as much information out of their opponents as possible while revealing as little of their own as possible.

Generally, parties that adopt distributive strategies prefer to focus on “issues that are easily partitioned, link their self-interests to zero-sum issues, and adopt negative frames” (Donohue and Roberto 1996, 210). Distributive negotiations are

³⁶ Some scholars have pushed back against the idea that integrative bargaining is preferable to distributive bargaining. See, for example, Wetlaufer (1996) and Korobkin (2007). According to Michael Wheeler at Harvard Business School, “It’s unrealistic to imagine that pies can be infinitely expanded. At some point, it still comes down to determining who gets which slice of pie” (Johnston 2012).

³⁷ The minimum acceptable outcome for a party. A party’s reservation point is a function of its “Best alternative to a negotiated agreement,” or *BATNA*. See Fisher, Ury, and Patton (1991).

characterized by argumentation, threats, and assertions of needs (Putnam and Wilson 1990); personal attacks (Lewis and Fry 1977); and high demands and concessions (Bateman 1980; Smith, Pruitt and Carnevale 1982). Further, these strategies are associated with relatively “more false information, pressure tactics, and the demand for concessions, resulting in greater positional commitment and increased hostility” (Olekalns, Smith and Walsh 1996, 69).

Table 1: Possible tactics employed as part of a distributive strategy³⁸

- Concealing information and objectives
- Focus on positions rather than interests
- Opening “strong”
- Grudgingly making concessions
- Misrepresenting information
- Salami tactics³⁹
- Using force or threat to elicit concessions
- Refusing to talk / negotiate
- Presenting positions as immovable
- Generating and presenting positions without consultation

In contrast, parties that employ integrative strategies view negotiations as situations with “win/win” potential, where the “pie” might be expanded and negotiations are not necessarily zero-sum. These strategies are generally more

³⁸ For discussions of tactics identified in tables 1 and 2, see Coleman and Fraser (1979); Weingart and Olekalns (2004); Carrell and Heavrin (2007); Alfredson and Cungi’ (2008).

³⁹ Prolonging negotiations without action only to make small, unavoidable concessions so that the other party remains at the table.

tentative and exploratory than distributive strategies, and they seek to create opportunities for cooperation rather than coercion. To that end, they are primarily interested in conveying, understanding, and defending *interests* rather than positions.⁴⁰ They regard information exchange as a mechanism for establishing trust, understanding opponents' needs and preferences, and retaining flexibility in negotiations (Olekalns, Smith and Walsh 1996, 68-69). For those employing this approach, information is not a weapon, but rather a tool for solving a problem.⁴¹

Parties that adopt integrative strategies prefer to work with their opponents as negotiating partners rather than compete with them as adversaries. They are inclined to view each other as counterparts who can contribute to the maximization of joint gains through shared problem solving techniques (Putnam and Wilson 1989). Integrative strategies often seek to negotiate "outside of the box," for example by adding issues to the negotiating agenda, since more issues to work with create more opportunities for creative ways to reach agreements. Integrative strategies generally seek to identify common goals between parties (Deutsch 1973)

⁴⁰ Positions can easily harden once taken, whereas fundamental, underlying interests are what they are. In many cases, these can be reconciled in creative ways.

⁴¹ Integrative bargaining is less intuitive than distributive bargaining, and some scholars have argued that without formal training it may be difficult to employ. Thompson (1991), for example, has found that unprompted negotiators rarely seek information about preferences that would be useful in crafting integrative agreements, and Bazerman and Neale (1983) have identified what they call "fixed-pie bias" in most negotiators. Though scholars tend to believe that integrative bargaining is relatively more conducive to agreements, Lax and Sebenius (2007, 132) conclude that, "the world does not suffer from an overabundance of value creation in negotiation... The more common risk comes from an excessive focus on claiming "my share" of the pie."

and even between negotiators (Lewicki and Litterer 1985), and they generally seek to demonstrate greater flexibility than distributive strategies.

In short, unlike distributive strategies, integrative strategies tend to be more cooperative than competitive. They do not view negotiations as zero-sum; instead, they seek to “add value” to talks with the goal of reaching a mutually beneficial compromise. None of this suggests that integrative approaches imply yielding to demands without compensation or that they require altruism (Odell 2010, 621), but the “tone” of integrative strategies is markedly different from the tone of distributive strategies. The former tends to express the desire to reach mutually agreeable solutions to problems through negotiations; the latter more clearly expresses the desire to impose dominance in negotiations in order to maximize individual gains.

Table 2: Possible tactics employed as part of an integrative strategy

- Sharing information and objectives
- Focus on interests rather than positions
- Presenting positions as tentative, flexible
- Logrolling⁴²
- Attempts at conciliation
- Adding and subtracting issues
- Reducing opponents’ fear of exploitation
- Generating and presenting positions in consultation

⁴² Trading one issue for another. That is, compromising in one area in exchange for compromise in a different area. See Malhotra and Bazerman (2007); Hampson and Zartman (2012).

On a content level (i.e., considering the *kinds* of issues that parties employing distributive and integrative strategies prefer to negotiate), the difference between the two approaches can be illustrated with two hypothetical examples. Buying a trinket in an oriental bazaar is usually a distributive bargaining situation. The buyer and seller go back and forth if and until they reach what Fisher, Ury, and Patton (1981; 1991) have called a “Zone of Possible Agreement” (ZOPA).⁴³ If the buyer’s reservation point is higher than the seller’s reservation point, then a deal is possible.

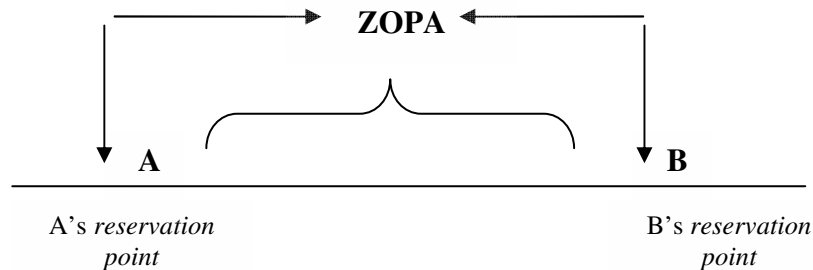


Figure 1: Zone of Possible Agreement

In contrast, a parent’s decision to let his/her child stay up late in exchange for taking out the trash or mowing the lawn would be the product of integrative bargaining. In this case, the terms of trade are not necessarily intuitive (i.e., taking out the trash and mowing the lawn are ostensibly unrelated to bedtime), but the

⁴³ Howard Raiffa (1982) identified this space as a “Zone of Agreement.” ZOPA’s are usually referenced in discussions of distributive bargaining situations, where a “single-issue” item is being negotiated. Logically, they could apply also to integrative bargaining situations, albeit in different and usually more complex ways. On this point, see chapter 6.

parties reach a mutually beneficial agreement that addresses the needs of each. Hampson and Zartman (2012, 94) have called this kind of exchange “tradable compensation,” which they define as “an exchange of one position for another on a different issue.” It differs from the “reciprocal exchange” of concessions more common to distributive negotiations.

To reiterate a point referenced above, what these hypothetical examples do not necessarily demonstrate is the importance of tone in negotiations and the (usually) tightly linked relationship between tone and strategy. A buyer and seller may go back and forth over the price of a trinket cordially, of course, but in the kinds of negotiation situations treated here distributive strategies often manifest themselves in the assertion of power or influence at the negotiating table (rather than, for example, in demonstrations of respectful disagreements).

The inclination toward coercion and competitiveness that the adoption of distributive strategies implies lends itself to inflexibility vis-à-vis both the selection of and willingness to discuss certain topics at the negotiating table. The reverse is true for integrative strategies: the inclination toward cooperation usually implies flexibility regarding which topics can be negotiated (most often in the sense that topics can be “added” to the agenda) and in what terms.

Though the integrative and distributive models represent fundamentally different approaches to negotiation, these strategies need not be entirely separate. Steven Putnam and Linda Wilson (1990) have identified three styles of combining

integrative and distributive approaches to bargaining, which they call the separate, stage, and interdependent models. The separate model assumes a hard division between integrative and distributive strategies; the stage model assumes that parties can and will go back and forth between these; and the interdependent model assumes that integrative and distributive tactics not only reinforce each other but can even depend on each other for their existence.

It would be difficult to argue with the contention that integrative and distributive tactics may be used in combination as interdependent components of a single strategy. “Ideal type” strategies are empirically rare, and thus some may prefer to identify strategies along a continuum rather than based on the integrative / distributive dichotomy. Even strategies that employ both kinds of tactics will be relatively more integrative or distributive, however, and “viewed more globally as a general strategy, it is certainly possible for negotiators to build and sustain an essentially integrative or distributive strategic orientation throughout a negotiation” (Donohue and Roberto 1997, 211).⁴⁴ Scholars have drawn this distinction for decades,⁴⁵ and this work follows in that tradition.

⁴⁴ Odell (2000, 621) has proposed a continuum of strategies ranging from purely distributive to purely integrative, arguing that a “particular interaction can be described by aggregating whatever mix of behaviors that set of parties exhibits.”

⁴⁵ See, for example, Walton and McKersie 1965; Cohen 1980; Putnam 1990; Gelfand and Brett 2004; Conceição-Heldt 2006.

1.4 Theoretical Contribution and Methodology

This research challenges, builds on, and advances existing theory. I do not claim that variables other than negotiation strategy (e.g., ripeness for negotiation, “kind” of NSAG, quality of leadership, etc.) are unimportant for understanding negotiation outcomes, but I do argue that the role of strategy has been under-theorized and that our understanding of how and why state-NSAG conflicts are or are not resolved diplomatically has suffered as a result. In this section, I present the hypotheses that will be evaluated in this research. Each has been derived deductively or from existing literature, as explained below. I then outline the research design that I use to evaluate my hypotheses, including with reference to data collection and case selection.

Hypotheses

H1a: The predominant use of integrative strategies by both sides favors agreement in negotiations between states and NSAGs. Both tactical and strategic agreements (e.g., ceasefires and group transitions into legal politics, respectively) are more likely to occur when both sides adopt predominantly integrative strategies.

H1b: The predominant use of distributive strategies by both sides discourages agreement in negotiations between states and NSAGs. Neither tactical nor strategic agreements are likely when both sides adopt predominantly distributive strategies.

H1c: Negotiations characterized by divergent strategies – i.e., where one party adopts a predominantly distributive strategy and the other adopts a predominantly integrative strategy – are not likely to produce political settlements. To the extent that parties reach agreements under these conditions, they are more likely to be procedural than substantive.

Table 3: Hypothesis 1 (1a, 1b, 1c)

		State Strategy	
		Integrative	Distributive
NSAG Strategy	Integrative	Favors Agreement	Limited initial success Talks break down
	Distributive	Limited initial success Talks break down	Discourages Agreement

H2a: In cases where parties initially adopt divergent strategies, the party that initially adopted the integrative strategy is likely to shift its strategy from integrative to distributive during the course of negotiations.

H2b: Shifts in parties' strategies that result in the mutual adoption of integrative strategies favor negotiation success. Conversely, shifts in parties' strategies that result in the mutual adoption of distributive strategies favor negotiation failure.

H3a: Since states may feel less threatened by the power structure of negotiations, and thus more likely to be open to risk, states are more likely to "open" negotiations with integrative bargaining strategies than distributive bargaining strategies.

H3b: Since NSAGs may feel more threatened by the power structure of negotiations, and believe that distributive tactics are more likely to "level the playing field," NSAGs are more likely to "open" negotiations with distributive bargaining strategies than integrative bargaining strategies.

H4: Relatively strong NSAGs (as measured by numbers, capability, support among their constituents, etc.) are likely to pursue distributive strategies in negotiations longer than are relatively weaker NSAGs.

Hypothesis 2a is grounded deductively, based on the logic that parties that initially adopt integrative strategies are unlikely to maintain them when confronted with overwhelmingly distributive strategies from their counterparts. Because integrative strategies entail demonstrations of good faith, provision of sensitive information, risk taking, and other proactive gestures aimed at establishing rapport, if and when counterparts' refuse to reciprocate with similar gestures the party employing the integrative strategy is likely to perceive itself to be "giving away more for less." This is likely to prompt an integrative to distributive shift.

H2b is a logical extension of H1a and H1b. Since I hypothesize that the mutual adoption of integrative strategies favors negotiation success, and that the mutual adoption of distributive strategies favors negotiation failure, a logical

corollary is that shifts that result in these combinations should also favor the anticipated outcomes. The research design described below is not structured to explain *why* parties may shift strategies once negotiations are underway. However, tentative hypotheses regarding this question are outlined in the dissertation's conclusion, where the area is flagged for future research.

Hypotheses 3a and 3b have grounding in literature that deals with the "special case" of hostage negotiations. In a study of 186 hostage negotiation transcripts, William Donohue and Paul Taylor (2003, 528) found that "negotiators who saw themselves as having fewer options than their opponents were more likely to resort to aggressive strategies as a way of seeking change in the power structure... In contrast, negotiators who perceived themselves as having a greater number of options were less threatened by the power structure of the situation and, consequently, were more likely to risk their social identity with affiliative and conciliatory dialogue." In other words, in situations characterized by a clear power imbalance, the party with less power was prone to using competitive, aggressive strategies "as a means of shifting power."

That parties would take such steps is not surprising. Hampson and Zartman (2012, 90) conclude that "Since negotiations work best when there is an atmosphere of equality between the parties, efforts ... "to level the playing field by changing the perception of a relationship and setting the right tone can help [parties] attain their goals." John Odell (2010), who has called this phenomenon

“attitudinal structuring,” is among many who have studied power symmetry in international negotiations. Frank Pfetsch and Alice Landau (2000)⁴⁶ conclude that power symmetry is a “necessary but not sufficient condition for successful negotiations.”⁴⁷

In a sense, hypothesis H4 is paradoxical. H3b is grounded in a strong-weak dichotomy, and suggests that NSAGs are more likely to open with distributive strategies precisely because these groups are likely to be relatively weaker than the state. In a power continuum where states have even more power vis-à-vis weak NSAGs than they do vis-à-vis strong ones, then, why would weak NSAGs be quicker to defect from their initial distributive negotiating strategies? The logic here is that weaker NSAGs are likely to recognize that their distributive strategies are ineffective faster than stronger NSAGs.

Research Design, Case Selection, and Data Collection

The principal method that I employ in this research – known as *structured, focused comparison* – is “the use of a well-defined set of theoretical questions or propositions to structure an empirical inquiry on a particular analytically defined aspect of a set of events” (George 1979; Levy 2008, 2). This method examines

⁴⁶ Cited in Donohue and Taylor (2003, 531).

⁴⁷ Taken literally, this is not correct, as it implies that only negotiations between equal powers could be successful. The important point that this statement reflects, though, is that parties will often make efforts to level the playing field to the extent possible, and doing so is often conducive to successful negotiations.

instances of a given phenomenon by systematically asking a limited number of questions and evaluating a limited number of hypotheses in multiple historical cases.

The method is structured in that the questions asked of each case are the same, standardizing data collection and making systematic comparison and cumulation of case findings possible (George and Bennett 2005, 67).⁴⁸ Though a given case may be relevant for examining several different phenomena, the method is focused in that it only examines certain aspects of the cases. The questions that structure this research, allowing for the evaluation of existing hypotheses and the generation of new ones, are as follows.

Question 1: Did parties have clearly articulated strategies going into talks? If so, what was the logic behind these strategies? Were they intended to be flexible or firm?

Question 2: Did parties maintain consistent strategies throughout the course of negotiations? If not, what seems to have provoked changes in strategies?

Question 3: How did parties craft proposed terms of agreement? How did they present proposed terms of agreement? How did they respond to proposed terms of agreement?

Question 4: What was the role of third parties in negotiations? Did they mediate, facilitate, both, or neither? Were third parties called upon for specific reasons, either before or during negotiations? Did third parties play pivotal roles in negotiations?

⁴⁸ Non-standard questions may be asked of particular cases in order to bring out certain features of those cases; thus, there is some inherent flexibility in the approach.

Question 5: Did tactics employed by one or both parties imperil talks? How did parties respond to perceived impasses? Were they willing to take “big risks” to circumvent impasses?

Of the several kinds of case studies identified by Jack Levy (2008, 3-7), the cases in this design primarily serve the purpose of hypothesis evaluation.⁴⁹ In addition to evaluating the aforementioned hypotheses, the research also generates hypotheses. These will not be evaluated in this study; instead, they may be used as a basis for future research. New hypotheses are flagged in the empirical chapters but primarily addressed in the conclusion.

Process tracing is an important methodological tool in this research. Alexander George and Timothy McKeown (1985) define process tracing as within-case analysis to evaluate causal processes. The purpose of process tracing is to “investigate and explain the decision process by which various initial conditions are translated into outcomes (1985, 35).” In other words, for the current research, this technique helps to explain the underlying mechanisms that contributed to negotiation outcomes.⁵⁰

⁴⁹ The case study types identified by Levy include idiographic (inductive and theory-guided), hypothesis-generating, hypothesis-testing, and plausibility probes. Given the number of cases and the character of the hypotheses examined here, it is more appropriate to say that this research “evaluates” (rather than “tests”) hypotheses.

⁵⁰ On process tracing, see also Gerring 2007, 181.

Case selection is based on a “most similar cases” research design.⁵¹ In the ideal form of this design, cases are selected such that they are similar in all respects except for variation in the dependent variable (in this case, negotiation outcome) and variation in a single independent variable (in this case, negotiation strategy). Under such circumstances, variation in the independent variable may explain variation in the dependent variable. Though identifying cases that meet this standard is a perennial hurdle in comparative research (Levy 2008, 2), the cases selected here are comparable for reasons explained below.

Zartman (2006, 169) notes that most analysts begin case studies by choosing cases that are salient and relevant. Writing specifically about methods in negotiation research, he explains that salience involves “importance in the general discourse about negotiation problems, including simple current events,” whereas relevance “concerns applicability to the conceptual issues involved.” Alexander George and Andrew Bennett (2005, 83) argue that the principal criterion for case selection should be relevance to the research objective of the study, “whether it includes theory development, theory testing, or heuristic purposes.”⁵²

⁵¹ Introduced by Mills (2009 [1843]), this approach has also been called a *most similar systems* design.

⁵² In studies where a relatively small number of observations are being examined, random selection is generally to be avoided; rather, selection should be intentional. King, Keohane and Verba (1994, 137) note that “[s]electing observations for inclusion in a study according to the categories of the key causal explanatory variable causes no inference problems.” Indeed, “[w]e are least likely to be fooled when cases are selected based on categories of the

These considerations have been taken into account. Rather than select unrelated cases (i.e., several different states negotiating with several different NSAG's), I have selected two pairs of cases – one from the Middle East and the other from Latin America. The first pair treats separate instances of negotiations between Israel and the Palestine Liberation Organization (PLO). These are: 1) negotiations that led to the 1993 Oslo Accord and 2) negotiations that took place at the Camp David Summit in 2000. In both instances, the state and the NSAG are the same, making for strong similarities along a number of dimensions.⁵³

The second pair of cases treats negotiations between Colombia and two separate NSAGs. These cases are 1) negotiations from 1986-1990 that led to the April 19th Movement (M-19)'s dissolution and transition into legal politics and 2) negotiations with the Armed Revolutionary Forces of Colombia (FARC) from 1998-2002, which failed. Similarities and differences between these NSAGs are addressed in detail in the empirical chapters, but it is worth noting here that in both cases they had Marxist origins, strong leadership, and a history of profound violence against

explanatory variables. The research itself, then, involves finding out the values of the dependent variable" (139).

⁵³ Israeli leadership did change between the two negotiations: the Prime Minister at the time of the Oslo agreement was Yitzhak Rabin. Ehud Barak presided over negotiations at Camp David. Still, the similarities in these cases are much stronger than those in most comparative case studies. As Levy (2008, 2) explains, identifying truly comparable cases "is often easier to approximate in longitudinal designs" where "political culture, political structure, history, rivalries, historical lessons, etc. change very slowly if at all."

state and non-state targets. In both cases, there was widespread initial support for talks, there were no suicide attacks, and there was relatively little splintering within groups.

The cases are salient both for their historic and contemporary importance. Since 1964, the PLO and the FARC have been key players in the ongoing violence that affects the territories in which they operate. The Israeli-Palestinian conflict is among the most recognizable in the world, having directly affected millions for decades and having provoked anger in many millions more. The conflict in Colombia has killed more than 200,000 people since 1958. Of all conflicts in the world that cause more than 1,000 deaths per year, Colombia's is the oldest (Isacson 2013, 2).

After multiple attempts to resolve these disputes diplomatically and otherwise, Israel and the PLO returned to the negotiating table in July 2013. Colombia and the FARC revealed in August 2012 that they had been engaged in secret talks since the beginning of that year. Though the former negotiations have recently stalled,⁵⁴ the latter proceed apace and have made more progress than in any previous instance.

The cases are relevant in that they are applicable to the theoretical concepts under investigation. They cover the spectrum of the negotiation patterns outlined in Table 3: the mutual adoption of integrative strategies by states and NSAGs, the

⁵⁴ Negotiations were indefinitely suspended by Israel in April 2014 after a reconciliation agreement between Fatah and Hamas.

mutual adoption of distributive strategies, and the adoption of divergent strategies. Within each pair of cases, similar values exist along a wide range of independent variables, but the values of the dependent variables in each pair are different.

In terms of data collection, much of the evidence drawn upon in this dissertation comes from the accounts of those involved in the relevant negotiations. Often, though not always, these accounts are available only as post-hoc recollections. This runs the risk of individuals emphasizing narratives that fit known outcomes. Therefore, whenever possible, contemporaneous primary sources are adduced to confirm or contradict these accounts.

Aside from secondary sources and first-hand accounts available in memoirs, journals, and other collections, the research also draws heavily on primary contemporaneous sources. These include the Palestine Papers,⁵⁵ the Camp David Papers,⁵⁶ strategy papers, letters, the minutes of meetings in all of the negotiations covered, formal accords, and various other internal documents. Going forward, elite interviews with individuals involved in these negotiations will be added to this list of data sources.

⁵⁵ A collection of classified documents dealing with Israeli-Palestinian negotiations that were leaked to Al Jazeera in 2011.

⁵⁶ A firsthand account of the July 2000 summit written by Akram Hanieh.

1.5 Chapter Outline

In each of the four empirical chapters that follow, I introduce and provide a brief history of the case in question. In doing so I identify the roots of the relevant conflict, the context that preceded negotiations, a description of the talks themselves, and the degree of resolution of the conflict (to the extent that there has been any). I then outline the theoretical expectations of the relevant hypotheses, and I indicate what kinds of evidence would provide support for and against those hypotheses.

Next, I provide analytical histories of the cases. These focus principally on parties' motivations for the negotiating strategies employed, how those strategies were implemented, including whether implementation occurred as intended, how the realized strategies were received, and the eventual outcome in each case. In short, I analyze the *process and dynamics* of negotiations with the explicit intent of identifying how strategies affected negotiation outcome. Each chapter concludes with an assessment of the extent to which the expectations of the hypotheses were met in the history of the cases.

In the sixth and final chapter of the dissertation, I outline conclusions derived from the case studies in a comparative light. I find empirical support for most, but not all, of my hypotheses. My principal contention – that combinations of integrative negotiation strategies favor negotiation success and combinations of distributive strategies favor failure – is supported, though I recognize that as yet

unidentified mechanisms may contribute to this finding. The concluding chapter also outlines hypotheses generated by the study, proffers policy recommendations that derive from the research, and suggests avenues for future research.

2. Case Study: Negotiations Between Israel and the PLO, 1993

2.1 *Introduction*

On September 9, 1993, the government of Israel and the Palestine Liberation Organization (PLO) exchanged letters of mutual recognition. Four days later, in a formal ceremony on the White House lawn, both parties signed the “Declaration of Principles on Interim Self-Government Arrangements” (DOP), also known as the Oslo I Accord. This document represented a dramatic breakthrough in the century-old conflict and indelibly altered the landscape of any future negotiations between the parties. Though the peace process ultimately broke down, the negotiations that led to the Oslo I Accord represent the most successful case of Israeli-Palestinian negotiations in the history of the conflict (Makovsky 1996, 1).

This chapter aims to explain the achievement of the Oslo Accord by applying the theoretical framework and evaluating the hypotheses outlined in chapter 1. It shows that the variables identified in existing political science literature as contributing to negotiation success (e.g., mutually hurting stalemate, leadership quality, splintering, international mediation) are by themselves insufficient to explain how the parties reached the Oslo Accord. The choice of negotiation strategy on the part of the two principal parties, in this case Israel and the PLO, is an important, missing piece of the puzzle.

The chapter proceeds as follows. First, it provides an overview of the Israeli-Palestinian conflict. Next, it provides a summary of the Oslo I Accord, including the content of the agreement and the extent of its initial success. After outlining the theoretical expectations of the hypotheses, it provides a case history of the negotiations that led to Oslo I, using the framework outlined in chapter 1. Though the hypotheses receive varying degrees of support individually, the principal contention that negotiation strategy contributes to negotiation outcomes is strongly supported. The chapter concludes with an analytical summary and review of the principal findings.

2.2 Context: The Israeli-Palestinian Conflict

Historical Background to Madrid

The roots of the modern conflict between Israelis and Palestinians date back to the late nineteenth century and the emergence of two distinct nationalisms. Zionism, which developed in response to Jewish persecution and anti-Semitism in Russia and Western Europe in the 1880's, holds that "the Jewish people constitute a nation and have a right to a sovereign nation-state in their ancestral homeland" (Eisenberg and Caplan 2010, 3)¹ Palestinian nationalism, which developed in part as a response to Jewish emigration to Palestine, holds that Palestinian Arabs have the right to a sovereign nation-state in Palestine. The crux of the conflict has always

¹ For discussion of the origin of modern political Zionism, see Tessler 2009, 36-43.

been that the territory to which both sides lay claim is largely the same: both Jews and Palestinians trace their histories to the land between the Jordan River and the Mediterranean Sea.² The land in and around Jerusalem in particular has been a point of major contention throughout the conflict.

The earliest talks between Zionists and Palestinians about the political future of Palestine took place in Cairo and Beirut in 1913-1914 (Mandel 1976). Prior to the British mandate, which lasted from 1920 to 1948, Britain complicated a difficult political situation by giving contradictory support for Palestinian and Jewish sovereignty over the same territory to both Arabs and Jews. Assurances were made to Arabs in the form of correspondence between Henry McMahon, the British High Commissioner in Cairo, and Husayn ibn Ali, the sharif of Mecca, from July of 1915 to January of 1916.³ They were made to Jews in the form of the Balfour Declaration on November 2, 1917.⁴

² Historical claims to broader swaths of land have been made on both sides in the past. The terms “Greater Israel” (or more accurately, “The Complete Land of Israel” from the Hebrew *Eretz Yisrael Hashleimah*) and “Greater Palestine” (*Doulat Falastin al-Kubra*), for example, refer also to adjoining lands. See Pappe 2003; Kramer 2008.

³ For the text of these letters, see <http://www.cfr.org/egypt/mcmahon-hussein-correspondence-1915-1916/p13762>.

⁴ The clearest evidence of the aforementioned “contradictory support” can be found in the Balfour Declaration, which reads “His Majesty’s government view with favour the establishment in Palestine of a national home for the Jewish people...it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine...” For text of the Balfour Declaration, see http://avalon.law.yale.edu/20th_century/balfour.asp.

Over the course of the mandate, the Jewish population in Palestine grew substantially. During the first three years of Adolph Hitler's reign in Germany (1933-1936), more than 130,000 Jews arrived in Palestine, increasing the Jewish population there by some 80% (Kochavi 1998, 146).⁵ The Arab revolt of 1936-1939, a response to both Jewish immigration and British rule, left hundreds of casualties among Jews and British forces and thousands among Arabs.⁶ With few exceptions, Palestinians and Jews did not engage each other diplomatically during the mandate. Talks that did occur had little effect on the evolution of the conflict.

The end of World War II did little to quell violence in Palestine, which grew more complicated because of several factors. Jewish forces carried out attacks against the British in their quest for independence,⁷ Arab states mobilized to prepare for the possible declaration of Jewish statehood, and Arabs in Palestine continued to press for their own independence. In 1947 Britain referred the issue of Palestine to the United Nations, which voted to partition the land. When Britain withdrew on May 14, 1948, Israel proclaimed itself the world's newest state,

⁵ From the beginning of Jewish emigration to Palestine (circa 1882) until the founding of the state of Israel (1948), the Jewish population exploded from some 20,000 Orthodox Jews to approximately 600,000 inhabitants – a 2,900% increase. See Kaplan and Penslar 2011; Eisenberg and Caplan 2010; Cohen 1987.

⁶ For a discussion of the factors leading to the revolt, see Abboushi 1977. For a discussion of the revolt itself, see Swedenburg 2003.

⁷ The most infamous of these was the bombing of the King David Hotel, Britain's administrative headquarters in Palestine, on July 22, 1946. It left 91 dead and 46 wounded of various nationalities.

prompting the invasion of a coalition of Arab states including Egypt, Iraq, Lebanon,⁸ Transjordan, and Syria. Israel won its war of independence, and in doing so occupied much of the land that the United Nations had envisioned allocating to the Palestinians.

The creation of the PLO at the first Arab Palestinian Congress in Jerusalem in 1964,⁹ and the official recognition of the organization at the Arab League Summit in Cairo later that year, brought new leadership to the Palestinian cause. In the aftermath of Israel's decisive victory in the Six Day War (1967), and the resultant occupation of the West Bank and Gaza, the PLO drafted a National Charter in 1968 that explicitly ruled out a diplomatic solution to the conflict.¹⁰

The 1973 Arab-Israeli War resulted in another defeat for Arab forces but also a realization on the part of Israel that twenty-five years after its founding the state remained threatened. In the wake of the war, in October of 1974, the Arab Summit in Rabat designated the PLO the "sole legitimate representative" of the Palestinian

⁸ Lebanese participation in this war was minimal.

⁹ <http://www.un.int/wcm/content/site/palestine/pid/12355>

¹⁰ http://avalon.law.yale.edu/20th_century/plocov.asp

people.¹¹ The following month, the PLO was granted observer status at the United Nations, and Yasser Arafat spoke before the UN General Assembly.¹²

From the late 1960's through the mid 1980's, Palestinians and Israelis attempted to delegitimize each other as they made the case for their own legitimacy on the international stage (Eisenberg and Caplan 2010, 166). The PLO pointed to human rights violations suffered by Palestinians living under military occupation in the West Bank and Gaza. The Israeli government pointed to PLO terrorist attacks in and outside of Israel.¹³ En route to the Egyptian-Israeli Disengagement Treaties of 1974 and 1975, Israel secured assurances from the United States that it would not recognize the PLO until the organization renounced terrorism and accepted UNSC Resolution 242 (Land for Peace), which implied recognition of Israel as a Jewish state (Spiegel 1986, 300-303). In August 1986, the government of Yizhak Shamir amended Israel's Prevention of Terror law to render encounters between Israeli government officials and PLO representatives illegal.

December 1988 marked an important turning point in the conflict when, in the midst of the first intifada, Arafat made what Ron Pundak has referred to as an

¹¹<http://unispal.un.org/UNISPAL.NSF/181c4bf00c44e5fd85256cef0073c426/63d9a930e2b428df852572c0006d06b8?OpenDocument>

¹² For the text of resolution 3237, which granted the PLO observer status at the UN: <http://unispal.un.org/UNISPAL.NSF/0/512BAA69B5A32794852560DE0054B9B2>.

¹³ The massacre at the Munich Olympics in 1972 was the most prominent of these, though there is disagreement among historians regarding the extent to which the Black September Organization that carried out the massacre was linked to the PLO.

“unequivocal political declaration” before the UN General Assembly.¹⁴ Pointing to the Palestinian National Council Declaration of Independence approved in Algeria the previous month,¹⁵ the PLO “recognized the right of the State of Israel to exist, in peace and security, within recognized borders; it denounced terrorism, and announced its desire to establish, by means of political negotiations, on parts of historic Palestine, a state side-by-side with the State of Israel” (Pundak 2002, 91). This ostensible shift in ideology would open a window to negotiations.

Madrid as Precursor to Oslo

A combination of factors in the early 1990’s contributed to what many believed was an auspicious moment to seek resolution to the Israeli-Palestinian conflict and the Arab-Israeli conflict more broadly.¹⁶ These included an ostensible ideological shift on the part of the PLO, shifts in Israeli public opinion vis-à-vis Palestinian national aspirations, international geopolitical changes resulting from the end of the Cold War, and increased US political leverage in the Middle East after the first Gulf War.

In this context, at the invitation of US Secretary of State James Baker and under the auspices of the governments of Spain, the United States, and the Soviet Union, delegates from Israel, Syria, Lebanon, and Jordan convened for a peace

¹⁴ For text of the speech, see <http://www.al-bab.com/arab/docs/pal/pal5.htm>.

¹⁵ <http://www.un.int/wcm/content/site/palestine/cache/offonce/pid/12353>

¹⁶ See Makovsky 1996, Ch. 6; Behrendt 2007, 4-5; Kelman 2007, 290; Tessler 2009, 755-760.

conference in Madrid on October 30, 1991. Palestinian delegates were also present, though at the insistence of the Israeli government these individuals had to meet specific criteria: they could not technically be members of the PLO (though some were affiliated), they could not be residents of East Jerusalem, and they could attend only as part of the Jordanian delegation, rather than as an independent entity.

The three-day conference was not intended to produce a breakthrough. Rather, it served as an opening forum for bilateral talks that would continue after meetings in Madrid. The conference did, however, break the pattern of “non-dialogue” that had lasted for decades. Forty-three years after the establishment of the state of Israel, the Madrid conference was the first occasion at which Israeli and Palestinian negotiators formally sat down at the same table. Coming together was in itself a success. It was also an indicator that the previously held Palestinian position of ruling out diplomacy in an effort to achieve independence may have changed.

An official Israeli-Palestinian negotiation track opened following the conference and continued in Washington, DC, from December 1991 through January 1994. Procedural and substantive hurdles plagued the “Madrid track,” as it was known, but two principal problems overshadowed the rest.¹⁷ First, negotiations

¹⁷ Procedurally, Israelis initially insisted that talks between them and the Palestinians happen as part of a broader Israeli-Jordanian-Palestinian dialogue. Palestinians insisted on bilateral talks without the Jordanians, a request that was eventually granted by the Israelis. Substantively, assumptions regarding eventual Palestinian autonomy were different. Israel assumed that Palestinian autonomy would be “built on a functional, administrative structure with no territorial base or sovereign powers,” whereas the Palestinians assumed

were being held between Israel and non-PLO representatives. Second, the public nature of the talks reduced the flexibility of the negotiators. Israel realized that any agreement made without the PLO would be moot, and both sides understood that they would be incapable of making the tough decisions necessary for peace if each step in the process were vulnerable to public scrutiny (Wanis-St. John (2011, 129).

2.3 Summary of the Oslo Accord

Process¹⁸

Yitzhak Rabin was elected to his second term as Israeli Prime Minister in 1992. Known for his realpolitik approach to international relations, and as an especially tough Defense Minister during the first intifada, Rabin believed that the geopolitical landscape that accompanied the end of the Cold War opened a window for peace processes with Israel's neighbors. The collapse of the Soviet Union, and thus its support for many of Israel's adversaries, led Rabin to argue that "the threat to the very existence of Israel [had] been reduced" (Mirsky and Rice 1992, 2). In contrast to earlier positions, he began to speak of an emerging "new world" and the

that "autonomy could be limited but that the limitations would only be temporary" (Wanis-St. John 2011, 55-56).

¹⁸ For accounts of the talks that led to the Oslo I Accord, see Abbas 1995; Ashrawi 1995; Makovsky 1996; Peres 1995; Qurie 2006; Rabinovich 1999; Savir 1999.

need “to join the international movement toward peace, reconciliation, and cooperation that is spreading over the entire globe these days” (Rabin 1992).¹⁹

The day after his inauguration, on January 19, 1993, the Knesset voted to repeal the law precluding contact between Israeli officials and the PLO. Shortly thereafter, at the invitation of the Norwegian government, two Israeli academics with ties to the foreign ministry and three Palestinian representatives of the PLO²⁰ arrived in Oslo for the first of what would be a series of secret meetings.²¹ The Oslo track, as it came to be known, was secret from its inception and ran parallel to the official negotiations taking place in Washington. When it was brought to light, the Oslo track largely replaced the Madrid track, though the latter continued formally via multilateral meetings through November.²²

The first meeting aimed to establish whether both sides truly sought permanent peace, as opposed to tactical gains, and it probed the willingness of the

¹⁹ For further discussion on the shift in Rabin’s strategic thinking, see Inbar 1996.

²⁰ These men were Dr. Yair Hirschfeld and Dr. Ron Pundak, on the Israeli side, and Ahmed Qurie (Abu Alaa), Hassan Asfour, and Maher al-Kurd, on the Palestinian side.

²¹ The initial overture that led to the Oslo track came from the Israelis at a London meeting of the Multilateral Talks Steering Committee, which came out of the Madrid Peace Conference. Hirschfeld made the overture to Qurie at the direction of Israeli Deputy Prime Minister Yossi Beilin. The Israeli cabinet had no knowledge of the London meeting before the Palestinians voiced openness to the possibility of opening a secret back channel. See Beilin 1999, 58-62.

²² Wanis-St. John (2011, 105) notes that once the parties recognized each other and the Declaration of Principles was signed, “the Washington Palestinian-Israeli track instantly became redundant because nothing even remotely similar was happening there in terms of progress.” Beilin (1999, 135) notes that the Oslo track revealed the “impotence and futility of the Washington talks.”

sides to think creatively about solutions to the conflict. From the outset the talks were political, but they initially focused on economic cooperation between Israelis and Palestinians. Ultimately, the parties agreed on a forward-looking approach aimed at improving the future for both sides rather than revisiting past debates (Pundak 2002, 93). For the next eight months, Israeli and Palestinian delegations met in Norway on thirteen more occasions. Initial conversations about economic cooperation expanded into dialogue about a shared declaration of principles that would outline an explicit framework for the end of the conflict (Shlaim 2009, 256).

In May 1993, after five rounds of meetings, Prime Minister Rabin upgraded the negotiations from informal talks between Israeli representatives and the PLO to a (still secret) formal channel between the Government of Israel and the PLO. He and Foreign Minister Shimon Peres brought on Uri Savir (the recently-appointed Director General of the Ministry of Foreign Affairs) as the lead Israeli negotiator. In the following round, Savir was joined by Yoel Singer, an Israeli lawyer with experience negotiating the Camp David Accords in 1978.²³

Three months and seven rounds of talks later, on August 19, 1993, negotiators for both sides initialed the “Declaration of Principles on Interim Self-Government Arrangements” on behalf of their respective leaderships. The leaders

²³ Singer would later become Legal Advisor to the Israeli Ministry of Foreign Affairs.

themselves formally signed the documents several weeks later at the White House.²⁴

The series of accords that followed – including, most prominently, the 1994 Cairo Agreement, the 1994 Israel-Jordan Peace Treaty, and the 1995 Oslo II agreement – would attempt to build on the success of the initial breakthrough.

Table 4: Negotiation Rounds by Location and Date

Round	Location in Norway	Date(s) in 1993
1	Sarpsborg	1/20
2	Sarpsborg	2/11 – 2/12
3	Sarpsborg	3/20 – 3/21
4	Oslo	4/30 – 5/1
5	Oslo	5/8 – 5/9
6	Oslo	5/21
7	Oslo	6/13 – 6/14
8	Oslo	6/27
9	Gressheim	7/4 – 7/6
10	Halvorsbole	7/11 – 7/12
11	Halvorsbole	7/25 – 7/26
12	Sarpsborg	8/13 – 8/15
13	Oslo	8/19
14	Oslo	8/30

²⁴ The Oslo I Accord was signed by Mahmoud Abbas (senior advisor to Yasser Arafat) on behalf of the PLO, Foreign Minister Shimon Peres on behalf of Israel, US Secretary of State Warren Christopher on behalf of the US, and Andrei Kozyrev on behalf of Russia. US President Bill Clinton, Israeli Prime Minister Yitzak Rabin, and PLO Chairman Yasser Arafat were in attendance.

Substance

The Oslo I Accord consisted of two parts: letters of mutual recognition between Israel and the PLO,²⁵ and The Declaration of Principles on Interim Self-Government Arrangements.²⁶ In his letter to Prime Minister Rabin, Yasser Arafat, writing on behalf of the PLO, recognized Israel's right to exist in peace and security; accepted UNSC Resolutions 242²⁷ and 338;²⁸ committed to the peaceful resolution of the conflict through negotiations; renounced the use of terrorism and violence; and declared invalid those articles of the Palestinian Covenant (i.e., the Palestinian National Charter of 1968) that were inconsistent with the aforementioned commitments. In his letter to Holst, Arafat called on all Palestinians in the West Bank and Gaza to eschew violence and terrorism.

In a letter responding to Arafat, Prime Minister Rabin recognized the PLO as the representative of the Palestinian people and agreed to begin negotiations with the group.²⁹ Though these letters reflected an asymmetry in power, and possibly

²⁵<http://www.mfa.gov.il/MFA/Peace+Process/Guide+to+the+Peace+Process/Israel-PLO+Recognition+-+Exchange+of+Letters+betwe.htm>

²⁶ According to Corbin (1994, 165), the final version of the DOP required at least 25 drafts. For the final text, see http://avalon.law.yale.edu/20th_century/isrplo.asp.

²⁷ http://avalon.law.yale.edu/20th_century/un242.asp

²⁸ http://avalon.law.yale.edu/20th_century/un338.asp

²⁹ In a fourth and secret letter, Prime Minister Rabin pledged to Foreign Minister Holst that Israel would permit existing Palestinian institutions in Jerusalem to remain open. See Eisenberg and Caplan 2010, 178, 360; Waage 2005, 17; Savir 1998, 76-77; Beilin 1999, 118; Golan 2007, 14-15.

enthusiasm, between Arafat and Rabin (Eisenberg and Caplan 2010, 178),³⁰ there can be no doubt of the importance of the parties' decision to recognize each other. In the words of Aaron Miller (2002, 31), "The issue of mutual recognition is almost irreversible. When you recognize an adversary it is very hard to unrecognize, to take back what you have given, and in recognizing the fact that they were partners Israel and the Palestinians in their own way transcended and undermined a generation of mythologies and ideology."

Without the exchange of letters, there would have been no basis for the Declaration of Principles that has become synonymous with Oslo. In addition to the agreements outlined in the text, the accord publicly declared that both sides would negotiate previously non-negotiable issues. The preamble made plain that the two sides, which viewed each other as partners, shared a common goal: to "achieve a just, lasting and comprehensive peace settlement and historic reconciliation through the agreed political process." The roadmap for that process, outlined in the accord itself, can be summarized as follows:

³⁰ Despite this asymmetry, it should be noted that at the time of the agreement there was widespread optimism among Israeli and Palestinian leaders and the mediators who helped them achieve the agreement. For the text of speeches delivered at the White House signing ceremony by Bill Clinton, Shimon Peres, Mahmoud Abbas, Warren Christopher, Andrei Kozyrev, Yitzhak Rabin, and Yasser Arafat, see <http://www.mfa.gov.il/MFA/Foreign%20Relations/Israels%20Foreign%20Relations%20since%201947/1992-1994/108%20Declaration%20of%20Principles%20on%20Interim%20Self-Gove>.

- A Palestinian Interim Self-Government Authority will be established for the Palestinian people in the West Bank and the Gaza Strip.³¹
- An Israeli-Palestinian Economic Cooperation Committee will be established to promote development of the West Bank, the Gaza Strip, and Israel.
- Within two months of the declaration, agreement on Israel's military withdrawal from Gaza and Jericho should be reached. Within four months the withdrawal should be completed.
- Palestinians will establish a strong police force to maintain internal security in Gaza and Jericho, though Israel will remain responsible for defending against external threats and for the security of Israelis.
- Israel will transfer authority to Palestinians in the West Bank and Gaza in five spheres: education, health, social welfare, direct taxation, and tourism.
- Within five years, the permanent settlement will come into force.
- Within two years, Israel and the Palestinians will begin negotiations on the final status issues (Jerusalem, refugees, settlements, security arrangements, borders, relations and cooperation with other neighbors, and other issues of common interest).
- Within nine months, Palestinians in the West Bank and Gaza will elect a Palestinian Council that will take office and assume responsibility for most government functions, with exceptions for defense and foreign affairs.

The Declaration of Principles was the first formal agreement between Palestinians and Israelis that was implicitly based on the idea of partitioning historic Palestine between Jews and Arabs (Heller 1994, 56; Friedman 1995; Shlaim 1994,

³¹ This body, referred to in the Declaration of Principles as "The Council," was established in accordance with the Gaza-Jericho Agreement of 1994 as the Palestinian Authority (PA). The term Palestinian National Authority came into use sometime later, and has been used regularly to refer to Palestine's interim self-government. The PNA changed its name again in early 2013 after the successful Palestinian bid for recognition as a state at the UN on November 29, 2012. The new name is "State of Palestine."

19; Eisenberg and Caplan 2010, 180).³² Though the intellectual and psychological acceptance of this idea was an enormous step for both sides, at the time of signing the parties had no common understanding of the details and character of partition. For Avi Shlaim (2009, 258), it is precisely for this reason that the interim and final status issues were separated: “if these issues had been addressed, there would have been no accord.”³³

The Extent of the Accords’ Initial Success

Before outlining the initial success of Oslo I and subsequent agreements, and identifying when they began to break down, it is worth including a word on metrics for judging the success of this kind of agreement. From the beginning, negotiators and mediators understood that implementing the agreements would be difficult,³⁴ and there were those on both sides who were pessimistic about whether final status issues would ever be addressed.³⁵ A particularly difficult hurdle was that the accords had opponents among both Israelis and Palestinians, prompting fears that

³² A British Commission of Inquiry first proposed the “two-state solution” in 1937, and this idea was proposed again by the United Nations in 1947.

³³ See also Beilin 1999, 133.

³⁴ For descriptions of these concerns, see Abbas 1995, 2; Ashrawi 1995, 11; Savir 1998, 22-23; Qurie 2006, 249; speeches by Arafat and Rabin at White House signing ceremony of the Declaration of Principles.

³⁵ Some believed that there was almost no prospect that the accords would be implemented. For different explanations of pessimism, see Said and Rabbani 1995 and Feith 1996.

spoilers could derail subsequent negotiations.³⁶ Finally, the fact that the Declaration of Principles was agreed to in secret, sidelining at least some of the players on whom implementation would depend, further complicated the situation (Wanis-St. John 2011).

In this context, how should we evaluate the success of Oslo?³⁷ First, it is important to recognize that the good need not be the enemy of the perfect. Progress in the direction of resolution of the conflict, even if that progress falls short of full resolution, is positive and can represent a degree, perhaps a substantial degree, of success.³⁸ Second, if we argue that the accords have been successful to some extent, then we should be able to identify specific changes, on the ground and in terms of changed ideology, that appear to have brought us closer to peace.

Robert Rothstein (2002, 18) notes, “Even if they fail, such agreements may create a floor on which to anchor later negotiations; they break through the immobility, and they may compel some on both sides to begin thinking about what peace is worth and what must be sacrificed to get it.” The Oslo Accords changed the

³⁶ On the role of spoilers in peace processes, see Stedman 1997, Darby 2001, and Newman and Richmond 2006.

³⁷ Miller (2002, 2) suggests that the standards must be “as tentative, provisional, and open-ended as the agreements themselves.” This suggests a healthy respect for the role of time in determining the efficacy agreements generally, but more than a decade later we may now be more specific.

³⁸ According to Rothstein (2002, 2), “Such agreements should not be criticized for failing to do the impossible or failing to more fully approximate either side’s ideal notion of what should or can be done... And no peace agreement should be called “bad” for only beginning and not completing the process of making peace.”

playing field of negotiations between Israelis and Palestinians in precisely this way: they broke through immobility when the principal parties to the conflict recognized each other as such. Whereas the government of Israel and the PLO once held that negotiations with each other would never happen, both now recognize that the end to the conflict can come only through negotiations.

The accords also changed the character of the conflict. Once an “existential conflict over physical and political identity,” Oslo I converted the conflict into one “over borders, over refugees, over security, over Jerusalem...” (Miller 2002, 31). In doing so, it identified the grievances and requirements of both parties, and thus they could be addressed. Though an existential conflict can end only through the defeat of one party (to include the eviction of that party’s people from contested territory) or another from the contested land, a conflict over specific issues on the ground may actually be resolved.³⁹

In terms of positive tangible changes produced by the accords, there were and there remain many. In the words of Yossi Beilin (1999, 3), the Oslo process “led to mutual recognition between Israel and the PLO, made peace with Jordan possible, opened the way for the majority of the states of the Arab League to establish official and unofficial relations with Israel, brought about the virtual lifting of the Arab

³⁹ For Shlaim (1994, 19), the DOP represented “the triumph of pragmatism on both sides ... the two principal protagonists have put behind them the ideological dispute as to who is the rightful owner of Palestine and turned to addressing the practical problem of how to share the small piece of territory on which they are doomed to live together.”

boycott, and attracted inward investment from all over the world.” Moreover, in the years following Oslo I, Israel enjoyed increased tourism, upgraded credit ratings in international markets, and the normalization of economic relations with countries across the globe. By late 1995, Israel had diplomatic relations with nearly all non-Arab Muslim states, and with 155 states in total (Dowty 2008, 149).⁴⁰

Across the table, the PLO benefited from improved relations with the United States and a significant increase in international legitimacy. Billions of dollars in international aid contributed to a rise in Palestinian GDP, and by late 1995 nearly all residents of the West Bank and Gaza (excluding Jerusalem) were living under Palestinian rule.⁴¹ Arafat, who returned to Gaza after 27 years of exile, was among thousands who returned to Gaza and Jericho. He did so not as the leader of a terrorist organization, but rather as the chairman of the PLO, an organization with which Israel was formally negotiating.⁴²

⁴⁰ This compared to relations with only 68 states a decade earlier.

⁴¹ The extent of Palestinian rule in the West Bank varied by location, as codified in the Oslo II agreement of September 1995. Specifically, the West Bank was divided into three areas: A, B, and C. Area A implied full Palestinian civil and security control, Area B implied Palestinian civil control and Israeli security control, and Area C implied Israeli civil and security control. For a map reflecting these divisions, see Appendix D.

⁴² For further discussion of the extent of Oslo I’s success, and of hurdles to the peace process in the mid to late 1990’s, see chapter 3, section 2. Though accomplishments outweighed setbacks through 1994 and 1995 (Tessler 2009, 770), there were setbacks. By the second anniversary of the signing of Oslo I, 149 Israelis had been killed in terrorist attacks, as compared to only 86 in the two years before the signing of the accord (Caplan and Eisenberg 2010, 186). For Palestinians, the main problem was Israeli settlement in the West Bank (including East Jerusalem) and Gaza. Though Oslo I did not require a cessation of Israeli settlement (a final status issue deferred by the interim agreement), the PLO had

Given the extent of the accords' initial success, when did the parties begin to lose faith in the process? At what point did progress give way to stagnation and a sense that prospects for a final settlement in the near to medium term had become bleak? By most accounts, that tipping point occurred in early to mid 1996 and resulted from a combination of three events. Those events were: 1) the assassination of Prime Minister Yitzhak Rabin by a Jewish extremist on November 4, 1995,⁴³ 2) the Jaffa Road bus bombings, perpetrated by Hamas, on February 25 and March 3 of 1996, and 3) the election of Benjamin Netanyahu, leader of the Likud party and critic of the Oslo Accords, to the Israeli Premiership.

In a sense, the first of these events may have prompted the second, and the second may have prompted the third. Rabin's assassination targeted not only the prime minister, but the peace process generally. Then, by killing dozens and

received assurances from the Rabin government that Israel would not "initiate or take any step that will change the status of the West Bank and the Gaza strip pending the outcome of the permanent status negotiations" (Tessler 2009, 771; see also Tenenbaum and Eiran, 2005). While the number of settlements over this period remained constant, the number of Israelis living in the West Bank and Gaza grew by nearly 40% from 1993-1996, from approximately 105,000 to 145,000.

⁴³ Through Rabin had opposed negotiations with the PLO for nearly all of his life, he believed in the Oslo Accords. Enderlin (2003, 3) describes the day he was assassinated: "... everything was going relatively well. The interim accord with the PLO [Oslo II] had been signed six weeks earlier at the White House. There had been no attack for several months, and Rabin, the military man, truly seemed to have changed. He was beginning to express a certain sympathy for the Palestinians." For the text of Rabin's comments just before his assassination, see <http://www.mfa.gov.il/MFA/Foreign%20Relations/Israels%20Foreign%20Relations%20since%201947/1995-1996/Excerpts%20from%20a%20speech%20by%20Prime%20Minister%20Rabin%20at> .

wounding hundreds in bus bombings, Palestinian extremists attacked the peace process at its most vulnerable. These bombings happened not only in the wake of the death of the PLO's principal negotiating partner; they occurred in the run-up to general elections in Israel. For many involved in the peace process, Netanyahu's narrow victory in May of 1996 signaled the end of the accords' initial success and the beginning of the downward spiral of the peace process.⁴⁴ The interim period between the Oslo negotiations and those that took place at Camp David in 2000 is more fully treated in chapter 3.

2.4 Negotiations Between Israel and the PLO, 1993

With an understanding of the extent of the accords' initial success in terms of substance (i.e., positive changes on the ground for both parties to the accords) and timing (the point at which action in the direction of peace gave way to stagnation and renewed stalemate), let us turn to explaining that initial success. The objective here is not to refute the importance of broad conditions that may be conducive to

⁴⁴ For Beilin (1999, vii), the defeat of the Labor party and election of Netanyahu was a time of "bitter and sudden stalemate, when what had begun in hope ended in disillusionment." For Savir (1998, ix), this moment represented "the close of an era of experienced leadership and a bold and active Israeli peace policy." Enderlin (2003, xv) writes that "After Rabin's assassination and the election of Benjamin Netanyahu, I quickly became convinced that, given the way the negotiations were being conducted, they would end in failure." For a Palestinian perspective, see Qurie (2008, 13, 18), who writes, "We were sorry to see power pass from an open-minded figure such as Peres to a fundamentalist of Netanyahu's stamp..." These observations comport with the widespread assessment that the first two years after the Oslo I Accord were generally successful, at which point the stagnation of the Oslo process became increasingly evident.

negotiations (e.g., mutually hurting stalemate, strong leadership, third party mediation, historical context, spoilers, etc.), but rather to explain how and the extent to which patterns of negotiation strategies affect negotiation outcomes.

As explained in the previous chapter, to identify strategies as integrative or distributive we must examine negotiations along two dimensions: procedural and substantive. Procedurally, we look first for the explicit articulation of negotiating strategies by the negotiators themselves. How do they understand and think about their strategies? Next, we review the case to see how negotiators actually negotiated. Does the history of the case support the conclusion that the negotiators' articulated strategies coincide with their executed strategies? To what extent do negotiators focus on cooperation and compromise in advancing their positions? To what extent do they focus on power and leverage?

Substantively, we examine each side's positions on the issues being discussed over the course of negotiations. What are negotiators' opening positions, and what were those positions at settlement? How do positions evolve over time? Are the parties willing to make concessions and, if so, what kinds of concessions? If and when an agreement is reached, does the agreement reflect compromise or domination by one side?

In addressing these questions, much of the evidence will necessarily come from the accounts of those involved, but often these are available only as post-hoc recollections. In such cases, a problem arises in that individuals or groups may

emphasize a narrative that fits a known outcome. Whenever possible, then, contemporaneous primary sources are adduced to confirm or contradict post-hoc recollections.

In cases characterized by the predominant use of integrative negotiating strategies, as I will show to be the case here, we should expect that initial expressions of good will on both sides will reinforce each other, contributing to a positive negotiating dynamic, eventual progress, and, ultimately, favoring negotiating success. Increased and increasing trust between negotiators should lead them to take more risks, and in those cases where they are unauthorized to take additional risks we should expect them to make the case for doing so to their respective leaderships.

To identify a given pattern of negotiating strategies as a causal factor in the outcome, there should be clear evidence of the independent adoption of particular strategies on both sides, and there should be evidence that each side recognizes and responds to the other side's strategy. Instances of deviation from an existing strategy should be clear, and responses to these by negotiating counterparts should be articulated in words and/or through steps taken at the negotiating table.

After an introductory note on how the Oslo channel began and a broad description of the two phases of the negotiations, the chapter analyzes the negotiations using the framework outlined in the previous chapter. The focus is on

negotiation strategies, how these interacted, and how they contributed to the realization of the Oslo I Accord.

The Opening of the Oslo Channel and the Structure of Negotiations

The origins of the Oslo channel lie with three people: Yossi Beilin, Ahmed Qurie (also known as Abu Alaa), and Terje Larsen. When the talks began, Beilin was overseeing the Madrid track from Jerusalem as Israel's Deputy Foreign Minister, Qurie was doing the same from Tunis as the PLO's Director General of Economic Affairs and Planning, and Larsen was the Director of the Institute of Applied Social Science in Oslo (FAFO). By 1992, FAFO had been conducting research and developing contacts in Israel and the Palestinian territories for nearly two years. When Larsen contacted Beilin and Qurie about the possibility of direct contact between the PLO and Israel, both men expressed interest.⁴⁵

Acting on his own accord and without the knowledge of Peres or Rabin, Beilin suggested that Yair Hirschfeld, a political scientist at the University of Haifa, go to London to meet secretly with Ahmed Qurie. After the meeting, both men agreed that additional talks might be useful and to relay the content of the meeting

⁴⁵ Beilin believed that a separate track could be useful at least by providing information that could be relevant in supporting the Madrid track.

to their respective authorities.⁴⁶ Reflecting on Hirschfeld's participation in the London meeting, Mahmoud Abbas (1995, 113) writes that he "could not have acted on his own initiative, that he must have received authorization from his bosses, Peres and Beilin, that he had been sent to sound us out and that this faction in the Israeli cabinet wanted to open a channel other than the Washington channel." Despite the risks of opening talks with non-official Israeli representation, the Palestinians accepted the invitation from Larsen to follow up on the dialogue in Norway.⁴⁷

Once they began, negotiations took place in two clearly distinguishable phases. In the first phase, which lasted from the initial meeting through the fifth round, PLO negotiators Ahmed Qurie, Hassan Asfour, and Maher al-Kurd met with Hirschfeld and Ron Pundak, another Israeli academic. Though they claimed not to have decision-making authority, the Israeli representatives acted at the direction of Israeli government officials from the beginning.⁴⁸

⁴⁶ At this point, Hirschfeld and others knew that the relevant authority on the Palestinian side was Mahmoud Abbas (also known as Abu Mazen), the PLO's Director General of International Relations and a member of its executive committee. Hirschfeld committed to relaying the content of the talks to his contacts in the Foreign Ministry, though he refrained from specifying who these were.

⁴⁷ On these risks, see Abbas 1995, 113.

⁴⁸ Talks began at the discretion of Deputy Foreign Minister Yossi Beilin. After the second round, both Foreign Minister Peres and Prime Minister Rabin knew of the channel and were guiding Israeli positions.

The sixth round marked the beginning of the second phase of negotiations, when a high-level Israeli government official joined the talks. This was the first time that any official representative of the Israeli government had directly negotiated with the PLO. Having determined that the talks were worth pursuing, Israel sent another official representative to join negotiations during the seventh round. With one minor exception on the Palestinian side (addressed below), the Palestinian and Israeli negotiating teams were fixed from the beginning of the seventh round through the signing of the accord.⁴⁹

The First Phase of Negotiations, Rounds 1-5, January 20 – May 9⁵⁰

The first round of talks took place on January 20, 1993 in Sarpsborg, some 80 kilometers south of Oslo. Ahmed Qurie, Hassan Asfour, and Maher al-Kurd represented the PLO. Dr. Yair Hirschfeld and Dr. Ron Pundak represented Israel. Qurie (2006, 78) articulates the Palestinian negotiating strategy going into the talks as follows:

⁴⁹ For a table describing Israeli and Palestinian negotiating positions at key points during the talks, see Appendix B.

⁵⁰ For a table summarizing the kinds of tactics that the parties used (integrative, distributive, or mixed) through each round, with examples of those tactics, see Appendix C.

"Our initial strategy was to work for concrete results which could be realized in the short term... We had identified issues which, while not crucial to the differences between the two sides, were likely to produce consensus. The importance of this first stage would be that agreement on less controversial issues would enhance the confidence of both parties, leading gradually to the realization that a more comprehensive agreement on the entire agenda might be attainable. Step by step progress would thus lay the groundwork for the desired final agreement."

The foci on 1) identifying areas of agreement, 2) avoiding obvious areas of disagreement, 3) producing consensus, 4) enhancing confidence, and 5) building trust are all characteristics of an integrative bargaining strategy. Maher al-Kurd elaborates on the thinking that led to the approach:

"We realized if we want[ed] to talk about 1948, about historical rights, 1967, refugees, displaced, water rights, then of course we would not get anywhere. In our consideration, there was a historical brief moment that needed to be utilized... and in order to do that we needed two things: we needed the maximum of political separation and economic cooperation in order to give society an interest in peace through achieving economic gains" (Interview with al-Kurd, Behrendt 2007, 50).

This statement is important because in it we see the conscious articulation of what could have been the foundation for an alternative strategy. Rather than focus on the present and future, the delegation could have initiated talks by dwelling on what it believed to be past injustices. A more distributive strategy could have taken shape, for example, wherein the Palestinians could have drawn red lines, insisting that concrete steps be taken by Israel as prerequisites for further talks. That an alternative approach was not adopted does not mean that one could not have been adopted. Indeed, this initial approach surprised the Israelis.

Pundak explains that “The first message at the first meeting was shocking from our point of view, when [Qurie] came with a message about economic cooperation and joint industries... He portrayed the future of the Middle East, I mean the Peres type of the Middle East, and we were a good audience because we believed in this concept” (Interview with Pundak, *ibid.*, 49).

For Israel’s part, Beilin (1999, 68) articulates the initial strategy as:

“[trying] to avoid conventional negotiating tactics, where the parties begin with speeches intended to mark out the distance between them and then move towards compromise. We tried to locate the limits beyond which the other side could not go, to understand what our own limits were, and to strive towards the construction of broader options in which both sides would have room to maneuver.”

Pundak (2002, 93) builds on this articulation, noting that the initial Israeli strategy aimed to find “pragmatic, creative, realistic solutions acceptable to both sides.” The approach articulated here could not be more integrative. Beilin’s description of Israeli strategy explicitly addresses Israel’s rejection of a distributive approach (marking out distance and then moving toward compromise) in favor of an integrative one (striving towards the construction of broader options).

By all accounts, the first round was a success. The sides agreed that the channel would be forward looking, that it would remain secret, and that positions advanced by either side could be retracted during the process of negotiations. Further, they tentatively agreed on three substantive ideas: Israeli withdrawal from Gaza, a gradual transition of economic power to the Palestinians based on

cooperation and Palestinian institution-building, and a kind of “Marshall Plan” for international economic assistance to the Palestinians in Gaza (Makovsky 1996, 23; Buchanan 2000, 95; Wanis-St. John 2011, 90).

The Palestinians were encouraged that the Israeli delegation had made almost no reference to “red lines” (Abbas 1995, 126), and the Israelis were convinced that the Palestinians were negotiating in good faith. The two sides had jointly developed a framework upon which subsequent talks could proceed, agreeing that “the only positions which were legitimate were ones based on expectations of *shared gains* to be realized by an agreement” [emphasis added] (Behrendt 2007, 49). In Hirschfeld’s words, negotiations would be conducted bearing in mind “the mutual perceived beneficial outcome that reciprocal cooperation would yield” (Interview with Hirschfeld, Behrendt 2007, 50).

In consultation with Beilin and in preparation for the second round (February 11-12), Hirschfeld drafted a document that would form the basis of the eventual Declaration of Principles.⁵¹ In crafting the document, he drew on ideas outlined by the Palestinian delegation during the first meeting and on Palestinian positions that had been articulated in previous proposals.⁵² In the construction of

⁵¹ After the second round, this draft came to be known as the Sarpsborg document. It was the first joint paper ever created by Israel and the PLO (Qurie 2006, 92).

⁵² For example, a proposal entitled “Expanded Outline: Palestinian Interim Self-Government Arrangements: Concepts, Preliminary Measures, and Election Modalities” (March 3, 1992); “Draft Proposal: Framework Agreements for Palestinian Interim Self Government” (September 1992). See Behrendt 2007, 51.

this document, we see a deliberate attempt on the part of Israeli negotiators to incorporate the positions of their negotiating counterparts to the extent possible. This represented the continuation of the initial, integrative Israeli strategy.

The draft declaration included the idea of gradualism: dividing the negotiation process such that initial negotiations would lead to an interim agreement, and subsequent negotiations would lead to a final status agreement. This was in keeping with the way that the Palestinians envisioned the process, and it was a principle that Hirschfeld and Beilin believed both sides would accept.⁵³

It also included Israeli concessions on issues that had previously been non-negotiable, including some that were considered non-negotiable on the Washington track. Among the most important of these was the identification of the status of Jerusalem as a topic for final status negotiation. Whereas Palestinians had always believed that East Jerusalem would be the capital of any future Palestinian state, the Israelis had held that Jerusalem was the eternal and indivisible capital of Israel. Though both sides likely knew that agreement on the status of Jerusalem would be fundamental to resolution of the conflict, that the Israelis broached the topic and that it came up this early in negotiations reflected a strongly integrative strategy.

⁵³ According to Qurie (2006, 79), "Our negotiating strategy was based on a gradual but continuous process, which was intended to result in accumulated achievements. It also meant that Israel would be obliged to undertake parallel gradual steps towards an agreement with us."

Another issue included in the draft declaration, and discussed in the second round, was that of (withdrawal from) “Gaza First.” Qurie had raised the issue during the first round, which surprised the Israelis since “Gaza First” had been an Israeli idea (and resisted by Palestinians) for years.⁵⁴ The inclusion of the topic in the draft declaration represented Israeli acceptance of the Palestinians’ taking Israeli concerns into account – just as the Israelis had done vis-à-vis gradualism and the status of Jerusalem. In short, both parties were taking real, preemptive steps to demonstrate flexibility and good will.

Other issues (including movement of individuals and goods, economic conditions, cooperation, and security) were addressed during the second round of talks, and the parties reached agreements in several areas.⁵⁵ For the Palestinians, the second round “seemed to be more significant than the one before,” both because of the specificity of the discussions and the “easier atmosphere, which added to the mutual confidence of both parties” (Qurie 2006, 91). Beilin (1999, 70) notes that the round “showed us that this was not an experimental probe,” but instead that it was “very practical” and an “unexpected success.” The mutually integrative

⁵⁴ According to Beilin, “The biggest surprise in [Qurie’s first round] statement was his attitude to the Israeli idea of “Gaza First.” For the first time a positive Palestinian response was heard regarding this notion, which had been proposed by Peres many years before” (Beilin 1999, 65; Peres 1995, 282).

⁵⁵ Agreements related to the establishment of a transitional council, the holding of elections, and the geographic mandate of a future Palestinian national authority.

dynamic seemed to reinforce itself: trust and confidence between the delegations increased, and the parties seemed to be making substantive progress.

One aspect of the talks was complicating the prospect that they would continue. Whereas the Palestinians had committed themselves to the Oslo channel from the beginning, Hirschfeld and Pundak remained vague about their affiliation with the Israeli government. The Palestinians had concluded that Israeli leadership supported the channel, but they were growing agitated that it lacked official endorsement.

The agreed objective of the third round, which took place on March 20-21 in Sarpsborg, was to further develop the draft declaration of principles. In practice, much of the discussion centered on the importance of legitimizing the channel. Though Beilin and Hirschfeld had informed Peres and Rabin of the channel after the second round, at Rabin's direction the Israeli representatives continued to speak of Israeli leadership only in vague terms. According to Beilin (1999, 75), Larsen played a key role at this point, intervening to explain to the Palestinians what Pundak and Hirschfeld could not: the channel had support at the highest levels of the Israeli government.

Third party intervention would be even more pivotal toward the end of negotiations. Though the presence of third party mediators is not a necessary condition for successful negotiations, mediation has been found to favor negotiation success (as described in chapter 1). In this case, Larsen's reassurance seems to have

placated the Palestinian delegation at a moment when it expressed strong dissatisfaction with the lack of official Israeli involvement in the talks.

The Israelis addressed “difficult topics” in the third round, including increased terrorism by Hamas and other group, not by dictating that the PLO respond to Israeli grievances in certain ways, but by positing that the delegations needed to coordinate efforts to control violence. Furthermore, they framed newly adopted Israeli policies as (e.g., a freeze on settlement activities, the reduction of customs duties at bridges, and the granting of permits for certain Palestinian projects) not as Israeli concessions but as *Palestinian* achievements that had resulted from talks. In doing so, they encouraged the PLO to do more to bring these new policies to the attention of the Palestinian public (Qurie 2006, 102).

By this time, the Israeli draft declaration, now titled “Unofficial Draft for the Final Text,” included a number of proposed Palestinian amendments to the previous text, including reference in the draft’s preamble to “political rights” for the Palestinian people, the principle that final status negotiations should lead to the implementation of UNSC Resolutions 242 and 338, and the idea that the West Bank and Gaza should be considered a single entity.⁵⁶

There were Palestinian proposals that the Israelis found unacceptable. They objected, for example, to prior definition of the issues that would be negotiated in

⁵⁶ For the list of fifteen Palestinian proposed amendments to which the Israelis agreed at this point, see Qurie 2006, 108-109.

the final status talks, they refused to agree to the automatic transfer of all powers to an elected Palestinian council (except for areas to be agreed upon later), and they refused to accept reference to Palestinian institutions or interests in Jerusalem, among others.⁵⁷

By the end of the third round, the delegations had agreed to a draft that they would submit to their respective leaderships for review. The six pages of this “Sarpsborg III” document contained a declaration of principles and annexes on the status of Jerusalem in Palestinian elections, Palestinian economic development, and regional economic development (Makovsky 1996, 31; Beilin 1999, 76). The Palestinians had yet to receive official endorsement of the channel from the Israeli government, but the combination of proposals for amendments and the Israeli insistence that the Washington track resume reaffirmed their conviction that Israeli leadership at the highest levels was aware of developments.⁵⁸

During the fourth round, spanning April 30 and May 1, the Israelis revealed that the channel had the backing of Prime Minister Rabin. The revelation was welcomed and, in a sense, more than what the Palestinians had expected.⁵⁹ Still, it

⁵⁷ For the list of seven Palestinian proposed amendments that the Israelis rejected at this point, See Qurie 2006, 107-108.

⁵⁸ During the third round, Thorvald Stoltenberg informed the delegates that he would be resigning as Norwegian Foreign Minister to take a UN position in former Yugoslavia. He would be replaced by Jørgen Holst before the next round of talks.

⁵⁹ The Palestinians had previously surmised that the channel had the backing of Beilin, and possibly Peres. It came as a surprise that Rabin was also in the loop.

came from what continued to be unofficial Israeli representation, which remained a point of contention.

Aside from reiterating this procedural concern, Qurie highlighted a substantive issue: PLO leadership in Tunis had determined that Palestinians in the West Bank would feel betrayed if withdrawal were limited to Gaza. The extension of proposed withdrawal to include Jericho, in the West Bank, would reassure West Bank Palestinians that any eventual deal would also include them.

At this point we see an important deviation from a past Palestinian position. Whereas the idea of “Gaza First” had gained traction on both sides of the table, the Palestinians were now proposing that “Gaza First” become “Gaza and Jericho” first. Again, the way that Qurie broached the idea was reflective of the Palestinian negotiating strategy: he outlined a suggestion rather than issue an ultimatum. According to Beilin (1999, 82), Qurie “was at pains to point out that consideration of the Jericho idea should not impede agreement; it was not a condition for agreement, only a private proposal.”

This represented the continuation of an integrative negotiating strategy. The Palestinians couched their new position in non-threatening terms, explaining their interests as the basis for their position in a way that explicitly sought to avoid conflict. The approach was integrative in that it attempted to demonstrate that both sides could benefit from the inclusion of Jericho into the plan. Not only would this

step reassure West Bank Palestinians; it would also build trust among negotiators and the broader Palestinian public.

Though the fourth round was as cordial as any other, and though the parties agreed to reconvene only a week later, at this point Qurie and his colleagues had “decided this was the end of the road for our secret Norwegian channel” (Qurie 2006, 136). Going into the round, Qurie had two primary objectives: 1) to guarantee the subsequent participation of an Israeli official, and 2) to have current Israeli representatives initial the Sarpsborg III document. He got neither. Despite confirmation of high-level Israeli participation, there was no guarantee that Israel would send official representatives in the next round. Hirschfeld and Pundak insisted that the Sarpsborg III document required more thinking, and perhaps more amendments, before it could be endorsed.

On May 8 and May 9, the Palestinian delegation took two steps that suggest they were “going for broke.” First, they conceded that Palestinian interim self-government would not include East Jerusalem (Wanis-St. John 2011, 93), a position at odds both with the long-held Palestinian position on the subject (and with what was being said in Washington). Second, they made clear that “explicit commitment by Israel to a version of the Draft Declaration of Principles was a condition of continued participation in the talks (Qurie 2006, 138).⁶⁰

⁶⁰ For the full text of the draft Declaration of Principles that came out of the fifth round, see Abbas 1995, 144-149.

This latter step was distributive insofar as it constituted the threat of breaking off negotiations absent the immediate and unequivocal realization of a clear demand. However, two contextual considerations are important. First, the ultimatum was presented alongside a significant Palestinian concession. Israel had long held that any form of interim self government would not include Palestinian authority over East Jerusalem, and Palestinians broke with past positions by conceding the point. Second, the Israeli negotiators found the ultimatum reasonable, as it came after five rounds and nearly four months of unequal representation at the negotiating table. The ultimatum was made within the broader context of an integrative strategy, and thus the Israeli team did not consider it a breach of the good will built up over the course of negotiations.

When Hirschfeld and Pundak returned to Jerusalem they argued that the channel should either be upgraded to official status or abandoned (Beilin 1999, 84), also voicing the opinion that absent an immediate upgrade the Palestinians would likely end the channel themselves. Hirschfeld, Pundak, Beilin, and Peres all favored upgrading the channel, and Peres volunteered to represent Israel in the next round. Reluctant to appoint such a high-level representative,⁶¹ Rabin decided instead on Uri Savir, a recent appointee to the position of Director-General of the Foreign Ministry.

⁶¹ Rabin was concerned that involvement in secretive talks by senior politicians could have far-reaching and dangerous consequences (Beilin 1999, 84). This was especially the case since Israel had yet to recognize the PLO and, officially, both Israel and the United States prohibited contacts with its members.

Summarizing the first phase of negotiations, in a few short months the Oslo channel had made more progress than talks in Washington over the course of a year. By the end of the fifth round, both sides had made significant concessions on two levels. First, an array of issues previously thought to be non-negotiable was on the table. Aside from the *de facto* mutual recognition that even unofficial talks between the parties implied, the Israelis had identified the status of Jerusalem as a topic for final-status negotiations, and the Palestinians had agreed in principle that an end to the conflict could be negotiated based on UNSC Resolution 242 without the explicit guarantee of an eventual Palestinian state.

Further, Israelis and Palestinians had reached agreement on three big ideas: 1) "Gaza First," 2) the transition of economic and then political power from Israelis to Palestinians, and 3) a Marshall plan for the Palestinian territories. Though these agreements were thought to be mutually beneficial on many levels, that consensus had been achieved represented a coup compared to the stagnation of the talks going on in Washington.

Finally, though the first phase did not produce a formal agreement, it did produce a crowning achievement. At the end of round 5, Israel upgraded the channel to formal, secret negotiations with the PLO. In short, the first five rounds of talks in Oslo may have led to the most significant Israeli concession in its history of negotiations with the Palestinians.

The Second Phase of Negotiations, Rounds 6-14, May 21 – August 30

Identifying negotiating strategies in the second phase is more complicated than in the first. Whereas the first phase of negotiations was overwhelmingly integrative on both sides, with the occasional use of distributive tactics, in the second phase distributive tactics were used more frequently. On balance, in this phase Israel used distributive tactics more often and more preemptively than the Palestinians, though the Palestinians often responded with distributive tactics when faced with Israel's use of the same.

Savir's arrival to Oslo on May 21 for the sixth round of talks signaled one of the most important moments in the history of the Israeli-Palestinian conflict. Official Israeli participation was evidence that the highest levels of Israeli leadership had endorsed the channel. After months of frustration over the mismatch between PLO and Israeli representation, Israel had been convinced of the potential utility of upgrading the channel. Most importantly, "When Savir and Abu Ala [Qurie] shook hands, Israel effectively recognized the PLO" (Beilin 1999, 87).⁶²

Procedurally, Savir emphasized the importance of the Oslo channel and praised the achievements of the channel to date. He also outlined the steps that Israel had taken (e.g., suspension of settlements, release of prisoners) to show good

⁶² In addition to signaling unprecedented Israeli commitment to the process, this move also provided the Palestinians with a tactical advantage. For the first time, the Palestinians had the ability to publicly disclose official negotiations between Israel and the PLO, an organization that Israel officially regarded as a terrorist group. This was a "boost" that the PLO did not seek to exploit (Beilin 1999, 87).

faith in the negotiation process. Substantively, his aim in the sixth round was to establish Israeli red lines. His mandate was to get an answer to the question Hirschfeld and Pundak had initially been tasked to explore: could negotiations lead to a settlement? To do this, he had to make sure that the Palestinians understood what was, for Israel, non-negotiable: Palestinian autonomy could not extend to Jerusalem, and the conflict needed to be resolved through direct dialogue rather than UN arbitration.

Savir also raised what he called “bottom lines.” “The Palestinians needed to know that autonomy could lead to a state, while we [the Israelis] needed to know it would bring security. Once the ‘red lines’ were understood, everything else could be negotiated” (joint interview with Savir and Qurie, Makovsky 1996, 47). Though Qurie deferred on Savir’s points regarding Jerusalem and arbitration, noting that he would discuss these with PLO leadership in Tunis, he assured Savir that he was empowered to agree on all points regarding Israeli security (Savir 1998, 14; Qurie 2006, 147).

Though the tone remained mostly positive, the Palestinian delegation was taken aback by Israel’s decision to draw “red lines” and bring up items as “non-negotiable.” Qurie perceived this as a distributive move that undermined the dynamic previously established with Hirschfeld and Pundak, and he responded essentially by picking a fight with Savir, questioning him about the kind of threat

that the PLO represented for Israel.⁶³ This led to a backward-looking exchange about which party had rights to historic Palestine, but both sides quickly agreed to disagree and move forward. Qurie recalls, “We had arrived at our first understanding. Never again would we argue about the past. This was an important step, for it moved us beyond an endless wrangle over right and wrong. Discussing the future would mean reconciling two rights, not readdressing ancient wrongs.”⁶⁴

Despite bumps along the way, personal chemistry among the participants (Makovsky 1996, 47; Savir 1998, 18) and “a joint strategic approach had definitely begun to develop, one that assumed a partnership based on mutual legitimization, reciprocal security, and economic prosperity” (Savir 1998, 39). Upon his return to Jerusalem, Savir suggested to Beilin, Peres, and Rabin that Israel consider formally recognizing the PLO, which he believed would lead to a renunciation of terrorism by the organization (Makovsky 1996, 49), and he recommended to Peres and Rabin that he be joined by a lawyer to review the joint declaration of principles during the next round.

In the seventh round, too, we see evidence of integrative and distributive tactics, but in contrast to previous rounds the use of distributive tactics was

⁶³ This led to an exchange wherein both Savir and Qurie expressed frustration, bordering on anger. Savir told Qurie that the PLO represented a threat to Israel because “You want to live in my home. My house.”

⁶⁴ See Savir 1998, 14-15 and Qurie 2006, 147.

dominant. When Yoel Singer⁶⁵ arrived with the Israeli delegation for the seventh round, which ran from June 13-14, he disrupted the tone that had been set over the course of the previous five months. Though he began the round by expressing an appreciation for the achievements of the talks to date and expressed confidence in the structure of the draft declaration, it soon became clear that he had numerous objections.⁶⁶

In terms of strategy, the Israelis believed that the Palestinians were more accommodating when conducting negotiations orally than in writing. Thus, their approach was to ask questions and take copious notes about the answers. A draft would then be prepared, between rounds, taking Palestinian answers into consideration and incorporating them into an Israeli draft to the extent deemed advisable by Israeli leadership. That draft could then be presented as one that took Palestinian positions into consideration (Interview with Singer, Behrendt 2007, 82-83).

On the surface, this approach seems integrative, but the manner in which Singer questioned the Palestinians was unequivocally distributive. His questions aimed to do more than solicit information; they sought to expose holes and contradictions in Palestinian positions and impugn their validity. Negotiators from

⁶⁵ Singer, a lawyer and friend of Rabin who participated in the Camp David Accords of 1978, left a law firm in Washington at the request of the Prime Minister to join the Israeli team.

⁶⁶ Singer has described the first draft of the declaration that he saw as “terrible” (Behrendt 2007, 81) and “catastrophic” (Makovsky 1996, 52). See also Qurie 2006, 157; Beilin 1999, 90.

both sides have indicted Singer for acting like a “prosecuting attorney conducting cross-examination” during his initial meeting with the Palestinians.⁶⁷ Savir, for example, has commented that Singer seemed “arrogant” and that his tone with the PLO was more reminiscent of a grilling than an exploration. Qurie’s first impression of Singer was that “he almost wrecked it” (Qurie 2006, 165).

After the barrage of questions and answers, the parties went through the draft declaration line by line to flag items that either side found objectionable. At the end of this process, only five differences remained, but they were significant: 1) whether implementation of UNSC Resolutions 242 and 338 would be explicitly included as the final goal of the peace process, 2) which subjects would be listed for inclusion in the final status negotiations, 3) several security issues connected with the Israeli withdrawal from Gaza and Jericho, 4) the mechanism for the proposed Palestinian elections (especially in Jerusalem), and 5) the rights of the Palestinians displaced as a result of the 1967 war (Qurie 2005, 159). The sides agreed to discuss these points with their respective leaderships and revisit them during the next round.

Another important aspect of the seventh round was discussion of the matter of mutual recognition between Israel and the PLO. Though Singer, Peres, and Rabin disagreed on timing, they all believed that mutual recognition would happen during

⁶⁷ See Makovsky 1996, 52; Qurie 2006, 156-157; Savir 1998, 26-27, 32 for descriptions of his method during this round.

the course of negotiations. Israel had already effectively recognized the group and knew that settlement with the Palestinians could come only through the PLO. For their part, the Palestinian delegation found the idea of early mutual recognition problematic, because “it appeared to be based on the assumption that Israel was taking a risk by entering into formal negotiations with the PLO without commitments being made in return by the PLO” (Qurie 2006, 159-160).⁶⁸ Still, the PLO had sought Israeli recognition for years, and that Singer would raise the issue in his first meeting with PLO representatives was not a bad sign.

In the eighth round, which took place on June 27, we see evidence of an Israeli reaffirmation of what had until then been a predominantly integrative strategy. Israeli leadership sent Singer back to Oslo, this time alone, to make amends for the distributive tone he had taken in the previous round. Since January, the delegations had done everything possible to build rapport, but Singer’s approach had thrown the channel into jeopardy, and Israeli leadership determined that he needed to “apologize” for his conduct (Beilin 1999, 102). Qurie’s impression was that “Singer had been delegated to calm our nerves, as far as possible, and keep us on board” (Qurie 2006, 167).⁶⁹

⁶⁸ In contrast, Palestinian leadership in Tunis received the idea “with great satisfaction” (Qurie 2006, 161). They did not share Qurie’s apprehension that the PLO might be giving away too much, too early, for too little.

⁶⁹ See also Abbas (1995, 158): in the seventh round “the Israeli delegation ... made a point of returning quickly to Oslo to confirm its interest in following up this channel. They did not

Aside from apologizing, and in a departure from his previous tone, Singer presented a series of proposals that he believed could form the basis for subsequent negotiations.⁷⁰ The Palestinians agreed to further discussion of these and committed to raising them with the leadership in Tunis. From the Israeli perspective, this round had the purpose of reestablishing good will and rapport between the parties, and signaling to the Palestinians continued Israeli interest in and seriousness about finding a political settlement to the conflict.

During the ninth round, from July 4-6, the Israelis presented the Palestinians with the first formal document that, while drafted by Israel, was meant to represent a declaration of principles jointly produced by Israel and the PLO.⁷¹ In keeping with prior agreement, gradualism was a central principle of the document, which envisioned a three-stage transition from the status quo to Palestinian autonomy.⁷²

intend to arrive at an agreement during the eighth round so much as to reassure the Palestinian side of their seriousness in dealing with it.”

⁷⁰ For a list of these 9 proposals, see Qurie 2006, 168.

⁷¹ For this round, the Palestinian leadership added a legal expert to its delegation, as the Israelis had done when they brought on Yoel Singer. Muhammad Abu Koush was an accountant, lawyer, German resident, and member of the PLO delegation in Geneva. From this point on, he would act as an assistant to Qurie.

⁷² First, Israel would withdraw from Gaza and Jericho; next, there would be an interim agreement that would extend Palestinian autonomy to the rest of the West Bank; finally, negotiations on final-status issues would take place with the aim of fully resolving the conflict (Savir 1998, 35).

The initial Palestinian reaction was one of frustration and anger. According to Qurie, the document had incorporated all suggestions that the Palestinians said they would consider; it had eliminated the Palestinian positions to which Israel objected. "For a dizzying moment," he writes, "I almost rose and left the table there and then" (2006, 180). Asfour responded furiously: "Months of work have gone down the drain, and we're starting from zero!" (Savir 1998, 35).

The Israeli approach to the development of the draft, and its presentation, had both integrative and distributive aspects. On the integrative side, the Israelis did incorporate Palestinian considerations. The complete omission of Palestinian positions to which Israel objected, however, resulted in a draft that was heavily biased to the Israeli side. Though Israel avoided "take it or leave it" language in the draft's presentation, there was no initial indication that the draft's contents were negotiable.

The Israelis do seem to have been prepared for the way that the Palestinians reacted to the document, and (only) after the Palestinians reacted did they emphasize that the content of the document was open to discussion. Once again, the delegations went through the text line by line, as they had during the seventh round. The resulting "Gressheim Declaration of Principles" reflected concessions on both sides.

According to the new document, Israel agreed to withdraw from Gaza and Jericho on an accelerated timetable (within two months of signing rather than the

previously-envisioned three years), the Palestinians were to receive jurisdiction throughout the territories from which Israel had withdrawn,⁷³ and the Palestinians would be limited in their functional jurisdiction to five areas of “early empowerment”⁷⁴ outside of Gaza and Jericho (Makovsky 1996, 55). The document envisioned a two-stage signing process, where the final Declaration of Principles would be initialed by representatives from the government of Israel and the PLO in Oslo and signed by Foreign Minister Peres and Faisal al-Husseini, who was leading the Madrid track, in a ceremony in Washington.

Despite compromises on both sides, hurdles remained. Among these were differences regarding the document’s inclusion of reference to Jerusalem and Palestinians living in East Jerusalem, arbitration provisions, refugees, the implementation of UNSC Resolutions 242 and 338, and others.⁷⁵ Still, by the end of the ninth round both parties believed they were closer to an agreement than they had ever been.⁷⁶

⁷³ There were exceptions relating to settlers, settlements, Israeli visitors to the territories, and some military locations that would remain under Israeli control. The lack of definition for the term “military locations” has been problematic since the signing of Oslo I. This point is addressed further in chapter 6.

⁷⁴ These were education, health, tourism, welfare, and taxation.

⁷⁵ See Abbas 1995, 161 for a list of the Palestinians’ seven principal concerns regarding the Gressheim Declaration.

⁷⁶ Looking back on the round, Abbas (1995, 159) notes that the Israelis “had obviously taken note of our delegation’s comments and had abandoned maneuverings and tactics in

From Beilin's (1999, 105) perspective, the tenth round of negotiations, on July 11-12, represented "the lowest point of the entire negotiating process and the one moment when it seemed that the talks were doomed." Given that the ninth round ended on a high note, the Palestinians' decision to introduce more than two-dozen (often controversial) amendments to the text was as surprising as their reason for doing so.⁷⁷ As Qurie (2006, 194) explains, "We chose to give the Israelis a taste of their own medicine, when we produced a counter-document embodying our own demands which led them to feel the same frustration and bitterness we had experienced."

This is the clearest example of distributive bargaining that we see throughout the process that culminated in the Oslo I Accord. In a sense, Qurie is right that the tenth round reflected the ninth. The difference, though, was that the number and scope of the proposed Palestinian amendments represented a far greater departure from the status quo in negotiations than did the Israelis' proposed draft in the ninth round.⁷⁸ Qurie has conceded that he did not propose the amendments because he believed the Israelis might agree to them, but rather to make a point.

the negotiations." According to Hirschfeld, "Everyone went home smiling" from the ninth round (Makovsky 1996, 59).

⁷⁷ See Beilin 1999, 105; Makovsky 1996, 59; Qurie 2006, 196-202.

⁷⁸ Among others, the amendments included reference to Jericho not as a town but as a region, a kind of extra-territorial corridor (i.e., bridge or tunnel) linking Gaza and the West

Hirschfeld reacted by telling the Palestinians they had plunged negotiations into their darkest hour yet. Savir responded more aggressively, rejecting the proposals out of hand and explaining that raising them with Israeli leadership would likely end negotiations. Apparently prepared for this reaction, Qurie read a letter from Arafat emphasizing the PLO's hope for accommodation. This did not placate the Israelis, who left the table.

Upon learning of the crisis, Holst flew to Tunis to meet with Arafat. He convinced the PLO leader to soften his position on a number of issues, and Arafat assured him that he remained intent on reaching a settlement. With Holst's help Qurie was able to walk back what had been an irresponsible distributive move. He assured the Israelis that the amendments were proposals to be discussed –as the Israeli amendments in the previous round had been – not red lines.

The eleventh round, from July 25-26, was the most perilous of the process. The parties had come to a point at which they agreed upon much but found it impossible to bridge final divides. When the parties believed talks had reached their breaking points, Singer declared the process dead and Qurie revealed his intention to resign. Hirschfeld deemed July 26 "The worst Day I have seen in my life" (Qurie 2006, 214).

Bank, repatriation of refugees from the 1967 war, repeated inclusion of the term "PLO" rather than "The Palestinians," and a return to the idea of international arbitration to enforce the terms of agreement.

As Qurie and the Palestinian delegation packed their luggage, Holst convinced Qurie to speak with Savir. When Qurie agreed, Savir went beyond his mandate, in an effort to save the talks, by again raising the idea of mutual recognition and offering to “split the difference” on the points outstanding from the current draft declaration of principles. He presented Qurie with seven points drawn up by the Israelis that, if agreed to by the PLO, could form the basis for mutual recognition and lead to open talks.⁷⁹ Despite lingering reservations about the timing of mutual recognition, Qurie responded to the points optimistically, believing that Palestinian leadership would likely agree to them.

It is difficult to definitively identify certain tactics used in this round as integrative or distributive. This close to agreement, the reluctance to compromise on the final details of a draft may have reflected brinksmanship, but it may also have reflected negotiators’ genuine beliefs that they could not concede more than they already had. It is difficult to know, for example, if Qurie’s announced resignation was a brilliant (distributive) negotiating tactic, or something that happened after he had determined that negotiations had ended.

On balance, the evidence suggests that this was a predominantly distributive round on both sides before the announcement of the end of talks. Though both

⁷⁹ These points were: 1) Israel’s right to live in security and peace, 2) acceptance of UN Security Council Resolutions 242 and 338, 3) commitment to the settlement of the conflict by peaceful means, 4) the settlement of any differences in position through negotiations, 5) the renunciation of terrorism, 6) a call to end the intifada, and 7) the cancellation of the articles in the Palestinian National Charter that call for the destruction of Israel or contradict the principles of the peace process. See Qurie 2006, 217; Savir 1998, 50.

parties seem to have been negotiating in good faith, they also seemed to be thinking in “zero-sum” terms. What revived the talks after their lowest point (at the end of this round) seems to have been the good will and rapport that had developed over months through predominantly integrative strategies on both sides. Savir’s attempt to create something out of nothing by agreeing to that which he was not authorized to agree was inherently integrative. Even when talks had ostensibly ended, he continued to construct options.

The twelfth round of negotiations ran from August 13-15 in Sarpsborg, the location of the first round eight months prior, and the tone of the round was much improved over that of the previous one. The topics of conversation were mutual recognition and remaining differences relating to the declaration of principles.

Regarding the latter, the Israelis made concessions on a number of points, including explicit reference to the issues to be discussed during final status negotiations, mention of Jerusalem and refugees, and reference to the implementation of UNSC Resolutions 242 as a goal of final status talks. For their part, the Palestinians made concessions related to the extent of the Jericho enclave and control over crossing points between Gaza and Egypt and Jericho and Jordan. Though a small number of issues remained, including on the details of mutual recognition, and the parties believed that they had moved closer to a settlement.

The twelfth round and the phone diplomacy that happened between the twelfth and thirteenth rounds appear to have been overwhelmingly integrative.⁸⁰ Palestinian and Israeli negotiators made numerous concessions, encouraged by the leadership on both sides to prioritize flexibility and the achievement of an agreement over tactical advantage. When the negotiators reached a point at which they could go no further, Israeli and Palestinian leadership stepped in, resolving final issues directly over the phone. Resolving the single remaining issue in the declaration of principles during the thirteenth round was a perfunctory matter that would easily be solved during the next meeting.

The thirteenth and penultimate round was not really a round of negotiations; rather, it was a celebration of the agreement that came to be known as the “Declaration of Principles on Interim Self-Government Arrangements.” Aside from concurrence that final status talks should conclude within five years of Israel’s withdrawal from Gaza and Jericho, the “round” consisted of the ceremony at which both sides initialed the document.

With the content of the Declaration of Principles established, the parties turned in the fourteenth round, on August 30, to negotiating the conditions of

⁸⁰ Between the twelfth and thirteenth rounds, Holst mediated phone calls between Palestinian leadership in Tunis (including Arafat and Abbas) and the Israeli Foreign Minister and his advisers (including Singer and Avi Gil, Peres’s chief of staff). From August 17-18, nine phone calls between the leaderships essentially ironed out the remaining issues related to the declaration of principles. For discussions of these calls, see Abbas 1995, 175-179; Beilin 1999, 116-118; Peres 1995, 299-300; Savir 1998, 54-56.

mutual recognition. Though the Israelis had *de facto* recognized the PLO with the appearance of Uri Savir in May, the parties now had to agree on how they would express mutual recognition publicly. These negotiations were not about timing and borders; they were about ideology and symbols, deep-seated beliefs and conflicting values, psychological barriers, and indeed decades of animosity and hatred (Qurie 2006, 255).

The round did not finalize the technicalities of mutual recognition, but neither party doubted that leadership in Jerusalem and Tunis would find compromise on the point. A marathon of telephone diplomacy followed, spanning some twenty-two hours from September 9-10, in which Savir, Qurie, Koush, Holst, Larsen, and others communicated with leadership in Jerusalem, and Tunis.⁸¹

In the end, agreement was reached, substantively and procedurally, and the result was an exchange of letters: one from Arafat to Rabin, another from Arafat to Holst, another from Rabin to Arafat, and a final, (initially) secret letter from Rabin to Holst. All were integrative in tone, carefully written to include language that conditioned the content of the letters upon additional integrative moves from the other side.

⁸¹ These conversations covered how the PLO would recognize Israel (“unconditionally” or “within secure and recognized borders”), whether the PLO could commit to end the intifada, renunciation of the use of force, and the Palestinian National Charter. For their part, the Palestinians wanted assurances from Israel regarding a freeze on Jewish settlements and the preservation of existing Palestinian institutions inside Jerusalem (Wanis-St. John 2011, 103-104).

In his letter to Rabin, for example, Arafat wrote, “The signing of the Declaration of Principles marks a new era in the history of the Middle East. In firm conviction thereof... the PLO recognizes the right of the State of Israel to exist in peace and security.” With this wording, PLO recognition of Israel was contingent upon the signing of the Declaration of Principles, which had yet to happen.

In Rabin’s reply to Arafat, he wrote, “In response to your letter” and “in light of the PLO commitments included in your letter, the Government of Israel has decided to recognize the PLO as the representative of the Palestinian people and commence negotiations with the PLO...” Here, too, Rabin highlights the importance of the Palestinian commitment in Arafat’s letter. This might accurately be understood as a kind of integrative tit-for-tat.

2.5 Analytical Summary and Findings

Evidence from the case history suggests that both sides employed predominantly integrative strategies during the first phase of negotiations, when the PLO was officially represented and the government of Israel was unofficially represented. These strategies, based on gradually increasing joint cooperation and confidence building measures, established a level of trust and rapport between Israel and the PLO that facilitated outside-the-box thinking and convinced both sides that agreement could be reached.

In the second phase of talks, both sides employed more mixed strategies, where a focus on self-interest sometimes trumped joint cooperation. Departures from integrative tactics in favor of distributive moves on one side begot the same on the other side, sometimes requiring third party intervention to realign a threatened process. The reversion to integrative strategies seems to have saved the process at key moments and to have facilitated the accord that was ultimately reached.

The principal hypothesis evaluated here – H1a: “The predominant use of integrative strategies by both sides favors agreement in negotiations between states (in this case Israel) and NSAGs (in this case the PLO)” – is supported by the evidence. The mutual adoption of integrative strategies contributed to negotiators’ willingness to take risks, to think outside of the box, and to “construct” proposals that had potential to benefit both sides.

Another hypothesis – H1b: “The predominant use of distributive strategies by both sides discourages agreement in negotiation between states and NSAGs” – can only be evaluated here at a micro-level. On balance, the parties employed integrative strategies, but the hypothesis receives support in that the process was most threatened when the sides employed distributive tactics. Singer’s “interrogation” of PLO representatives in the seventh round, for example, endangered the process to the point that Israel determined it needed to apologize to Palestinian negotiators. The tenth round presentation of a heavily biased Israeli draft declaration prompted a crisis in talks: Qurie returned in the eleventh round

intent on giving the Israelis “a taste of their own medicine.” These were the points at which the process was most threatened.

Hypothesis 2a – “In cases where parties initially adopt divergent strategies, the party that initially adopted the integrative strategy is likely to shift its strategy from integrative to distributive during the course of negotiations” – can similarly be evaluated at the micro level. The parties initially adopted integrative strategies, so the hypothesis cannot be evaluated generally. During the course of negotiations, though, the departure from an integrative strategy did on occasion prompt a similar departure from the other side. Singer’s distributive moves in the seventh round seem to have been mitigated by an Israeli apology, but a second shift to distributive tactics (this time in the tenth round) did prompt a strong, distributive Palestinian response.

On balance we see that the use of integrative strategies played two key roles. First, the times when the process ran most smoothly were the times when both sides were using predominantly integrative tactics. This mutual strategic approach enabled talks to get off the ground, convinced both sides that a settlement could be reached, and convinced Israeli leadership to upgrade the channel to an official track.

Second, integrative strategies contributed to the rapport among negotiators that enabled negotiations to get through crisis points. As Savir (1998, 40) explains,

“Crises are usually solved by invoking the trust that has developed between the sides, enabling them to reveal their true ‘red lines.’ Only then does the most meaningful bargaining begin, for in the endgame the negotiators return to cultivating their common interest and practice the art of the possible through imaginative creativity to produce an agreement that no one would have predicted at the outset.”

H3a – “Since states may feel less threatened by the power structure of negotiations, and thus more likely to be open to risk, states are more likely to “open” negotiations with integrative bargaining strategies than distributive bargaining strategies – receives mixed support. Israel “opened” with an integrative strategy, but the evidence suggests that the state was not particularly open to risk. It negotiated through proxies for as long as possible. Thus, on the one hand we see Israeli decision makers allowing an integrative strategy in phase I, but when the channel was upgraded and Israel was officially represented it soon turned to distributive tactics.

H3b – “Since NSAGs may feel more threatened by the power structure of negotiations, and believe that distributive tactics are more likely to “level the playing field,” NSAGs are more likely to “open” negotiations with distributive bargaining strategies than integrative bargaining strategies” – receives no support from the case history. The PLO went to great lengths to employ an integrative bargaining strategy from the beginning of its negotiations with Israel, even when Israeli leadership was not officially represented. Palestinian negotiators recall speculating that Israeli leadership was behind the talks from the earliest days, and they recall taking this assessment into consideration when articulating their

positions. Palestinian negotiators began using distributive tactics in earnest only in response to the use of these by Israel. This happened predominantly in the second phase.

As outlined in chapter 1, hypotheses 3a and 3b were drawn from the literature on negotiations with hostage takers. Transforming the findings of that literature into hypotheses that can be tested in cases of negotiations between states and NSAGs enables us to draw tentative conclusions about the applicability of findings from one domain in another. The negotiations between Israel and the PLO leading to Oslo I suggest that the findings of the hostage negotiation literature are not applicable in negotiations between states and non-state actors.

2.6 Conclusion

The Oslo I Accord is among the most important milestones in the history of the Israeli-Palestinian conflict. For the first time, the parties recognized each other not only as representatives of distinct and legitimate nationalisms but also as partners in the search for peace. The agreement laid the foundation for the eventual resolution of the conflict, whenever that may come.

Pundak (2002, 95-96) has observed that “for many years, the two peoples had tried to attain achievements at the expense of the other side. Every victory won by one side was considered a defeat for the other, according to the principles of the “zero-sum game” theory. In contrast, “Oslo” was, from the start, guided by efforts to

abandon this approach, and to achieve as many win-win situations as possible, notwithstanding that the balance of power was tipped in Israel's favor."

Without the mutual adoption and predominant use of integrative strategies during talks in 1993, there is little reason to believe that agreement would have been reached. Integrative strategies did more than facilitate the trust and rapport that led to the first official talks between Israel and the PLO. They encouraged out-of-the box thinking that resulted in mutual benefits and allowed both parties to make concessions that they had not previously thought negotiable, much less possible. The case is evidence that when the final resolution of the conflict does come, it is likely to be the product of integrative negotiations.

3. Case Study: Negotiations Between Israel and the PLO/PA, 2000

3.1 Introduction

From July 11 to July 25, 2000, US President Bill Clinton hosted a high-stakes summit at Camp David in hopes of achieving a comprehensive peace settlement in the century-old conflict between Jews and Palestinians in historic Palestine.¹ It was the first time in the history of negotiations between these groups that the five “permanent status” issues (borders, settlements, security, refugees, and Jerusalem) were directly addressed with the intention of resolving the conflict (Shamir 2005, 7). Despite some disagreement over positions advanced and how the talks unfolded, all involved share at least one common assessment of the summit: it failed.²

This chapter explains that failure by applying the framework and evaluating the hypotheses outlined in chapter 1. In doing so, it focuses on negotiation strategy as an explanatory variable in the failure of the talks. Whereas both sides adopted

¹ With regard to the Middle East Peace Process, Camp David is most often associated with the Camp David Accords, signed on September 17, 1978 by Egyptian President Anwar Sadat and Israeli Prime Minister Menachem Begin. These consisted of two framework agreements: the first dealt with the Israeli-Palestinian conflict and the second with ongoing conflict between Egypt and Israel. Little progress was made on the Israeli-Palestinian front, but the latter framework led to the 1979 Israel-Egypt Peace Treaty and eventually to the normalization of relations between Israel and Egypt in 1980. See Quandt (2005, 365-366) for a structural comparison of the summits.

² See Rabinovich (2005, 14-17) for a broad overview of four conflicting narratives.

primarily integrative strategies in the talks that culminated in the Oslo I Accord, at Camp David II both Israelis and Palestinians adopted hardline distributive strategies. Though these manifested themselves in different ways, the mutual adoption of distributive strategies favored negotiation failure.

The chapter proceeds as follows. First, it provides a brief overview of the interim between the signing of Oslo I in 1993 and the Camp David Summit in 2000. After outlining the theoretical expectations of the hypotheses, it then presents a case history of Camp David II, using the framework outlined in chapter 1. The analysis is carried through the presentation of the Clinton Parameters (December 2000) and the Taba Summit (January 21-27, 2001), where the parties came closer to final settlement than ever before. These episodes are not the focus of this case study, but they are considered here to demonstrate that gaps in positions at Camp David were *not* the primary cause of the summit's failure. The chapter provides strong support for the contention that the mutual adoption of distributive strategies militates against negotiation success. It concludes with an analytical summary and review of the principal findings.

3.2 Context: The Interim from Oslo I to the Camp David Summit

The signing of the Oslo I Accord in 1993 initially brought positive developments for both sides. For Palestinians, these included increased legitimacy for the PLO, improved relations with Washington, and billions of dollars of

international aid.³ By late 1995, most Palestinians residing in the West Bank and Gaza were living “under Palestinian rule in their daily lives” (Eisenberg & Caplan 2010, 187; Dowty 2012, 162).⁴ PLO chairman Yasser Arafat and others had returned to Gaza and Jericho from exile in Tunis, and in the years preceding Camp David Palestinian GDP per capita increased significantly.⁵

For their part, the Israelis saw improved relations with Arab neighbors, increased tourism and foreign investment, and the normalization of economic ties with countries around the world. In October 1994, President Clinton presided over the Israel-Jordan peace treaty, signed by Israeli Prime Minister Yitzhak Rabin and Jordan’s King Hussein. Jordan was only the second country, after Egypt in 1979, to sign a peace treaty with Israel.

Israel and the PLO signed two prominent agreements in the little more than two years following the signing of Oslo I. The first was the May 4, 1994 “Agreement

³ According to the UN Office of the Special Coordinator in the Occupied Territories, by 1999 donor nations had delivered more than \$2.5 billion of more than \$4.1 billion committed to the West Bank and Gaza.

⁴ The extent of Palestinian rule in the West Bank varied by location, as codified in the Oslo II agreement of September 1995. Specifically, the West Bank was divided into three areas: A, B, and C. Area A implied full Palestinian civil and security control, Area B implied Palestinian civil control and Israeli security control, and Area C implied Israeli civil and security control. For a map reflecting these divisions, see Appendix D.

⁵ In 1996, Palestinian GDP per capita was around \$650. By 1999 that figure had reached \$1,500. See Ben-Ami 2006, 231.

on the Gaza Strip and the Jericho Area” (also known as the Cairo Agreement),⁶ which dealt exclusively with implementation of the “Gaza-Jericho First” provision of the DOP. The second was the September 28, 1995 “Interim Agreement on the West Bank and the Gaza Strip” (also known as the Taba Agreement and Oslo II).⁷

The Cairo Agreement provided for the establishment of the Palestinian Authority (PA),⁸ detailed the extent of Israeli military withdrawal from Gaza and Jericho, outlined the range of Palestinian responsibilities within the PA’s remit, and allowed for the return of Palestinian leadership from Tunis to Gaza. The inclusion of Jericho in this agreement (like the initial inclusion of Jericho in the Declaration of Principles), signaled that eventual Palestinian autonomy would extend beyond Gaza to the West Bank.

The Oslo II agreement was even more extensive. It sought to extend the scope of Palestinian self-rule in the West Bank through elections, called for further Israeli withdrawal from Palestinian municipalities in the West Bank and Gaza, divided the West Bank into separate areas along civil and security administration lines,⁹ called on the PA to act against anti-Israel violence from within its jurisdiction,

⁶<http://unispal.un.org/UNISPAL.NSF/0/15AF20B2F7F41905852560A7004AB2D5>

⁷ http://www.knesset.gov.il/process/docs/heskemb_eng.htm

⁸ The PA was/is a Palestinian interim self-governing body comprised largely of PLO leadership. Since the UN recognized Palestine as a non-member observer state in January 2013, the PA has relabeled itself “The State of Palestine.”

⁹ See Appendix D.

and called for the Palestinian National Council to eliminate from its charter text that contradicted the terms of mutual recognition between Israel and the PLO. It also provided safe passage for Palestinians traveling between the West Bank and Gaza, though Israel reserved the right to close crossing points if it deemed necessary.

Though accomplishments clearly outweighed setbacks in the first years after the signing of the Oslo Accord, the peace process also faced setbacks during this period. Palestinian terrorism continued, leading some to determine that the PLO was unwilling or unable to reign in those targeting Israeli civilians.¹⁰ These attacks prompted strong responses by the Israeli military, which left dozens of Palestinians dead each year.¹¹ Meanwhile, settlement expansion continued in the West Bank and Gaza. From 1992 to 1996, the number of Jewish settlers expanded by some 40% in the West Bank and 30% in Gaza. This led some Palestinians to question whether Israel was negotiating in good faith or creating facts on the ground to dictate the outcome of final status talks.¹²

¹⁰ Instances of vigilante Israeli terrorism also occurred. Among the most prominent of these was an attack perpetrated by Baruch Goldstein. An extremist settler from Brooklyn, NY, Goldstein opened fire on Palestinians praying at a mosque in Hebron on February 25, 1994. The attack left 29 dead and some 150 wounded.

¹¹ For tables outlining numbers of Israeli deaths resulting from Palestinian attacks and vice-versa, see Appendices E and F, respectively.

¹² Figures from the Foundation for Middle East Peace. See http://www.fmep.org/settlement_info/settlement-info-and-tables/stats-data/comprehensive-settlement-population-1972-2006. Zeev Maoz has described Israeli settlement policy during this period as “self-defeating because it made the task of peace more difficult domestically. It was clear from the outset of the Oslo process that settlements

In this context, on November 5, 1995, Israeli nationalist Yigal Amir shot and killed Prime Minister Rabin after a rally in support of the Oslo II agreement in Tel Aviv. Shimon Peres, a renowned champion of the peace process, succeeded Rabin as acting prime minister after the assassination. Though he lacked Rabin's military credentials, and thus for some Rabin's credibility in negotiations with the PA, Peres did accumulate successes during his short premiership. Under his watch, Israel withdrew from cities, towns, and villages in the West Bank and took steps to limit settlements there. Also during this period, the Palestinians held their first presidential and legislative elections in the West Bank, including East Jerusalem, and Gaza.

In February and March of 1996, bus bombings by Palestinian Islamists undermined Peres's authority and approach. Though he faced opposition from the Israeli right even before the attacks, afterwards that opposition became more vehement. At the end of May, the Israeli electorate went to the polls for its first direct election of an Israeli prime minister, and when the votes were counted Benjamin Netanyahu of the Likud Party had won by a single percent. With his

would have to be dismantled as part of the final status agreement. By building new settlements and authorizing new construction in the existing ones, the Israeli government effectively engaged in a self-defeating process that would tie their hands in the final status agreements" (Tessler 2009, 774).

election, the Israeli approach to the peace process, and to the PA in particular, would take a hard right turn.

Qurie (2008, 19) is not alone among Palestinians in his assessment that Netanyahu's first term as prime minister (1996-1996) was "a wretched time for the peace process." A number of Israelis, including some who worked for him at the time, have not been reluctant to critique his approach. According to Danny Yatom (2005, 33), head of the Mossad during Netanyahu's first term, "there were hardly any communications between the Israelis and the Palestinians [under Netanyahu] except those leading to the Hebron agreement (January 1997) and the Wye Plantation Memorandum (October 1998)." In his 2004 book, *The Path to Geneva*, Yossi Beilin includes a chapter titled "The Netanyahu Years: Killing the Peace, Softly." In it, he details Israeli settlement expansion and the stagnation of final status talks that had resumed under Peres just three weeks before the election.

Despite these critiques, the peace process did move forward under Netanyahu in some respects. The Hebron Agreement sought to follow up on provisions of the interim agreement (Oslo II) that were sidetracked, at least in part, because of events in late 1996.¹³ The Wye River Memorandum provided for

¹³ After an Israeli decision to allow for archaeological excavation in the Old City of Jerusalem near the Temple Mount / Haram al-Sharif, Palestinian protests erupted. These prompted a crackdown that resulted in the deaths of more than sixty Palestinians and a dozen Israelis.

additional Israeli redeployments from West Bank and further amendments to the Palestinian National Charter.¹⁴

In his bid for reelection to the Israeli premiership in 1999, Netanyahu faced many opponents. Concessions that he had made at Wye cost him support from some on his right. On the left, those who believed that Netanyahu was determined to undermine the peace process took his policies as proof of their suppositions. Across the spectrum, many believed that he had alienated the Clinton administration, as well as the Arab states with which Israel had peace treaties (Maoz 2002, 139).

Netanyahu also faced opposition from within the ranks of the Israeli military, which “mobilized not just against Netanyahu the man, but also against his political philosophy” (Enderlin 2002, 106).¹⁵ Among his opponents was Ehud Barak, a former Minister of Internal Affairs, and then Foreign Affairs, who had led the Labor Party since 1996. The most decorated soldier in Israel’s history (Tessler 2009, 795), Barak campaigned on implementing the commitments of the Wye memorandum and moving forward on permanent status issues in talks with the Palestinians. He

¹⁴ With these withdrawals, Palestinians would have civil control over 41% of the West bank, accounting for 96% of the Palestinian population in that territory.

¹⁵ For a thorough discussion of the relationship between Netanyahu and the Israeli military during this period, including the military’s contribution to Barak’s win over Netanyahu in the May 1999 elections, see Peri 2006, chapter 5.

also called for Israeli withdrawal from southern Lebanon, which Israel had occupied since 1982.¹⁶

On May 17, 1999, Barak took 56% of the vote for the premiership in what amounted to a landslide, enabling him to form a 73-member coalition in a parliament of 120 seats. Despite some division within his coalition, the new prime minister moved quickly on his campaign promises. In his first year, he attempted to normalize relations with Syria, unilaterally withdrew IDF forces from Lebanon, and laid the groundwork for the Israeli-Palestinian summit at Camp David.¹⁷

Running parallel to developments on the Israeli side were developments in Palestinian politics. In January 1996, in the wake of the Cairo Agreement and Oslo II, Palestinians elected Yasser Arafat the first president of the Palestinian Authority. Though good for public relations, Arafat's election obscured growing dissatisfaction with his inability to secure concessions that, in the minds of Palestinians, Israel had already agreed to make.

Dissatisfaction existed not only among Arafat's opposition (especially Hamas and Islamic Jihad), but also within the ranks of the PA. Rather than choose qualified leaders from the West Bank and Gaza for top leadership positions, Arafat often

¹⁶ The Israeli military invaded and occupied southern Lebanon on June 6, 1982 in an attempt to weaken the PLO. Subsequently, the IDF continued its push to Beirut. The operation resulted in the PLO's expulsion from Lebanon, to Tunis, late that year. In May 1983 Israel began to withdraw from Beirut, but the IDF maintained a presence in southern Lebanon.

¹⁷ Though much has been made of Barak's "Syria First Strategy," these initiatives were undertaken simultaneously. For detailed discussion, see Miller 2005.

chose less qualified individuals, including friends and acquaintances from his time in Tunis. In doing so, he alienated some of the Palestinians most familiar with Israel and those most eager to reach a negotiated settlement (Ashrawi 1995, 278; Corbin 1994, 205-207; Qurie 2006, 260-262; Savir 1998, 80-81).

Missed deadlines for implementing provisions of the Oslo Accord and subsequent agreements provoked anxiety on the Arab street. To maintain his credibility, Arafat responded to these with acts both of omission and commission. In 1996, for example, the Palestinian National Council held a “voice vote” to abolish the provisions of the Palestinian National Charter that did not align with the Oslo I Accord (especially a provision calling for the destruction of Israel). The vote passed, but Arafat never produced a revised charter. By 1999, without any progress on final status issues, Arafat threatened to unilaterally declare Palestine a state. When Prime Minister Netanyahu threatened to annex the West Bank in retaliation, he backed down.

The dynamic between the parties, according to Laura Eisenberg and Neil Caplan (2012, 220), was one where “Israel’s leaders had minimum public support for making concessions to Arafat until he demonstrated that he could govern all factions of his people and make good on his security promises. But Arafat needed those very concessions from Israel in order to secure his role as the popular leader who could deliver what his followers were seeking.” In this context, shortly after Barak replaced Netanyahu as Prime Minister, US President Bill Clinton responded

favorably to Barak's idea of a high-stakes summit that would seek to settle the conflict once and for all.

Since coming to office in 1993, the US president had encouraged Israeli administrations to prioritize normalization of relations with Syria over those with the Palestinians. The administration believed that peace between Israel and Syria would lead to peace between Israel and Lebanon. In such a scenario, where Israel had treaties with all of its Arab neighbors, the Israeli-Palestinian conflict would be "reduced to its proper dimensions as a neighborhood dispute, and thereby made more easily resolvable" (Indyk 2005, 24).¹⁸

In pursuit of this strategy, and in reaction to signs from Syrian President Hafez al-Assad that he was amenable to negotiations, and a possible peace deal with Israel in exchange for the return of the Golan Heights (acquired by Israel in the 1967 war), Syrian and Israeli delegations met in Washington in December 1999 and in Shepherdstown, West Virginia in January 2000. In Shepherdstown, Clinton hosted Barak and Syrian Prime Minister Farouq al-Sharaa. These talks eventually faltered on the extent of Israeli withdrawal from the Golan Heights,¹⁹ and subsequent talks

¹⁸ Indyk recognizes that Washington and Jerusalem viewed the Palestinian conflict in different terms. What may have seemed a neighborhood dispute for one represented an existential threat for the other. Still, a difference in perspective regarding the severity of the problem did not preclude agreement between Israel and the United States on the sequencing of attempted agreements.

¹⁹ For various interpretations of why these talks failed, see Barak 2005, 133; Bregman 2005; Clinton 2004, 886; Enderlin 2002, 125-135; Rabinovich 2004, 139-140; and Swisher 2004, 88.

between Clinton and Assad in Geneva that March also failed.²⁰ By this time, Assad's focus had shifted to transitioning power to his son Bashar.

After Clinton's meeting in Geneva, Barak turned his attention to the IDF troop presence in southern Lebanon. In his campaign, the prime minister had pledged to seek an agreement, within a year of his swearing in, that would allow Israel to fully withdraw – a policy supported by a majority of the Israeli public. As that deadline (July 7) approached, no agreement with Lebanon or Syria was in sight, and the South Lebanon Army (SLA), an Israeli-supported militia in the southern security zone, was quickly deteriorating. Eager for an achievement in the wake of failed talks with Syria, on May 24, 2000, Barak ordered the withdraw of Israeli forces after eighteen years in Lebanon.²¹

Whether and how Israeli withdrawal from Lebanon affected negotiations with the Palestinians remains subject to dispute, and the debate can be summarized in the contrasting views of Martin Indyk and Yossi Beilin. For Indyk (2005, 26), withdrawal “demonstrated to the Palestinians the efficacy of force in producing Israeli withdrawal from Arab territory.” For Beilin (2004, 146) it “lent credibility to Barak in the eyes of his negotiating partners, and demonstrated his ability to carry out his decisions.” Though more analysts have sided with Indyk's position, most of

²⁰ On the Geneva talks between Clinton and Assad, see Bregman 2005, 55-62; Ross 2004, 580-590; and Tessler 2009, 798.

²¹ Beilin (2004, 146) has called this withdrawal the principal accomplishment of Barak's premiership.

this analysis has taken place since the Camp David Summit. Knowledge of the outcome of the summit may have influenced scholars' views of the consequences of Israeli withdrawal from Lebanon.²²

On the Israeli-Palestinian track, by the end of July 1999, only two months into his premiership, Barak had met with Mubarak in Egypt, with Arafat at the Erez checkpoint in Gaza, and with Clinton in Washington. These meetings culminated in the signing of the Sharm el-Sheikh Memorandum, on September 4, 1999, which dealt primarily with the implementation of the Oslo II and Wye River agreements, as well as a timetable for addressing permanent status issues.²³ The parties agreed to a timetable whereby they would resume talks on final status issues in accordance with UN Security Council Resolutions 242 and 338 within a week, conclude a framework agreement regarding these issues within five months, and conclude a final agreement within a year.²⁴

To lead their delegations, Arafat chose Yasir Abed Raboo, the PA's Minister of Culture and Information, and Barak named his Ambassador to Jordan, Oded Eran. After a ceremonial opening of talks at the Erez Checkpoint on September 13, the first substantive meeting between the delegations took place in Ramallah on

²² See also Eisenberg & Caplan 2010, 228; Quandt 2005, 367.

²³ See <http://www.mfa.gov.il/MFA/MFA-Archive/1999/Pages/Sharm%20el-Sheikh%20Memorandum%20on%20Implementation%20Timel.aspx>

²⁴ The agreement also called for the release of Palestinian prisoners and the opening of a route of safe passage between Gaza and the West Bank within three months.

November 8, 1999. Despite a series of meetings in the following months, a combination of factors produced stagnation.

Palestinians argue that Barak conditioned the implementation of existing Israeli commitments on Palestinian movement in the direction of Israel vis-à-vis final status issues (Qurie 2008, 91). More broadly, some have suggested that initial Israeli attention to Syria distracted from substantive talks with the Palestinians, the result being that progress on the latter front was primarily administrative (Beilin 2004, 117-118; Indyk 2005; Miller 2005). The United States attempted to break the deadlock by hosting talks at Bolling Air Force Base, outside of Washington, in March 2000. These talks, like those in Ramallah, failed to move the parties closer to agreement on the framework for settling final status issues.

Once the Syria talks dissolved, Barak and Arafat agreed to try to resolve the impasse by initiating secret talks. Their representatives met first in Jerusalem in May 2000, and talks continued in Sweden in June.²⁵ The results followed a pattern: though the parties made tentative progress and narrowed gaps on certain issues, they were inconclusive. Prominent disagreements related to the extent of Israel's withdrawal from the West Bank and the Palestinian right of return (Tessler 2009, 799-800).

²⁵ For Israel, these were Gilad Sher (a lawyer and confidant to Barak) and Shlomo Ben-Ami (Israel's Minister of Security). For the Palestinians, they were Ahmed Qurie (a veteran of the Oslo talks) and Hassan Asfour (the PA minister for nongovernmental affairs).

Under these circumstances, Barak believed that only a major summit could produce a breakthrough. Despite reason for skepticism, Clinton was inclined to agree. Though the parties were making progress on some fronts, clear divisions existed within both Israeli and Palestinian politics. Neither leader was especially strong at home, and the gaps between the parties on key issues remained wide. In short, there was little evidence that the moment was ripe for negotiations leading to a final settlement.

Still, both leaders felt urgency to complete an agreement quickly. That Barak believed that the disintegration of his coalition was all the more reason to act. Arafat was again threatening to unilaterally declare a Palestinian state (this time in September, after the passing of another Oslo II deadline), and Clinton's time in office was dwindling. In hindsight, both leaders have claimed that the prospects for a successful summit were not high, but both believed that failure to reach a resolution would result in further violence and the possible collapse of the peace process (Barak 2005, 145-146; Clinton 2004, 912).

Arafat was against the idea of a summit without further preparation, and he asked Clinton not to convene one.²⁶ Apart from the gaps between the parties' positions, he believed that Barak's withdrawal from Lebanon and offer to withdraw

²⁶ This position did not reflect that of the Palestinian negotiators generally. In a discussion with Ross on the even of the summit, Saeb Erekat explained, "Dennis, it is possible. And we cannot miss the opportunity. We will never have an Israeli government like this one. If we cannot do it with an Israeli government that includes Yossi Beilin, Yossi Sarid, Amnon Shahak, Shlomo Ben-Ami, and Haim Ramon, we will never do it" (Ross 2005, 635).

from the Golan Heights had weakened his negotiating position, and that Israel should fulfill its commitments to further withdraw from the West Bank before final status began in earnest.

Arafat did not believe that these issues would necessarily preclude a successful summit, but he believed they strengthened Israel's hand. To counter what he perceived as an un-level playing field, the PLO leader made no secret of his intent to be intransigent during negotiations. He accepted Clinton's invitation and went to Camp David in hopes of maintaining good relations with the US president (Dajani 2005, 72; Eisenberg & Caplan 2010, 225).²⁷

3.3 Negotiations Between Israel and the PA, 2000

Theoretical Expectations

As explained in chapter 1, to evaluate whether negotiation strategies contribute to negotiation outcomes, the first step is to identify strategies. This is done along procedural and substantive dimensions. Procedurally, the analyst determines whether the negotiators explicitly articulated strategies and looks for evidence regarding why and how negotiators believed their strategies would enable

²⁷ Arafat reportedly received commitments from President Clinton (before and during the summit) that the US president would not blame the Palestinians in the event of an unsuccessful summit (Qurie 2008, 186). Based on his statements after the summit's conclusion, and on comments in a televised interview in Israel meant to shore up support for Barak after the summit, many believe this commitment was broken. See Agha & Malley 2001, 60; Clinton 2004, 916; Indyk 2005, 106; Qurie 2008, 161; Ross 2005, 691; and Swisher 2004, 226.

the achievement of their objectives. Next, the analyst determines whether negotiators' employed their articulated strategies.

To distinguish between integrative and distributive strategies, the analyst explores the extent to which negotiators focused on cooperation and compromise vis-à-vis power and leverage. Do the negotiators envision the process as zero-sum, or are they attempting to identify mutually beneficial solutions? Is the process viewed in terms of give and take or do negotiators seek to “construct” broader options? How do negotiators think about the importance of developing trust and demonstrating good will?

Substantively, the analyst examines the parties' positions on the issues being discussed throughout negotiations. What are the negotiators' opening positions, and how do they evolve over time? Are the parties willing to make concessions and, if so, what kinds of concessions? Do the final offers, regardless of whether they result in agreement, reflect compromise or domination by one side?

As in any historical case study, much of the relevant evidence will come from the accounts of those involved. Often these accounts are available only as post-hoc recollections. The problem identified in the previous chapter – that individuals or groups may emphasize narratives that fit known outcomes – is no less germane here. As with the previous chapter, then, contemporaneous primary sources are drawn on when possible to confirm or contradict post-hoc recollections.

In cases characterized by the predominant use of distributive strategies, as I will show to have been the case of Camp David II, we should expect that negotiators' initial steps will set a tone for negotiations that seeks to favor their side. Instead of contributing to building trust among parties or faith in the process, initial distributive steps are likely to do the opposite. That is, they are likely to reinforce suspicions between counterparts, thereby encouraging those on the receiving end of distributive tactics to employ distributive tactics of their own.

Finally, to identify a pattern of negotiating strategies as a causal factor in the outcome, there should be evidence of the independent adoption of strategies on both sides, and there should be evidence that each side recognizes and responds to the other side's strategy. To support the hypothesis that the mutual adoption of distributive strategies undermines prospects for success, we should see evidence that distributive moves on both sides created a kind of "downward spiral" in talks, where breaking the distributive-distributive dynamic became increasingly difficult with time.

Negotiation Strategies Structure Negotiations

When the Israeli and Palestinian delegations arrived to Camp David on July 11, both sides had preemptively adopted distributive negotiating strategies.²⁸

²⁸ See Appendix G for a list of the Israeli, Palestinian, and American Delegations (including their titles).

Barak's was built on three pillars. First, he believed that the summit could succeed only if it led to comprehensive agreement. Skeptical of the incrementalism that defined the Oslo process (Indyk 2005, 25), he sought to avoid concessions that brought the parties no closer to ending the conflict.²⁹ He therefore insisted that "nothing is agreed until everything is agreed" (Sher 2006, 2; Eisenberg & Caplan 2010, 241; Enderlin 2003, 178). Many analysts have characterized his approach going into the summit as "all-or-nothing" (Agha and Malley 2001; Pressman 2003, 7; Telhami 2001, 11).

Second, Barak planned to present Israeli positions through American mediators. Though some in his delegation disagreed with this approach,³⁰ the prime minister believed that direct meetings "would lead to a documentation of his positions, and that Israel would then be forced to treat these positions as a starting point for any future negotiations, rather than as conditional positions" (Ginossar

²⁹ The Palestinians were also skeptical of the incrementalism of the Oslo process. According to an internal Palestinian document titled "The Risks of Concluding Undetailed Framework Agreement," dated June 13, 2000, legal advisors from the Palestinian Negotiations Support Unit wrote, "We recommend against a brief framework agreement in the Palestinian-Israeli context, because a brief agreement is likely to be vague and insufficiently comprehensive. The interim period has provided the Palestinian side with sufficient experience to understand the risks of reaching a vague or insufficient agreement." See Appendix I, document #9.

³⁰ In explaining this disagreement, Yossi Ginossar (2005, 57) points to the importance of interpersonal communication, personal touch, and even intimacy among negotiators. "All of these," he writes, "can forcefully contribute to producing positive results."

2005, 57).³¹ For the same reason, he preferred that positions be presented orally, rather than in writing (Agha & Malley 2001; Enderlin 2003, 187; Pressman 2003, 7; Qurie 2008, 267; Swisher 2004, 270).

Third, Barak planned to negotiate using the tactics of an oriental bazaar (Beilin 2004, 158-159; Brom 2013, 101; Pundik 2005, 155). Because he envisioned the negotiation process as one of reciprocal concessions, his opening positions were nowhere near his actual red lines. His approach was to “open strong,” in paradigmatic distributive fashion, so that after a number of concessions he could end negotiations in a way that maximized the outcome for Israel.³²

Relatedly, and in keeping with bazaar tactics, the prime minister planned to present his positions as red lines that approached “the bone” of Israeli interests (Agha & Malley 2001). The approach intended to allow Israelis to move on issues, but to move as little as possible. In reality, it had the effect of encouraging the Palestinian strategy of obstinacy. In response to the Israeli strategy, the

³¹ This reluctance to be transparent began even before the summit, when Barak assured Clinton that he had new proposals but would not reveal them prior to the summit. Barak also conveyed this idea to Arafat through Meretz leader Yossi Sarid in a meeting in Ramallah prior the summit.

³² Mapping out initial positions the day before the summit began, Barak gave a speech to the Knesset in which he outlined what he would not concede in the form of five “critical red lines:” 1) no return to the 1967 lines; 2) a united Jerusalem under Israeli sovereignty; 3) no foreign army west of the Jordan River; 4) an absolute majority of the settlers in Judea and Samaria living in settlement blocs under our [Israeli] sovereignty; and 5) no Israeli responsibility, moral or legal, for the creation of the refugee problem. See <http://mfa.gov.il/MFA/PressRoom/2000/Pages/Address%20to%20the%20Knesset%20by%20PM%20Barak%20on%20the%20Camp%20Dav.aspx>

Palestinians seem to have concluded that if non-engagement produced some movement on the part of the Israelis, why should it not produce more?

In sum, the Israeli strategy going into the summit was overwhelmingly distributive. It precluded the possibility of a partial agreement, it sought to avoid direct negotiation to the extent possible, it sought to guard information and avoid documenting positions in writing, and it opened with positions that the Israelis themselves believed were unrealistic. It envisioned the substance of the talks as zero-sum and the process of “getting to yes”³³ as one of trading concessions if and until the parties reached agreement.

The Palestinian negotiating strategy going into the summit was one of waiting until the right offer was made and then accepting that offer if and when it came. It was to advance its well-known initial positions and refuse to entertain alternative ideas thereafter. In a sense, this is the most extreme version of a distributive strategy. Just as a buyer at an oriental bazaar might stand with a seller and refuse to budge on the offered price, regardless of how much the seller has “come down” from the “original” price, the Palestinians essentially told the Israelis what they were willing to accept and waited for Israel to agree.

The strategy was as rigid as it was passive. From the Palestinian perspective, the “what” of final status had been agreed in 1993, and the Camp David summit was

³³ Fisher, Roger and William Ury. *Getting to Yes*. New York: Houghton Mifflin Company. Boston, MA. 1981.

to be about implementation. Arafat believed that the strategy adopted during the Oslo talks was not appropriate here, because the parties had already determined the outlines of the eventual agreement. The Palestinians were no longer seeking compromise; their goal was to maintain what had not been conceded. Reflecting on the summit, Qurie (2008, 267) writes, "Because of adherence to principle, we were unable to respond to the American proposals or to offer counter-proposals. What was expected of us was compromise, and this we could not give."³⁴

The Palestinian delegation outlined its initial positions in a letter to President Clinton on the eve of the summit. Qurie (2008, 163) notes that Arafat personally chaired the team that drafted the guidelines in the letter, "an indication that the Palestinians were likely to be inflexible in the face of Israel's demands." After reiterating Palestinian acceptance of and commitment to UN Security Council Resolutions 242 and 338, the letter outlined positions on refugees, borders, settlements, and Jerusalem.³⁵

The principal takeaway from Arafat's letter was that by signing the Oslo I Accord he had acted on behalf of Palestinians to accept a state on only 22% of historic Palestine. Given that concession, he affirmed, "I can agree to nothing less than those frontiers, and neither can my people accept anything less" (*ibid.*, 166).

³⁴ In a sense, this is only partially correct. Though the Palestinian negotiating strategy was predominantly distributive, the delegation (and Arafat in particular) did offer to make concessions contingent upon other agreements.

³⁵ For the text of Arafat's letter to Clinton, see Qurie 2008, 163-170.

On the issue of refugees, he stated that in accordance with UN General Assembly resolution 194³⁶ refugees who wish to return to Israel should be able to do so. On Jerusalem, he proposed that the city either 1) be the capital for the two states of Palestine and Israel; or 2) be an international (open) city, as envisaged under the terms of the partition resolution of 1947.

In short, the Palestinian delegation arrived to Camp David opposed to accepting less than what they believed would result from the full implementation of the Oslo I accord: a Palestinian state in the West Bank and Gaza along the 1967 lines (with the possibility of minor, mutual territorial exchanges in accordance with the relevant UN Security Council Resolutions), to include the repatriation of Palestinian refugees to their homes (in Israel or the new state of Palestine) and/or refugee compensation. They came to the summit with a strategy of intentional intransigence, understanding the negotiating process of reciprocal concessions that Israel envisioned and rejecting it.

Camp David Case History: Strategies Contribute to Failure of Talks

The summit began on July 11 but did not have a predetermined end date. From the beginning, President Clinton made clear to the participants that he would be leaving for the G8 Summit in Japan on July 19, so he encouraged the parties to reach agreement by that date. If they did, he would solicit international support for

³⁶ <http://unispal.un.org/UNISPAL.NSF/0/C758572B78D1CD0085256BCF0077E51A>

the implementation of the agreement while abroad. This would not happen. The summit ran for fifteen days. In hindsight, it can be divided into four analytically distinct phases.

Table 5: Analytical Phases of Camp David and Summary of Events

Phase	Days	Summary of Events
1	1-5	Israelis try to induce crisis; Palestinian obstinacy
2	6-9	Significant Israeli movement; Limited Palestinian Movement
3	10-13	Clinton away; Low point in talks; Minimal negotiations
4	14-15	Clinton returns; Last ditch efforts; Close of summit

Phase 1: Days 1-5 (July 11-15)³⁷

The American mediation strategy going into the summit was for Clinton to present “parameters” – American judgments about possible compromises regarding each of the final status issues – to the parties as a basis for negotiation. Dennis Ross (2005, 653) describes the strategy as “getting the two leaders to accept the President’s parameters for the core issues, and setting up small teams to discuss security, borders, and refugees on the basis of those parameters. The purpose of the

³⁷ For a table summarizing the kinds of tactics that the parties used during each phase of negotiations (integrative, distributive, or mixed), with examples of those tactics, see Appendix H.

parameters was to shrink the gaps and guide, shape, and manage the discussions on these core issues.”

This approach clashed with Israel’s distributive strategy, which sought to induce crisis rather than find common ground. During their first meeting, Barak rejected Clinton’s approach, explaining that he planned to avoid negotiations entirely at the beginning of the summit. According to Ross (2005, 654), Barak “wanted to have nothing happen the first two days; only after two days of struggle should [the Americans] put down some ideas. He told the President that the crisis – and key point of decision – should come Sunday Night, July 16 – five days after the start of the summit.”³⁸

Barak’s strategy was distributive vis-à-vis both the Palestinian delegation and the American mediators. He wanted to manufacture a crisis that would elicit Palestinian concessions, but given the mismatch between the American approach and his own, doing so required the manipulation of American mediation.

In addition to influencing *when* Clinton presented his parameters, Barak sought to influence *how* he presented them. Rather than outline American judgments, he insisted that the US delegation present a paper including only its understandings of the side’s positions. To gain maximum leverage, he suggested

³⁸ Madeleine Albright (2003, 485) calls Barak’s opening strategy “the reverse” of the American approach, noting that he “thought [the Americans] should let the pressure cooker build on Arafat until there was a crisis, then move to our endgame...We thought Arafat needed something at the outset that would draw him in and cause him to negotiate constructively. And we didn’t know what Barak’s endgame was because he would not tell us.”

that Israeli positions be incorporated into the American draft before its presentation to both sides. In other words, he sought to present Israeli positions not only *through* American mediators but also *as* American positions.

The American delegation had concerns about conflating American and Israeli positions in the draft, but in the end some Israeli positions were incorporated (Ross 2005, 657). Further, as the draft was being developed, the Americans provided more detail about its evolving content to the Israeli delegation than to the Palestinian one. This sometimes included reading the most sensitive parts of the draft to the Israelis but never to the Palestinians (*ibid.*, 658).³⁹ Going into the fourth day of the summit, when the draft was presented to both sides, the Palestinians rejected it outright, charging that it had been crafted in consultation with the Israelis.

This is but one instance of how the Israelis attempted, often successfully, to leverage American influence to alter the terms of talks.⁴⁰ Aside from undermining the process by consciously trying to manufacture crisis, successfully influencing at

³⁹ This differentiation in how the Americans dealt with the delegations has been explained as “in keeping with [the American] commitment to Barak not to surprise the Israelis” (Ross 2005, 658).

⁴⁰ Days into the summit, Clinton would tell Barak that the Americans had changed their whole approach to mediation to accommodate Barak’s concerns. In a 2001 interview with Enderlin, Ross explained, “We made a mistake in withdrawing our “non-paper.” We’d defined a strategy for this summit, but when we ran into opposition from one party, we backed off. Our idea, from the beginning, was to turn the differences [between the parties’ positions] into variables. Then the negotiations would proceed within the limits of these variables. Barak was against this method, and the president didn’t want to put pressure on him” (Enderlin 2003, 194).

least some aspects of American mediation had the effect of undermining Palestinian faith in the mediators. This created the potential for legitimate American pressure on the Palestinians to be interpreted as a “teaming up” by the Israelis and Americans to force Palestinian concessions.⁴¹

For their part, in the early days of the summit the Palestinian delegation never sought to avoid discussion, but it did seek to avoid discussion of compromise or concessions. In their initial meetings with the Americans, they emphasized the imperative that agreement be based on the relevant UN Security Council Resolutions and international law, and they highlighted the importance of Jerusalem in particular as “the key to the resolution of other issues” (Qurie 2008, 181). Still, they were explicit about their intended inflexibility in negotiations, repeatedly referencing “basic positions from which [they] did not intend to depart” or “minimum[s] from which [they] were not prepared to budge” (Qurie 2008, 178, 192).

It was not just that the Palestinians rejected ideas that differed from their own. They also seem to have felt no responsibility to proffer counterproposals. In an early discussion about how the parties envisioned the border with Jordan, for example, the Israelis indicated that they would require a security presence along the Jordan River as a buffer for twenty or thirty years. Saeb Erekat, one of the lead

⁴¹ Barak was not opposed to the Palestinians having this impression. Quandt (2005, 367) argues that Barak hoped to create a “pressure cooker” atmosphere with Clinton joining him in forcing Arafat to make concessions.

Palestinian negotiators, rejected the idea outright: “The Israelis have nothing to look for in the Jordan Valley. The entire border with Jordan is ours” (Sher 2006, 64).

There was no counterproposal to this Israeli idea, nor was the Palestinian delegation inclined to proffer one. Responding with a counteroffer of two years rather than thirty would still have been distributive, but instead the PA’s “non-offer” amounted to a proposal of zero years with the added offense of having not proposed anything at all. This represented the manifestation of a distributive strategy in the extreme, and the dynamic would repeat itself time and again throughout the summit. For Hussein Agha and Robert Malley (2001), the Palestinians’ principal failing at Camp David was that “they were unable either to say yes to the American ideas or to present a cogent and specific counterproposal of their own.”

Though conversations between the parties took place during the first five days of the summit, these were mostly exercises in posturing. Barak instructed his team not to negotiate, so when the Israelis did outline positions they were hardline to the point of being considered unrealistic and unserious by all involved – including Israeli negotiators (Agha & Malley 2001; al-Abed 2005; Ben-Ami 2006, 250-251; Beilin 2004, 159; Pundik 2005).⁴² In an attempt to leave themselves ample room for

⁴² On the fourth day of the summit, for example, Ben-Ami called for the annexation of West Bank territory to include 80% of settlers, denied any Palestinian right of return, required an Israeli security presence along the length of the Jordan river, and called for Israeli military zones in the West Bank, all the while reiterating that the 1967 lines could not represent a starting point for negotiations (Qurie 2008, 191).

flexibility, they advanced positions that signaled an unwillingness to constructively engage.⁴³

Nevertheless, a kind of mismatch in the talks was evident. The Israelis had presented opening positions; the Palestinians had not. The frustration that this dynamic produced in the Israeli team, and also among the Americans, culminated in a meeting moderated by Clinton on the fifth day of the summit. In response to another Palestinian refusal to engage Israeli ideas, Clinton “blew up” (Albright 2005, 488), yelled at the Palestinian delegation, especially Qurie, referred to the Palestinian approach as “outrageous,” accused the group of not acting in good faith, and stormed out of the room.⁴⁴

This event marked the end of the first phase of negotiations at Camp David. It presented all parties with an opportunity to reflect on how little progress had been made and the possible reasons why. Though it marked the beginning of a change in Israeli negotiating tactics, it did little to affect Palestinian strategy.

Phase 2: Days 6-9 (July 16-19)

In the second phase of negotiations, which preceded President Clinton’s departure for the G8 in Japan, Israel made significant moves away from its opening

⁴³ See also Brom 2013, 101-102.

⁴⁴ For descriptions of this moment at the summit, see Albright 2005, 488; Enderlin 2003, 202; Qurie 2008, 197; Ross 2005, 688; and Sher 2006, 68. After the president’s departure, Ross, Indyk, and Malley returned to console Qurie, attempting to explain that the president’s reaction was a response to his negotiation style than content (Qurie 2008, 196). In a sense, this was necessarily the case. The Palestinians had not presented concrete positions.

positions. These moves were initially tentative, and the period did see Israeli retractions, but by July 19 Barak was offering to make substantive concessions.⁴⁵

The shift was not one from distributive to integrative strategy. It was from a maximalist distributive strategy – characterized by first positing positions and then non-engagement except in response to complete submission (which never came) – to a typically distributive “bazaar” approach. Barak continued to see the talks as zero-sum. He remained more interested in applying pressure and dictating terms than in developing rapport or showing good faith. Even when there appeared to be signs of progress, Barak’s disposition toward the Palestinian delegation generally, and Arafat in particular, undermined talks. He continued to refuse to meet with Arafat privately, or even to speak to him at all, despite multiple chances to do so.

The Palestinian delegation tentatively moved away from its initial non-positions during this phase, but the positions that it did posit were often heavily caveated. Here, the strategic shift was not from maximalist distributive (i.e., we get everything or there is nothing to talk about), which the delegation had employed so far, to integrative. Rather, it was from maximalist distributive to “distributive but now we can talk.” To the extent that the Palestinian delegation advanced positions

⁴⁵ This shift in tactics resulted from a combination of factors, including 1) stagnation in the talks to date, 2) Clinton’s impending departure for Japan, 3) Barak’s preconceived timeline regarding when breakthroughs should happen, and 4) American pleading with Barak to change his approach.

in this phase, it was in the habit of taking one step forward and two steps back. The approach was to refuse engagement entirely, except on narrowly defined issues.⁴⁶

These dynamics manifested themselves in a number of ways. After a meeting in which Israeli negotiators Shlomo Ben-Ami and Gilad Sher went well beyond previously stated Israeli positions,⁴⁷ and Palestinian negotiators Saeb Erekat and Muhammad Dahlan responded by offering vanishingly little in return,⁴⁸ Arafat went against the advice of his negotiators and broke with past Palestinian positions. In a letter to Clinton, he explained that if accommodation could be reached regarding the status of East Jerusalem, then he would entrust Clinton to determine the extent of just territorial swaps. Beyond Jerusalem, he suggested Palestinian amenability to an American presence on the border with Jordan (to mitigate Israeli security concerns)

⁴⁶ Document #25 from the Palestine Papers, which includes the minutes from a negotiating session with Shlomo Yanai, notes that the Palestinians “refused everything except early warning stations, in principle / joint patrols in specific areas and for specific amount of time.” See Appendix I.

⁴⁷ The Israelis offered Palestinian sovereignty over the Arab districts surrounding Jerusalem. In the Old City, the Muslim, Christian, and Armenian districts would fall under special administration (to be determined upon later) but would remain under Israeli sovereignty. Most crucially, the Haram al-Sharif would be placed under Palestinian jurisdiction, though not sovereignty. On territory, Israel would annex only 10.5% of the West Bank in exchange for which the Palestinians would receive safe passage between the West Bank and Gaza. On the eastern border, Israel would lease land along the Jordan River, amounting to another 10% of the West Bank, for a period of twenty years. Palestinian airspace would remain under Israeli control, and the Palestinian state would be demilitarized. Refugees were addressed only tangentially.

⁴⁸ In response to the Israeli ideas, the only significant Palestinian move regarded an acceptance of certain Jewish neighborhoods in East Jerusalem that many Palestinians believed were illegal.

and Palestinian preparedness to work with American proposals regarding termination of the conflict.⁴⁹

Arafat's departure from past positions seems to have been the product of two factors that were pushing in the same direction. First, Arafat was frustrated with the degree of his own team's inflexibility at the summit (Curie 2008, 202). Though he believed that Israel would have to move much more than the Palestinians to secure a settlement, what he saw at the summit was a team of Palestinian negotiators that refused to negotiate. The other factor was Clinton, who in a "tough" meeting with Arafat explained that if he could not give the president something to take back to Barak he would end the summit (Clinton 2004, 914; Ross 2005, 676; Sher 2006, 75).

Though there were integrative and distributive elements to these proposals, on balance they were viewed with optimism by the American and Israeli delegations. Finding an acceptable accommodation on the Haram al-Sharif would be the linchpin of broader agreement, but that Arafat suggested a willingness to empower Clinton to decide the issue of territory was a strong and surprising gesture of flexibility. The proposals were integrative in that they suggested that difficult

⁴⁹ For the text of the letter, see Curie 2008, 202-203. See also Ross 2005, 679-680. Notwithstanding some reservations on the American team (Ross 2005, 679-680), these positions were viewed as a possible turning point in the talks. For Danny Yatom, on the Israeli team, they represented the first real Palestinian proposals and that alone constituted an important development (Sher 2006, 75). Clinton believed that the new positions were positive. Barak was inclined to agree.

Israeli concessions on one issue (the Haram al-Sharif) would give way to difficult Palestinian concessions on other issues (especially territory).

The proposals had distributive aspects in that they required that Palestinians get their way on the issue most important to them. The concessions that they sought from the Israelis on the Haram al-Sharif were essentially all encompassing. Though not explicitly outlined in the letter, nothing short of full Palestinian sovereignty would have been acceptable. In this way, the Palestinians were conveying flexibility without actually making concessions.

Nevertheless, for the first time during the summit there was evidence of movement on both sides. Talks had been underway for nearly a week, and to date they had been characterized primarily by posturing on both sides. Now, as the leader of the Palestinian delegation, Arafat responded positively to signs of Israeli flexibility. The Israelis could have attempted to build constructively on this nascent momentum, or they could have reverted to the distributive strategy of pressuring the Palestinians.

Barak's reaction was mixed on substance (i.e., with regard to negotiating positions) but clear in tone. After consulting with his team, and largely against their advice, Barak attempted to walk back many of the key concessions that Israeli negotiators had made preceding Arafat's letter. His positions hardened: instead of annexing 10.5% of the West Bank, the figure now stood at 11.3%; instead of

Palestinian sovereignty in three villages within the current bounds of East Jerusalem, Israel now proposed one.

To his credit, Clinton convinced Barak that moving away from the concessions that Ben-Ami and Sher had already offered would undermine the modicum of good faith that was emerging at the summit. In fact, shortly before his departure for Japan and the G8, the president elicited from Barak what the American team would call his “real bottom lines” (Albright 2003, 489; Ross 2005, 688). These were far-reaching and represented a significant departure from Israel’s opening positions at the summit.⁵⁰

On substance, then, Barak moved backward before moving significantly forward, but he continued to view negotiations in zero-sum terms. The basis for negotiations, in his mind, continued to be positions rather than interests. He had demonstrated a willingness to move further than many at Camp David expected, but he did so along a distributive continuum: nine percent instead of twenty, twelve years instead of thirty, etc.

⁵⁰ These included a 9% annexation of the West Bank with a 1% swap; Palestinians would get 85% of the border with Jordan; Palestinians would have sovereignty over the Muslim and Christian quarters of the Old City of East Jerusalem as well as in seven of the eight or nine outer neighborhoods; Palestinians would have functional autonomy in the inner neighborhoods and Palestinian custody (not sovereignty) over the Haram al-Sharif; and Israel would maintain a security presence in the Jordan Valley for fewer than twelve years. The issue of refugees was left undetermined, except that both sides would reach a satisfactory solution (Ross 2005, 688-689). Though these positions were widely believed to be “courageous” and “far-reaching” by (most of) the Israeli and American delegations, Malley and Agha (2001) and several others would later argue that they engendered unwarranted enthusiasm based on how far the Israelis had gone rather than on distance that remained between the parties positions.

This is not to suggest that these concessions were not important. After all, some issues (e.g., territorial sovereignty) are more conducive to distributive solutions than others. For all of the flexibility that Barak understandably believed he was showing, however, he was unequivocally not showing good faith. Despite movement on particular issues, nearly everyone at the summit believed that he was undermining negotiations with his tone.

Shortly after Arafat's letter to Clinton, for example, a dinner was held at Camp David, and for two hours Barak sat between Arafat and Chelsea Clinton. Despite a burgeoning mood of optimism at the summit, the prime minister "[did] not once turn toward the head of the PLO" (Enderlin 2003, 214). The incident was representative of what Albright (2003, 488) has referred to as the prime minister's "aloofness" toward the Palestinians.

This disposition did not escape notice of the Israeli team, which raised it with Barak repeatedly. On several occasions, Barak's advisors implored the prime minister to meet personally with Arafat, and on each occasion he refused.⁵¹ Reflecting a view widely held by the group, during an internal meeting Ben-Ami said to Barak:

⁵¹ Though Arafat had repeatedly expressed willingness to meet with Barak during the first week of the summit, by the ninth day he was more reluctant, rejecting a proposal by Clinton that such a meeting occur. Later, Arafat again suggested a direct meeting with Barak, but the prime minister declined (Enderlin 2003, 244).

"The problem is not the positions but the cultural gulf between us and them, and between you [Barak] and him [Arafat]. He is supposedly a leader of a people, but in fact he is a person with a deep need for respect, and he feels that you are disrespectful to him. A large part of his ability to become flexible involves this issue of respect" (Sher 2006, 87).

Throughout Camp David, Ron Pundik (2005, 151) notes that Barak "dismissed the need for personal dialogue and disregarded the recommendations to negotiate with Arafat face-to-face. To this day he believes that letting the other leader feel he is respected hardly plays any role in negotiations."⁵²

In this sense, the second phase of negotiations at Camp David ended in the context of positive, if distributive, movement by the Israeli delegation on positions, but also on a note of misunderstanding. When Clinton presented Barak's latest positions to Arafat, the PLO leader rejected them as a basis for staying at Camp David to continue talks while the president was away in Japan. If the Israelis could not offer sovereignty over the Haram al-Sharif, he insisted, there was no reason to continue the summit.

In a last ditch effort to circumvent the impasse, the American delegation attempted what Ross called "shock therapy" on the issue of East Jerusalem. The delegation presented a set of ideas to both sides that would constitute the basis for

⁵² Barak's disregard for cultural aspects of negotiations was also widely recognized among the American delegation. Albright (2003, 488) notes that while she found Barak to be a remarkable person in many ways, "his people to people skills left something to be desired." For Clinton (2004, 913), Barak's "way of doing things was diametrically opposed to honored customs among the Arabs with whom I'd dealt."

the continuation of talks or not.⁵³ Again the principal point of contention was the Haram al-Sharif, and again the parties failed to reach agreement.

Hassan Asfour suggested the idea that eventually gained traction and formed the basis of the parties' decision to stay. He suggested that the question of sovereignty over the Haram al-Sharif be referred to the international community (i.e., the United Nations) and that the rest of Clinton's proposals be the basis for further talks. Barak countered, agreeing to stay under the condition that one-on-one discussions be held to determine a formula for the Haram al-Sharif before other topics were addressed. Then, he said, the president's proposals could form the basis of subsequent conversations.

When Clinton relayed Barak's willingness to stay at the summit to Arafat, he stressed the prime minister's willingness to discuss sovereignty over the Haram al-Sharif. He did not, however, mention Barak's condition for staying. This would become a difficult point of contention between the parties after the president's departure (Albright 2003, 490-491; Clinton 2004, 915; Ross 2005, 696-697).

⁵³ The ideas were: 1) the outer neighborhoods of Jerusalem would get Palestinian sovereignty; 2) the inner neighborhoods would get functional autonomy (i.e., daily control of their lives, under Israeli sovereignty, including planning, zoning, security, and dispute resolution responsibility); 3) in the Old City, the Palestinians would get sovereignty over the Muslim and Christian quarters; 4) the Palestinians would get custodianship of the Haram al-Sharif; 5) an office would be established for Arafat in East Jerusalem (possibly in the Old City); and 6) there would be freedom of access to East Jerusalem's holy sites and a guarantee of freedom of worship for followers of all of the three faiths (Qurie 2008, 214; Ross 2005, 687).

Phase 3: Days 10-13 (July 20-23)

Two factors impeded prospects for fruitful discussions during the third phase of talks at Camp David. First, discussion on the most sensitive topics was bound to be limited. Everyone knew that President Clinton would return within a few days, and no one believed that the parties would find anything approaching comprehensive agreement in his absence.⁵⁴ Second, it was inevitable that the misunderstanding about the conditions under which the parties agreed to stay would become evident. When this happened, it served to undermine the degree of faith that each side had in the other.

Still, there was some reason for optimism. Shortly after Clinton's departure, Arafat gave his team permission to discuss issues openly and without preconditions. Members of the Palestinian delegation recognized the need to respond to Clinton's proposals, which they called "serious." For Ross (2005, 697), this amounted to Palestinian "acknowledgment that they had not been serious yet and that the president's ideas were a basis – or rather a point of departure."

⁵⁴ According to John Podesta, "Once you have a presidential summit – once the president leaves – you're going to time out. If you know he's coming back, they're not going to negotiate this with the secretary of state" (Swisher 2004, 313). The president's absence may also have affected American mediators. For Qurie (2008, 227), "In the absence of the President, the American officials did not give evidence of the urgency they had previously shown. President Clinton's perseverance, fortitude, and personal initiative were what had driven the talks onward... [While the president was away,] the agenda remained stagnant, with futile committee meetings after which the two parties were left in the same position with which they had begun."

From the Israeli perspective, however, there were two problems. First, issues (plural) were not to be discussed before accommodation was found on the Haram al-Sharif. Barak agreed to stay at Camp David and accept the president's proposals as a basis for further talks on the condition that the Haram be discussed first. The Palestinians were unaware that Barak had set this condition. Second, though the president's proposals may have represented a "point of departure" for the Palestinians, Barak believed that they should have been the basis for finalizing an agreement.

When Ross approached Barak to urge him to discuss all issues, he mentioned that, for the first time, both sides seemed ready to be serious and that an agreement would require reconciling Barak's need to not move further with the Palestinians' need to talk and not feel that they had been presented with a "take-it-or-leave-it proposition" (Ross 2005, 697). Barak explained that he would "let the summit break" over the Palestinians' unwillingness to accept the president's terms.

Barak's unwillingness to interact cordially with the Palestinian delegation manifested itself again in this phase. When the delegations convened for dinner the first night after Clinton's departure, an awkward exchange took place between Barak and Arafat. As the two arrived to the entrance of the dining hall, Arafat approached Barak to shake his hand. To this Barak stopped short and turned away without greeting the Palestinian leader. When Arafat sat down next to the secretary

of state, Barak sat on her other side. Neither man spoke to the other over the course of the dinner.

The Palestinian delegation interpreted this as further proof of Barak's arrogance toward Arafat (Qurie 2008, 223; Sher 2006, 94). His action also embarrassed members of the American and Israeli delegations.⁵⁵ Indeed, later that night his team confronted him on the matter: "You're stepping all over Arafat," Yossi Ginossar exclaimed. "He's afraid of you. We could get more flexibility from the Palestinians if the atmosphere weren't so tense and depressing. Does shock treatment really work?" (Enderlin 2003, 241; Sher 2006, 94).

The other major development at the dinner was that Albright explained the misunderstanding that had kept both parties at Camp David. Upon learning that the Palestinians had stayed without acknowledging that the president's ideas would form the basis for continuing talks, Barak became withdrawn to the point of shutting down. With few exceptions, in the following days he did not take calls or meetings, even from his own delegation (Albright 2003, 491).

A number of informal discussions took place while Clinton was away, but rather than take advantage of the low point in talks to try something new, negotiators on both sides reverted to their previously established distributive

⁵⁵ Sher (2006, 94) called the situation "embarrassing, uncomfortable, and unnecessary," and noted that it "seemed arrogant."

strategies.⁵⁶ The meetings rendered little movement on either side, but even if progress had been made it likely would have been moot. Discussions were taking place without the blessing of Barak, who again was trying to leverage American influence to end the talks on his own terms. In a brief meeting with Martin Indyk, the prime minister insisted that Clinton should threaten to break relations with the Palestinians if they did not accept his ideas as a basis for concluding an agreement (Ross 2005, 700).⁵⁷

Though the parties' willingness to stay at Camp David while Clinton traveled to Japan reflected a degree of optimism that an acceptable compromise could be reached – or at least the assessment that negotiations should not be abandoned until everything was tried – the stagnation that ensued over those three days signaled the beginning of the end of the summit.

⁵⁶ In a session on borders, security, and territory, for example, the Palestinian delegation brought a map that it had drawn up – the first time this had happened – but according to Qurie they had no intention to actually show it to the Israelis. Instead, they “restricted [themselves] to giving an outline of the general principles behind it, [explaining] that it was based on the 1967 frontiers and reciprocity of adjustments...and on the principle that [Palestinian] interests must not be compromised, whether in relation to population, territory, or underground water” (Qurie 2008, 223-224). After hours of conversation and debate, the Israelis convinced the Palestinians to put the map they had brought on the table. When they did, it was dismissed out of hand. The map called for annexation of only 2.5% of the West Bank. The settlement blocs in the plan would have accommodated only 30,000 to 35,000 Israeli settlers.

⁵⁷ Barak would repeat this idea to George Tenet, who arrived to Camp David to mediate security issues later in the summit. He suggested the same to other American political leaders who were not at Camp David (e.g., Hillary Clinton and Bob Shrum) by phone. Albright and Indyk both expressed doubt to Barak that the Palestinians would respond to threats.

By demanding that Clinton's terms be accepted as a basis for conversation – a proposition that the Palestinians had rejected – Barak was imposing an ultimatum. When Ross pointed out that the Palestinians were unlikely to respond to a take-it-or-leave-it proposition, he showed little willingness to change course, even at the risk of ending the summit. Further, Barak's attitude toward the Palestinians, and Arafat in particular, exacerbated a difficult situation. Having decided not to meet with the Palestinian leader throughout the summit, Barak's decision to publicly snub Arafat was interpreted by all to reduce the prospects for any agreement.

For their part, the Palestinians showed a willingness to engage the Israelis in negotiations on certain issues (notably territory), but they seem not to have been willing to engage *constructively*. On the few occasions when they opted to propose ideas of their own, they did so by using tactics that they criticized the Israelis for using. Specifically, they made offers so unrealistic that they could not be taken as the basis for further conversation. More often, as happened regarding the possibility of an Israeli presence along the border with Jordan, the Palestinians returned to their initial distributive strategy: reject the Israeli proposal, do not counteroffer, and wait for the Israelis to make another proposal. Both approaches reflected the same distributive approach: dictate terms of the talks to maximize partisan gains.

Phase 4: Days 14-15 (July 24-25)

Despite some movement in the sides' positions on particular issues after Clinton's return from Japan, and notwithstanding an impressive last-ditch effort on the part of the American delegation to save the talks, the final phase of negotiations was characterized by a return to what Ross (2005, 704) has called "the world of rhetoric and red lines – not bottom lines."

The parties discussed all of the final status issues, but their thinking reverted to more of a distributive zero-sum mentality than ever. Discussion from this period on the possibility of an Israeli presence in the Jordan valley is illustrative. "On questions of national security," Shlomo Yanai explained, "we [Israel] trust no one but ourselves" (Sher 2006, 108). To this, Dahlan responded, "For various reasons to do with your security, you are in effect preventing us from having a state of our own. Your security theories are suffocating us. The frontier with Jordan should be under our sole control. We don't want you there" (Qurie 2008, 232).

On the most important issue discussed at the summit, the Haram al-Sharif, Erekat acknowledged significant Israeli movement but explained that Arafat could not accept any kind of Israeli sovereignty over the Haram. When he raised the idea of no sovereignty for either party, Ben-Ami explained that this too was impossible. The Palestinians could not accept Israeli sovereignty; the Israelis felt they could not give it away.

With a sense that the summit was coming to an end, on July 24 Clinton

proposed a “Hail Mary, go-for-broke idea.” He would convene a joint meeting between Barak and Arafat in which he would present a “final proposal” on Jerusalem. Given the leaders’ (and especially Barak’s) refusal to meet directly so far at Camp David – a reflection of a strategy and mindset that emphasized pressure over the development of rapport – this would have been the first meeting of its kind. If the leaders could reach accommodation on the most difficult issue dividing them, the logic went, this might create the incentive to find accommodation in other areas.

There was general agreement among Israeli negotiators and American mediators on what the content of such a proposal should be,⁵⁸ but Clinton first approached Arafat to see if the Palestinian leader might accept the ideas. When Arafat rejected them, Ben-Ami suggested that the leaders meet anyway. Barak refused, and the summit was over.

The last day at Camp David was dedicated to closing proceedings. Moods were somber, and there was fear on all sides regarding the possible consequences of failure.⁵⁹ Nevertheless, the parties stressed that, for the first time, final status issues

⁵⁸ The terms included Palestinian sovereignty in the outer neighborhoods of the Old City, “limited” sovereignty in the inner neighborhoods, a sovereign compound for the Palestinians in the Muslim Quarter, a special regime for the Old City as a whole, and “sovereign” used as an adjective rather than a noun vis-à-vis the Haram al-Sharif (e.g., Palestinian “sovereign Jurisdiction”).

⁵⁹ In an expression of frustration over Arafat’s reluctance to show flexibility throughout the summit, Clinton’s closing statement was unabashedly one-sided. This trilateral statement, dubbed “the Marshmallow text” by Clinton aids, included commitments to work to end the conflict by reaching agreements on the final status issues, to reject intimidation and violence, to avoid unilateral actions that would prejudice the outcome of negotiations, to

had been directly addressed, taboos had been broken, and Jerusalem had been “demystified.” The delegations pledged to do what they could to advance the peace process in the coming months.

The last phase of Camp David reflected the dynamics that drove the summit broadly. Its tragedy was not that the parties failed to reach agreement, but rather that the distributive strategies that they employed undermined even the prospect of constructive negotiation. The next six months would show that the delegations never revealed anything approaching their real bottom lines at Camp David.

3.4 After Camp David: The Clinton Parameters and Taba

After Camp David, both sides felt that gaps had been narrowed (though they disagreed about how much closer they had come to terms that would justify a final settlement), and they recognized that the conditions for an agreement were only likely to deteriorate with time. Within days of returning to the region, the delegations reengaged each other on permanent status issues in various forums.⁶⁰

ensure good faith negotiations, and to maintain the status of the United States as a vital partner in the search for peace. For the text of the speech, see http://www.state.gov/www/regions/nea/000725_clinton_stmt.html

⁶⁰ Internal Palestinian documents reflect a tentative shift in the tone of negotiations during this period. In a September 18, 2000 document titled “Permanent Status Negotiations,” for example, there is evidence of an integrative, albeit passive aggressive, Palestinian approach. Specifically, the minutes of a meeting quote Muhammad Dahlan as saying, “I listened to what Gilad [Sher] said yesterday and decided not to be provoked by it, though I’m not sure

Despite some progress, events that would have disastrous consequences were in the offing. On September 28, Israeli opposition leader Ariel Sharon visited the Haram al-Sharif, ostensibly to demonstrate opposition to Israeli concessions related to Jerusalem generally and the holy site in particular. The following day marked the beginning of the second intifada. Disagreement quickly emerged among Israelis, Palestinians, and Americans regarding who was to blame for the violence and even its intended target.⁶¹

Israel has claimed that the uprising was planned by the PA to provoke “Palestinian casualties as a means of regaining the diplomatic initiative,” and the predominant Israeli view is that Arafat gave at least implicit blessing to the violence. Though Palestinians have claimed that the intifada was spontaneous, an unavoidable expression of the anger produced by occupation, undated internal Palestinian documents from late 2000 or early 2001 suggests that the PA believed it had at least some control over the violence.⁶²

why you presented something so provocative... Let’s look at our mutual interests.” See Appendix I, document #38.

⁶¹ There are Israelis and Palestinians who blame Arafat, and there are Israelis and Palestinians who blame the Israelis. Some have argued that the intifada was directed against both Israel and Arafat / PA leadership. See Rubenberg 2003, 276; Said 2003, 362.

⁶² Document #52 from the Palestine Papers outlines policy options for the PA. Option C notes that “Each of the three options will require an ending to the intifada, but only in Option C will Palestinians be offered something in return.” As an options paper, this suggests that Palestinian leadership has some ability to restrain the intifada. Document #55

Though the intifada lasted until the beginning of 2005, Egyptian President Hosni Mubarak and President Clinton brokered a tentative truce little more than two weeks after its outbreak in hopes that a reduction in violence would provide the space for a breakthrough in ongoing negotiations. The chance for that breakthrough came two months and dozens of secret meetings later, on December 23, when Clinton presented ideas now known as “The Clinton Parameters” to Israeli and Palestinian negotiators.⁶³

Though neither the Clinton Parameters nor the Taba Summit that followed culminated in a final status agreement between Israel and the PA, both (and especially the latter) demonstrated a key truth that the proceedings at Camp David obscured: the Israelis and the PA were willing to go much further, and were willing to make much greater sacrifices for peace, than they contended at the summit. Put another way, the parties’ reactions to Clinton’s parameters and the progress made

describes an interaction between Yossi Beilin and Abed Raboo, where the former says to the latter: “There are a number of ways using third parties that can provide a “hook” out of this situation and give you [the PA] something to justify an end to the violence.” There is no evidence that this statement surprised Raboo or that he questioned it. See Appendix I.

⁶³ The proposals were presented orally and no official copy exists. For an American account of what they entailed, see Ross 2005, 809-813. For an Israeli account, see <http://www.mfa.gov.il/mfa/foreignpolicy/mfadocuments/yearbook13/pages/226%20%20the%20clinton%20peace%20plan-%2023%20december%202000.aspx>. The parameters also appear as document #48 of the Palestine Papers. The differences between these accounts are minor.

at Taba suggest that primary responsibility for the failure at Camp David lies somewhere other than the gaps between the parties on final status issues.

As Clinton framed them, his parameters were non-negotiable (Clinton 2004, 937).⁶⁴ If the parties accepted them as a basis for a peace treaty, the process would go forward. If not, it would end. The proposals can be summarized as follows:

Borders: A Palestinian state on 94-96% of the West Bank and 100% of Gaza with a 1-3% land swap. Safe passage between the West Bank and Gaza.

Settlements: Israeli annexation of West Bank territory would cover 80% of the settlers.

Security: Phased withdrawal of the IDF from the West Bank to be replaced by an international security force to guarantee Palestinian sovereignty and help protect Israeli security. The Palestinian state would be non-militarized with a strong police force.

Jerusalem: Within the Old City and outer neighborhoods, Arab neighborhoods would be part of the Palestinian state and Jewish neighborhoods would remain part of Israel. Both states would have capitals in Jerusalem. There would be Palestinian sovereignty over the Haram al-Sharif and Israeli sovereignty over the Temple Mount.

Refugees: Refugees would have the right to return to the new state of Palestine. Israel would have complete discretion over whether refugees could return to Israel.

By presenting these ideas in the way that he did, Clinton was pursuing a “one text process” in which a third party offers best judgments about what will be

⁶⁴ Clinton did leave room for the parties to qualify acceptance of the parameters. Negotiations could take place “within the parameters, but not on the parameters themselves” (Ross 2005, 751). This ambiguity left room for interpretation regarding whether parties accepted them.

acceptable to the parties negotiating.⁶⁵ Negotiators then refine and resubmit ideas, each new draft forming the basis for further negotiation until the gaps are resolved and agreement is reached. This process was employed successfully at the first Camp David Summit, where an American draft formed the basis of negotiations between Israeli Prime Minister Begin and Egyptian President Sadat.⁶⁶

Four days after Clinton presented his proposals, the Israelis responded by accepting them with qualifications and under the condition that the Palestinians accepted them as well.⁶⁷ The Palestinians also responded the same day, though not with an affirmative or negative answer. Rather, they posed questions and requested details.⁶⁸ In keeping with the rules that the president had set, neither answers nor

⁶⁵ See Fisher, Kopelman and Shneider's *Beyond Machiavelli: Tools for Coping with Conflict* (1994) for a detailed explanation of this mediation philosophy.

⁶⁶ Many believe that the failure to employ such an approach at Camp David was unfortunate, especially since such a paper existed in the form of the Beilin-Abu Mazen Understandings, reached in late 1995. For the text of this document, see Beilin 2004, 299-312. In the days before the summit, upon reading that text, Clinton is reported to have said, "This is it. This is simply the whole framework agreement. It is exactly this paper that has to be signed" (Beilin 2004, 154). Despite this, the paper was not advanced by the United States, and it was never explicitly discussed at the summit. Barak had warned that if the American delegation submitted any kind of paper at any time, he would "pack his bags and return to Israel." Albright would later remark to Beilin: "Although you were not physically at the summit, you were in fact there the whole time. We touched and we didn't touch your paper" (*ibid.*, 154).

⁶⁷ The main points of the Israeli response are outlined in Sher 2006, 206-207.

⁶⁸ For the official Palestinian response, outlined in a letter to Clinton, see Qurie 2008, 285-293. This letter conveyed a host of reservations, several of which individually amounted to "deal-killers" (Ross 2005, 756).

details were forthcoming. Clinton (2004, 944) would later write, "Arafat never said no; he just couldn't bring himself to say yes."

The Israeli assessment of the Palestinian response aligned with the American assessment. Ben-Ami (2006, 273) relates that Arafat "said to the President, 'I accept your ideas,' and then he proceeded to tick off a number of reservations, each of which completely vitiated those ideas. He never formally said no, but his yes was a no." Qurie (2008, 285), in contrast, claims that Arafat "told President Clinton that he accepted the proposals, though with some reservations," which was effectively what the Israelis had done. In any case, pointing to Palestinian equivocation, Clinton withdrew the parameters.

Though the parties' responses to the parameters did not involve talks between Israelis and Palestinians, they shed light on what the Israelis in particular were willing to accept (compared to positions at Camp David). To a lesser extent, the same can be said of the Palestinians. A generous interpretation of the Palestinian response would be that the PA accepted the parameters with significant qualifications. This at least suggested a willingness to consider the president's ideas, rather than reject them outright as happened at Camp David.

The Taba Summit

The Taba Summit ran from January 21 to January 27, 2001, less than a month after Clinton presented his parameters.⁶⁹ The United States had sworn in a new president, George W. Bush, and though the parameters had been withdrawn, much of the conversation at Taba revolved around them.⁷⁰ Though no official document came out of the summit, EU envoy Miguel Moratinos, who was present for and spoke extensively with participants at the summit, published a non-official account of the outcome of the talks that has gone unchallenged by the participants.⁷¹ Though the Moratinos “non-paper” does not address the back and forth of negotiations, it

⁶⁹ Taba is an Egyptian resort town on the border with Israel. Egyptian President Hosni Mubarak hosted the summit. Arafat delegated Abbas to head the negotiations from Ramallah, and Qurie was the lead negotiator on the ground for the Palestinians. He was joined by Abed Raboo, Shaath, Erekat, Asfour, and Dahlan. On the Israeli side, Barak and Peres directed negotiations from Jerusalem. Ben-Ami was the lead Israeli negotiator, joined by Beilin, Lipkin-Shahak, Sarid, and Sher.

⁷⁰ The opening session saw some disagreement about whether Clinton’s parameters would be the starting point for the negotiation. “The Israelis said they should be, one Palestinian said no, and another Palestinian said they could be a foundation...in practice, the Clinton principles were the basis for much of the week’s negotiating” (Matz 2003). This assessment is supported by Beilin (2004, 53), Sher (2006, Ch. 21), and in the Moratinos non-paper. According to his “Taba Diaries,” Qurie believed that “President Clinton’s proposals should be taken as one of the bases for these talks, but they are not the sole basis” (Qurie 2008, 301).

⁷¹ For the Moratinos non-paper, see <http://unispal.un.org/UNISPAL.NSF/0/CEA3EFD8C0AB482F85256E3700670AF8>. According to the document’s preamble, participants have acknowledged that the paper represents “a relatively fair description of the outcome of the negotiations on the permanent status issues at Taba.”

describes Israeli and Palestinian positions at the end of the summit, and it identifies agreements and remaining gaps in the final status issues.⁷²

Delegations began their work on Monday, January 22, breaking into groups to discuss borders (including settlements, Jerusalem, security, and refugees). The Moratinos report and internal Palestinian documents⁷³ suggest that they were making tentative progress when, on the second full day of talks, two Israelis were murdered in the West Bank. After this incident, Barak recalled his cabinet ministers to Jerusalem, leaving the Palestinian delegation and some Israeli negotiators in Taba. Most Israeli cabinet members returned within two days, and negotiations resumed.

By all accounts, significant progress was made in the talks that took place from Thursday to Saturday, including on the topic of Jerusalem. Ultimately, however, the talks came up short. At midday Saturday the parties held a press conference to end the summit, citing a lack of time to reach agreement before the upcoming Israeli elections (scheduled for February 6). In a joint statement, the delegations highlighted the significant progress that they had made: “The sides declare that they have never been closer to reaching an agreement, and it is thus our

⁷² For a day-by-day account of the Taba Summit from a Palestinian perspective, See Qurie 2008, 299-320.

⁷³ See Documents 72-74 in Appendix I.

shared belief that the remaining gaps can be bridged with the resumption of negotiations following the Israeli elections.”⁷⁴

At the Taba Summit, Israel and the PA narrowed their differences significantly. Both sides went much further than they had at Camp David. On territory, the two parties agreed that the 1967 lines would be the basis for the borders between Israel and the state of Palestine. For Beilin (2004, 246), “the principles of the Clinton plan had been adopted.” Both Palestinians and Israelis had presented maps and, in contrast with what happened at Camp David, the Palestinians engaged Israel on the maps it presented. The amount of territory over which there was still debate had been narrowed to only 110 square kilometers. Finally, the parties had agreed to the principle of an exchange of territory and to safe passage between Gaza and the West Bank.

On Jerusalem, both sides agreed on an open city and accepted Clinton’s idea that there would be Palestinian sovereignty in Arab neighborhoods and Israeli sovereignty in Jewish neighborhoods. Regarding holy sites, they agreed that the Haram al-Sharif would remain under Palestinian control and the Western Wall

⁷⁴ For the text of this joint statement, see <http://unispal.un.org/UNISPAL.NSF/0/BADAA58661CC084F85256E37006FC44D>. These comments notwithstanding, there was little optimism about the prospect of successfully resuming negotiations after the Israeli elections, where opposition (Likud) leader Ariel Sharon was widely expected to defeat Barak. Negotiations did not resume after Taba.

would remain under Israeli control and Israeli sovereignty.⁷⁵ The matter of sovereignty regarding the Haram al-Sharif remained unresolved, though the gap was narrowing. According to Moratinos (2001), “both sides were close to accepting Clinton’s ideas regarding Palestinian sovereignty over [sic] Haram al-Sharif notwithstanding Palestinian and Israeli reservations.”

On security, the Palestinians agreed to a non-militarized state, to an international presence in the Jordan Valley, and to the construction of three Israeli early-warning stations. Both sides agreed to cooperate on counterterrorism efforts and other regional security concerns. Disagreement persisted over the control of Palestinian airspace and Israeli deployment to the West Bank in times of emergency.

Finally, on refugees, both sides agreed that a settlement should be reached in accordance with UNSC Resolution 242 and that this should lead to the implementation of UN General Assembly Resolution 194. On this and only this issue, the parties exchanged several non-papers (draft agreements), which they believed indicated significant progress. According to Beilin, who led the Israeli side, “almost full agreement was reached with respect to principles for resolving the problem (Beilin 2004, 247).

Despite little debate over the great strides made to narrow gaps between the parties, the question of how close the negotiators were to actually reaching

⁷⁵ The question of “delineation of the area covered by the Western Wall and especially the link to what is referred to in Clinton’s ideas as the space sacred to Judaism of which it is a part” remained unresolved. See Moratinos non-paper.

agreement is more controversial. When David Matz asked 17 of the 28 negotiators and professional staff who took part in the summit whether an additional four days of talks would have enabled them to reach agreement on their topics, "The answer was almost uniformly positive" (Matz 2003). David Makovsky (2003, 119), in contrast, argues that the "verge of peace" proposition is a "misleading mythology." Citing remaining gaps that would have been difficult to bridge, he argues that even if an agreement had been reached it may not have been ratified by the Knesset.

This is a difficult counterfactual. On the one hand, Barak and other leaders were confident that the Israeli people would be willing to make great sacrifices for peace. Had the delegations and their leaders advanced a final status agreement, including the end of all claims, many believe a majority of Israelis would have supported it in a referendum. On the other hand, Barak was expected to lose the coming election to Ariel Sharon, a hawk, and at the time of the Taba Summit Barak's government was supported by only 42 members of Israel's 120-member parliament.

Conventional wisdom holds that the Camp David summit failed because the gaps between the parties' positions were too great to bridge. Pointing to the Taba Summit as evidence against this proposition is counterintuitive, because the parties ultimately failed to reach agreement at Taba too. However, the distance that the parties moved at Taba supports the contention that something other than gaps between the parties' positions prevented the parties from making significant

progress at Camp David – and possibly prevented the realization of an agreement.

That something was negotiating strategy. If both parties had come to the table intending to approach talks constructively, attempting to demonstrate good faith and build rapport, and viewing talks in non-zero-sum terms, the progress made at Taba suggests that they could have come much closer to agreement, and agreement may even have been achieved. What happened was the opposite. The parties arrived to Camp David with predetermined distributive negotiating strategies, and these contributed to the failure of the talks.

3.5 Analytical Summary & Findings

In contrast to their approaches during negotiations in Oslo seven years earlier, at Camp David Israelis and Palestinians employed overwhelmingly distributive negotiation strategies. Though these took similar forms initially, with both sides refusing to negotiate and simultaneously trying to elicit concessions from the other, after several days the approaches began to take different forms. Whereas the Palestinians generally held to their strategy of refusing to constructively engage with the Israelis throughout the summit, essentially waiting for the Israelis to adopt Palestinian positions, the Israelis began to employ a “bazaar” approach, or what might be called a strategy of “distributive flexibility.”

The modified Israeli approach presented each new position as a red line – the maximum that Israel could concede. This led to several ultimatums over the course

of the summit. When these were rejected, implicitly or explicitly, the Israeli delegation presented new positions, again as red lines. These positions never reflected actual red lines, as evidenced by significant further Israeli movement in the direction of the Palestinians in the months following Camp David. Instead, they were revised assessments of what the Palestinians might accept.

This strategy worked against itself. The Israelis crafted their positions with an eye to creating as much room for flexibility as possible. In doing so, their initial positions signaled a lack of seriousness to the Palestinians, who refused to engage. When the Palestinians realized that they could achieve Israeli concessions without altering their own, they held to their strategy, possibly with an eye to making concessions late in the process to seal a deal.

At the end of Camp David, the gaps that separated the parties remained wide. The narrative of a generous Israeli offer that was rejected by the PA emerged, and it was widely accepted in Israeli and American circles. In reality, the extent to which the offer was generous was a matter of perspective. The Israelis and Americans focused on how far Israel had moved from its opening positions. The PA focused on how unrealistic initial Israeli positions were, an idea supported by much of the Israeli team, and the gap that remained between final Israeli positions at Camp David and the PA's understanding of the terms of the Oslo accord.

The principal hypothesis evaluated here – H1b: “The predominant use of distributive strategies by both sides discourages agreement in negotiations between

states (in this case Israel) and NSAGs (in this case the PA)” – is strongly supported by the evidence. The mutual adoption of distributive strategies contributed to negotiators’ unwillingness to take risks, to think outside of the box, or to formulate proposals that had the potential to be mutually beneficial. The parties’ strategies seem to have been built on the premise that the talks would be zero-sum.

Negotiators’ behavior, both in the substance of positions and in the tone of discussions (and non-discussions), only reinforced the zero-sum premise for both sides.

The flipside of the aforementioned hypothesis is H1a: “The predominant use of integrative strategies by both sides encourages agreement in negotiation between states and NSAGs.” This hypothesis cannot be usefully evaluated in the case of Camp David. Though the manifestation of parties’ strategies varied somewhat over the course of the summit – the clearest example being Israel’s shift from a strategy of induced crisis and refusal to engage (Phase 1) to more of a bazaar approach (Phase 2 and after) – both sides maintained overwhelmingly distributive strategies throughout the summit. The mutual adoption of integrative strategies never occurred in this case.

The mutual adoption of distributive strategies impacted the talks at Camp David in two key ways. First, it ensured that the parties were focused on positions rather than on their underlying interests. Both the Israelis and (eventually) the Palestinians opened with maximalist positions on issue after issue. Israel, for

example, opened with a proposed annexation of more than a quarter of the West Bank. The first PA offer came in at 2.5%. These are examples of the kinds of anchors from which the parties then had to move. By opening with maximalist positions, negotiators intended to create room for flexibility. In doing so, they created gaps so wide that the parties were unlikely to bridge them.

Second, the mutual adoption of distributive strategies created crises that had little to do with the substance of the talks. The clearest example of this, widely recognized by all present at the summit, was the effect that Barak's disposition toward Palestinian negotiators generally, and Arafat in particular, had on the dynamics of talks. Shlomo Brom (2013, 99) has called this a "confidence destruction process." On repeated occasions, the prime minister's behavioral issues not only distracted from the substance of the talks but undermined them by demonstrating a lack of respect for his counterparts.

Any evaluation of H3a – "Since states may feel less threatened by the power structure of negotiations, and thus more likely to be open to risk, states are more likely to "open" negotiations with integrative bargaining strategies than distributive bargaining strategies" – must begin with a determination of whether the talks at Camp David constitute an independent case. The hypothesis receives no support from this case, regardless of the outcome of that determination, but the broader question is whether this "non-support" is useful.

The case is independent in that it can be demarcated from the peace process before and after the summit, and it is independent in that both parties formed strategies specifically for these talks. However, the case can also be viewed as part of the larger peace process. Not only had Israel previously negotiated with the PLO/PA; Barak's own administration had done so. In that sense, negotiations took place in a context that may have contributed to how and why the parties chose their strategies. Therefore, there is reason to question whether the strategies adopted at Camp David were "initial" strategies at all.⁷⁶

3.6 Conclusion

Though unsuccessful, the Camp David Summit was a defining moment in the history of the Israeli-Palestinian peace process. Seven years after recognizing each other as legitimate counterparts at Oslo, the parties came together for the first time to attempt to negotiate a comprehensive solution to their century-old conflict. None involved believed that finding accommodation would be easy, but all were determined to show that dialogue on the most sensitive issues was possible. That much they accomplished.

⁷⁶ These same considerations are relevant to H3b: "Since NSAGs may feel more threatened by the power structure of negotiations, and believe that distributive tactics are more likely to "level the playing field," NSAGs are more likely to "open" negotiations with distributive bargaining strategies than integrative bargaining strategies."

In contrast to what happened in the talks leading to the Oslo I Accord, at Camp David both parties employed distributive negotiation strategies. By reinforcing a zero-sum mindset and creating an atmosphere unfavorable to compromise, this combination of strategies undermined prospects for a successful summit. Because of the close adherence to these strategies by both sides throughout the talks, auspicious moments were few and far between.

What happened at Taba suggests that the parties did not reveal their real bottom lines at Camp David. It also suggests that the parties' ostensible unwillingness to make concessions did not prevent agreement. Though the parties did not reach a settlement at Taba, those involved seem to believe they had never been closer. This may have been a function of the strategies adopted at the summit, which internal Palestinian documents suggest were integrative in tone. An example from the minutes of a meeting on security issues between Saeb Erekat and Shlomo Yanai is illustrative:

*"I can tell you that we cannot, politically speaking, deny Arabs access of troops on our land," Erekat said, "while agreeing Israel to do this. It will disqualify us from the Arab League, and Islamic Nation. You cannot live without it, we cannot live with it. What can we do? International forces are a good way out. Let's share this, discuss it, off the record, and then I check with Arafat. Let's think together in a way to implement Clinton's proposal on international forces."*⁷⁷

⁷⁷ Document #73 in Appendix I.

There can be little doubt that when Israelis and Palestinians eventually resolve the conflict that divides them they will have done so through negotiations. The evidence from this chapter and the preceding one suggests that, when the time is right, the strategies must be right too. The parties would do well to revert to the integrative approaches that they pursued in Oslo and the ones that seem to have gotten them close to resolution at Taba. The distributive strategies employed in the summer of 2000 only undermined the prospects for peace. Those strategies should be left at Camp David.

4. Case Study: Negotiations Between Colombia and the FARC, 1998-2002

4.1 *Introduction*

In a televised statement on February 20, 2002, Colombian President Andrés Pastrana ended negotiations between his government and the Armed Revolutionary Forces of Colombia (FARC).¹ In response to the hijacking of a domestic aircraft by four members of the FARC, the president ordered the army to retake a zone that he had demilitarized, terminated the political status of FARC negotiators, and asked prosecutors to reactivate arrest warrants for FARC leadership (Telles, Montes & Lesmes 2003, 375-376). For more than three years, the president had gone to greater lengths than any of his predecessors to find a negotiated solution to Colombia's decades-old armed conflict with the FARC. He had failed.

This chapter analyzes the peace process with the FARC from 1998-2002, arguing that the combination of negotiation strategies adopted by each side strongly contributed to the failure of talks. It shows that the Pastrana administration ceded early and often to FARC demands, resulting in "rules of the game" that were unfavorable for the prospect of a negotiated settlement. As talks proceeded, the administration maintained an integrative strategy, hoping that further

¹ The group added an addendum to its name in 1982. Since then, the official name of the organization has been "The Armed Revolutionary Forces of Colombia – Army of the People" (FARC-EP). The acronym FARC is still widely used.

demonstrations of good will and unilateral concessions might bring peace to the country. In contrast, the FARC maintained a distributive strategy, drawing out talks and trying to dictate the terms of any possible settlement. This dynamic facilitated procedural agreements but was unlikely to produce substantive agreements, much less the comprehensive settlement that the parties sought.

The chapter proceeds as follows. First, it provides a brief overview of the ongoing armed conflict in Colombia, from its roots in a period known as *La Violencia* (1948-1958) to Pastrana's campaign for the presidency in 1998. After outlining the theoretical expectations of the hypotheses outlined in chapter 1, it analyzes the peace process with the FARC from 1998-2002 in two subsections. The first focuses on how the parties' negotiating strategies shaped the structure of talks. The second shows how the strategies manifested themselves in key moments during negotiations, contributing to the decline and failure of the peace process. The chapter then revisits the hypotheses and provides a discussion of alternative explanations for the talks' failure. It concludes with a brief review of the principal findings.

4.2 Context: The Armed Conflict in Colombia, 1948-1998

La Violencia, 1948-1958

On April 9, 1948, Jorge Eliécer Gaitán, a Liberal Party presidential candidate, was gunned down on a street corner in Bogotá. His death sparked unprecedented

clashes between Liberals and Conservatives that left thousands dead in a matter of hours. This rioting, known as the *Bogotazo*, is widely cited as the beginning of a decade-long civil war in Colombia, known today as *La Violencia*.² From 1948-1958, some 200,000 Colombians were killed in politically motivated violence, mostly in the rural countryside (Bailey 1967, 562).

Presiding over the latter part of this period, from 1953 until 1957, was the military dictatorship of General Gustavo Rojas Pinilla. Having assumed power in a coup that overthrew President Laureano Gómez, Rojas Pinilla took steps to resolve certain social disparities while cracking down militarily on armed peasants in rural areas.³ The regime threatened the established Conservative and Liberal parties, which accused the general of escalating violence in Colombia rather than quelling it. Dissatisfaction with the government in 1957 led to a general strike and national protest, which resulted in Rojas Pinilla's resignation.

After a brief interregnum, during which a five-member military junta held power in Bogotá, in 1958 elites from the Conservative and Liberal parties agreed to a 16-year power sharing arrangement known as the National Front. Through the arrangement, approved in a public referendum, legislative bodies were divided

² *La Violencia* is generally understood to have taken place from 1948-1958, though alternative dates have been cited. Bushnell (1993), for example, dates the beginning of the period to the election of Conservative Mariano Ospina Pérez in 1946. Chacón, Robinson, and Torvik (2011, 383) reference a longer range: 1946-1963. For a review of the origins of *La Violencia*, see Deas (1991), Guerrero (1991), Ramsey (1981), and Tovar (1999).

³ For example, the president enacted agrarian reforms, improved national infrastructure, and enacted legislation that gave women the right to vote.

between the Conservative and Liberal parties, which alternated control of the presidency every four years until 1974.⁴ Political participation by third parties was limited, though Conservatives and Liberals remained active and factions within those parties emerged.⁵

Fighting throughout *La Violencia* was overwhelmingly between left- and right-wing “self-defense communities,” rural groups that had strong party allegiances but no formal affiliation with the government in Bogotá. Some of the most left leaning of these groups had ties to the Colombian Communist Party (PCC), which rejected the National Front upon its instatement in 1958. The PCC believed that the pact between Liberals and Conservatives betrayed all Colombians, especially the rural poor.

Emergence & Evolution of the FARC, 1964-1998

As Colombia transitioned out of *La Violencia*, Marxist guerrilla movements emerged throughout Latin America. In 1964, a peasant member of the PCC named Pedro Antonio Marín Marín (better known by his *nom de guerre* Manuel Marulanda Vélez) organized a militia known as the *bloque sur* (southern bloc) in Marquetalia,

⁴ The system ended gradually rather than abruptly. From 1974 until 1986, the elected party ceded some degree of power to the opposition.

⁵ The most prominent non-traditional political party to emerge during this period was the National Popular Alliance (ANAPO), founded by Rojas Pinilla in 1961. Small numbers of ANAPO representatives were elected to Congress in 1962, 1966, and 1970.

Caldas Department. Focusing on issues like political exclusion, access to state resources, corruption, clientelism, poverty, and inequality (Chernick 2009, 67), in 1966 the *bloque sur* declared itself the FARC.⁶

After its inception, the organization expanded rapidly. Government efforts intended to head off localized self-defense groups had the unintended consequences of reinforcing their *raisons d'être*, convincing many that only an umbrella organization could effectively counter government oppression. The end of the National Front in 1974 did little to ameliorate the situation of the rural poor, and perceptions of stolen elections only added fuel to the fire of insurgency.⁷ Though initially just one of several small rural insurgencies, the FARC swelled from a cohort of 48 fighters in 1964 to nearly 2,000 fighters in 1982.⁸

⁶ There is some debate over whether the FARC was officially founded in 1964 or 1966. The group has pointed to 1964, most recently when celebrating its “40th anniversary” in 2004. The term “FARC,” however, was first adopted during the group’s second “guerrilla conference” which took place in 1966.

⁷ In 1970, Misael Pastrana Borrero narrowly defeated former President Rojas Pinilla (1953-1957) in a disputed presidential election. Four years later, former members of the FARC and others founded another insurgency, the April 19th Movement (M-19), which took its name from that disputed election. See chapter 5.

⁸ By the end of the 1970’s, the group was operating in Tolima, Cauca, Meta, Huila, Caquetá, Cundinamarca, Urabá, and Magdalena Medio. Other guerrilla groups that emerged within several years of the FARC include the National Liberation Army (ELN), the April 19th Movement (M-19), and the Popular Army of Liberation (EPL).

Table 6: FARC Expansion Over Time⁹

Year	FARC Combatants
1964 (May)	48
1964 (December)	214
1965	436
1980	1,190
1990	7,800
1996	12,400
1998	16,000
2000	20,500
2002	20,000

That year, during its “7th Guerrilla Conference,” FARC leadership agreed to a change of strategy and tactics.¹⁰ It would reorganize itself into a formal army, rather than a large guerrilla band, and in addition to conducting ambushes in the countryside it would begin attacking police and military units in strategically important areas, including urban centers. To augment its ranks and expand its geographic reach, the group would delve deeper into kidnapping, extortion, and the fast-growing drug trade (Gómez Buendía 1991; Rangel 2003, 93).¹¹

⁹ These figures vary widely and reflect approximations. Sources: Otero Prada 2007, 80; Richani 2013, 172. Figures provided by the Colombian Ministry of Defense are generally lower, though they reflect a similar pattern of growth.

¹⁰ The FARC has held nine “National Guerrilla Conferences” throughout its history. The first took place in 1965; the most recent took place in 2007. For a table summarizing the dates, locations, and objectives of these, see Appendix J.

¹¹ The drug export boom of the early 1980’s contributed to the escalation of the conflict by providing a lucrative source of support to the rebels, weakening state institutions through corruption, and facilitating the emergence of right-wing paramilitaries. See Chernick 2003, 243-244.

This shift in military strategy coincided with another important change in the dynamics of the armed conflict. Three months after the FARC's 7th Guerrilla Conference, in August of 1982, a new president was sworn into office in Bogotá. Encouraged that negotiations had ended the M-19's seizure of the Dominican Embassy in 1980,¹² Belisario Betancur won the presidency with the campaign motto "reconciliation through agreements that enlarge democratic spaces" (Mejia 2005, 322). Upon taking office, he acknowledged that "objective and subjective circumstances" contributed to the existence of Colombia's NSAGs and recognized the FARC and other guerrilla groups as valid interlocutors. For the first time in the history of the conflict, a Colombian president would seek political settlements with armed groups through negotiations.

In 1984-1985, Betancur reached limited but important agreements with several NSAGs. The most far-reaching of these was the Uribe Accord,¹³ signed with the FARC in 1984. The pact included 1) a ceasefire, 2) a series of political and other guarantees intended to facilitate the transition of guerrillas into civilian life, and 3) a rehabilitation program for peasants affected by the conflict.

As a result of the Uribe Accord, in 1984 the FARC established the Patriotic Union (*Unión Patriótica*, Spanish acronym: UP), a political party consisting of FARC

¹² On the M-19, see footnote 7, above, and chapter 5.

¹³ Signed on May 28, 1984 in La Uribe, Meta Province. For the text of the accord, see <http://publicinternationallawandpolicygroup.org/wp-content/uploads/2011/10/The-Uribe-Accords-1984.pdf>.

members who had given up arms, communists, and others. The goal of the UP was to challenge Liberals and Conservatives as the only viable parties in Colombia (Behar 1985; Gomez-Suarez & Newman 2013, 824).

Despite state recognition and offers of protection, the history of the UP was short and bloody. Drug dealers, proto-paramilitary groups, and other NSAGs targeted UP members for their affiliation with the FARC, and by 1993 some 2,000 UP members had been killed. This spurred many former guerrillas to return to arms.¹⁴

At no point during its foray into legal politics, however, did the FARC disband or abandon its military strategy. Indeed, over time its tactics became more violent and less discriminate. As the group began to rely increasingly on extortion and kidnapping in the 1980's, wealthy landowners responded by raising extralegal, right-wing paramilitary groups to complement state efforts to combat the FARC.¹⁵ Like the FARC, these groups committed mass violations of human rights and soon became deeply involved in the drug trade.

The presidency of Virgilio Barco (1986-1990) saw little success with the FARC but great success with the M-19, which began a process of demobilization in

¹⁴ For a discussion of the formation, decline, and effective termination of the UP, including the lessons that the experience may hold for current negotiations between the Santos administration and the FARC, see Gomez-Suarez & Newman 2013.

¹⁵ These groups consolidated as the United Self-Defense Forces of Colombia (AUC) around 1997 and played a central role in the armed conflict until their disbandment between 2006-2008. The AUC grew significantly during the negotiations considered in this chapter.

mid 1989. Barco's successor, César Gaviria (1990-1994) pursued talks with several groups, including the FARC, the M-19, the EPL, and the ELN. Despite success with some of the smaller insurgencies, the peace process with the FARC was far from complete when Ernesto Samper took office in 1994.

Though Samper (1994-1998) attempted to continue talks with the FARC, he made little progress throughout his presidency. From the earliest days of his administration, the president was plagued by accusations of corruption and ties to drug cartels, and he spent a great deal of time and effort rebuffing those charges.¹⁶ Just as problematic, the Colombian military vocally opposed a precondition that the FARC set for talks: the establishment of a large demilitarized zone in southern Colombia.

Another complication was that the FARC had grown substantially during the 1990's and was regularly carrying out terrorist tactics. Its involvement in the drug trade and extortion had financed its expansion to some 16,000 members by 1998 (Otero Prada 2007, 80). In response to pressure from right-wing paramilitaries and the US-backed Colombian armed forces, the group turned increasingly to the use of landmines, gas cylinder bombs, hijackings, and the assassination of peace activists and politicians.

¹⁶ For a review of these accusations, how Samper dealt with them, and their effects on his presidency, see Dugas 2001.

4.3 Negotiations between Colombia and the FARC, 1998-2002

The most dramatic of Colombian peace processes began, in a sense, as an attempt to win a presidential election (Richani 2013, 173). After coming in second during the first round of elections on May 31, 1998, Conservative Andrés Pastrana, the son of a former president, focused the remainder of his campaign on his intention to settle the armed conflict through negotiations. In a speech on June 8, Pastrana articulated a broad peace agenda, including the withdrawal of military and police from a large swath of southern Colombia. On June 21, he was elected with what he has called an “unequivocal mandate for peace” (Pastrana 2005, 21).

The FARC welcomed Pastrana’s election: indeed, they contributed to it by allowing a televised meeting between Marulanda and an official from Pastrana’s campaign just days before Colombians went to the polls. Though the group had expanded significantly in recent years, its leaders recognized that they were unlikely to take power by force and were cautiously optimistic about the possibility of reaching a negotiated settlement with the Pastrana administration.

This point merits emphasis, because many analyses of negotiations during this period (e.g., Lopez Caballero 2001; Villamarin 2002; Yusty 2002) argue that the FARC was not interested in a settlement at all. According to this view, the group used negotiations solely as a tactic within a broader strategy of war. The purpose of the DMZ that the FARC required was not to facilitate talks but rather to give the group a safe haven from which it could rearm and regroup. Even if the FARC were

once a political organization, it has since evolved into a drug-trafficking enterprise that uses politics only as a cover for criminal activity.

This belief is misguided. It fails to understand the consistency of the FARC's grievances and political claims over time, and it ignores what the FARC has said in its own internal documents about how the group seeks to achieve its political objectives. Though from 1964 to 1982 the group did prioritize the seizure of power by force of arms, the peace process under Belisario Betancur appears to have changed its thinking. On this point, in a 1987 interview Jacobo Arenas (often called the "ideological leader" of the FARC) explained:

"In the Seventh Conference [1982], we had prepared a general strategy for seizing power by expanding our forces, combat capacity, and territorial presence. We had already begun to build an offensive army, moving beyond guerrilla tactics based on ambushes and small defense units... But the peace process of Belisario Betancur [1982-1986] changed everything. It forced us to change our strategy, enter into a bilateral ceasefire, and begin a dialogue on a truce, political reforms, and democratic opening."¹⁷

In keeping with the idea of incorporating a negotiated settlement into the FARC's strategic objectives, an unpublished internal FARC document from 1989¹⁸ reads, "The policy of the FARC is to give top priority to the struggle to find political solutions to the national problem, and, specifically, a negotiated solution to the

¹⁷ Interview of Jacobo Arenas by Marc Chernick in La Uribe, Meta, 1987. Cited in Chernick 2009, 75.

¹⁸ See FARC-EP, *Conclusiones generales del Pleno del Estado Mayor de las FARC, Mayo 10-17, 1989*. Excerpts available in Comité Internacional de la Cruz Roja and Comisión de Conciliación Nacional, *La paz sobre la mesa*. Cited in Chernick 2009, 75.

armed conflict... In the search for a new politics, the FARC will continue to bring up issues of basic change in Colombian life, which must start with the establishment of a democratic state.” Indeed, internal group deliberations since its eighth conference in 1993 reflect the FARC’s belief that, “under the right conditions, it can gain more through negotiations and participation within a reformed political arena than it can through armed struggle” (Chernick 2009, 94).

Theoretical Expectations

To evaluate whether negotiation strategies contribute to negotiation outcomes, the first step is to identify strategies. First, we look for evidence of how parties understand and articulate their strategies, including why and how they believe their strategies will enable them to achieve their objectives. Next, we review the case to see how the parties actually negotiated. Were negotiators’ actions consistent with the strategies that they articulated? If parties deviated from their strategies, why did they do so?

To distinguish between integrative and distributive strategies in practice, we examine the extent to which negotiators focused on cooperation and compromise vis-à-vis power and leverage. If the approach is integrative, parties will seek to convey flexibility, they will present ideas and positions as tentative rather than fixed, they will prioritize information exchange, and they will treat their negotiating counterparts respectfully. If the approach is distributive, parties will attempt to dictate the rules of the negotiating game, they will use pressure tactics, they will

demand concessions under threat of withdrawing from talks, they will prioritize the concealment of information, and they will attempt to maximize partisan gains.

As I will show, this case is characterized by the adoption of divergent strategies, and thus we should expect markedly different behaviors by the parties throughout the course of negotiations. Most prominently, we should see that the party employing the integrative strategy, in this case the government, is taking steps intended to show flexibility and build trust in negotiations. We should expect that the party employing the distributive strategy, in this case the FARC, will use pressure tactics to elicit concessions early and often. To identify a pattern of negotiating strategies as a causal factor in the outcome, there should be clear evidence of the independent adoption of strategies on both sides, and there should be evidence that each side recognizes and responds to the other side's strategy.

The principal hypothesis to be evaluated in this case study (H1c) suggests that negotiations characterized by divergent strategies are not likely to produce political settlements. This is not to suggest that agreements under these circumstances cannot be reached, but it does suggest that agreements under these conditions are more likely to be procedural (i.e., limited) than substantive.

Repeated procedural agreements in the absence of substantive ones likely reflect a combination of strategies that does not favor the kinds of accommodations necessary for a final settlement. Procedural agreements in these instances are more likely to be products of conciliation from the side employing the integrative strategy,

often in response to pressure from the side employing the distributive strategy, than genuine compromise.

The other hypotheses to be evaluated in this case are H3a and H3b, which relate to the kinds of negotiating strategies that states and NSAGs may be inclined to adopt at the outset of talks. The former suggests that since states may feel less threatened by the power structure of negotiations, and thus more open to risk, they are more likely to “open” with integrative approaches. The latter suggests that since NSAGs may feel more threatened by the power structure of negotiations, and thus seek to “level the playing field,” they are more likely to “open” with distributive approaches. No single case, or even a small number of cases, could provide definitive support for these hypotheses, but a review of parties’ motivations for their approaches may serve as grounds for further investigation with a larger number of cases.

As with any historical study, much of the relevant evidence will come from the accounts of those involved, and often these will be available only in hindsight. The tendency for individuals or groups may emphasize narratives that fit known outcomes is a potential problem for all historical case studies. Thus, as with the other empirical chapters in this dissertation, contemporaneous primary sources are drawn on when possible to confirm or contradict post-hoc recollections.

Strategies Structure Negotiations

Negotiations between the Pastrana administration and the FARC from 1998 to 2002 were structured in a way that reflected the parties' divergent negotiating strategies. Pastrana believed that by winning the presidency he had been given a mandate to be flexible in negotiations, and he believed that whatever he could do to facilitate talks would effectively facilitate peace. The integrative strategy that he adopted even before taking office, and which he maintained for more than three years, consistently conveyed the image of a government "willing to do anything for peace" (Pastrana 2005, 142).

Marulanda sought to capitalize on this by conditioning FARC participation on rules of the game that favored the FARC substantively and procedurally. He employed a distributive strategy that conveyed an image of a guerrilla organization in control of negotiations. From the beginning, the FARC sought to apply pressure rather than work constructively toward compromise.

This combination of negotiating strategies – the government's integrative strategy and the FARC's distributive one – took form from the very beginning. The resultant five pillars that structured negotiations, which may be considered "the rules of the negotiating game," included the establishment of a demilitarized zone, the absence of a ceasefire while talks were underway, a broad agenda for negotiations, no discussion of FARC disarmament, and limited international participation. Each is addressed in turn.

1) The Clearance (Demilitarized) Zone (DMZ)

In one of its first demands, the FARC conditioned talks on the withdrawal of Colombian military and police from an area in southern Colombia where the state was historically weak and the FARC was historically strong (Chernick 2009, 80).¹⁹ This lightly populated zone, home to some 90,000 inhabitants, covered five Colombian municipalities²⁰ and an area the size of Switzerland (approximately 42,000 square kilometers). For the FARC, without the DMZ there would be no negotiations.

The decision to create such a zone was controversial for three reasons. First, the government had made public its preference to hold negotiations outside of Colombia, and it pressed for this on multiple occasions (Pastrana 2005, 68, 77; Rangel 2003, 21). Pastrana believed that there would be less pressure from public opinion and the media if negotiations were held abroad. Less pressure and media attention, he believed, would facilitate out-of-the box thinking and allow negotiators from both sides to proffer positions that might be difficult to advance under at home.

¹⁹ There was initial disagreement about what the zone would be called. Pastrana preferred the term *zona de despeje* (clearance zone); Marulanda spoke of *desmilitarización* (demilitarization). Neither term prevailed; the president generally spoke of the former, and Marulanda generally spoke of the latter. This terminology was never a problem in getting negotiations off the ground or during talks.

²⁰ La Uribe, Mesetas, La Macarena, and Vista Hermosa are in Meta province and San Vicente del Caguán in Caquetá province.

Second, and for different reasons, the Colombian military opposed the creation of such a zone. Though the military's presence in what would become the DMZ was scant, official withdrawal from national territory ran the risk of undermining morale. Perhaps more pressing, the military was concerned that the FARC could use the territory to rearm and regroup while negotiations were underway. In contrast to what had happened during the Samper administration, however, the military publicly supported Pastrana's plan (Nasi 2009, 56).²¹ As a candidate, Pastrana campaigned on the idea of establishing a DMZ idea, and he was elected on that platform.

Third, political opponents and others claimed that by establishing a DMZ the government was ceding part of the state's territorial sovereignty to the guerrillas. Pastrana pushed back against this idea, as did the Supreme Court of Colombia, by suggesting that the creation of a DMZ demonstrated the opposite. Because the existence of any DMZ hinged on the will and action of the state, this step in fact amounted to a ratification of state sovereignty (Pastrana 2005, 80-81).²² Not surprisingly, many observers disagreed (e.g., Valencia 2002; Villamarin 2002, Yusty 2002).

²¹ President Samper stated that he was open to creating a DMZ in one municipality in 1994, but when the military publicly opposed the idea the administration backed away from it (Chernick 2008, 98). For an overview of why the Colombian military has historically opposed a DMZ, see Villamarín Pulido 2002, Ch. 1.

²² This citation includes the full text of the Supreme Court's ruling on the matter (sentence C-048/01) from January 24, 2001.

The FARC flatly rejected the idea of negotiating abroad, claiming that “a Colombian peace should be made in Colombia” and that there would be no compromise on this point. This was the first of several distributive moves that the group took to dictate the conditions under which negotiations would take place, rather than to shape those conditions through consultation with the government. The FARC knew that Pastrana had been elected with a mandate to negotiate, and they knew that as a candidate (despite preferring negotiations abroad) he accepted the idea of a DMZ.

Rather than attempt to build good will by offering even a token concession in return for the gesture, the FARC used that leverage to get one hundred percent of what it sought: a fully demilitarized zone as large as some countries. The government did not try to split the difference, for example by suggesting that security forces withdraw from a smaller area. When it sought to leave a token military presence in the area, the FARC rejected this proposition too.²³

Pastrana’s willingness to establish a DMZ represented a clear break from the policies of his predecessors. Though previous governments had ceded *de facto* control of territory to the FARC, this was usually a consequence of limited state reach rather than proactive policy. The government’s decision to give explicit permission for the group to control the zone was fundamentally different than the government simply not controlling the zone itself.

²³ This point discussed in further detail below.

Pastrana (2005, 77) has explained that “without [the DMZ] the peace process would not have been possible” and that its establishment was “a necessary step to construct confidence and move negotiations forward” (*ibid.*, 79). This latter quote in particular is evidence of an integrative worldview: from the beginning, Pastrana put a higher premium on building confidence between the negotiating parties than did the FARC. This point is also reflected in the parties’ agreement to negotiate amid hostilities.

2) No Ceasefire

The government wanted to conduct negotiations in the context of a ceasefire (Ospina 2006; Pastrana 2005, 78), recreating the conditions that led to negotiated settlements with smaller insurgent groups under the Barco and Gaviria administrations. The FARC rejected this proposition, believing that the renunciation of violence would diminish its clout at the negotiating table. Instead, the group pointed to the precedent of successful negotiations in El Salvador (1990-1992). In that case, a ceasefire was the product of negotiations rather than a precondition for them.²⁴

Marc Chernick (2008, 98; 2009, 83) has argued that the decision to negotiate during hostilities reflected not only opposition from the FARC but also the

²⁴ The FARC was arguably less unequivocal in its rejection of a ceasefire than in its rejection of the possibility of negotiating abroad. It claimed that a ceasefire should not take place until agreement had been reached on 90% of the negotiating agenda (Rangel 2003, 97). This effectively meant that the FARC would discuss a ceasefire at the end of negotiations rather than at the beginning, so for the purpose of structuring negotiations, their position was “No ceasefire.”

Colombian military. Though it is true that the military opposed a ceasefire, military opposition cannot explain the policy. As shown above, the military also opposed the creation of a DMZ, but it ceded to the president's authority as commander in chief. The president had won a mandate to conduct negotiations, and all involved believed that the public had given him the flexibility to do so as he saw fit.²⁵

Despite his clarity about preferring to negotiate in the context of a ceasefire, Pastrana has been somewhat disingenuous in his explanation of the resulting policy. He writes that "unfortunately" the FARC never accepted the idea, and "Of course, negotiations under conditions of peace have much better prospects than those that take place under conditions of conflict, but so far it has been impossible to get [the FARC] to understand or accept this premise" (Pastrana 2005, 78). He then alludes to the military's position that a ceasefire would need to be bilateral and that from a military perspective that was undesirable.

Pastrana describes the ultimate policy choice as a compromise:²⁶ "There would be no ceasefire as a preliminary condition, but a zone would be created in which military presence and action would be suspended with the goal of granting the necessary guaranties to advance negotiations" (*ibid.*, 78). The decision to conduct negotiations amid hostilities, however, was not a compromise: it was the

²⁵ This is not to suggest that individual members of the Colombian military would necessarily salute and obey orders. Differences over strategy lead to a significant number of high-profile resignations, as discussed below.

²⁶Original: "*La formula a la que se había llegado era intermedia.*"

product of divergent FARC and government negotiating strategies. The FARC's move was distributive in that the group categorically insisted that talks take place without a ceasefire. Because the government's foremost priority remained the demonstration of flexibility good will, it ceded to this FARC demand. It is surprising that the president would reference the DMZ in his explanation of a compromise on the ceasefire. In both cases, the FARC got all of what it wanted and the government got none.

3) Broad Negotiation Agenda

Ever since negotiations to end Colombia's armed conflict began in the 1980's, negotiators, scholars, and others have debated whether the agenda for talks should be relatively broad or relatively narrow. Those advocating for a broad agenda believe that the parties should address the structural problems underlying the conflict (e.g., political, economic, and social inequality). Those advocating for a narrow agenda believe that the parties should limit talks to how to end hostilities (i.e., the conditions for a ceasefire, guerrilla disarmament, or the incorporation of guerrillas into legal politics).

Previous Colombian governments had attempted both narrow and broad agendas. In 1989-1990, for example, President Barco and the M-19 agreed on a relatively narrow agenda, focusing on political and electoral reforms that would allow the guerrillas greater access to legal politics. In negotiations with the FARC and the ELN, in contrast, President Gaviria focused on a broader agenda aimed at

resolving Colombia's structural problems. The former case was successful. The latter cases were not.²⁷

In May of 1999 the parties agreed to a broad agenda for negotiations, one that covered twelve overarching topics. Though each of these was divided into sub-topics,²⁸ the agenda can be summarized as follows:

Table 7: "Common Agenda Toward a New Colombia"

- Negotiated political solution to the conflict
- The protection of human rights as a responsibility of the state
- Comprehensive agrarian reform
- Exploitation and conservation of natural resources
- Economic and social structure
- Reform of the justice system
- Political reform to increase democracy
- Reforms of the state
- Agreements regarding international humanitarian law
- The armed forces
- International relations
- The formalization of agreements.

For our purposes here, the question is, "How did the parties arrive to this broad agenda?" In contrast to the decisions to negotiate inside Colombia and to negotiate amid hostilities, the evidence suggests that the decision to negotiate broadly was mutual. The agenda was "common" in the sense that it was the product

²⁷ Much has been written about which issues are most likely to lend themselves to successful negotiation. See, for example, Nasi 2003; Chernick 2009.

²⁸ The agenda included 47 sub-points. See Nasi 2009, 60; Rizo Otero 2013, 232-234.

of two proposed agendas, developed separately over the course of Pastrana's campaign and his first months in office.

The FARC had always been consistent that any negotiating agenda would have to address the conflict's underlying problems (Chernick 2009, 74), so the question of whether the Pastrana administration preferred a broad agenda, or whether it proposed one because it knew that was the only possibility, is fair. Though the government was no doubt aware that narrower agendas had been more successful than broader agendas in the past, there has been no suggestion that the government pushed for a narrower agenda than the one to which the parties agreed.²⁹

Still, the initial agenda that the government proposed suggests an integrative negotiating strategy. The administration's plan contained twelve major points, but these were divided into more than one hundred sub-points, outlining in detail how the government wanted to approach the process. Information sharing is among the key principles of integrative negotiation strategies, and by developing such a detailed plan the government was putting many, if not all, of its cards on the table. This was an example of excessive information sharing (Rangel 1999).

Also reflective of an integrative strategy, the government included in its proposed agenda objectives like the protection of the environment and the degradation of paramilitaries (Kline 2007, 71). These were valid objectives, but

²⁹ Pastrana has written that he "has always thought that the broad, consensual agenda...should not be underestimated or disposed of [and that] public discussion should continue [on the agenda] to promote the reforms necessary to achieve sustainable development and greater social justice" (Pastrana 2005, 188).

what makes them interesting is that they were primarily FARC objectives. During their first meeting, Marulanda explained to Pastrana that the environment was among his principal concerns (Pastrana 2005, 67), and the FARC's preoccupation with paramilitarism was well known. The government's decision to include these items in its own proposed agenda, rather than agree to them as concessions during negotiations, can only be explained as a proactive, integrative effort to demonstrate shared interests and develop good will to advance negotiations.

Apart from looking at what made it into the common agenda, it is instructive to look at what was left out. Notably absent were topics like kidnapping, disarmament, and the targeting of civilians. The government included these topics in its initial proposal, but the FARC vetoed their inclusion. According to Alfredo Rangel (2003, 18), though the government boasted that no topics were off limits, the FARC got away with excluding uncomfortable topics from discussion. Ultimately, the agenda to which the parties agreed represented something of a compromise, but the process by which the parties reached the agenda – the collision of integrative tactics by the government and distributive tactics by the FARC – boded poorly for a settlement of the items on it.

4) No Discussion of Disarmament

Though related to the agenda, the parties' agreement not to negotiate over demobilization, disarmament, and reincorporation (DDR) merits special mention. The government initially wanted disarmament to be a key topic of discussion, as it

had been during successful talks with guerrillas under the Barco and Gaviria administrations. In keeping with its distributive strategy of dictating the rules of the game, however, for the FARC this too was non-negotiable (Chernick 2001, 73).

The stated logic of rejecting negotiations over disarmament was similar to the logic of rejecting the government's ceasefire proposal. The group claimed that the end of the conflict could come only as a result of the opening of the political system. Once the system opened, allowing for the group's participation in legal politics, there would be no reason to bear arms. The "problem" of disarmament would take care of itself.³⁰

Given the experience of the UP in the late 1980's and early 1990's, the FARC's reluctance to discuss demobilization is not surprising. The group learned that political integration was not straightforward and that demobilization carried serious risks. Still, it would have been simple for the FARC to make a small concession, if only to demonstrate a modicum of flexibility. The group had rejected a ceasefire, for example, but in doing so it agreed to discuss the topic if and when agreement had been reached on 90% of the agenda. On that point, the FARC unequivocally got its way, but there was at least a gesture of good will procedurally. The same could have been done here but was not.

³⁰ If and when a negotiated settlement is reached, the issue of disarmament may be particularly sensitive. Chernick (2001, 77) notes that the FARC has not shown willingness to give up arms as part of a peace agreement. For a discussion of the conditions that may be necessary for the FARC to disarm, see Gomez-Suarez and Newman 2013.

The government's reaction to the FARC's decision to reject discussion of disarmament is not surprising, given how it responded to other conditions that the FARC had set for talks. In the end, the administration accepted the FARC's decision without pushing for compromise. Once again, in keeping with its integrative strategy and in an attempt to reach agreement at seemingly any cost, the government bowed to the distributive pressure that the FARC applied. This made for agreement by unilateral concession, and it reinforced a dynamic that lent itself predominantly, if not exclusively, to agreements reached only in that way.

5) International Participation

From the beginning of his administration, President Pastrana sought to incorporate the international community into the peace process.³¹ In the speech outlining his plan for peace on June 8, 1998 he explained that it would be necessary to "internationalize the peace to end the war." He hoped to invite the international community to participate "in all stages of the process: as facilitators of the conditions for pre-negotiations, as proponents of the formulas of understanding that drive negotiations, as witnesses to the compromises reached, and as verifiers of the fulfillment of those compromises" (Pastrana 2005, 50).

Initially the FARC rejected anything more than token international participation (Kline 2007, 110), but by May of 1999 the group signaled openness to

³¹ For an overview of the role of the international community during negotiations from 1998-2002, see Chernick (2003) and Ramírez Ocampo (2004).

some degree of international participation as part of the Caquetania Accord. The agreement was vague, and international participation would be limited, but it did allow for UN Secretary General Kofi Annan to name Jan Egeland “Special Advisor to Colombia” that year. After returning from a joint trip to Europe in early 2001,³² the parties also named an international “group of friends,” consisting of 10 countries that would observe and otherwise participate in talks.³³

The extent to which the Group of Friends was able to influence talks was severely limited. Though the administration sought to incorporate them into the process, the FARC remained skeptical. As a result, neither Egeland nor the group of friends participated directly in talks; “when present, they generally sat outside the room in Caguán where government and FARC negotiators met” (Chernick 2009, 80). It was only very late in the process, in January 2002, when the FARC agreed to let the group of friends play a more direct role, and by this time the talks were on the verge of collapse. Though some have argued that international facilitators were “successful in resuming the peace talks” (Bayer 2013, 72), it seems more likely that they were called on as a last ditch effort by the FARC to prevent the government

³² The trip, at the invitation of Egeland, exposed FARC representatives to the “mixed” economies of Scandinavia and Western Europe, providing fodder for conversation at the negotiating table. It also allowed negotiators to spend time with and get to know each other away from the negotiating table.

³³ These countries were Canada, Cuba, France, Italy, Mexico, Norway, Spain, Sweden, Switzerland, and Venezuela.

from cutting off negotiations (or at least terminating the DMZ).³⁴ Though the tactic worked briefly, its success was short lived.³⁵

Though the United States did not play a prominent role at the negotiating table, many have argued that it was the dominant external actor in the peace process (Chernick 2003, 236-237; Pizarro & Gaitán 2006). The US did provide a great deal of aid to the Colombian government through the Pastrana years, the bulk of which went to the military, and in the aftermath of 9/11 what had largely been an anti-drug campaign evolved into an anti-insurgency campaign. The US role in the peace process, including the aid package known as *Plan Colombia*, is revisited in the discussion of alternative explanations, below. That discussion challenges the dominant narrative regarding how US aid affected the peace process.

Negotiation Structure in Summary

Before negotiations formally began in January 1999, Pastrana had recognized the political status of the FARC. He had traveled to the jungle to meet with FARC leadership, and he had withdrawn Colombian police and military from a large swath of the country. His proposals to negotiate abroad, to negotiate amid a ceasefire, and to include disarmament on the agenda had all been rejected.

³⁴ On this point, see Kline 2007, 114.

³⁵ The FARC called for increased international participation on January 8. This resulted in a procedural agreement on January 20 that called for direct international participation. Pastrana ended the process a month later in response to further provocations by the FARC.

In keeping with his worldview, the president had independently adopted an integrative strategy, one that reflected his belief that “the first step of all dialogue should be the construction of a minimal degree of trust among the parties” (Pastrana 2005, 45). By making enormous concessions without demanding concessions in return, the president set precedents that favored procedural agreements over substantive ones. With every unilateral concession, even vis-à-vis the structure of talks, the negotiating dynamic reinforced itself, creating an atmosphere unfavorable for a political settlement.

Pastrana’s integrative strategy, however, cannot be considered in a vacuum. If the FARC had responded differently than it did to the president’s overtures and concessions, then a successful settlement would have been more likely. Specifically, if the FARC had responded with an integrative strategy of its own, a more propitious dynamic could have developed between the parties. The FARC could have done this perhaps not by negotiating abroad but by accepting robust international participation throughout the peace process. It did not need to agree to disarm at the end of the process, but it could have allowed discussion of disarmament on the agenda. Even if the group were reluctant to give concessions up front, a greater demonstration of flexibility would have been helpful.

Both parties made mistakes. Pastrana’s was not that he adopted an integrative strategy at the outset of talks, but rather that he maintained it in the face of an overwhelmingly distributive strategy by the FARC. In doing so, he repeatedly

gave away more for less in hopes of showing the group that it had found a partner for peace. The unintended consequence of this approach was that the FARC learned a different lesson: distributive strategies pay. Even long after this became apparent, the president refused to see what others around him saw. He refused multiple opportunities to change course.

The FARC's mistake was of a different kind. The group had grown dramatically in the years preceding negotiations, and when Pastrana expressed openness to talks in 1998, the FARC believed it was in a strong position to dictate terms. Initially, this approach paid dividends: the government made concession after concession just so the FARC would engage. Ultimately, however, the group overestimated the degree to which its recent growth translated into leverage at the negotiating table. As days turned into months, and months into years, support for the talks collapsed around Pastrana. By the time the FARC realized that the continuation of negotiations required a dramatic change in approach, it was too late.

Negotiation Strategies Contribute to Decline and Failure of Talks

The parties' strategies were reflected both in the structure of negotiations and in the interactions between parties while talks were underway. Though there were occasional tactical deviations, the administration generally held to its integrative strategy, hoping that this might lead the FARC to work constructively toward peace. In contrast, the FARC held predominantly to its distributive strategy,

calculating that since its approach continued to elicit concessions from the government there was no reason to change it.³⁶

In this context, over three and a half years, the Government of Colombia and the FARC signed seven agreements. Of these, only one was substantive. In keeping with the expectations of H1c, the combination of divergent negotiating strategies enabled the accumulation of procedural agreements. It also undermined the prospect of reaching substantive accords, much less a comprehensive settlement.

³⁶ This calculation is similar to that made by the PA in negotiations with Israel at Camp David in 2000 (chapter 3). This point is developed in the concluding chapter.

Table 8: Signed Accords Between Colombia and the FARC, 1998-2002

Date	Accord	Summary
5/2/1999	Caquetania Agreement ³⁷	Extends DMZ and establishes agenda for future negotiations.
5/6/1999	Common Agenda Toward a New Colombia ³⁸	Establishes detailed agenda for future negotiations.
11/2/1999	Agreement on Methodology ³⁹	Establishes agenda and methodology for future negotiations.
2/9/2001	Los Pozos Agreement ⁴⁰	Extends the DMZ and establishes schedule and agenda for future negotiations. Establishes a "Commission of Notable People" that will form recommendations re the peace process.
6/2/2001	Humanitarian Accord ⁴¹	Exchange of soldiers and police held by the FARC for FARC combatants imprisoned by the state.
10/5/2001	San Francisco de la Sombra Agreement ⁴²	Establishes issues to be included in future negotiations. Establishes National Peace Council to address disputes over the DMZ.
1/20/2001	Agreement on Timetable for the Future of the Peace Process ⁴³	Detailed timetable for negotiations and implementation of outcome of negotiations. Recognizes UN as facilitator of agreement.

*The three most important procedural accords are shaded in gray. The only substantive agreement is shaded in red.

³⁷ <http://peacemaker.un.org/colombia-caquetaniaagreement99>

³⁸ <http://peacemaker.un.org/colombia-agendanuevacolombia99>

³⁹ <http://www.derechos.org/nizkor/colombia/doc/paz/2.html>

⁴⁰ <http://peacemaker.un.org/colombia-acuerdopozos2001>

⁴¹ <http://peacemaker.un.org/colombia-acuerdohumanitario2001>

⁴² <http://peacemaker.un.org/colombia-acuerdosanfransisco2001>

⁴³ <http://peacemaker.un.org/colombia-cronogramaprocesopaz2002>

It is not surprising that the first agreement signed by the government of Colombia and the FARC would be procedural. No one believed that a political settlement would be reached quickly or without establishing a clear agenda for talks. As the table above shows, however, the second, third, and fifth agreements related primarily to establishing agenda items for future negotiations. In a sense, these agreements were the products of “talks about talks.” Though they sometimes contained additional elements (e.g., the extensions of the DMZ, the establishment of a Commission of Notables, the establishment of a National Peace Council), constant planning about what would be discussed in the future seems to have reflected an unwillingness to engage in substance.

As talks proceeded, the president’s “perseverance against all odds” in the face of “arrogant declarations from the guerrillas and a spiral of aggression against the state and its population” (Vegas, Rodrigues, and Blanco 2007, 123) shifted public opinion from strongly supportive of the peace process to strongly skeptical of it. When Pastrana ended negotiations in early 2002, the public overwhelmingly supported his decision (Chernick 2003, 237; Kline 2007, 113-114).⁴⁴

It would be difficult to analyze more than three years of interactions in detail, but there were key points and recurrent dynamics during these talks that merit special mention. These show how strategies manifested themselves as integrative

⁴⁴ When Pastrana ended the process, polls showed that more than 70% of Colombians supported the decision. See Martinez 2002.

and distributive while talks were underway. They were *potential* inflection points, instances when either the government or the FARC could have shifted negotiating strategies but did not.

The key interactions and dynamics discussed here relate to 1) the creation of the DMZ, 2) Marulanda's decision not to attend the opening ceremony of negotiations, 3) the repeated freezing of talks, especially by the FARC, and 4) repeated extensions of the DMZ by the government.

The Creation of the DMZ

Within a month of the establishment of the DMZ in November of 1998, before the formal opening of negotiations, the FARC was arguing that the president had not gone far enough. In an open letter dated December 3, FARC leadership accused the president of "capriciously...changing the rules of the game," undermining the nascent process by refusing to withdraw a small contingent of unarmed troops – the Cazadores Battalion – from part of the demilitarized zone.⁴⁵ It further stated, "You cannot demand anything of us, because we have not yet sat down at the table, even to establish the mechanisms that will regulate conversations. In other words, as of this moment there is no kind of agreement between the parties, except that you

⁴⁵ The president's intention to leave approximately 100 unarmed troops in the DMZ was not the result of caprice. During their initial conversations, Pastrana and Marulanda did not agree to the details of residual state presence (Valencia Tovar 1999), and weeks before demilitarization the government advised the FARC of its intentions vis-à-vis the battalion in a letter. See Pastrana 2005, Ch. 10.

would order the clearance of the zone and that we would attend to everything else at the negotiating table” (Reyes, Gómez & Ramírez 1998).

The tone of this letter is indicative of the distributive disposition that the FARC displayed throughout negotiations. Perhaps because it had gained strength in the years preceding the talks, or perhaps because it had a sense of the lengths to which Pastrana was willing to go to secure peace, the FARC sought to convey an image of an organization in control of the pace and content of talks rather than one of a negotiating partner in search of a solution. The strategy was one of dictating terms and limiting expectations to position the group for a favorable settlement.

Debate within the government about what to do with the small contingent of troops was fierce, with the military demanding that they stay to maintain the installation, and as a matter of honor, and the peace commissioner (Camilo Gomez) arguing that their presence contradicted the spirit of the DMZ. As debate continued, the FARC sent a letter to the peace commissioner – again, distributive in tone – saying, “When you resolve your internal issues, we’ll talk” (Pastrana 2005, 100). The group had issued its ultimatum – no troops in the DMZ – and showed little interest in working with the government to find resolution on the matter.

Pastrana responded to the FARC’s letter, and ultimately resolved this particular problem, by withdrawing the Cazadores Battalion completely in mid December. The “solution” reflected his integrative approach, but it had not been reached through negotiations. Rather than leave soldiers at the base, a possibility

that the FARC had vetoed, the president enlisted the help of the Catholic Church to oversee the installation while negotiations were underway. Thus, the military withdrew, but the guerrillas would not control the base. After the withdrawal, in a speech at Bogotá's military academy on December 15, Pastrana announced that formal negotiations would begin on January 7, 1999 in San Vicente del Caguán. "We have passed the procedural phase," he declared, "and now we can move to the substantive one" (Pastrana 2005, 104).

La Silla Vacía

As formal negotiations approached, the FARC announced that, contrary to prior agreement, Marulanda would not attend the opening ceremony. In a rare show of resistance to the group, which could be construed as a distributive tit-for-tat move, Pastrana announced that if the leader of the FARC did not attend, then neither would he.⁴⁶ The decision seemed reasonable, but it represented a break with the president's approach to date in the fledgling process. Until that time, Pastrana had repeatedly accommodated the FARC, despite getting little in return. Now, he seemed to be tentatively setting a condition for the group.

The experiment was short-lived. Three days later after making his own presence contingent on Marulanda's, and without any response from the FARC, the president reversed course, announcing that he would attend the ceremony with or without Marulanda (Mompotes 1998). This change of heart is telling; it is evidence

⁴⁶ "Si Tirofijo no va, el presidente tampoco." *El Tiempo*. December 24, 1998.

that although the president considered shifting his approach, he ultimately decided against doing so. He would hold to his integrative strategy, accommodating the FARC even without signs of reciprocal accommodation.

The words most associated with the peace process under President Pastrana are *la silla vacía* (the empty chair).⁴⁷ Despite late signaling that Marulanda had changed his mind and would attend the opening ceremony, when the president arrived to the DMZ on January 7 the FARC leader was absent. Given the amount of political capital invested in the process, his absence alone was unlikely to derail talks, but the president could have halted negotiations until a formal meeting between the leaders occurred. After all, Marulanda's decision to abstain was a clear show of disrespect to a president that had taken unprecedented steps to negotiate with the FARC.

Instead, in his public address Pastrana (2005, 141) explained,

"Marulanda's absence cannot be a reason to discontinue the installation of the dialogue table, to give up on deciding an agenda of conversations that should lead to peace... The government, under my leadership, comes to the opening of the dialogue table with an open agenda, without intention to veto or to impose topics. We are prepared to discuss, to disagree, to propose, to evaluate, but above all to construct. This is the very essence of democracy."

⁴⁷ To many of his critics, the peace process under Pastrana is synonymous with the administration itself. Pastrana argues that the peace process was one part of a larger strategy, which involved diplomacy for peace, the fortification of the military, the fight against drug trafficking, and the most ambitious social investment in Colombian history (Pastrana 2005, 18; 44).

With these words, the president was articulating the most integrative of negotiating strategies. He was signaling his desire to work with the FARC, rather than against it, in the mutual task of *building* a way out of the conflict. Precisely at a moment when there were strong reasons to be skeptical, he maintained a view of his counterparts as potential collaborators in negotiations rather than as competitors. Even this early in the process, Pastrana was “all in,” dedicated both to negotiations and to his integrative approach.

The signals that the FARC sent in response were mixed but primarily distributive. Though Marulanda was absent, lower level leadership represented the FARC. Egeland (2010, 51) has described the FARC’s speech as “another example of [the group] never losing an opportunity to lose an opportunity.” Though it contained some language about “optimism regarding the new process,” for the most part the group’s statement railed against past governments and focused on grievances rather than on how the parties might work together to move forward.

After the ceremony, the FARC gave varied reasons for Marulanda’s absence. Initially, the group cited security concerns, but few analysts believe this was the real reason he did not attend. The meeting took place in guerrilla-controlled territory, and some 2,000 insurgents were on hand to monitor security. Indeed, increased security for the FARC was the principal reason for the existence of the demilitarized zone. A year later, in its publication *Revista Resistencia* (Resistance Magazine, February 2000 edition), the FARC explained that Marulanda’s absence was a

warning that the government should not grant paramilitary organizations the political status that had been granted to the FARC. This step had never been seriously considered by the Pastrana administration.⁴⁸

The more likely explanation is that Marulanda's absence was a distributive tactic, the continuation of a strategy intended to dictate the terms of proceedings. Given the capital that the president had invested, the FARC leader knew that his absence was unlikely to derail the process. It would, however, signal to the government that the FARC was in the driver's seat. This marked the beginning of what would become a pattern in Marulanda's distributive approach. He would essentially slap the government in the face, excuse himself for doing so, and then explain his reason for having done so. Rarely would he take risks to advance the dialogue.

Repeated Freezing of Talks

Less than two weeks after formal negotiations began, the FARC "froze" proceedings in an open letter to President Pastrana. Pointing to the government's inability or unwillingness to act against right-wing paramilitaries, the letter

⁴⁸ The AUC, the country's largest, umbrella paramilitary group at the time, did not begin a push for political recognition until late 2001. When it did, Pastrana resisted. See <http://www.latinamericanstudies.org/auc/role.htm>.

declared a freeze until the group “saw satisfactory results against paramilitarism” (Navia & Ramirez 1999).⁴⁹

Most interesting here is that the FARC froze negotiations in response to violence perpetrated by a third party that, as a matter of policy, the government was fighting. The FARC had genuine concerns about paramilitaries, including vis-à-vis illegal ties to elements in the Colombian military, but Pastrana had made the fight against paramilitaries a central part of his campaign platform. He had issued a presidential directive against them months earlier,⁵⁰ and hundreds had been arrested on his watch (Kline 2007, 64). That paramilitarism continued two weeks into negotiations was not a reasonable explanation for suspending talks.⁵¹

That the FARC would take this action so early and for this reason suggests that the move, like previous moves, was a distributive tactic aimed at demonstrating

⁴⁹ Some analysts were optimistic about the FARC’s decision to freeze talks rather than cancel them. Former Colombian representative to the OAS Fernando Cepeda Ulloa, for example, argued that the decision was a means of “preserving the process in publicly established terms” (op-ed published in *El Tiempo*, 1/26/1999). Given the context of the freeze, however, this assessment was misinformed. The FARC had squandered an opportunity to work with the government at the opening ceremony, and by freezing talks the group risked further undermining negotiations. As Rangel noted at the time, “The continuation of dialogue [now] depends on a unilateral evaluation that the FARC makes regarding whether they feel satisfied or not with governmental actions” (op-ed published in *El Tiempo*, 1/20/1999).

⁵⁰ Presidential Directive No. 3, October 15, 1998.

⁵¹ From the beginning of the process, the government and the FARC disagreed about links between the Colombian military and illegal paramilitary groups. In their first encounter, Pastrana (2005, 67) explained that “if those links do exist, then they are few, and it is certainly not a matter of state policy. In fact, my obligation as the president of the republic will be to combat [the paramilitaries] just as I will combat you all [the FARC] outside of the clearance zone...”

control over talks. That it would make its announcement in an open letter castigating the president, who had done far more than the FARC to facilitate negotiations, again represented a strong show of disrespect. The message was clear: this process will be stagnant until further notice, because we control it.

This was the first of four occasions that the FARC froze negotiations under Pastrana. The group did so again 1) referencing insufficient government action vis-à-vis the paramilitaries, 2) citing disagreement over a provision in the Caquetania Accord, and 3) in protest of military controls around the DMZ. For its part, the government froze negotiations twice: once to protest what the administration believed was a FARC assassination and once to pressure the FARC to hand over a guerrilla who had hijacked a civilian aircraft.

Table 9: "Freezes" During Negotiations, 1999-2002

Dates	Initiator	Stated Reason
1/19/1999 – 4/20/1999	FARC	FARC demand more government action to reign in paramilitary groups.
7/18/1999 – 10/24/1999	FARC	Dispute over establishment of commission to verify conditions in DMZ.
5/16/2000 – 5/20/2000	Government	Government believes FARC is responsible for “necklace bomb” attack.
9/9/2000 – 10/23/2000	Government*	Government demands that FARC turn over Arnubio Ramos.
11/14/2000 – 2/9/2001	FARC	FARC demand more government action to reign in paramilitary groups.
10/17/2001 – 1/14/2002	FARC	FARC demand that the government lift military control measures around DMZ.

*In contrast to all other freezes, the Government’s second freeze was unannounced.

Comparing the motivations for and durations of these freezes sheds light on the parties' strategies. On the first and third occasions, the FARC froze talks claiming that the government was not taking *enough* action against a third party. The FARC's second freeze was in response to a provision of the Caquetania Accord (which, prior to the freeze, the group had signed).⁵² The FARC's last freeze, in reaction to the government's tightening of security *around* the DMZ, seems to have been something akin to a negotiator's tantrum. The government tightened controls in response to further FARC provocations;⁵³ the FARC responded by freezing talks.

There is some debate over whether the government froze talks once or twice.⁵⁴ It seems that one of these freezes was official and the other was *de facto*. On the first occasion, the government officially froze talks for four days to protest a "necklace bomb" attack that it (perhaps mistakenly) believed was carried out by the FARC.⁵⁵ The second (unofficial) freeze lasted for more than a month in protest of

⁵² The disagreement involved the establishment of an international verifying commission that would investigate and adjudicate alleged violations of human rights in the DMZ. The provision was clear: "We agree, by common accord, to [the creation of] an international commission that will serve as verifier and to overcome any problem that may arise." For text of the accord, see footnote 37, above. The FARC unilaterally "resolved" this impasse by allowing elected mayors in the DMZ to play the role intended for the verifying commission. This was limited progress at best, because the extent to which local officials in FARC-controlled territory would respond to allegations of human rights violations was doubtful. The FARC had again settled a dispute on its own terms.

⁵³ See <http://democrats.foreignaffairs.house.gov/archives/107/findings.htm>

⁵⁴ See differing accounts, for example, in Kline 2007 and Isacson 2003.

⁵⁵ An investigation concluded that there was insufficient evidence to implicate the FARC. Many still believe that the group perpetrated the attack (Kline 2007, 85).

the FARC's decision not to turn over Arnubio Ramos, a FARC guerrilla that hijacked a commercial airliner.⁵⁶

Over the course of nearly three and a half years of negotiations, talks were stalled for 404 days, 35% of the 1,140-day peace process (Isacson 2003). The FARC froze talks (*de facto*) for approximately ten times longer than the government. In terms of announced freezes, the FARC stalled talks approximately one hundred times longer than the government. During any one of these freezes, the president could have ended talks or shifted his negotiation strategy. Each time, he decided against doing so.

Repeated Extensions of the DMZ

Rather than push back against the FARC's initial freeze on January 19, the president responded by sending a letter to the group detailing his administration's anti-paramilitary stance. Then, on February 7, he extended the demilitarized zone for a period of three months. In retrospect, Pastrana explained his decision to extend the zone as a response to "the urgent need to take bold steps to unstick a process that was practically at the point of death" (Pastrana 2005, 170).

Over time, as the FARC repeatedly froze the process, the government repeatedly extended the DMZ. It did so overwhelmingly without requiring demonstrations of goodwill, much less substantive concessions by the FARC. The

⁵⁶ On September 9, 2000, Ramos forced an airliner to land in the DMZ. The FARC denied responsibility for what it called an "individual action" but rejected the government's request that Ramos be turned over. Reports suggest that Ramos was executed by the FARC 2002.

decision to extend the DMZ may have been a bold step on February 7, but subsequent extensions – eleven in total – reflected a concerted integrative strategy aimed at accommodating the group.

Table 10: DMZ Renewals

Date of Extension	Extended Until
February 7, 1999	May 7, 1999
May 7, 1999	June 7, 1999
June 6, 1999	December 7, 1999
December 1, 1999	June 7, 2000
June 6, 2000	December 7, 2000
December 6, 2000	January 31, 2001
January 31, 2001	February 4, 2001
February 4, 2001	February 9, 2001
February 9, 2001	October 7, 2001
October 7, 2001	January 20, 2002
January 14, 2002	April 7, 2002*

*Process ended 2/20/02

Examination of Pastrana's second extension of the DMZ is instructive in two ways. First, when considered alongside his justification for the first extension (resuscitating a moribund process), it sheds light on the mindset that motivated the president to maintain an integrative approach for more than three years. Second, it provides an example of the president's occasional deviations from integrative to distributive tactics. In doing so, it demonstrates his misunderstanding of what constituted real movement from the FARC.

As the DMZ approached its second scheduled expiration in late April of 1999, Pastrana arranged a meeting with Marulanda to again shake the process out of

stagnation. When his peace commissioner suggested that the meeting was unlikely to be productive, Pastrana (2005, 172) responded, “I don’t care... It is very clear to me what my responsibility is here: either save the process or let it die in my hands.” This justification echoed Pastrana’s justification for extending the DMZ the first time. The president felt personal responsibility for the process, and he was willing to do what was necessary to move it forward.

This does not mean that he never deviated from his integrative approach. When the leaders met on May 2, in contrast to the tone he had taken to date, Pastrana issued an ultimatum, clearly a distributive tactic. Though he reiterated his desire to trust Marulanda,⁵⁷ the president made clear his willingness to abandon the process in the absence of movement by the FARC. “If I return to Bogotá empty handed,” he said, “the process is dead” (*ibid.*, 179).

Marulanda responded positively to the president’s ultimatum, and the result was the Caquetania Accord, the first of seven agreements that the parties signed during the process. Days later, on May 7, they would sign their “Common Agenda” for negotiations, and Pastrana would extend the DMZ for a period of one month. His distributive tactic had elicited the first signed agreement with the FARC.

Even if a distributive tactic was the proximate catalyst of the Caquetania Accord, however, the decision to extend the DMZ continued to reflect the president’s

⁵⁷ The president was cordial and respectful, and he reminded Marulanda about his decision to travel to the DMZ for the opening ceremony “trusting only in the security that you all [the FARC] provided me, even bringing my son...as a gesture of good will” (Pastrana 2005, 180).

integrative strategy. As important as the president and others believed it was at the time, the accord was procedural: it was a statement that the sides would form an agenda and finally begin negotiations in earnest. There was no substantive concession from the FARC, nor would there be over the course of the following year.

The military had disagreed with Pastrana's approach from the beginning, and tensions hit a crisis point later that month when Minister of Defense Rodrigo Lloreda resigned in protest. Citing too many concessions to the FARC, some fifty other high-ranking officials followed suit, leading to "the worst military crisis in the recent history of Colombia" (Tellez, Montes & Lesmes 2003, 159).

Lloreda and others voiced public concern not only that Pastrana was accommodating the FARC at all costs, but also that his negotiating team was putting itself at a disadvantage by revealing too much information. Mutual information exchange is a key aspect of integrative negotiations, but the unilateral conveyance of information (e.g., through the extremely detailed agenda that the president proffered and other actions) reflected only the president's integrative strategy.

As difficult as Lloreda's resignation was, it came at a time that might have given Pastrana leverage. As the next DMZ deadline approached, this time set for June 7, an agenda had been agreed but little else had happened. The president could have capitalized on the resignation by arguing that in exchange for yet another extension the FARC would need to make a substantive concession or otherwise unequivocally demonstrate good faith. That did not happen. On June 6, the

government again extended the demilitarized zone unconditionally, this time for six months.

These were only the first three extensions of the duration of the DMZ over the course of the peace process. In keeping with his integrative strategy, when the president extended the zone, he never conditioned the extension on any kind of substantive concession from the FARC. On three occasions he successfully used distributive tactics to demand limited, procedural accommodations, but these never translated into substantive concessions.⁵⁸

Process Overview & The End of Talks

Though some analysts have pointed to 1999 as a year of “important promise” (Chernick 2008, 100), in reality the precedents that were set from the beginning of the talks did not favor success. The combination of distributive and integrative negotiation strategies, adopted by the FARC and government, respectively, paved the way for a series of procedural agreements but boded poorly for the possibility of substantive agreements.

As talks continued, conflict away from the table grew increasingly violent and indiscriminate. In March and April 2000, the FARC took a series of provocative

⁵⁸ In addition to the instance mentioned above, Pastrana employed distributive tactics in January 2001 and January 2002. In the first instance, he required that Marulanda return to the negotiating table to end a FARC-imposed freeze. The second occasion took place as talks were in danger of collapse. The government demanded that the FARC agree to a strict timetable for further discussions.

actions⁵⁹ that provoked strong responses outside of the DMZ from a military that was growing quickly in size and capacity, thanks in part to US aid. The end of the year saw a FARC hijacking in September, the FARC's call for an armed strike from September to December, and another unilateral FARC freeze in November.

The last full year of the peace process, 2001, saw positive and negative developments. Negotiators traveled together to Europe, and they established an international "group of friends" and a domestic "Commission of Notables."⁶⁰ In the only "concrete achievement" of the process (Chernick 2008, 100), in June the FARC released over 350 captives in exchange for several dozen guerrillas held by the government.⁶¹ There was also a procedural agreement in October, where the parties pledged to discuss kidnapping and the possibility of a ceasefire going forward.

⁵⁹ In March, the FARC established a clandestine political party called the "Bolivarian Movement for a New Colombia." For the group's charter, see <http://alainet.org/active/785&lang=es>. In April, the FARC announced "Law 002," which required any individual or corporation with a net worth of more than \$1,000,000 to voluntarily come forward to pay tax or become a kidnapping target.

⁶⁰ This group consisted of Colombians sympathetic to both sides who made recommendations to negotiators.

⁶¹ This swap occurred in tranches and in some ways reflected a kind of integrative, if narrowly focused, tit-for-tat. The FARC initially released one detainee, the government responded by releasing 73 guerrillas, and the FARC then released hundreds more prisoners. As noted, this exchange took place late in the process. At the time, officials claimed that the exchange may "breathe new life" into negotiations. In the absence of concrete achievements to date, the prospect of reenergizing talks may have been enough to justify the swap on both sides.

Less positive developments included the army's capture of members of the Irish Republican Army as they left the DMZ, the FARC's call for the president's replacement, threats to increase kidnappings, and increased violence outside of the DMZ.⁶² In late 2001, the government began to take a harder line with the FARC, perhaps signaling the beginning of the end of the process. New policies included the further tightening of controls around the DMZ, including its airspace, and new restrictions regarding foreigners within the zone.

After an unsuccessful first week of talks in 2002, during which the FARC reneged on its commitment to discuss a ceasefire, on January 9 the government declared its intention to retake the DMZ and advised the FARC to vacate the zone. When the FARC responded by lobbying for international mediation, the government extended the DMZ for what would be the last time. Talks during the last month centered on the possibility of a ceasefire but were unproductive. In response to the hijacking of another commercial jet on February 20, 2002,⁶³ Pastrana ended the peace process.

⁶² This included the FARC's execution of former Minister of Culture Consuelo Araújo, whom the group had kidnapped, during an army raid.

⁶³ The target of the hijacking was Colombian Senator Jorge Gechem Turbay, the fifth Colombian lawmaker kidnapped since June 2001 (Kline 2007, 120). Though FARC leadership denied foreknowledge of the kidnapping, the senator was held by the group for more than six years before his release.

4.4 *Analytical Summary and Findings*

President Pastrana (2005, 515-516) has written that his “government advanced a peace process that was generous but not naïve. I had to be generous,” he writes, “because peace is not built by way of pettiness... Serious negotiations do not seek the defeat of the adversary but rather an accord that satisfies both sides.” This integrative outlook undergirded and reinforced Pastrana’s strategy from 1998 to 2002, even at times when there were reasons for him to be skeptical of his counterparts’ motivations.

Under different circumstances this approach may have been more successful, but Pastrana’s decision to maintain his integrative strategy in the face of the FARC’s distributive strategy put negotiations on the path to failure. Though the parties accumulated more than half a dozen signed agreements before the talks collapsed, these left the president with little to show for more than three years of unprecedented effort.

With few qualifications, the evidence from this case strongly supports the principal contention of Hypothesis 1c: that the adoption of divergent negotiating strategies by states and NSAGs militates against negotiation success. Though at times the parties deviated tactically from their strategies, those strategies were remarkably consistent throughout the peace process. Pressure tactics, salami tactics, public excoriation, and other distributive moves by the FARC were repeatedly met with attempts at conciliation, demonstrations of good faith, and

extensions of the DMZ from the government. The result was an extended process that ultimately consisted of “talks about talks.” At the end of the day, the parties made little progress negotiating anything of substance.⁶⁴

Hypothesis 2a, which suggests that in the context of divergent strategies the party that initially adopted the integrative strategy is likely to shift from an integrative to distributive approach over time, receives no support from the case history. Though the government adopted a limited number of arguably distributive tactics late in the process,⁶⁵ the integrative strategy that Pastrana adopted even before talks began remained remarkably consistent for more than three years. The president maintained this strategy despite multiple opportunities to take a harder line or even to abandon talks. The resignation of Defense Minister Lloreda (and dozens of other officers) in mid 1999 is the clearest example of such an opportunity.

Hypotheses 3a and 3b, which suggest that the power dynamics inherent to this kind of asymmetric negotiation are likely to lend themselves to the initial adoption of integrative strategies by states and distributive strategies by NSAGs, do find tentative support in this case study. The government opened with an

⁶⁴ That the parties reached just one substantive agreement in more than three years – the prisoner swap of 2001 – also supports the corollary contention of H1c: “to the extent that parties reach agreements under these conditions, they are more likely to be procedural than substantive.”

⁶⁵ As the process began its rapid decline in early 2002, the decision to tighten controls around the DMZ was interpreted as a hardline tactic by the FARC. In reality, this decision reflected the impending demise of the process, not a shift in the government’s negotiating strategy.

integrative strategy and the FARC opened with a distributive strategy. Indeed, the Pastrana campaign was making integrative negotiating moves even before it took office, and the FARC snubbed the president (the *Silla Vacía* incident) on the very day that negotiations were set to formally begin. As mentioned previously, however, support for these hypotheses suggests only that they merit further investigation in other cases. No single case study, or even a small number of case studies, can provide definitive support for these contentions.

Additional Observation

An interesting empirical observation from the case history, though not necessarily tied to the hypotheses, has to do with to prisoner swap that took place in June of 2001. In that exchange, the FARC released substantially more prisoners than did the government. Initially, the FARC liberated a single wounded police colonel. This was followed by the government's release of 73 rebels. The FARC then released 242 more prisoners, leaving the group with only a few dozen in captivity.

One would expect that the negotiating party employing the integrative strategy, in this case the government, would benefit *less* from this kind of deal than the party employing the distributive strategy, in this case the FARC. Logically, the party employing the integrative strategy should be relatively more inclined to provide a bigger demonstration of good will. Though this logic seems to have held during the first part of the exchange (one police officer for 73 FARC prisoners), the

FARC's release of hundreds more prisoners implies that the balance favored the government.

Measuring which party benefited more from the swap, however, may be more complicated than a comparison of absolute numbers. Skeptics have claimed that the last tranche of the FARC's release may have unburdened the group logistically (Buckman 2012, 120). This could be true in the sense that it relieved the FARC of having to move and care for its hostages, and there can be little doubt that the bigger the release the more favorable in terms of public opinion. Thus, without further investigation it would be difficult to know with certainty whether the government or the FARC "benefited" more from the exchange.

4.5 *Alternative Explanations*

Alternative explanations have been proffered to explain why these negotiations failed. This section describes three of the most prominent of these and explains why they cannot adequately account for the negotiations' outcome.

Alternative Explanation 1: The FARC never intended to make peace; therefore, negotiations never had a chance.

Though few would deny the FARC's political roots, several scholars have argued that over time the group has evolved into a drug-trafficking, criminal enterprise that benefits from the status quo (e.g., Martinez 2012; Villamarín 2002; Yusty 2002).⁶⁶ According to this view, what were originally political motivations and goals have transformed into financial ones. The FARC has no interest in a negotiated settlement. Instead, it uses negotiations as a tactic to strengthen itself in order to continue criminal activity.

Chernick (2001; 2007; 2009) convincingly argues that this view represents a misunderstanding of the FARC's history and politics. Though the line between war and crime is often blurry in conflicts like the one facing Colombia, he argues that that line still exists. Since at least the group's seventh national conference in 1982, the FARC has been structured and run as a military organization, and it has provided services much in the way that a state would in the areas that it controls. It has created political parties twice (first in the 1980's and again in 2000). Perhaps most

⁶⁶ These arguments contribute to a body of literature dealing with "new war" or "the political economy of war." See Arnson and Zartman 2005 for an overview of this literature.

relevant, throughout its history the group has been “remarkably consistent in its demands at the negotiating table, often restating positions first taken in the 1950s and early 1960s” (Chernick 2009, 66).

Perhaps surprisingly, those who argue that the FARC is primarily concerned with accumulating wealth rather than with its political agenda do not attempt to explain the non-political purposes for which the group might accumulate wealth. Scholars have pointed to drug revenue being used for community reinvestment programs, military buildup, and the purchase of political support (Cook 2011), but there is no indication that money is being used to afford FARC leadership anything approaching lives of luxury or even amenities that many take for granted. In fact, FARC leadership, like the group’s rank and file, have for decades lived in the mountains and jungles of Colombia, sleeping in tents and hiding from the Colombian army. In other words, there is not a compelling answer to the question, “If not for political purposes, why is the FARC raising so much money?”

However, those who believe that the FARC remains primarily a political organization, including the majority of Colombian analysts, are divided over whether the FARC hopes to reach peace through negotiations. Rangel (2003, 94), for example, argues that in the past the FARC has attempted to take advantage of peace processes to strengthen itself politically and militarily.⁶⁷ “Negotiations,” he

⁶⁷ Chernick (2009, 69) agrees with Rangel that the FARC has used negotiations as a tactic within a wider strategy of armed struggle, but he argues that this factor has “not been determinative in the breakdown of negotiations.”

writes, “are a political tactic, part of a war strategy oriented toward taking power by force of arms.”⁶⁸

Nevertheless, Rangel argues that the FARC is open to signing a peace accord with the state. This is a “second strategic option” that makes negotiations during the midst of war attractive. On the one hand, negotiations may afford guerrillas time and space to regroup and perhaps gain political support (in preparation for possible military victory); on the other hand, negotiations may advance a political agenda in case victory by arms is unattainable.

My argument is not that the FARC preferred a negotiated settlement to the armed overthrow of the state, but rather that the FARC understood that the armed overthrow of the state was becoming less likely, not more. At first this seems counterintuitive. The group had grown rapidly throughout the 1990’s and was at the height of its power in absolute terms while negotiations were underway. The FARC was not the only organization that was growing dramatically, however. In relative terms, its power was declining.

Though Pastrana’s administration is primarily remembered for the failed peace process that happened on its watch, this period also witnessed rapid expansion of the Colombian military and of paramilitary groups – both enemies of the FARC. The military grew both in terms of numbers in its ranks and government spending as a percentage of GDP. Under Pastrana, its size swelled from some

⁶⁸ For similar analysis, see Ospina Ovalle 2006 and Villamarín 2002, 128.

177,000 combatants in 1998 to 219,000 in late 2002. Military spending as a percentage of GDP rose from 3.4% to 4.4%. Over the same period, the number of paramilitaries tripled from some 4,000 members in 1998 to approximately 12,000 members in 2002.

Table 11: Colombian Military Expansion, 1964-2002

Year	Armed Forces
1965	37,000
1981	65,000
1990	100,000
1998	177,300
2002 (July)	181,000
2002 (December)	219,000

Table 12: Colombian Defense Spending Growth, 1964-2002

Year	Spending as % GDP
1964	2.0
1990	2.8
1995	2.8
1998	3.4
2000	3.8
2002	4.4

*Source: Otero Prada 2007, 51 & 326

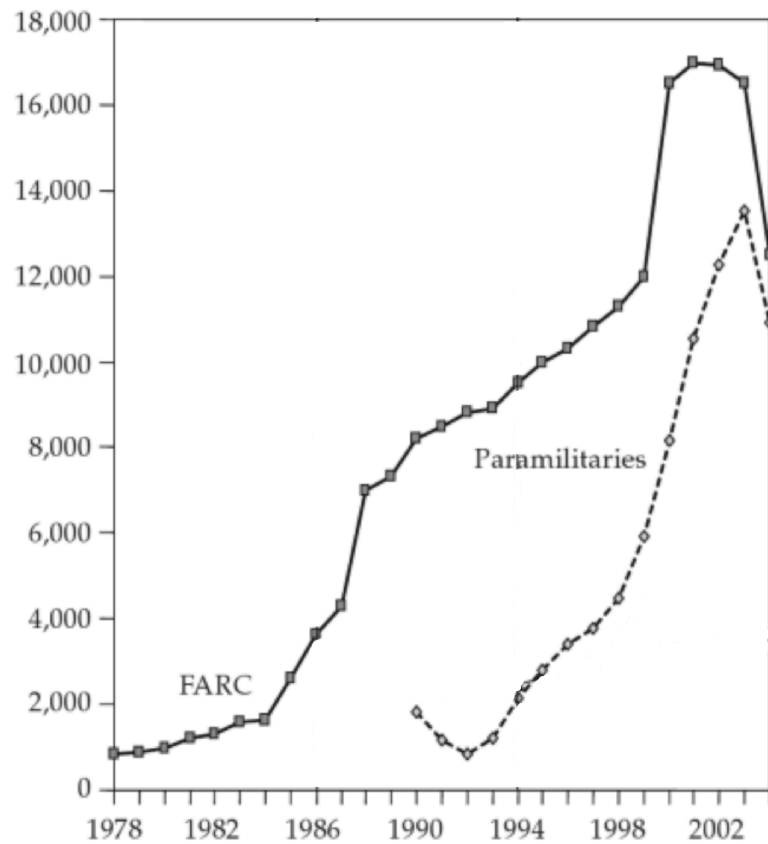


Figure 2: FARC and Paramilitary Growth Over Time

*Source: Estimates by the Colombian Ministry of Defense, reproduced in Nasi 2009, 44.

Moreover, as hostilities continued outside of the DMZ, contra the government's preference and at the insistence of the FARC, casualties were mounting faster for the FARC than for any other group. Though the FARC had never registered significant support among public opinion, over time increasing violence throughout the country turned the public ever more decisively against both the group and the peace process, as outlined above.

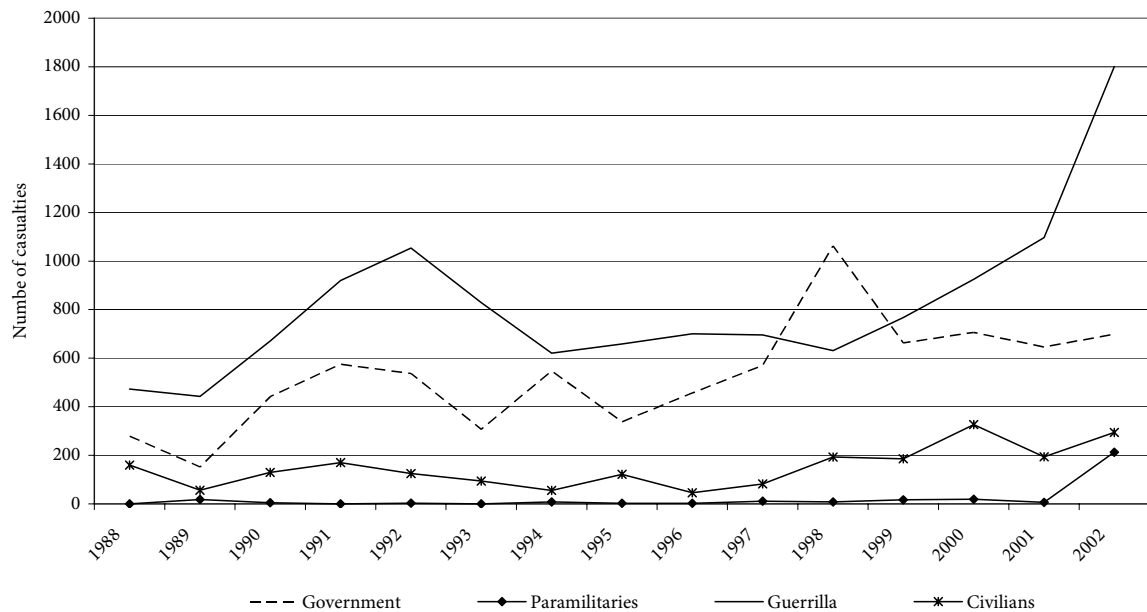


Figure 3: Casualties Over Time by Group

*Source: Restrepo, Spagat & Vargas 2004, 422

Taken together, these factors suggest that there was little reason for the FARC to believe that it would take power by force in the foreseeable future. In this context, the group chose to leverage its relative strength by attempting to dictate the rules of the negotiating game. Had talks become more substantive, the FARC likely would have attempted to dictate the terms of any political agreement as well.

In short, the FARC did not hope for the failure of talks, nor did it consciously attempt to torpedo negotiations. There can be no doubt that the group believed negotiations might fail – indeed, they had before – and the group may have determined that failure after a period of regrouping was not the worst possible outcome. The crux of the issue, though, was that the FARC overestimated the extent to which its recent growth translated into leverage at the negotiating table.

Confronted with a president who had shown himself to be surprisingly accommodating, the FARC adopted an overwhelmingly distributive strategy in an attempt to elicit ever more concessions. Ultimately, the group overplayed its hand.

Alternative Explanation 2: Spoilers caused the process to collapse.

For Chernick (2009, 69), even if the FARC has “tended to view negotiations as a tactic within a wider strategy of armed struggle,” this factor has “not been determinative in the breakdown of negotiations. More destructive have been the willful actions of spoilers determined to thwart the process. These have come from within the state, from within the FARC, and most notably from paramilitary forces” (Chernick 2009, 69). Carlo Nasi (2009, 55) agrees, noting, “The role of spoilers was quite significant...during Pastrana’s peace process.”⁶⁹

Writing about negotiations between the government and the FARC generally, Chernick (2009, 68) argues that talks have repeatedly collapsed not because of differences over “issues and proposals” but rather over “transgressions on the battlefield, extrajudicial killings of amnestied guerrillas and their supporters, or the kidnapping and killing of state officials.”⁷⁰

⁶⁹ On spoilers, see Stedman 1997, 2002.

⁷⁰ Though at times there were strong differences over strategy between the executive and the military, these were generally resolved in ways that were favorable to the FARC. The resignations of Defense Minister Lloreda and those who accompanied him represent a clear example of this point. Though the military arguably played a spoiling role during the Betancur administration (see chapter 5), it did not under Pastrana.

With regard to the Pastrana talks in particular, there is little evidence of government transgressions on the battlefield unless one conflates paramilitary action with action by the Colombian military or points to insufficient action by the government against paramilitaries. Though illegal links between these entities did exist, to argue that these were fatal to the process would be a mistake.

In considering the “battlefield,” recall that the government sought to negotiate amid a ceasefire, a proposal that the FARC rejected before talks began and again when they were underway. Had the FARC accepted this proposal, the battlefield itself (at least that between the government and the FARC) would have been suspended, and thus belligerent action by either side would have been a transgression. Indeed, not fighting the FARC outside of the DMZ would have given the government more flexibility to combat paramilitaries.

Give that this was not the case, transgressions on the battlefield most likely refer the FARC’s biggest grievance against the government, which had two related parts. Because 1) the government was not doing enough to take action against paramilitaries, 2) paramilitaries were massacring civilians in large numbers.

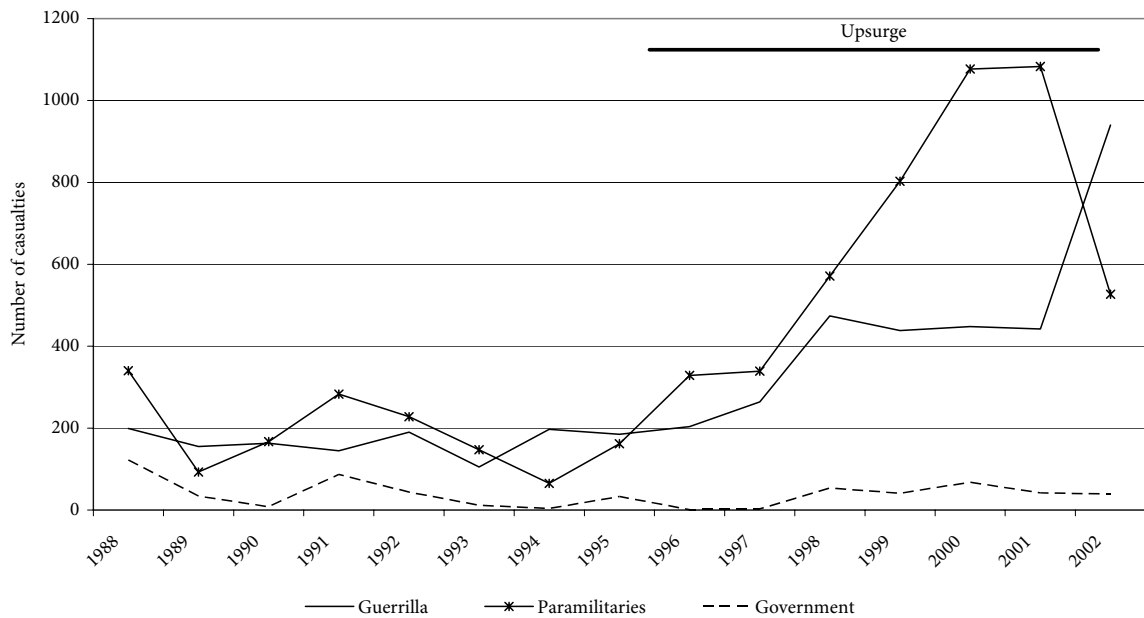


Figure 4: Civilian Victimization by Group Over Time

*Source: Restrepo, Spagat & Vargas 2004, 424

The graph above, which depicts civilian victimization by group over time, shows that while paramilitaries were undoubtedly more responsible for civilian casualties than any other group, the FARC also carried out a great deal of violence against civilians. This suggests that the group's repeated grievances vis-à-vis civilian victimization were selective. Just as paramilitaries carried out attacks against populations that may have been sympathetic to the FARC, so too did the FARC carry out attacks against populations that may have been sympathetic to the government and/or paramilitaries.

Perhaps the strongest evidence that government inaction vis-à-vis the paramilitaries did not spoil the process is that both times the FARC froze talks under

this pretense the group returned to the negotiating table without evidence that the government was doing more on this front. Instead, on both occasions, the FARC returned to the table in exchange for further government extensions of the DMZ (resulting in the Caquetania Accord and the Los Pozos agreement, respectively). What is more, when the government finally abandoned the peace process in February of 2002, the FARC criticized it for leaving the table “unilaterally.”⁷¹ Despite its consistent claim that the government was taking too little action against paramilitaries, the group wanted to continue talks.

With regard to the other ways that Chernick claims talks may have been spoiled – extrajudicial killings of amnestied guerrillas and their supporters and the kidnapping and killing of state officials – again, there is little evidence to suggest that these were fatal to the peace process. The reference to extrajudicial killings almost certainly alludes to the experience of the UP in the mid-1980’s, and though the FARC surely kept this experience in mind there was no such experience during the Pastrana talks.

Finally, the kidnapping and killing of government officials (e.g., that of Congressman Turbay at the end of 2000), like the hijacking of a commercial aircraft by members of the FARC (also in 2000), did happen during the Pastrana administration but did *not* appear to spoil the talks, which continued well beyond

⁷¹ The FARC’s official statement, from February 21, 2002, explains that the government “made a unilateral decision to end the peace talks with the FARC-EP in moments when we were ready to continue the talks for a ceasefire and end to hostilities.”

both of these events. The killing of the congressman did not even provoke a government freeze of talks. Indeed, it occurred during a FARC-imposed freeze.

Alternative Explanation 3: US aid from Plan Colombia spoiled the talks.

Carlo Nasi (2009, 56) argues that US financial assistance in the form of Plan Colombia may have “sabotaged” the peace talks. Though the Colombian and US governments may have believed that military pressure would force the FARC to negotiate seriously, he claims, the “[targeting of] the FARC’s strongholds in the southern part of Colombia... seems to have pushed the FARC deeper into drug trafficking... to match the Colombian army’s newly acquired superiority.”

Nazih Richani (2013, 180-181) outlines another way that US aid and Plan Colombia may have undermined the peace process. “For the military,” he writes, “Plan Colombia was a blessing that insulated it from having to consider, let alone accept, FARC’s demands for far-reaching military reform.” According to this perspective, the military had no interest in reaching a political settlement, because it benefited tremendously from a large influx of foreign aid. In this sense, Plan Colombia was both a spoiler and an enabler: it allowed the process to continue without substantive progress, effectively buying Pastrana’s willingness to make concessions and military acquiescence to those concessions.

Close examination of the history of Plan Colombia and the negotiations from 1998 to 2002 suggests that these views are misguided. While US aid did little to facilitate talks, it did not derail the peace process. The policy was not unveiled until

negotiations were already (unproductively) underway; law prohibited the use of aid from Plan Colombia for counterinsurgency until after negotiations ended; and throughout negotiations the government offered to negotiate amid a ceasefire. Most importantly, if Plan Colombia had a spoiling effect on the peace process, there should be evidence of the mechanism that derailed talks, but there is none. Let us take these points in turn.

Though Pastrana put forward the idea of a “Peace Investment Fund” during his inaugural address in 1998,⁷² the idea for “Plan Colombia” was first unveiled in 1999. The \$7.5 billion “global strategy” initially envisioned four key components: a negotiated political settlement to the armed conflict, economic assistance, the strengthening of state institutions and social development, and an anti-narcotic initiative.⁷³ In essence, Pastrana sought a kind of “Marshall Plan” for Colombia that would make negotiated peace the basis for economic recovery and facilitate antinarcotics programs (Chernick 2003, 249).

By the time the aid package was approved in Congress in June 2000, the intended emphasis of the plan had changed. With support from the Office of National Drug Control Policy, the Department of Defense, and Congress, the Clinton administration argued that the illegal drug trade in Colombia (of primary concern to

⁷² <http://www.andrespastrana.org/biblioteca/presidente-andres-pastrana-discurso-posesion/>

⁷³ Colombia was to contribute \$4 billion; the US was to contribute \$1.3 billion; the rest of the international community was to contribute the balance.

the United States) was the principal impediment to a negotiated settlement. The result was the relative “militarization” of the policy.⁷⁴ Over the next two years, aid was allocated as follows:

Table 13: Allocation of Plan Colombia

Designation	Allocation (in \$ millions)	% of Total
Aid to Colombia	860.3	65
Aid to other countries	180.0	14
US Agencies	223.5	17
Classified	55.3	4
Total	1,319.1	100

Table 14: Allocation of Aid to Colombia

Designation	Allocation (in \$ millions)	% of Total
Military assistance	519.2	60.35
Police Assistance	123.1	14.31
Alternative Development	68.5	7.96
Aid for Displaced Persons	37.5	4.36
Human Rights	51.0	5.93
Judicial Reform	13.0	1.51
Rule of Law	45.0	5.23
Peace Process	3.0	0.35
Total	860.3	100.0

⁷⁴ The military component of Plan Colombia was initially expected to account for only 7% of the total package. Interestingly, US military aid to Colombia over the next several years (approximately \$519 million) amounted to approximately that sum. The reason that Plan Colombia has become synonymous with US military aid is that through 2002 the US was the only party (including the government of Colombia) that implemented its pledged support (Pizarro & Gaitán 2006, 64).

As these tables show, the amount of money funneled to the Colombian government, and to the military in particular, was indeed significant. What the tables do not show, however, is that Plan Colombia did not become law until June 2000 (a full year and a half into negotiations) and was not formally launched until the fall of that year. By this time, the government and the FARC had reached two procedural agreements and were within striking distance of the third; the FARC had frozen negotiations twice, the government once; and the DMZ had been extended three times. The dynamics that were driving negotiations – including and especially the parties’ negotiating strategies – were well underway by the time Plan Colombia was implemented.

Another prominent misconception about Plan Colombia is that the bulk of US aid was directed toward counterinsurgency efforts; that is, that the military used this aid to target the FARC directly. US lawmakers would eventually amend the law to allow for exactly that, but this did not happen until *after* Pastrana broke off negotiations with the FARC. The military component of Plan Colombia was initially, expressly intended for counternarcotic operations.⁷⁵ It was only after the attacks of

⁷⁵ To be sure, this legal prohibition did not prevent the Colombian military from crossing the line between counternarcotic and counterinsurgency operations at times. Still, the increased number of attacks on the FARC after the law changed in 2002 suggests that it did serve as a restraint on policy. At no point during talks did the FARC determine that Colombian military action against the group outside of the DMZ justified the acceptance of the government’s invitation to implement a bilateral ceasefire.

September 11, 2001 that the US Congress passed H.R. 4775,⁷⁶ which allowed for US aid via Plan Colombia to “support a unified campaign against narcotics trafficking [and] against activities by organizations designated as terrorist organizations such as the Armed Revolutionary Forces of Colombia (FARC).” This bill, which became Public Law 107-206,⁷⁷ was signed into law on August 2, 2002, more than five months after the peace process had ended.

Finally, it bears repeating that throughout the peace process the government averred time and again that it was willing and preferred to negotiate amid a ceasefire. It was the FARC that consistently insisted on negotiating amid hostilities, despite reservations that the group had about Colombian military expansion both in terms of rank and capability. None of this suggests that Plan Colombia encouraged success at the negotiating table, but it does cast serious doubt on the claim that US aid spoiled the process.

4.6 Conclusion

Though no single variable can explain the ultimate failure of negotiations between Colombia and the FARC from 1998-2002, this chapter has shown that negotiation strategy played a much more important role than previously understood. The combination of the government’s overwhelmingly integrative

⁷⁶ <http://www.gpo.gov/fdsys/pkg/BILLS-107hr4775enr/pdf/BILLS-107hr4775enr.pdf>

⁷⁷ <http://www.gpo.gov/fdsys/pkg/PLAW-107publ206/pdf/PLAW-107publ206.pdf>

strategy and the FARC's overwhelmingly distributive strategy created a dynamic that augured well for the achievement of procedural agreements, but one that undermined the potential for substantive ones. This combination favored both the protraction and the eventual collapse of talks. Though not the only variable that contributed to the negotiations' failure, negotiation strategy played a key and heretofore under-theorized role.

This case is particularly interesting when considered along with the unsuccessful negotiations between the government of Israel and the PA at Camp David in 2000. In that case, both sides initially adopted maximalist distributive strategies, but when the Israeli government began to shift its strategy the PA "learned" exactly the wrong lesson (from an Israeli perspective).⁷⁸ Israel's attempt to show flexibility to a counterpart that was employing consistently distributive tactics suggested to the PA that its strategy was working. Rather than reciprocate, the group decided to maintain its approach, believing that it might produce further concessions. Soon, the talks hit a breaking point.

A similar dynamic played out in the case of negotiations between the Pastrana administration and the FARC, the principal difference being that Pastrana employed an integrative strategy from the beginning. The FARC believed that this approach reflected a kind of "softness" on the part of the president, and in that light

⁷⁸ The shift was characterized by beginning to offer some level of concessions, relative to the Israeli starting point, but doing so by presenting positions in a clearly distributive manner. See chapter 3.

it decided to take increasingly bold steps that, considered cumulatively, had the effect of killing the process by a thousand cuts.

In some respects, this approach worked to the FARC's advantage, not least in that the group had formal control of a large swath of Colombian territory for more than three years. Without the formal constraints of a summit, and perhaps surprisingly given the extent of FARC provocations, talks went on longer than might have been expected before eventually failing.

On the other hand, and despite the negotiations' failure, a strong case could be made that Pastrana did not "lose" the peace process. Though the FARC grew during this period, so too did the Colombian military. Further, and in large part because of its behavior at the negotiating table, the FARC lost much of whatever domestic and international sympathy it may have had. When Pastrana ended talks in February 2002, he did so with the support of all of Colombia's presidential candidates, the Catholic Church, figures from across the social and political spectrum, the EU, the UN, the OAS, the US, MERCOSUR, and all of Colombia's neighbors.⁷⁹

The lessons of this case are many, but among the most important is that repeated demonstrations of good will and flexibility (i.e., the adoption and maintenance of an integrative strategy) without clear signs of reciprocation are likely to have the unintended effect of undermining talks. The case suggests that

⁷⁹ See International Crisis Group Report: Colombia's Elusive Quest for Peace (2002, 25).

integrative strategies are not necessarily better than distributive ones. Context matters. Though the *combination* of integrative strategies may favor political settlements more strongly than other strategy combinations, parties should maintain integrative strategies only if there is evidence that their counterparts are doing the same (or that they can be induced to do the same). Otherwise, they are likely to give away more than they get in negotiations that ultimately fail.

5. Case Study: Negotiations Between Colombia and the M-19, 1986-1990

5.1 *Introduction*

On March 9, 1990, the April 19th Movement (M-19), an organization characterized by “a belligerence and a capacity for terrorism without precedent in the history of the violent conflict in [Colombia]” (Pardo 1996, 125), signed a peace accord with the administration of President Virgilio Barco Vargas, turned over its arms to the Socialist International, and formally joined the realm of legal politics as a political party. After eighteen months of negotiation, the accord¹ paved the way for the subsequent demobilization and reintegration of several thousand other guerrillas under the same negotiation model, as well as the adoption of a new Colombian constitution in 1991. For three years after its demobilization, “the M-19 emerged as the most significant third force in the nation’s history outside the two traditional parties” (Chernick 1999, 165).

What led to the parties’ decisions to negotiate with each other, and how did these negotiations reach their successful outcome? In a sense, this chapter is an examination of two cases in one. When the Barco administration took power in Colombia in 1986, it sought only to negotiate the terms of guerrilla disarmament,

¹ Political Accord between the National Government, the Political Parties, the M-19, and the Catholic Church as Moral and Spiritual Guide of the Process. Reproduced in Areiza Vasquez (1999, 13-16).

demobilization, and reincorporation into society. Discussion of political reform was off limits, and if negotiations were to take place at all they would be exclusively on the state's terms. Barco took propitious steps away from the negotiating table, tackling economic and other problems that lent some degree of legitimacy to the insurgency. His approach to negotiations, however, was overwhelmingly distributive.

In contrast, the M-19 took a more integrative approach to talks from the outset of the Barco administration. Among other steps, it proposed bilateral ceasefires with the government, it sought to incorporate civil society into the peace process, it called on the United Nations for independent mediation, and it emphasized that its principal goal was democratic opening – not the imposition of a particular form of government. After two years of stagnation and a pivotal event in 1988, the government fundamentally altered its strategy. The talks that followed were overwhelmingly integrative, and the climate of mutual trust that resulted proved key to achieving the accord.

The chapter proceeds as follows. First, it provides a brief overview of the emergence and evolution of the M-19, from its founding in 1974 to the beginning of the Barco administration in 1986. Next, it analyzes the peace process under President Barco in two sections. The first covers the time from Barco's inauguration until the kidnapping of conservative lawmaker Alvaro Gómez in 1988, showing that the president's distributive strategy during this period precluded constructive

negotiations. The second covers the period after the Gómez kidnapping. After a shift in Barco's approach, the parties' mutual use of overwhelmingly integrative strategies not only facilitated talks, but also allowed the parties to overcome significant hurdles en route to the 1990 peace accord. After assessing the consequences of accord, the chapter provides a discussion of alternative explanations for the talks' success. It concludes with a review of the principal findings.

5.2 Context: The Emergence and Evolution of the M-19, 1974-1986

Like other leftist, non-state armed groups in Colombia, the M-19 emerged in response to a constellation of political circumstances with roots in *La Violencia* (1948-1958).² Though the group appeared later than the Armed Revolutionary Forces of Colombia (FARC) and the National Liberation Army (ELN) – publicly announcing its presence by stealing Simon Bolívar's sword from a museum in January 1974 – its ideology and goals were initially similar to those of other leftist organizations.³ Some of the M-19's earliest internal documents, for example, call for “popular revolution for national liberation and socialism.”⁴

² For an overview of the armed conflict in Colombia, see Ch. 4. Among the most prominent of these circumstances were political exclusion beyond the existing two-party system, agrarian conflict, and the rapid urbanization of the country.

³ The group's name is a reference to the disputed presidential election of 1970, when former President Gustavo Rojas Pinilla (1953-1957) lost to Misael Pastrana Borrero by a narrow

There were differences between the M-19 and contemporary insurgencies. For example, though the M-19 had a rural presence like other organizations, by 1976 the group was considered a serious urban-guerrilla threat (Kline 1999, 19). To the extent that the group advocated socialism, it did so *a la Colombiana*, refusing to align itself with pre-existing international models (Grabe 2008, 12; Zuluaga 1999, 3).⁵ Relatedly, the M-19 directed messaging to broad segments of Colombian society, rather than a particular socioeconomic class (e.g., the proletariat).

Of particular importance is that, from its beginning, the M-19 consistently engaged in demonstrative armed acts, which some have called “armed propaganda” (Pardo 1996; Villamizar 1997). Examples include the aforementioned theft of Bolívar’s sword, the siege and occupation of the Embassy of the Dominican Republic in 1980, and the siege and occupation of the Colombian Palace of Justice in 1985. Each of these acts intended to draw attention to the group, which capitalized on that attention by making political statements and/or demanding dialogue.

margin. Some Rojas Pinilla supporters, including those who would become the M-19, claimed that the election was rigged in favor of Pastrana. Many of the M-19’s leaders – including Jaime Bateman, Iván Marino Ospina, Alvaro Fayad, Luis Otero, Carlos Pizarro, and Rosenberg Pabón – were previously members of the FARC (Jaramillo 2006; Pizarro 1992; Villamizar 1997, 51). For discussion of M-19 leadership over time, see García, Grabe & Patiño 2008.

⁴ Elements for the Construction of a Strategy of Power. M-19 document from February 1977. Center for Documentation and Culture for Peace. Bogotá, Colombia.

⁵ The FARC had aligned itself with the Soviet model, the ELN with the Cuban model.

Another characteristic that distinguished the M-19 from other insurgencies was that it regularly reevaluated its relationship to political reality in Colombia. As early as its 7th National Conference in 1979, the group reoriented its ideological outlook, articulating genuine democratic opening as its principal goal rather than total revolution.⁶ In the words of Vera Grabe (a former member of the M-19 who participated at the conference), the group realized that “In Colombia it was necessary to deepen democracy more than intensify socialism” (García, Grabe & Patiño 2008, 15). From that point on, the group was fighting for *democracia plena* (full democracy), not necessarily the violent overthrow of the state.⁷

The M-19 used its seizure and occupation of the Embassy of the Dominican Republic in Bogotá, from February until April 1980, to launch its first “proposal for peace,” calling for amnesty for the group’s combatants, a ceasefire with the state, and national dialogue about democratic opening (Bejarano 1990, 57). None of these points were addressed in the tactical negotiations that ended the standoff, but for the first time negotiations between the state and the M-19 did resolve a crisis.⁸

⁶ M-19 internal document, Septima Conferencia Nacional, 1/1/1979. Fundación Ideas Para la Paz. Bogotá, Colombia.

⁷ This reorientation did not mean giving up the armed struggle; indeed, around this time the M-19 began a period of rapid expansion. On December 31, 1978 the group broke into a military warehouse in Bogotá and stole more than 5,000 weapons. That act sparked growth in the organization, which by the mid-1980’s boasted several thousand combatants.

⁸ In this incident, M-19 guerrillas took 75 hostages at the embassy, including 14 ambassadors who were attending a reception. Their initial demands included the release of 300 M-19 prisoners and fifty million dollars ransom. The government denied both

In the immediate aftermath of the seizure of the embassy, negotiations were rare. The administration of Julio César Turbay Ayala (1978-1982) never recognized the M-19 (or any other guerrilla group) as valid interlocutors; rather, it sought to resolve Colombia's internal conflict militarily. The approach escalated the conflict, and the government took steps, proactively and as a reaction to guerrilla offensives, that alienated large segments of society.⁹

Aggressive governmental policies, and the growing sense of government illegitimacy that the existence of guerrilla groups reflected, set the stage for a new approach to the armed conflict. When Belisario Betancur (1982-1986) took office, he broke with past administrations by publicly acknowledging the "objective and subjective circumstances" (e.g., poverty, injustice, lack of opportunity for political participation) that contributed to the existence of non-state armed groups (Villamizar 1997, 97; Chernick 1999, 175; Kline 1999, 20; Zuluaga 1999, 19). In doing so, he recognized the guerrillas as valid interlocutors, opening the way for dialogue between the state and various NSAGs.

demands, but over two months negotiations resulted in the piecemeal release of hostages. A group of international businessmen raised \$2.5 million in ransom, and the government eventually allowed the hostage takers safe passage to Cuba, where they were offered asylum. The final twelve hostages, all diplomats, were released upon arrival to Cuba.

⁹ During this period, the M-19 and the FARC were the dominant guerrilla actors in Colombia. The M-19 influenced the direction of political debate in the final years of the Turbay administration more than any other group (Chernick 1988-89, 65).

Betancur's approach to the conflict consisted of two mutually reinforcing components, both of which were strongly integrative. First, he took steps to alleviate the underlying dynamics that fed the conflict by investing in social and economic programs, especially infrastructure, in the areas most affected by violence. Collectively known as the "National Plan for Reconciliation (PNR)," these programs sought to increase governmental legitimacy and improve conditions for people living in areas where insurgencies thrived. They constituted a positive agenda that intended to undermine the guerrillas' *raison d'être*.

The other component of the president's strategy was to open space for negotiations with armed groups by taking steps to facilitate their incorporation into existing institutions. To that end, Betancur lobbied for and signed an amnesty law, and he offered governmental guarantees to guerrillas who chose to demobilize. Further, he established a "Peace Commission," composed of representatives from various segments of society, which consulted with NSAGs as part of a process to formulate recommendations for further democratic opening. Though the government remained reluctant to negotiate substantive political issues with guerrillas directly, which boded poorly for a political settlement, both components of this strategy favored some degree of reconciliation.

By the end of the Betancur administration in 1986, the process had been a roller coaster. On the positive side of the ledger, in 1984 the government had signed ceasefires with three of the most powerful insurgencies in the country: the M-19,

the FARC, and the Popular Liberation Army (EPL).¹⁰ The president had met personally with leaders of the M-19,¹¹ a small degree of democratic opening had taken place,¹² and some policies from the aforementioned PNR had been implemented in zones severely affected by the conflict. In reaction to these steps, certain guerrilla elements, predominantly emanating from the FARC, gave up arms to join a nascent leftist political party, the Patriotic Union (UP).¹³

Despite this progress, a series of problems afflicted the peace process under Betancur. The president's Peace Commission had little authority to make policy decisions, and a number of reforms announced by executive fiat had gone unimplemented. Most damaging was the stark opposition to negotiations coming from within Congress and the military. The idea of broad political reform was unpalatable to many lawmakers, and Betancur lacked support for his initiative even from his own party. Public opposition from the military and unauthorized military engagement of NSAGs amid ceasefires further undermined the process.

¹⁰ That these were signed separately reflected divisions among the guerrillas. Several groups would later attempt to present a unified front with the creation of the Simón Bolívar Guerrilla Coordinating Board (CGSB), discussed below.

¹¹ On October 7, 1983, President Betancur met with Iván Marino Ospina and Alvaro Fayad, the principal leaders of the M-19, in Madrid.

¹² For example, Congress passed Law 78 in 1986, which allowed for the local election of mayors for the first time in Colombian history (Villamizar 1997, 111).

¹³ Right-wing groups opposed to its participation in the political process eventually decimated the UP. See chapter 4.

According to Ana Maria Bejarano (1990, 71), “The armed forces and the Congress, each in its own way, made clear that Betancur’s strategy for peace was not a policy of the state, but rather a policy of the executive.” For all of the integrative steps that the president took to facilitate negotiations involving democratic expansion (and, within the right institutional context, social, economic, and political reform), a series of distributive actions taken from beyond the executive office strongly undermined the process.

Amid these dynamics, guerrilla forces continued expanding their ranks, and eventually the M-19 and other groups broke their ceasefires with the government.¹⁴ The M-19’s siege of the Palace of Justice in 1985 put an exclamation point on the end of the peace process under Betancur. Eleven members of the Supreme Court were among more than one hundred who died during an unapproved military raid that sought to end the standoff.¹⁵

¹⁴ See “Comunicado – Rechazo a la negativa a la tregua del comandante de las FFAA General Gustavo Matamoros,” M-19 internal document, in Sarmiento 2008. By the end of 1986, only the FARC maintained a ceasefire with the government.

¹⁵ For the group’s public explanation of why it raided the Palace of Justice, dated 11/9/1985, see <http://www.cedema.org/ver.php?id=2557>. For its public condemnation of the government’s response, dated 11/11/1985, see <http://www.cedema.org/ver.php?id=2557>. Twenty eight years after the event, in 2013, the Colombian state (by way of the National Agency of Juridical Defense of the Nation) publicly apologized and took responsibility for what has been called the “Palace of Justice Holocaust.” See <http://www.eurasiareview.com/17112013-colombia-government-apologizes-palace-justice-holocaust/>. Though the M-19’s initial response to the incident was to “deepen its commitment to armed warfare” (Grabe 2004, 39), this approach was short-lived. Within a year, the M-19 signaled its desire for direct dialogue with the new Barco administration.

Reflecting on developments from 1982-1986, the Colombian electorate and those running for office were forced to consider whether the principal lesson of recent experience had been that talks with the guerrillas were pointless, or that they were possible. When Virgilio Barco took more than 58% of the vote in the presidential elections of 1986, the highest proportion in Colombia's electoral history, he resolved to maintain some elements of Betancur's strategy and to distance his administration from others. Those decisions set the stage for the first phase of a tumultuous process that would culminate with the demobilization of the M-19 some four years later.

5.3 Negotiations Between Colombia and the M-19, 1986-1990

The peace process between the Barco government and the M-19 can be considered in two phases, divided roughly in the middle by the M-19's 1988 kidnapping of conservative lawmaker Alvaro Gómez Hurtado and the shift in negotiating strategy that this prompted on the part of the government. During the first phase (1986-1988), the government's strategy of "Reconciliation, Normalization, and Rehabilitation" continued and augmented Betancur's Plan for National Rehabilitation. In doing so, Barco sought to address some of the underlying problems of the conflict, but his strategy was distributive in that it categorically ruled out the negotiation of political and social reforms with guerrillas generally and with the M-19 in particular. This strategy had the potential to ameliorate some of

the underlying causes of the conflict in the long-term, but it was unlikely to reduce violence in the short term.

After the Gómez kidnapping, the government fundamentally altered its negotiating strategy, both by launching its “Peace Initiative” and by accepting the M-19’s proposal to participate directly in social, political, and economic negotiations. This shift resulted in the mutual adoption of integrative negotiating strategies (1989-1990), which played a key role in the parties’ ability to reach an accord. This section analyzes the two phases of the process separately, focusing on the role of negotiation strategies in the initial stagnation, eventual progress, and ultimate success of the talks.

Theoretical Expectations

As in previous chapters, the first step in evaluating whether negotiation strategies systematically contribute to negotiation outcomes is to identify strategies. We look for evidence of why parties choose their strategies, including how they believed their strategies would enable them to achieve their objectives. Next, we review the case to see how the parties actually negotiated. Were their actions consistent with the strategies that they articulated? If parties deviated from their strategies, why did they do so?

To distinguish between integrative and distributive strategies, we examine negotiators’ relative focus on cooperation and compromise vis-à-vis power and leverage. If the approach is integrative, parties will seek to convey flexibility, they

will present ideas and positions as tentative rather than fixed, and they will treat their counterparts respectfully. If the approach is distributive, parties will attempt to dictate the rules of the negotiating game, they will use pressure tactics, they will seek to delegitimize their counterparts, and they will attempt to maximize partisan gains.

As I will show, the present case comprises two combinations of negotiating strategies (divergent strategies from 1986 to 1988 and symmetrical integrative strategies from 1989 to 1990). Thus, we should expect different negotiating dynamics – and results – in each period. The principal hypothesis to be evaluated in the first phase (H1c) suggests that the adoption of divergent strategies undermines prospects for a comprehensive negotiated settlement. In this phase, we should expect that talks would be relatively stagnant, and to the extent that agreements are reached they should be limited, procedural, and perhaps result from unilateral action.

In keeping with H1a, in the second phase of negotiations we should expect that the mutual adoption of integrative strategies would contribute directly to the achievement of a comprehensive political settlement. For this to happen, we should expect that both parties would take steps intended to show flexibility and build trust in their counterparts. Positions are expected to be more tentative, as parties will have shifted their foci away from previous postures to underlying interests.

Hypotheses 3a and 3b, about whether and why states and armed groups are likely to “open” with integrative or distributive strategies, are not easily addressed in this case, given that both parties adopted both kinds of strategies over the M-19’s sixteen year-armed struggle. The question of *why* the parties shifted their strategies over time is addressed above, in the section on the emergence and evolution of the M-19, as well as in subsequent sections that treat both phases of the group’s negotiations with the Barco administration.

As with any historical study, much of the relevant evidence will come from the accounts of those involved, and often these accounts will be available only in hindsight. The possibility that individuals or groups will emphasize narratives that fit known outcomes is a potential problem common to all historical case studies. As with the other empirical chapters in this dissertation, then, contemporaneous primary sources are drawn on whenever possible to confirm or contradict post-hoc recollections.

1986-1988: Mixed Strategies, Uneven Progress

Like his predecessor, Barco recognized that guerrilla movements existed in Colombia as the result of political and other circumstances: poverty, injustice, political exclusion, and the rest. Though his initial strategy maintained and augmented some elements of Betancur’s strategy, he also made changes based on observations about the state of the conflict and the peace process, which had grown stagnant. The cumulative result was a multi-front strategy that, for Chernick

(1996), was “too Machiavellian” and “impeded substantive negotiations.” For Bejarano (1990, 76) it was “Betancur’s strategy combined with that of Turbay.”

As a first step, Barco and his team determined that the executive branch needed to take the reins of the peace process. The decentralized process under Betancur had failed in part because his peace commission had more responsibility than authority. The new administration abolished the commission that it inherited in favor of a “plenipotentiary officer who would report directly to the President” (Pardo 1996, 18-19). Carlos Ossa Escobar was chosen to head the president’s new “Commission on Reconciliation, Normalization, and Rehabilitation.”¹⁶

A second change was rhetorical: the administration decided that the peace process should no longer be called that. Believing that the word “peace” had been exhausted, that it was linked to the failed policies of the previous administration, and that it conveyed only a partial sense of what was necessary for resolution of the conflict, the president opted instead for reference to the three broad concepts that gave the new strategy (and commission) its name: reconciliation, normalization, and rehabilitation (*ibid.*, 19). During Barco’s first two years in office, these words replaced “peace” in official documentation, speeches, and other pronouncements.¹⁷

¹⁶ Rafael Pardo would replace Ossa in this role on December 14, 1987 and would take the lead for the government in negotiating peace with the M-19. His account of these negotiations can be found in Pardo 1996.

¹⁷ See Barco Vargas (1990) for a collection of presidential speeches, 1986-1990.

Third, the administration reiterated that the state was the legitimate political entity and noted that guerrillas were operating outside of the law (Chernick 1999, 177-178; 2008, 86). As such, Barco saw no need to negotiate social, economic, or political reforms with guerrillas.¹⁸ This policy, perhaps more than any other, had the effect of shaping the overall strategy in a decidedly distributive direction. Though the administration had the flexibility to offer amnesties at its discretion, negotiations with the M-19 or any other armed group would be limited to discussion of disarmament, demobilization, and reincorporation (DDR) into society.

The government's strategy was not distributive in the sense that the administration was using distributive tactics at the table, for example by opening negotiations with unrealistic positions in order to eventually reach a more "reasonable," acceptable outcome. It was distributive in that, at this point, there was no negotiating table. This position could be considered the far end of the integrative/distributive negotiating spectrum, where one side demands complete surrender in order to talk, and where negotiations themselves only treat the mechanism of surrender (in this case, the steps to disarm and demobilize).

Even to agree to sit down at the negotiating table, the administration demanded that groups accept two fundamental preconditions: 1) a unilateral insurgent ceasefire, and 2) that the end result of talks would be disarmament. The

¹⁸ There was no inclination within the president's commission to negotiate with the M-19 initially. Two days after inauguration, Carlos Ossa rejected the possibility of dialogue "given that guerrilla group's appetite for blood" (García 1992, 103-104).

talks themselves would deal only with that end result. Groups that chose not to accept these conditions – none did – would face the Colombian military. The Barco strategy came to be known as *mano tendida, pulso firme* (extended hand, firm grip).¹⁹ As a negotiating strategy it failed, because negotiations did not occur.

Apart from the realm of negotiation, Betancur's Plan for National Reconciliation took center stage in Barco's initial strategy.²⁰ Like his predecessor, the president believed that the state had an obligation to address the circumstances that fed the conflict. In fact, he expanded the program's budget and reach.²¹ Whereas Betancur targeted the areas most affected by the conflict, Barco targeted those and other economically marginalized areas as well. During Barco's first two years, the PNR became a central component not only of the state's peace strategy but also of its economic development strategy (Bejarano 1990, 79).

The president further amended the PNR by calling for more vigorous public participation through town halls, community "rehabilitation councils," and other forums. In effect, he was doing a great deal to demonstrate, through money spent and attention paid, that the government heard its constituents' concerns and was addressing them. He did not, however, invite armed groups to join these forums.

¹⁹ Virgilio Barco, Inaugural Address. August 7, 1986. Fundación Ideas para la Paz. Bogotá, Colombia.

²⁰ "The National Rehabilitation Plan." Televised Address by President Barco. Reproduced in *El Tiempo*. November 6, 1986.

²¹ The number of municipalities covered by the PNR expanded from 177 in 1986 to 297 in 1988. Comptroller General of the Republic. Financial Report, June 1988, p. 11.

Though the M-19 and others had explicitly called for regional and local forums to discuss grievances and ideas for their resolution – exactly what Barco was now doing – the president’s strategy at this point was to exclude those groups from all but discussion about demobilization.

In the absence of political negotiation between the state and guerrillas, there was little reason to be optimistic that Barco’s policies would bring about the end of the conflict. Indeed, many of the new reforms were implemented in a spirit that was not only un-conducive to talks but openly hostile. According to Barco political advisor Ricardo Santamaria, the idea was to “build local support for state initiatives and to “shut the door” on the guerrillas (Chernick 1999, 178). Even if the government were able to undermine guerrilla support, however, addressing the underlying causes of the conflict was a long-term proposition. Meanwhile, violence in Colombian was escalating.

For its part, though the M-19 rejected the possibility of negotiating during the earliest days of the new administration, before long the group was putting out feelers to determine whether Barco would come to the table to entertain a broader agenda. In February 1987, the group proposed a bilateral ceasefire Cauca Department and a peace plan intended to pave the way for national dialogue. Met with silence, this proposal was followed by others. In June, the group proposed broad-based dialogue with various segments of society. In September, it called on the UN to intervene. Despite these overtures, the process remained stagnant.

In the face of government resistance to substantive negotiations, the M-19 continued to take steps militarily. In October 1987 it spearheaded the formation of the “Simon Bolivar Guerrilla Coordinating Board” (CGSB), an umbrella group of leftist, armed movements including the M-19, the FARC, the ELN, the EPL, the PRT, and the Quintin Lame Movement (García 1992, 104).²² These organizations took the view that if negotiations were to happen, the guerrillas would have more leverage as a unified front.²³ If they were not to happen, the same would be true militarily. On balance, and in the context of little progress at the negotiating table, Barco’s second year proved to be one of “active combat” (Kline 1999, 37).

Still, 1987 seems to have been the last year that the M-19 believed that reaching its objective of genuine democratic opening was viable by military means. The siege on the Palace of Justice in 1985 had taken a toll on the group’s legitimacy, making it more difficult to recruit and mobilize support despite a redoubling of its commitment to armed warfare.

In January 1988, Carlos Pizarro convened a meeting among the group’s leaders to reevaluate the organization’s “internal situation” and approach to the conflict. The decision coming out of the meeting was to declare a six-month,

²² The founding of the CGSB signaled the definitive end of ceasefire that the Barco administration had inherited with the FARC.

²³ Increased leverage, of course, was contingent on agreement within the CGSB on positions and strategy. Ultimately, there was little agreement on these points, and the M-19 broke with the CGSB to pursue bilateral negotiations with the government.

unilateral ceasefire with respect to the Colombian armed forces and to call for “civil and military resistance against the oligarchy.”²⁴ This reorientation was summarized by the group’s new motto coming out of the meeting: “Just one proposal: Democracy! Just one enemy: The Oligarchy! Just one banner: Peace!”²⁵

Negotiations in Summary, 1986-1988

The strategy that the Barco administration initially employed had several characteristics. It sought to build legitimacy by addressing the root causes of the conflict; it intended to diminish the political legitimacy of the guerrillas by excluding them from any discussion of political reform; and to the extent that it sought to negotiate, it demanded the acceptance of preconditions for coming to the table and limited discussion to disarmament, demobilization, and reincorporation. In short, Barco sought to address the problem of political violence in Colombia unilaterally and on his own terms.

In many ways, this strategy was understandable. The president was distancing himself from his predecessor, whose approach produced limited successes but was ultimately disappointing, and by not negotiating he was reinforcing the public’s sense that the M-19 had a legitimacy problem (especially after the siege on the Palace of Justice). Still, the government was unable to defeat

²⁴ Pardo (1996, 84) has characterized this decision as one of “deepening the conflict,” though in reality it was a change in tactics that seems to have had the reverse effect.

²⁵ “Conclusions of Our Reunion in the Cauca Mountains.” M-19 internal document. January 22, 1988. Reproduced in Villamizar 1995, 516.

the M-19 or any other guerrilla group militarily, and by the end of the second year of his administration Barco had made little progress addressing the problem of NSAGs.

Though the M-19 was initially reluctant to negotiate with the new administration, within months it signaled that democratic opening through national *political* dialogue might be a way out of the conflict. Recognizing the disaster that the Palace of Justice incident had been for the group, the M-19 sought to regain traction by repeatedly inviting the government to negotiate and concentrating on the political aspects of its struggle by declaring a unilateral ceasefire with the armed forces. It reiterated that the objective of its struggle was democratic opening, not the imposition of a particular form of government, and that the administration's unwillingness to engage in dialogue reflected just how closed the political system was.

The Kidnapping of Alvaro Gómez and Barco's Shift in Strategy

On May 29, 1988, former presidential candidate Alvaro Gómez Hurtado was abducted by the M-19 as he left mass in Bogotá.²⁶ Counterintuitively, this kidnapping catalyzed a shift in the Barco administration's negotiating strategy and prompted the negotiations that would culminate in the group's disarmament, demobilization, and reintegration into legal politics (Bejarano 1990, 90; García

²⁶ For numerous primary source documents related to this kidnapping, including M-19 statements, government statements, party statements, documents coming out of meetings between these and other parties, and the eventual accord that led to the demobilization of the M-19, see Marin Bernal 1988.

1992, 106; Villamizar 1997, 54; García, Grabe & Patiño 2008, 23). It also paved the way for significant political reforms, including a new Colombian constitution in 1991.

According to former M-19 commander Vera Grabe (2008, 15), the group saw the kidnapping as “an opportunity to resume political action aimed at achieving compromise.” By offering to release Gómez in exchange for tentative dialogue (rather than money, political concessions, or other tangibles), the group saw the kidnapping as a way to “fight against existing distrust.” M-19 leader Carlos Pizarro explained his vision for how the kidnapping would effect negotiations in a letter to Gómez during his captivity. “We do not require prior agreement for your return,” he explained, “[but rather] only an instant for dialogue, an opportunity for the life of the nation” (Gómez 1989, 124). The kidnapping was not an attempt to extract political concessions; it sought to bring the parties to the table, to “build the bridges of communication that, slowly, will integrate us” (*ibid.*, 116).²⁷

In an interview published in a Bogotá newspaper less than a month after Gómez’s abduction, M-19 third-in-command Otty Patiño declared that the only

²⁷ This quotation comes from a series of letters that Pizarro and Gómez exchanged while the latter was in captivity. All of this correspondence is reproduced in Gómez’s (1989) book *Soy Libre [I’m Free]*. The following two quotations, also from these letters, reflect Pizarro’s integrative mindset and the strategy that he adopted throughout negotiations. “I aspire to embark on a race without winners or losers” (117). “We are not in an Arab bazaar where we go back and forth interminably (124).

condition for the liberation of Gómez was the renewed search for peace.²⁸ To that end, the group called for a “mini-summit” of representatives from various sectors of society (i.e., NSAG’s, the government, the Church, political parties, unions, etc.). In addition to the liberation of Gómez, the agenda would consist of dialogue about eleven M-19 proposals intended to jumpstart a peace process.²⁹ Among these, the group sought a second, larger summit, to be held in Colombia after Gómez had been freed, that would incorporate all of civil society.

The initial government reaction to the Gómez kidnapping was immediate: the administration would not negotiate with “terrorists.” At the same time, Presidential Peace Advisor Rafael Pardo (1996, 88-91) explains that, inside the government, formulating a policy response was complicated. The administration believed that a meeting was necessary to secure Gómez’s release, but this was likely to give an undesirable propaganda victory to the M-19. There was concern that government participation in an event spawned by kidnapping would set the wrong precedent, but more immediately the administration feared that government participation “ran the risk of Gómez’s liberation becoming subject to comprehensive [i.e., broader, political] negotiation, which would indefinitely lengthen his abduction” (*ibid.*, 90). For these reasons, the administration decided against sending a representative.

²⁸ Patiño made this declaration to journalist Germán Castro Caycedo on June 22. The interview was published in *El Siglo* (newspaper), on June 23, 1988 (p. 1-6).

²⁹ These are reproduced in Appendix K. Sources: García 1992, 105-106; Marin Bernal 1988, 55-57; Villamizar 1995, 528.

Thanks in large part to conservative senator Alvaro Leyva Duran,³⁰ who convinced the relevant parties to send representatives despite public outrage over Gómez's abduction, a mini-summit took place on July 14 in Panama.³¹ Though the immediate objective of the meeting was to secure Gómez's release, the proposals that the M-19 outlined, which sought dialogue more than policy change, were the principal foci of conversations. Before the meeting ended, the group agreed to free Gómez prior to the national summit that attendees agreed should be held in Colombia on July 29.³² The group kept its word and released Gómez on July 20.

The period after the mini-summit marked the beginning of a shift in strategy on the part of the government. From the time that Barco took office until the kidnapping, the administration's approach had been predominantly distributive. Now, largely in response to growing support for the peace process within civil society (Gómez 1989, 146-147),³³ that strategy became increasingly integrative.

³⁰ Leyva Duran, Colombian Minister of Mines & Energy (1984-1985), has long been deeply involved in peace processes with various armed groups in Colombia. He has served as a primary point of contact for NSAGs in talks with the government.

³¹ The government denied the M-19's initial call to hold the summit in Colombia, as this would create an "uncomfortable truce with the armed forces" (Pardo 1996, 89).

³² For the accord coming out of this meeting, the "Acta de Panamá, see Marin Bernal 1988, 68.

³³ Participants at the Panama meeting and the Colombian public, generally, were encouraged that the M-19 pledged to release Gómez only in exchange for the convocation of a national summit. Though there was some doubt regarding whether the group would follow through on its commitment, Gómez's release reinforced cautious optimism. The day after his release, Gómez made clear that he supported the proposed national summit, and support for the idea grew.

During the second half of 1988, the government's strategy could be appropriately characterized as "mixed," and by the beginning of 1999 it had evolved to the point of being predominantly integrative.

Evidence of the shift in Barco's strategy emerged as early as the day after Gómez's release (July 21), when the administration signaled interest in "dialogue free of any form of intimidation" and did so *without* reiterating the precondition that talks be narrowly focused on disarmament and demobilization. Though an act of omission rather than commission, the withdrawal of a precondition for dialogue was an integrative move. Then on July 27, citing blackmail and armed intimidation, the government announced that it would *not* participate in the national summit to be held two days later.³⁴

The government then balanced its distributive decision not to participate in the national summit with an integrative move. On the day of the summit, July 29,

³⁴ The government issued an official statement, which read, "The government has not accepted and will not accept dialogue or negotiation that seeks to obtain concessions or political results by blackmail or under the shadow of armed intimidation... for these reasons the national government will abstain from officially participating in the meeting on July 29" (Andrade 1989, 221-223). Carlos Pizarro responded in an integrative tone, explaining in a public statement: "We insist that the problem is not between the government and the guerrillas; the problem has to do [more broadly] with the nation, and it is the whole nation that has to address the problem in its entirety, in an environment of friendship, an environment of candor. The exits [to the conflict] that the country requires are not to be found under the table between guerrillas and the government. It is the country itself that must be the protagonist in this process and in making these decisions. None of this suggests that we reject dialogue, but we want to be clear that we are in search of a national solution, where the aggregate of [societal] forces expresses its conditions, takes note of its disagreements, reconciles positions, and we find among the entire nation just conditions for our country" (ibid., 228-229).

Barco submitted a proposal for constitutional reform to Congress.³⁵ There are at least two ways to interpret the coincidence. The first is that the president was attempting to maintain his unilateralist approach to solving the conflict, even if that meant succumbing to the need to incorporate elements of political reform. The second is that although the government's position was "we will not be intimidated," Barco saw the need to lay the groundwork for substantive talks. Though these are not necessarily mutually exclusive, subsequent history suggests that the latter was more likely the principal motivation.³⁶

The national summit, deemed the Usaqué Summit for its location, saw representation from the Liberal and Social Conservative parties, the Patriotic Union (UP), ANAPO, the National Convergence party, the Communist Party, economic unions, the Church, the National Indigenous Organization of Colombia (ONIC), the Permanent Committee on Human Rights, and, among others, Alvaro Gómez. As the government refused to provide safe passage to NSAGs, neither the M-19 nor any other guerrilla group was present.³⁷

³⁵ Of 181 articles, "the first 43 reconsidered and signaled new rights and procedures... to effectively secure fundamental guarantees" (Villamizar 1995, 534).

³⁶ The thinking here seems to have been that if the government proposed constitutional or other political reform independent of negotiations, then there could be no charge that the administration had bowed to guerrilla pressure. What the government was actually manifesting was a shift in strategy whereby what were effectively political concessions would, at times, take the form of proactive policy reform.

³⁷ Though not present, both the M-19 and the Barco administration provided written statements to be read at the summit. In their statement, the M-19 rejected the

Barco received heavy criticism for his administration's absence (García 1992, 107; Villamizar 1995, 534), and the explanation that the government would not negotiate under threat of intimidation fell on deaf ears. At the summit, attendees founded a "National Commission for Democratic Coexistence," consisting of representatives from across civil society. In effect, a non-governmental peace process was taking shape. Reflecting on the moment, Pardo (1996, 101) explains, "It was almost as if the M-19 was [successfully] framing the government as an "enemy of peace" without even implying anything of the sort." Indeed, for many the government's refusal to participate in the summit signaled that it "was totally disconnected and out of touch with circumstances" (Bejarano 1990, 91).

The government's position continued to move in an integrative direction when, in early August, it declared its "understanding that dialogue is a useful means to achieve national reconciliation, when and only when its reason is solely that of

government's decision not to attend, but argued, "Today in Colombia there is a spirit of reconciliation. We believe that the immediate task is to nourish and materialize that spirit by way of a plan for peace that can simultaneously be the axis and catalyst of a national mandate" (Andrade 1989, 246-250). In its statement, the administration explained, "Dialogue should be restored as a mechanism of searching for solutions and surpassing difficulties... but the errors of the past must be corrected. The success of dialogue [will be found] when the guerrillas take part in a process that leads to the end of their existence as armed groups" ("Letter from Presidential Advisor Rafael Pardo Rueda to the Commission for the Continuation of Dialogue, July 28, 1988" in *Historia de un proceso*, Bogotá. 1988. Vol. 1, pp. 252-260).

establishing the steps that lead to definitive demobilization.”³⁸ Though this statement continued to focus on guerrilla demobilization as the government’s primary objective, it did so by framing the ultimate outcome in broader terms. By raising the idea of “national reconciliation,” a new element in its rhetoric, the administration was laying the groundwork for a plan that would incorporate civil society into any eventual dialogue, a step that the M-19 had been advocating for years. Though the call for dialogue remained distributive in that it sought to dictate the content and the terms of talks, it reflected a convergence of interests on the part of the government and M-19.³⁹

Less than a month later, on September 1, 1988, President Barco announced his “Peace Initiative,” which envisioned three phases: tension reduction, transition, and reintegration.⁴⁰ Though new in some respects, the plan was criticized for what some have called its “extreme rigidity” (Bejarano 1990, 92). It continued to set preconditions for talks; it continued to articulate disarmament, demobilization, and reincorporation as its sole objective, and it included a specific timetable by which

³⁸ El Espectador, Editorial. August 7, 1988.

³⁹ In contrast to the overwhelmingly integrative strategy employed by Pastrana in his negotiations with the FARC, the strategy contained distributive and integrative elements.

⁴⁰ The text of the initiative is reproduced in Arenas 1990, 52-68. These phases aimed at 1) decreasing tension between the government and guerrillas, 2) reincorporating armed groups into the democratic process, and 3) fully reintegrating former insurgents into legal society, respectively.

dialogue must be completed.⁴¹ In these ways, the strategy remained distributive and differed little from the government's previous position.

The peace initiative did have integrative characteristics, though, which reflected the continuation of the shift in Barco's strategy. For one, it "returned to the previous schema of recognizing negotiation as a fundamental aspect in the search for peace and recognizing armed groups as valid interlocutors" (Villamizar 1995, 541; see also Bejarano 1990, 92). It also [invited] leaders and representatives of [political and social forces; labor and trade unions; and peasant, indigenous, and civic organizations] to articulate comments and recommendations in order to achieve the best possible application of this initiative." In that way, it echoed the M-19's call for widespread civic participation in the peace process.⁴²

Also in contrast with previous positions, the initiative attempted to demonstrate flexibility regarding guerrilla input over political reform. Specifically, the administration offered the possibility of allowing NSAGs to testify before congress "if that body deemed it appropriate, [regarding] their opinions and proposals in relation to the process of institutional readjustment." In short, the government was not presenting the possibility of negotiating political reforms directly with guerrillas, but it was providing the possibility of an avenue for guerrilla input into political reform. This was unequivocally an integrative break

⁴¹ Negotiations were to be completed prior to the presidential elections of 1990.

⁴² See the M-19's fifth proposal, presented on June 30, 1988, in Appendix K.

from the previous distributive governmental position that any discussion with guerrillas would be limited to the terms of disarmament and demobilization.

In many cases, scholars' assessments of how the M-19 reacted to Barco's peace initiative have been either incomplete or inaccurate. The same is true regarding assessments of the extent to which negotiations incorporated political substance generally. Chernick (1999, 179), for example, writes that "In 1989, with only one year left in Barco's single four-year term, the M-19 broke ranks with other groups within the Simón Bolívar Coordinating Committee and accepted the president's two preconditions: unilateral cease-fire and agreement that the end result of negotiations would be disarmament and political reincorporation."

Though true, the lack of context here misrepresents how negotiations came to be. The M-19 did accept the president's preconditions, and it did come to the table. Accepting preconditions for talks, however, had never been the principal hurdle. It was the exclusion of other issues from the agenda that had kept the M-19 away. If and when the broad topic of democratic opening was added to the agenda, the M-19 had consistently made clear that it would be ready to proceed.⁴³

⁴³ Bejarano (1990, 100) makes a similar point – "The [government's] proposal, as it was conceived initially, was only accepted by one armed movement: the M-19." However, the context that she provides clarifies that the addition of democratic opening to the negotiation agenda was necessary.

The guerrillas' initial reaction to the peace initiative varied by group.⁴⁴ For its part, the M-19 responded by maintaining what was essentially an unannounced ceasefire (since the Gómez kidnapping) as well as an attitude of nonaggression toward the police and other armed forces. It also abstained from violence against the civilian population (Pardo 1996, 111). At the same time, the group supported the FARC's call for a strike and concentrated forces in what was primarily a FARC-controlled area.⁴⁵

The M-19 was, like the government, doing what it could to take steps that were conducive to negotiations. Its moves were not explicitly articulated as concessions, and the group did take steps not viewed favorably by the government. After all, at this point there was no guarantee that substantive talks would take place, much less that they would succeed. On balance, though, the group was signaling intent to be a negotiating *partner* if and when the agenda was expanded beyond disarmament, demobilization, and reincorporation to include democratic reform.

⁴⁴ The M-19 and FARC signaled interest with reservations, and others rejected the proposal outright. In hopes of reconciling positions, leaders of the CGSB released a joint statement (reproduced in Arenas 1990, 80-82) proposing that high-level government officials meet with NSAG leaders to discuss possible solutions. Prior to any meeting, in November 1988 Alvaro Leyva released his own peace proposal (reproduced in Leyva 1989, 112-115), which called 1) for a ceasefire and 2) for the leaders on both sides to come together to discuss the possibility of direct negotiations. This proposal led to several initial meetings between the M-19 and the government.

⁴⁵ These steps reflected a kind of symmetry with government strategy in that both were mixed. At this point, however, the M-19's approach was relatively more integrative, and the government's was relatively more distributive.

In his “Closing of Sessions” speech to Congress on December 16, 1988,⁴⁶ President Barco outlined his government’s position on negotiations with armed groups in a sophisticated way, laying the groundwork for direct dialogue with one group, the M-19, but not others. He made a distinction between the group that had “demonstrated its will to explore pathways to reconciliation” and those groups (the FARC in particular) that were willing to say the right things without backing up rhetoric with action.⁴⁷ “The government is now ready,” he said, “to begin formal, direct dialogue with the M-19.”

By building up one group and attacking others, Barco sought to create divisions between the insurgencies, both in the eyes of each other and in the eyes of public opinion. While strengthening the legitimacy of the government and the M-19 by demonstrating a willingness to directly engage, he also sought to undermine the legitimacy of other insurgencies. By proclaiming that the government was ready to negotiate directly with the M-19 *without articulating preconditions*, the administration implied that those preconditions were at least negotiable.

The M-19 response, which came the same day as Barco’s speech, indicated the group’s “desire to participate in a process of negotiation that considered mechanisms of popular participation in economic, social, and political terms” (Pardo 1996, 117). This was a clever response in that it agreed to negotiate but took

⁴⁶ Available: <http://www.ideaspaz.org/tools/download/48575>

⁴⁷ The FARC unilaterally announced a ceasefire in response to the Leyva proposal, but it had broken that ceasefire on several occasions (Pardo 1996, 136).

advantage of the government's silence regarding preconditions to outline exactly what it meant by agreeing to negotiate. When the government said it was ready to negotiate (period), the M-19 effectively said, "We agree to participate *in talks that consider economic, social, and political reform.*" To this, the government broke with past practice not by reiterating an unwillingness to negotiate on such matters, but rather by establishing regular radio communication with the M-19 and arranging a meeting between Presidential Advisor Rafael Pardo's team and M-19 leadership in January 1989.⁴⁸

Given the political capital expended in announcing his willingness to negotiate, it may be that Barco simply hoped to move the ball forward by meeting with the group, to make good on his word, and to determine the extent of the substance of negotiations face to face. More likely, given the results of the initial meeting between the government and the M-19, is that the administration had already decided that discussion of political reform would be necessary to engage in real negotiations and, thus, a peace accord.

⁴⁸ The government did reiterate that negotiations would take place with the M-19, not the CGSB. Rather than break from the CGSB, Pizarro responded that the M-19 would remain part of that umbrella organization while moving forward to explore negotiations with the government as a separate entity (Pardo 1996, 130).

Negotiations, 1989-1990: Strategies Structure Negotiations

From January 1989 until March 1990, meetings between the M-19 and the government of Colombia produced eight joint declarations⁴⁹ and, ultimately, a political peace accord. The parties set the tone for negotiations from the beginning. The first three meetings, which took place between January 10 and March 4, dealt broadly with outlining goals, understanding perspectives, demonstrating willingness to negotiate in good faith, and building trust. Though primarily procedural matters, by addressing which topics would be considered, and how, the parties laid the groundwork for the substantive discussions to follow. These initial meetings established the rules of the negotiating game.

Early on, the parties' strategies manifested themselves as primarily integrative. In the first joint declaration, dated January 10, 1989, the Barco administration and M-19 outlined the objectives (plural) of the talks: "to agree upon a pathway to a *political solution* [emphasis added] to the conflict in Colombia, one that expresses itself in a clear itinerary in the direction of full democracy and a certain path towards demobilization of the guerrillas with the necessary guarantees."⁵⁰

⁴⁹ For a review of these, see Villamizar 1997, 133-170.

⁵⁰ Joint declaration reproduced in Villamizar 1997, 343-344. Though the Barco speech in December ostensibly ruled out the possibility of negotiations with NSAGs other than the M-19, the first joint declaration called for other movements to demonstrate the will to join talks. One by one, groups in the CGSB distanced themselves from the process and the M-19,

The incorporation of “full democracy” as an expressed goal of both parties represented a significant departure from past government positions, which had conditioned direct negotiations on the M-19’s acceptance of a three-part, single-item agenda: disarmament, demobilization, and reincorporation. By allowing the addition of democratic opening to the agenda, even without explicitly articulating what that meant, the government opened the door to the possibility of substantive negotiations well beyond DDR.

It is worth highlighting the distinction that the government never entertained the possibility that “everything” would be on the table. In their first meeting, the sides compared Barco’s peace initiative with an M-19 proposal from months prior at the Usaquéen Summit. The latter was extensive, including reference to agrarian, tributary, and urban reform; ambitious constitutional reform; and “the modification of the politico-territorial structure of the nation,” among other items (Pardo 1996, 124).⁵¹ Though the group’s principal objective was democratic opening, and had been so since 1979, these were among the problems that the M-19 hoped democratic opening would address.

criticizing the latter for its “inconsistent attitude” (Villamizar 1995, 550) and for breaking group unity. By June 1989, the M-19 was effectively expelled from the CGSB.

⁵¹ The M-19 had never articulated any of these as requisites for peace.

Pardo (1996, 123) relates that government negotiators listened carefully, explained their positions and reactions, and that the M-19 did the same. The second meeting covered differing perceptions of the situation in Colombia, generally, and government policy in particular. Again there was little agreement on substance, but the meeting proved constructive. "It was obvious that the differences in how the government and the guerrillas viewed the state of the country were profound, but no one was trying to convince the other of their own interpretation or project. Rather, they were trying to get to know each other and exchange in open conversation" (Pardo 1996, 127).

The mutual adoption of integrative strategies during this second phase of negotiations promoted agreement on certain procedural matters that, in and of themselves, boded well for talks. Early on, for example, the parties agreed to meet regularly throughout the process. Maintaining a schedule, rather than meeting on an *ad hoc* basis meant that the parties would regularly reaffirm the goals of the process. Regular interaction also allowed for the maturation of relationships, for the discussion of developments in the peace process, etc. If and when obstacles arose, these would be addressed in a timely manner. Parties would not be left to their own devices to dwell on what may or may not have happened, or who was responsible, with only their own interpretations of events in mind.

The mutual adoption of integrative strategies was conducive to the establishment of a "consultation and coordination committee" charged with

addressing unforeseen obstacles to the process if and when those occurred (Villamizar 1997, 146). The proactive establishment of such a committee could only be born out of a mutual desire for cooperation over competition. Had either party been employing a distributive negotiating strategy, there is little reason to think that such a committee would have been created, much less that it would have been effective (which, as discussed below, it was).

While there is good reason to believe that these procedural agreements boded well for successful talks independent of other variables, they still seem to have reflected the parties strategies. Third party mediators did not impose them, and they were not the product of distributive bargaining by one side or the other. In other words, these procedural elements were important in their own right, but they were made possible by the mutual adoption of integrative strategies.⁵²

In terms of structuring the talks, the parties agreed that issues that bore direct relation to the reintegration of the M-19 into society (e.g., amnesty, security, economic and social guarantees for demobilized guerrillas, development programs in areas under the influence of the guerrillas) would be negotiated directly between the M-19 and the government. More political issues (e.g., favorable conditions for M-19 candidates who might participate in elections, constitutional reforms aimed at democratic opening, issues related to human rights, justice, public order, etc.), which both sides recognized would constitute the “nucleus” of negotiations, would

⁵² These points are developed further in the concluding chapter of the dissertation.

be discussed in a “Working Table” that included representatives from the government, the M-19, and existing political parties. The formal charge of this body was “the search for political accords reached with the objective of transitioning to full democracy.”⁵³

Three separate “Tables of Analysis and Consultation” supported the working table. These ancillary tables included, in addition to representatives from the working table, regional and local representatives from civil society who had participated in the Usaquén Summit.⁵⁴ Created with the goal of “establishing other mechanisms of participation in order to channel and integrate the support of all forces of the nation,”⁵⁵ they were the principal venues in which the real work of *political* negotiation would be done. Recommendations from these tables were taken up by the working table, which sought to translate those into political proposals for legal reforms (through Congress) or, in some cases, executive orders.

The tables represented a departure from Barco’s peace initiative in two related ways. First, they allowed for direct guerrilla input into the discussion of political reform. Recall that the initial peace initiative allowed for guerrilla participation in public hearings before Congress *if that body deemed it appropriate*.

⁵³ 2nd joint declaration. Reproduced in Consejería 1989, 190.

⁵⁴ The Patriotic Union (UP) withdrew after the assassination of party leader, José Antequera, in March. In its announcement, the party claimed to be protesting the government’s lack of control over paramilitaries.

⁵⁵ 3rd joint declaration. Reproduced in Villamizar 1997, 141-144.

The tables circumvented this stipulation, which essentially gave Congress veto power over guerrilla input, by definitively including guerrillas as one of several parties that would generate recommendations.

The approach ran the risk of alienating Congress, or at least providing members with an excuse to oppose the working table's recommendations. Effectively, it moved the possibility of congressional veto from the front end to the back end of the process: guerrillas would have input into political reforms, but some of those (i.e., those that could not be implemented by the executive) would still require acquiescence from congress to become law.

For the purposes of getting talks off the ground, however, the tables provided what both the administration and the M-19 sought. The government was reluctant to negotiate political reforms bilaterally with the M-19, which could have been perceived as "caving," so it incorporated guerrilla input by negotiating with the group alongside other actors. The approach also created a negotiating environment in which the administration would not – indeed, *could* not – be accused of unilaterally imposing its position on matters of political reform. For its part, the M-19 had wanted to incorporate civil society into the conversation anyway, and it was more interested in the objective of democratic opening than the means by which that goal was achieved. The fact that discussion of political reform was not bilateral was not prohibitive, or even a major obstacle.

Second, whereas Barco's peace initiative was largely procedural – the phases of tension reduction, transition, and incorporation were initially divorced from consideration of political compromise – the tables' work was unequivocally political. Each table focused on a broad issue raised by the M-19 and agreed to by members of the table. These issues were 1) constitutional and electoral procedures; 2) socioeconomic issues; and 3) coexistence, justice, and public order.⁵⁶

These issues corresponded roughly to what the M-19 believed were three necessary "corrections" in Colombian society: a new constitution that would, in effect, constitute a peace treaty; an economic and social development plan at the regional and national levels that would alleviate poverty and injustice; and an articulated national philosophy of coexistence, unity, and sovereignty. Thus, the content of discussion at the tables highlighted the necessary link between political reform and guerrilla demobilization. Without movement in these areas, and certainly without commitment on the part of the government to address these issues directly, negotiations would have been more limited, had they occurred at all.

⁵⁶ Each table considered a number of sub-issues separately, as follows. The table on constitutional and electoral procedures considered a new political pact, constitutional reform (including a referendum and the creation of a constituent assembly), electoral and party system reform (including a secret and obligatory vote, state financing of elections and campaigns, and media access), and the creation of a fourth branch of public power that would organize public radio and TV access. The table on socioeconomic issues considered participatory planning; income, wages, and labor issues; natural resources, food and food security; health; and a national fund for peace. Finally, the table on coexistence, justice, and public order considered ways to judge crimes committed by "agents of the dirty war" (including paramilitaries and extremist armed groups), the antiterrorist statute, narcotraffic, and international humanitarian law.

There is little reason to believe that demobilization would have occurred at the time that it did in the absence of discussion of political reform.⁵⁷

Two other fundamental components of the structure of negotiations were 1) a unilateral ceasefire on the part of the M-19, and 2) a demilitarized zone in the municipality of Santo Domingo, Cauca Department, where the talks took place.⁵⁸ The characteristics of the ceasefire reflected the integrative nature of the parties' strategies. Though the government required a unilateral cessation of hostilities on the part of the guerrillas as a precondition for talks, it never required the explicit *declaration* of that, and the M-19 never announced a ceasefire. By the time talks began in earnest (January 1989), an M-19 ceasefire was plainly evident and had been so since the kidnapping of Alvaro Gómez.

Because it was more important to the government that talks take place in the context of a guerrilla ceasefire than it was that the guerrillas *announce* (and maintain) a ceasefire, when the administration observed that one existed in practice it determined that that was enough. Further, though the administration had no "obligation" to make the ceasefire bilateral, it ordered the army to cease hostilities against M-19 elements outside of the DMZ in an attempt to demonstrate good faith

⁵⁷ Bejarano (1990, 113) notes that the 27 points contained in the "Political pact for peace and democracy," signed November 2, 1989, were for the most part based on recommendations from the tables of analysis and consultation.

⁵⁸ Small elements of the M-19, including one front that was opposed to talks because of the stated objective of demobilization, maintained a presence outside of the DMZ. These elements represented a minority of the group, and when agreements were eventually signed they did not attempt to spoil the settlements.

and build trust with the group. What began as a unilateral ceasefire on the part of the guerrillas evolved into a tacit truce between the parties while talks were underway.

Regarding the DMZ, its articulated purpose was to “give transparency to the process, in the sense of impeding opponents of dialogue and consultation from taking actions that would implicate the M-19 or the government.”⁵⁹ Much in the way that the parties agreed to the creation of a committee that would address unforeseen obstacles, the goal here was redundancy in a negotiation structure that did what it could to avoid the possibility that spoilers would undermine the process. This, too, represented a good faith measure on the part of both sides. Though neither party conditioned talks on the creation of a DMZ, as the FARC previously had and would again with a subsequent administration,⁶⁰ both sides agreed that the establishment of such a zone would be conducive to constructive talks.

Strategies Contribute to Political Accord and M-19 Demobilization

Over the next several months, the Tables of Analysis and Consultation met repeatedly before submitting their recommendations to the working table on July 13. These recommendations formed the basis for the “Political Pact for Peace and

⁵⁹ 4th joint declaration. Reproduced in Consejería 1989, 188.

⁶⁰ See chapter 4 on FARC negotiations with the Pastrana administration, 1998-2002.

Democracy,” which the parties signed and presented to Congress on November 2.”⁶¹ The pact included political agreements, based on recommendations from the Tables of Analysis and Consultation, and it outlined steps that the government and M-19 would take towards demobilization of the latter (planned for December 19, 1989).⁶² These included an amnesty for demobilized M-19 members and “political favorability” in the way of reserving seats for demobilized members in Congress to assure their representation.

Reaching the agreement required surmounting serious obstacles at and away from the negotiating table, and how parties dealt with those obstacles contributed to their resolution. Among the hurdles were the assassinations of M-19 members (outside of the DMZ) in April and September, confrontations between the M-19 and the military in Huila Department (outside of the DMZ) in May, and the killing of political activists in June.

Rather than seize on these occurrences to gain leverage or flex muscle in negotiations, both parties did what they could to avoid undermining the process. For example, in response to the assassination of M-19 co-founder Afranio Parra Guzman at the hands of police in April (arguably the biggest hurdle to the process prior to reaching the political pact), the M-19 could have frozen or abandoned talks.

⁶¹ The talks took nearly four months longer than anticipated. Given the upcoming elections, the delay reduced time for Congressional debate on the envisioned reforms. This time constraint likely contributed to Congressional opposition to the deal.

⁶² For a summary of the agreements reached, both in the political “pact” of November 2, 1989 and the political “accord” on March 9, 1990, see Appendix L.

Instead, it not only refrained from condemning the government but also reiterated its commitment to a negotiated settlement as the only viable alternative to armed conflict. For its part, the state arrested and incarcerated the officers who carried out the extrajudicial killing.

Though an extraordinary achievement, reaching the political pact in November did not end negotiations. Many of the agreed reforms, especially those dealing with electoral and constitutional changes, amnesty for the M-19, and provisions related to political favorability in upcoming elections, required the approval of Congress, which was reluctant to go along with the agreement (ICG 2002; Garcia 1993).⁶³ When lawmakers signaled on December 15 that they would require an amendment prohibiting the extradition of narco-traffickers (unacceptable for the Barco administration, which was simultaneously fighting a war against drug traffickers), the administration tabled the deal.

Resolution of the armed conflict between the M-19 and Colombia seemed more unlikely at this moment than at any other since direct talks had begun. Despite far-reaching agreements on political reforms and fundamental guarantees for demobilization and reintegration, Congressional opposition precluded the realization of the deal. Just as it had done during the Betancur administration, Congress had shown the M-19 that its agreement was only with the executive, not

⁶³ Controversy centered on whether constitutional reform should be taken up in a referendum in January and whether a special amendment to reserve Congressional seats for reincorporated members of the M-19 would be considered.

with the state, and the executive recognized that it had agreed to what it could not unilaterally deliver.

Congressional opposition was an exogenous factor that, in many ways, existed outside of the theoretical framework outlined here. It had the potential to spoil the process, and it unequivocally *did* threaten the process. Though the M-19 maintained a ceasefire after the deal was suspended, the group did not demobilize on December 19 as initially envisioned. Instead, it paused to reassess its options.

The group faced a fundamental decision: accept that negotiations had failed and return to war with the state or continue along the path to demobilization despite a lack of guarantees. Given the administration's inability to follow through on its commitments, the decision to abandon the peace process, even at this late stage, would not have been surprising.

In this context, the administration signaled willingness to do what it could to facilitate M-19 demobilization and the enactment of the agreed political reforms despite congressional opposition. Now a partner *for peace* in addition to being a negotiating partner, the executive branch used its authority to suspend arrest warrants for the M-19's top leaders so that they could travel to Bogotá to search for alternative ways of introducing the agreed reforms.

Carlos Pizarro and Navarro Wolff attempted to do this by forming alliances with political sectors outside of the two traditional parties. They secured informal commitments from Liberal presidential and congressional nominees (who were

avored to win) to comply with the agreed accords after the elections. These included, especially, the convening of a Constituent Assembly to draft a new constitution (Grabe 2004, 41).

When the M-19 disarmed and demobilized on March 9, 1990, it took what Pizarro called a “leap of faith.”⁶⁴ Congressional obstruction of the political pact that the group signed with the government, the basis for M-19 disarmament, had been rendered “more a letter of intent than a firm agreement” (Grabe 2004, 40). Trust, confidence, and handshakes – the kind of currency that could only be developed over the course of constructive negotiations – substituted for a binding political agreement, ultimately saving the process from collapse.

Negotiations in Summary, 1989-1990

Though the peace initiative that Barco proffered in late 1988 was largely procedural, it represented the beginning of a break with the distributive strategy that the president had maintained for the first two years of his administration. Within a few short months of the initiative, Barco moved from willingness to negotiate only the terms of M-19 demobilization to a willingness to incorporate civil society into a broad-based discussion of political reform, where the government and the M-19 were the principal (though not the exclusive) protagonists.

The mutual adoption by the administration and the M-19 of integrative negotiating strategies was reflected both in the tone and the substance of the talks.

⁶⁴ See *El Espectador*, 3/9/1990, p. 1A.

Pardo's (1996, 132) observation of how the parties engaged each other is worth quoting at length:

"I perceived something fundamental throughout the process of negotiations with the M-19 and something that was assumed as an implicit accord: that there would be no verbal attacks or mutual recriminations. It was about not using the peace process to disqualify the adversary at the table. It was about maintaining a [respectful] way of speaking to each other and reaching a common understanding of the scope [and possibilities] of the negotiations. For the credibility of the first effective peace process in the country, this tacit accord was fundamental."

In other words, neither the government nor the M-19 was trying to "win" the negotiations. In fact, it is not even clear that either party was trying to get the better half of the deal. Rather, both were trying to problem-solve, and they found that negotiating in creative, integrative ways offered the best hope for solutions. This realization was not obvious at the outset. The parties eased into integrative strategies only after previously adopting more distributive ones. By their nature, though, integrative tactics encouraged risk taking and reinforced each other. As strategies on both sides became less distributive and more integrative, talks became more fluid and constructive. Underlying interests replaced previously stated positions as the principal foci of talks.

The general dynamic of the second phase of these talks is reflected in how the M-19 actually disarmed. Barco had consistently wanted the group to surrender arms to the government, but the M-19 had never agreed to give up arms to its former adversary. When both sides recognized that the objective was disarmament,

rather than submission or recognition of defeat, the parties agreed that the group would turn arms over to the Socialist International. Once they realized that the underlying goal was the relinquishment of arms – not the government’s taking possession of them – finding a solution that met the agreed objective and allowed both sides to save face was straightforward.

The decision to give up arms despite congressional obstruction, which put pressure on the government to do what it could to bring about political reform post-demobilization and post-election. This decision was not, however, a strategy for political reform, and it was not a decision that the M-19 wanted to have to make. Rather, the group’s willingness to demobilize and reintegrate was the product and culmination of a process that developed and matured over time – one where the process itself transformed the calculi of the actors.

This case demonstrates that preconceived notions of how the process would play out were not what facilitated or enabled the successful outcome. Rather, it was the way that the parties managed negotiations, their negotiation strategies, which focused on the development and maturation of relationships and on interests rather than negotiating positions.

The relationships that the parties developed over months of talks facilitated things in moments of crisis. Success was not a foregone conclusion. If the parties had approached negotiations differently, in a more distributive manner, then the process of negotiations would have actually *decreased* the likelihood that they

would have been able to overcome moments of crisis. It was not *that* the parties spent time together, but *how* they spent time together that enabled a successful outcome.

Consequences of M-19 Demobilization and the Peace Accord

The signing of an accord and its implementation can, and often should, be considered separately. In many cases, implementation is more difficult than “getting to yes.”⁶⁵ In this case, the results of the process are best measured in general rather than exact terms. Given the incoherence of the state as a political entity, as reflected in the difficulty of passing constitutional reform, it should not be surprising that the state did not consistently fulfill each of its commitments. A review of the consequences of the negotiations and the accords, though, refutes the argument made by some that “the successes of the M-19 were no more than passing (Zuluaga 1999, xix).”

Reviewing the political pact and the political accord allows for an assessment of the extent to which the government and M-19 actually reached compromises.⁶⁶ We can evaluate what happened as a result of those agreements in direct and indirect terms. Not only were certain agreements translated into legal projects or executive policy decisions. The success of the process also paved the way to a new

⁶⁵ Fisher, Roger and William Ury. *Getting to Yes*. New York: Houghton Mifflin Company. Boston, MA. 1981.

⁶⁶ See Appendix L for a summary of these agreements.

constitution, the demobilization of other guerrilla groups, and other developments.

On constitutional and electoral reform, the M-19's principal objectives were the opening of space for democratic participation, electoral reform that would eliminate some of the weaknesses and inherent biases in the system, and political guarantees for demobilized guerrillas hoping to participate in future elections. The executive and the M-19 reached accommodation in all of these areas, though congressional obstruction prevented the implementation of agreements prior to M-19 demobilization.

Agreements in the realm of justice and public order were the least consequential in implementation, though they were significant for the extent to which they bridged initial gaps between parties. The government agreed to found a commission to study comprehensive reform of the ministry of justice and its administration, to publish findings about paramilitary and other right-wing groups that were perpetrating a dirty war against the M-19 and other guerrillas, and to revise the "statute for the defense of democracy" by differentiating between "terrorism" and political crimes. The government also agreed to organize a commission that would study narco-traffic, to consider the possibility of ratifying parts of the Geneva convention, and to apply those rules to the conflict in Colombia.

As for socioeconomic issues, the parties agreed to measures regarding participatory planning, taxes and salaries, labor policy, natural resources, food production and security, marketing, accommodation, health, and the creation of a

fund for peace. Despite the extent of agreement on these issues, the parties could not agree on a mechanism to measure reforms. Consequently, the extent to which particular agreements were implemented varied greatly.

The effects of the political accord, demobilization, and reintegration of the M-19 into society can also be seen in the group's electoral success. Two days after demobilizing, the M-19 participated in national elections as part of the "Nationalist Action for Peace" party,⁶⁷ an M-19 commander came in third place in Bogotá's mayoral race, and other M-19 members (e.g., Vera Grabe) were elected to Congress. The subsequently formed AD M-19 party garnered some 12.5% of the vote in the presidential elections of May 1990, and in December that year the party secured 27.3% of the vote in polls for the Constituent Assembly, or 19 of 70 seats (Fox and Stetson 1992). These numbers, especially impressive given the short duration of the campaigns and the candidates' inexperience campaigning, suggest that many in the public supported not only the group's demobilization but also its political platform.⁶⁸

⁶⁷ This group included members from the M-19, the Democratic Front, Christian Democracy, United Colombia, and independent politicians.

⁶⁸ Though the AD M-19 had substantial political success early on, the transition from armed movement to legal politics proved difficult. By the mid 1990's, the group had begun to quickly disintegrate. See Boudon 2001 for discussion and explanation of this phenomenon.

The Colombian Constitution of 1991, which the AD M-19 played an important role in shaping, was the first major revamping of that document since 1886.⁶⁹ Also called the “Constitution of Rights,” among its many guarantees are the right to peace, protection for traditionally excluded groups, and the establishment of an independent court to decide constitutional cases (Bouvier 2006, 7). It also ended the state of emergency, transferred certain presidential powers to other institutions, and adopted international human rights standards. As Charles Bergquist, Ricardo Peñaranda and Gonzalo Sanchez (2001, 53) observe, “it expressed the aspirations of many Colombians and addressed the widespread dissatisfaction among them with a political system dominated by the two traditional parties and viewed by many as hopelessly unrepresentative, corrupt, and clientelistic.”⁷⁰

Competing with constitutional reform as the most important indirect consequence of these negotiations is the fact that, in the years that followed M-19 demobilization, thousands of other guerrillas from other NSAGs demobilized under the same model. The M-19 decision to negotiate its own demobilization without having been militarily defeated – indeed, without being in danger of being militarily defeated – seemed to “break a taboo among insurgent groups that demobilization was tantamount to surrender” (Porch and Rasmussen 2008, 523). By the end of 1991, The Revolutionary Workers Party (PRT), the Popular Liberation Army (EPL),

⁶⁹ The AD M-19 co-chaired the constituent assembly that drafted the new constitution.

⁷⁰ For a discussion of the relative successes, relative failures, and mixed results of the document, see Bejarano 2001.

and Quintín Lame had initiated peace talks with the government, and subsequently demobilized, in hopes of shaping Colombian politics from within the system.

5.4 *Analytical Summary and Findings*

This chapter allows for the evaluation of several of the dissertation's hypotheses, providing support for some and evidence against others. The case history from 1986 to 1988 strongly supports H1c, the contention that the adoption of divergent strategies undermines prospects for a successful settlement. Despite propitious steps away from the negotiating table, the first two years of Barco's term consisted of attempts to delegitimize the M-19 and other NSAGs. To the extent that the administration was willing to negotiate, it sought to dictate terms. Discussion of political reform was off limits, and the government was only willing to discuss NSAG demobilization, disarmament, and reincorporation.

In the first phase, the executive tried to solve the problem of political violence in Colombia unilaterally. Despite invitations from the M-19 to incorporate other actors into talks, proposals for bilateral ceasefires, the declaration of a unilateral ceasefire, and other integrative steps, this combination of negotiating strategies prevented substantive talks from getting off the ground.

H2a suggests that when parties initially adopt divergent strategies, the party that initially adopted the integrative strategy is likely to shift its strategy from integrative to distributive during the course of negotiations. This case finds the

opposite. The Barco administration shifted away from its *distributive* strategy after the M-19 had employed a predominantly integrative strategy for nearly two years.

This finding has two important caveats. First, the M-19 did take some distributive steps in the face of governmental intransigence vis-à-vis the negotiation of political reform, including by co-founding the CGSB. While its initial strategy was predominantly integrative it was not unequivocally so. Second, and relatedly, the catalyst for the government's shift from a distributive to an integrative strategy – the M-19's kidnapping of Alvaro Gómez – was anything but integrative. That the government responded to this tactic in the way that it did is somewhat surprising and raises interesting questions for future research.⁷¹

The government's move from a distributive to an integrative strategy created a new negotiating dynamic. Responding to increasing support for the peace process within civil society, the Barco administration became less bellicose in its rhetoric, it recognized the M-19 as a legitimate negotiating partner, and it allowed for the group's input into broad-based discussion of political reform. Integrative tactics on both sides reinforced each other, paving the way for a political accord and giving the parties – especially the M-19 – the confidence to bet on democracy, even without the expected political guarantees. In short, and in keeping with the expectations of H1a, from 1989 to 1990 the mutual adoption of integrative strategies strongly contributed to negotiation success.

⁷¹ These are addressed in the final chapter of the dissertation.

The other hypotheses that may be evaluated with reference to this case are H3a and H3b, which posit that states are likely to open with integrative strategies, and NSAGs are likely to open with distributive strategies, respectively. As outlined in chapter 1, these hypotheses derive from the hostage negotiations literature. The logic underpinning them is that parties will be open to different levels of risk based on perceptions of their relative power going into talks. NSAGs will adopt distributive strategies in an attempt to level the playing field. States will adopt integrative strategies because they can afford the risk of doing so. These hypotheses found support in the case of negotiations between the Pastrana administration and the FARC, treated in chapter 5.

In the present case, however, these hypotheses find no support. The Barco administration initially adopted a maximalist distributive strategy, seeking to dictate not only the terms but also the outcome of any possible talks. Perceptions of state power seem not to have made for a higher threshold of acceptable risk, but rather for a sense that the government could create rules and unilaterally determine outcomes. In contrast, and contra H3b, the M-19 initially adopted a predominantly integrative strategy. Considering all of this together, the FARC and M-19 cases suggest that power imbalances going into negotiations in these contexts are unrelated to parties' decisions to adopt certain kinds of initial strategies.

5.5 *Alternative Explanations*

Two prominent alternative explanations for the successful settlement of talks between Colombia and the M-19 exist in the literature, and a third merits treatment. These are that 1) the demobilization of the M-19 was a function of the group's relatively small size, 2) the M-19 was irrevocably committed to demobilization, and 3) the group was decaying from the inside and thus compelled to settle. Each is treated in turn.

First, Harvey Kline (1999, 43) and Douglas Porch and Maria José Rasmussen (2008, 524) have attributed the success of negotiations with the M-19, and other NSAGs in subsequent peace processes, to group size. Empirically, they argue, shortly before and in the wake of Colombia's new constitution small groups demobilized, and big groups did not. This is a facile explanation and one that highlights the difference between correlation and causation.

Though the M-19 never comprised more than a few thousand members, it persisted as a guerrilla movement for a period of 16 years.⁷² Over that time, the group confronted "far more unfavorable circumstances – in terms of its number of combatants, arms, and capacity – than when it ultimately chose to demobilize" (Florez and Valenzuela 1996). In retrospect, presidential advisor Rafael Pardo (1996, 131) assessed, "It was a big win for the peace process that a group like the M-

⁷² At the time of its demobilization, the M-19 was the third-largest insurgency in Colombia, behind only the FARC and the ELN.

19, with the trajectory that it had and with the capacity that it had, would accept a negotiation that would result in demobilization.” At the time that the parties reached a settlement, the group was not on track to defeat the government militarily, but it was not on track to be defeated militarily either.

That the M-19 could have continued its armed struggle despite its relatively small size is also evidenced by the fact that other small NSAGs did exactly that. When the M-19 broke from the CGSB in 1989 to pursue negotiations with the government, other groups remained unified in that umbrella organization.⁷³ These included the FARC, a relatively large group, but also the ELN, the EPL, the Workers Revolutionary Party, and the Quintin Lame Movement. Only *after* the M-19 demobilized did the smallest of these groups – the EPL, the Workers Revolutionary Party, and the Quintin Lame Movement – enter their own peace processes.

A second misguided argument is that the M-19 was irrevocably committed to demobilization even before negotiations began in earnest. According to this view, the process was never really threatened, because by the time negotiations began their conclusion was foreordained. For Alexandra Guáqueta (2007), “When the rebel group held initial conversations with Barco’s team in 1988, it had already decided to demobilize whatever the outcome of the deal as long as basic guarantees were met: a legal pardon and the physical protection of M-19 members.”

⁷³ It is worth noting here that when the M-19 broke away from the CGSB, an organization that it co-founded in 1987, the latter boasted some 15,000 members (García, Grabe and Patiño 2008, 14). Clearly, the continuation of armed struggle was an option.

These arguments are demonstrably incorrect. Though the M-19 had shifted its broader strategy away from armed conflict as a means to political reform, it was never willing to disarm and demobilize in the absence of political reform. It had the chance to go down that path on many occasions, indeed for years, but refrained from doing so. The group's overarching strategy was to link demobilization to political reform, not just to negotiation. Otherwise this process would have played out much sooner than it did – certainly in the earliest days of the Barco administration, if not before.

In one of his letters to Alvaro Gómez, Carlos Pizarro explained, “We cannot promise [your] life, because neither yours nor ours depends only on us, [but] we do invite you to join forces with us to save Colombia” (Gómez 1989, 117). As leader of the M-19, Pizarro was prepared for the real possibility that the Gómez kidnapping would not have its desired effect. In that case, the implication of Pizarro's letter is that the armed struggle would have continued, not that the group would disarm and demobilize anyway.

This only reinforces the contention that political reform was the linchpin of demobilization. As Pardo (1996, 162-163) has observed “All of the accords achieved with the M-19 were ancillary to access to the political system... a peace that was *essentially political*. The fundamental reason for giving up the armed fight for the political fight was, without doubt, the augmentation of political space.”

A final alternative explanation that merits treatment is the possibility that the M-19 may have been decaying from within before negotiations took place, and that this decay may have been the deeper cause of the integrative moves made by the group during talks. Despite initial electoral success in its manifestation as a political party, the AD M-19's effective disintegration by the mid 1990's justifies this concern.

In his study, "Colombia's M-19 Democratic Alliance: A Case Study in New-Party Self-Destruction," Lawrence Boudon (2001) explores the plight of the AD M-19 in detail, finding that the party's dissolution resulted from a combination of factors. These included cooptive behavior by the liberal party, the relative success of President Gaviria's economic program, and inexperience vis-à-vis the traditional political parties running campaigns. At no point does he reference issues that may have reflected preexisting problems within the organization.

The two principal factors that contributed to the party's demise, according to Boudon, were interrelated. First, AD M-19 leadership was "obsessed with building an electoral coalition rather than a base of support at the local level" (*ibid.*, 80).⁷⁴ The focus on coalition building, he argues, may have had the unintended effect of watering down or even stripping the party of its own identity. Second, the party

⁷⁴ The reference to leadership here is reference to Navarro Wolff, who replaced Carlos Pizarro as leader of the AD M-19 after the latter's assassination (only a month and a half after the M-19 demobilized). These men had very different leadership styles, leading a Colombian analyst to comment at the time of Pizarro's death: "alongside the body of the M-19 chief lay also the body of that project" (Semana May 1, 1990, quoted in Boudon 2001, 77).

failed to establish “any real linkage with the segment of Colombian society that had supported the M-19 as a guerrilla group and with the one million voters who backed the party in the December 1990 elections” (*ibid.*, 86). These challenges could affect any new party entering the electoral arena and do not seem to reflect malign preexisting conditions.

In interviews in 1996, Navarro Wolff and Germán Rojas (another M-19/AD M-19 leader) claimed that “war was easier than peace. The military structure developed in the 1970s could not simply be grafted on to the new party... The revolutionary ideology that unified [the M-19] gave way to individualism and a scattering of forces following the transition to civilian life” (Boudon 2001, 77). These quotations suggest that the problems that afflicted the group as a political party did not afflict the group as a guerrilla movement. At the time of negotiations, it seems, the group was not decaying from within. On the contrary, it was “unified.”

5.6 Conclusion

This chapter has shown that negotiation strategies contributed more to the political settlement reached by Colombia and the M-19 – and thus to the disarmament, demobilization, and reincorporation of the latter – than previously thought. Though not the only variable that contributed to success, negotiating strategies were key variables. The divergent strategies that characterized the first

phase of negotiations did not favor the achievement of a political accord; the combination of integrative strategies during the second phase of negotiations did.

The mutual adoption of integrative strategies was propitious in two ways. As former M-19 commander Vera Grabe (2004, 40) explains, “Transparency and sincerity were vital for keeping the process moving forward, as was the will to deal with obstacles instead of using them as an argument for recriminations.” President Barco’s top advisor during the peace process, Rafael Pardo, has agreed with this assessment, as evidence by his contention that *not* using the peace process for verbal attacks, mutual recriminations, or to disqualify the other party was fundamental for its success.⁷⁵

The combination of integrative strategies also favored success, albeit indirectly, by facilitating the adoption of procedural measures that were likely beneficial in their own right. Decisions to meet and otherwise interact at regular intervals may have facilitated negotiations regardless of strategies, and the same can be said for the decision to preemptively establish a committee with the purpose of addressing unforeseen obstacles to the process. The question, though, is whether agreement on these procedural matters would have (or could have) been reached if one or both parties had been employing distributive strategies. There is good

⁷⁵ See Pardo’s quotation in the preceding subsection: “Negotiations in Summary, 1989-1990.”

reason to believe that they would not have, as evidenced in part by the fact that no such decisions were taken during the first phase of Barco's term.

The case history suggests that it may be worth extending future hypotheses to cover questions of degree. Certain aspects of the case suggest not only that the mutual adoption of integrative strategies favors negotiation success, but also that the *more* integrative the strategies are, the *more* they may favor success. Especially in 1989 and 1990, the combination of integrative strategies seems to have reinforced itself. The more time the parties spent together, the more integrative their strategies became, and vice-versa. The logical converse of this extended hypothesis would be that the more distributive the strategies the more likely they are to militate against success (and the faster they may bring negotiations to an end).⁷⁶

In sum, this case, like the case of negotiations between Colombia and the FARC, shows that the combination of divergent strategies is not likely to favor negotiation success. However, whereas the FARC never transitioned from a distributive strategy to an integrative one during its talks with Pastrana, the Barco administration did make such a shift in negotiations with the M-19. That a political settlement was only achieved in the context of the mutual adoption of integrative

⁷⁶ On the other hand, mixed strategies and flexibility also seem to have played important roles. This is perhaps most clearly evidenced by the Barco administration's initially tentative transition from its predominantly distributive strategy to its prominently integrative one in the wake of the Gómez kidnapping.

strategies reinforces the contention that negotiating strategy is a key variable that affects negotiation outcomes.

6. Findings, Policy Relevance, and Future Research

6.1 *Introduction*

This dissertation has sought to advance knowledge about the conditions under which negotiations between states and non-state armed groups are likely to be effective. It was motivated by the observation that an important gap existed in the literature about negotiations between states and NSAGs. Though previous research has identified successful negotiations as the most common way that NSAGs dissolve, scholars have focused primarily on the conditions that propel parties to the table rather than on the dynamics of negotiations once they are underway. This research has shifted the analytic focus away from the context in which talks take place to the talks themselves.

My argument is that while the conditions that give rise to negotiations are indeed important, it is also important to study how negotiations play out. This work has shown that some combinations of negotiation strategies are associated with success and others are associated with failure. While the choice of strategies may be shaped by environmental context, only by studying the negotiating process can we understand how success and failure unfold. In short, this research has identified negotiating strategy as a variable that strongly contributes to negotiation outcomes.

Previously identified variables – e.g., mutually hurting stalemate, leadership quality, third party mediation, etc.¹ – are important for understanding whether a conflict is “ripe” for negotiations. However, they have also been mistakenly identified as the strongest contributors to negotiated political settlements. In fact, they tell us relatively little about how talks are likely to unfold once they are underway.

The principal finding of this research is that the dynamics of talks matter for negotiation outcomes, and therefore negotiating strategy helps to explain whether and how parties “get to yes.”² When states and NSAGs come to the table, the process of negotiating has the potential to transform how parties see each other and how they think about political settlements with their counterparts. Negotiating strategies shape how parties present themselves and their ideas, contributing to dynamics that favor or militate against success.

This concluding chapter proceeds as follows. First, it summarizes the principal findings of the dissertation by reviewing the hypotheses evaluated in the empirical chapters. Next, it outlines areas for future research, seeking to extend the argument and identifying new research questions and hypotheses. It then addresses the policy relevance of the dissertation and, in doing so, makes general

¹ See Cronin 2006, 2010; Hampson and Zartman 2012; Pruitt 2006; Stedman 1997. See also discussion of these variables in chapter 1.

² Fisher, Roger and William Ury. *Getting to Yes*. New York: Houghton Mifflin Company. Boston, MA. 1981.

and specific recommendations for governments involved in talks with NSAGs. The dissertation concludes with final thoughts and words of wisdom from an internal PLO document.

6.2 Review of Findings

The principal finding of this research is that different combinations of negotiating strategies favor different negotiation outcomes. The various iterations of H1, which speak to this proposition, are reproduced below, along with the other hypotheses outlined in chapter 1. After a table summarizing support for the hypotheses by case, each is reviewed in turn.

H1a: The predominant use of integrative strategies by both sides favors agreement in negotiations between states and NSAGs. Both tactical and strategic agreements (e.g., ceasefires and group transitions into legal politics, respectively) are more likely to occur when both sides adopt predominantly integrative strategies.

H1b: The predominant use of distributive strategies by both sides discourages agreement in negotiations between states and NSAGs. Neither tactical nor strategic agreements are likely when both sides adopt predominantly distributive strategies.

H1c: Negotiations characterized by divergent strategies – i.e., where one party adopts a predominantly distributive strategy and the other adopts a predominantly integrative strategy – are not likely to produce political settlements. To the extent that parties reach agreements under these conditions, they are more likely to be procedural than substantive.

H2a: In cases where parties initially adopt divergent strategies, the party that initially adopted the integrative strategy is likely to shift its strategy from integrative to distributive during the course of negotiations.

H2b: Shifts in parties' strategies that result in the mutual adoption of integrative strategies favor negotiation success. Conversely, shifts in parties' strategies that result in the mutual adoption of distributive strategies favor negotiation failure.

H3a: Since states may feel less threatened by the power structure of negotiations, and thus more likely to be open to risk, states are more likely to "open" negotiations with integrative bargaining strategies than distributive bargaining strategies.

H3b: Since NSAGs may feel more threatened by the power structure of negotiations, and believe that distributive tactics are more likely to "level the playing field," NSAGs are more likely to "open" negotiations with distributive bargaining strategies than integrative bargaining strategies.

H4: Relatively strong NSAGs (as measured by numbers, capability, support among their constituents, etc.) are likely to pursue distributive strategies in negotiations longer than are relatively weaker NSAGs.

Table 15: Support for Hypotheses by Case³

H	Ch. 2, Oslo	Ch. 3, Camp David	Ch. 4, FARC	Ch. 5, M-19
H1a	Strong support			Strongest support
H1b	Support @ “micro-level”	Strongest support		
H1c			Strong Support	Strong Support
H2a			No Support	No Support
H2b				Strong Support
H3a	Mixed Support		Support	No Support
H3b	No Support		Support	No Support
H4	Not conducive to meaningful evaluation.			

The empirical chapters speak to the various iterations of H1 in different ways. For example, H1a can be evaluated in light of the evidence in chapters 2 and 5 but not chapters 3 or 4. H1b is best evaluated with reference to chapter 3, but it can also be evaluated at the “micro-level” with reference to chapter 2. What determines whether a given hypothesis corresponds to a given case is whether the combination of negotiating strategies outlined in the hypothesis appears in the case.

H1a receives strong support in chapter 2, which treats the negotiations between Israel and the PLO that led to the Oslo Accord, but it receives its strongest support in chapter 5, which treats negotiations between the government of Colombia and the M-19. In the Oslo case, the mutual adoption of integrative strategies played a key role in getting negotiations off the ground. The integrative dynamic that developed between negotiators in the first phase convinced Israel to

³ As described below, findings related to H3 were contradictory. Taken together, they suggest that states and NSAGs are not predisposed to opening with certain kinds of strategies in these contexts.

upgrade the channel after the first five rounds; and the rapport that developed between negotiators allowed them to overcome hurdles late in the process.⁴

In the case of negotiations between Colombia and the M-19, which led to the disarmament, demobilization, and integration into legal politics of the latter, the peace process was stagnant until the government shifted from a predominantly distributive strategy to a predominantly integrative one after the kidnapping of Alvaro Gómez. The mutually integrative dynamic that emerged facilitated the political settlement by accepting the M-19 as valid interlocutors and allowing for the group's input into broad-based discussion of political reform. Integrative tactics on both sides reinforced each other, contributing to the rapport that allowed the parties to overcome obstacles that appeared late in the process.

Hypothesis 1b, which suggests that the mutual adoption of distributive strategies militates against negotiation success, is best evaluated in light of the evidence in chapter 3, but it also receives support at a micro-level from the evidence in chapter 2. In the Camp David case, both Israel and the PLO came to the summit with a zero-sum mindset, refusing to negotiate with, and trying only to elicit concessions from, their counterparts. Israel's decision to deviate from its maximalist distributive strategy to a "bazaar" approach – still inherently distributive

⁴ Recall Uri Savir's (1998, 40) assessment, referenced in chapter 2, that "Crises are usually solved by invoking the trust that has developed between the sides... for in the endgame the negotiators return to cultivating their common interest and practice the art of the possible through imaginative creativity to produce an agreement that no one would have predicted at the outset."

– backfired by convincing the Palestinians to hold out for further concessions.

Distributive tactics reinforced each other, contributing to an unwillingness to take risks, think outside of the box, or formulate proposals that might be mutually beneficial. They also induced crises that had little to do with the substance of negotiations, further undermining the process.

The hypothesis also receives support from the evidence presented in the Oslo case. Though on balance the parties employed predominantly integrative strategies, the process was most threatened when negotiators deviated from their strategies and employed distributive tactics. Singer's "interrogation" of PLO representatives in the seventh round, for example, endangered the process to the point that Israel determined it needed to apologize to Palestinian negotiators. Israel's (distributive) presentation of a heavily biased draft DOP in the tenth round prompted Qurie to return in the eleventh round intent on giving the Israelis a "taste of their own medicine" (Qurie 2006, 194).

Evaluation of the first part of H1c, which suggests that negotiations characterized by divergent strategies are not likely to produce settlements, yields one of the most important findings of the dissertation. Though the mutual adoption of integrative strategies favors settlements more strongly than any other combination of strategies, integrative strategies are not necessarily "better" than distributive ones. Chapter 4, which treats negotiations between Colombia and the FARC, shows that the combination of a predominantly integrative strategy and a

predominantly distributive strategy may produce tactical agreements and draw out the negotiating process without moving the parties closer to political settlement. In such cases, the party employing the integrative strategy is likely to be giving more away for less than its counterpart. When this happens, the maintenance of an integrative strategy over time may appear naïve.

We also find support for H1c in the first phase of negotiations between Colombia and the M-19 (1986-1988). For the first two years of his administration, President Barco maintained a predominantly distributive strategy, characterized by a willingness to negotiate only the terms of M-19 disarmament, demobilization, and reintegration. Despite initial reluctance to negotiate with the new administration, within months the M-19 signaled that democratic opening – not the imposition of a new form of government – might be a way out of the conflict. Shortly thereafter, the group invited the government to negotiate, proposed bilateral ceasefires, and declared a unilateral ceasefire, all in an effort to show good faith. It was only after the kidnapping of Gómez, however, that Barco's strategy became increasingly (and then predominantly) integrative, making for the mutual adoption of integrative strategies and leading to a negotiated settlement.

The second part of H1c suggests that to the extent that parties employing divergent strategies reach agreements, these are likely to be limited and more procedural than substantive. The relevant cases for evaluation of this aspect of the hypothesis are 1) negotiations between Colombia and the FARC and 2) the first

phase of negotiations between Colombia and the M-19. The FARC case strongly supports this contention: of seven signed agreements that the parties reached prior to the collapse of talks, only one – the prisoner exchange of June 2, 2001 – was substantive. The other agreements were primarily about what and how to negotiate, and these were often reached under the pressure of an impending deadline (i.e., the expiration of the DMZ).

In the case of the M-19, the government and the guerrillas failed to reach any agreements at all during the first phase of negotiations. This was not for a lack of integrative overtures by the M-19; rather, it was a product of the maximalist distributive strategy employed by the government. Among the most interesting aspects of the case, however, was that the M-19 did reach procedural agreements with elements of civil society, including most prominently the holding of a national summit aimed at reigniting the peace process. These agreements, and the summit in particular, prompted the beginning of a shift in government strategy.

Hypotheses 2a and 2b relate to shifts in parties' strategies while negotiations are underway. Contrary to the expectations of H2a, which suggests that talks characterized by the initial adoption of divergent strategies are likely to witness an integrative to distributive shift by one party, the case histories show the opposite. In chapter 4, when faced with an overwhelmingly distributive strategy by the FARC, the government of Colombia maintained its integrative strategy for more than three years until talks collapsed. In chapter 5 it was the party that initially adopted a

distributive strategy, the government, which shifted to an increasingly integrative one.

The logic behind H2a was that a party would be unlikely to continue to employ an integrative strategy – continually demonstrating good faith, taking risks, and in effect giving away more than it was getting – if this strategy were met only with hardline tactics aimed at partisan gain. The FARC case, however, suggests that parties may at times be so committed to their strategies that they maintain them until talks collapse. The question of *why* parties would do this merits further consideration, but we can conjecture that strong commitments may result from the amount of political capital already invested in a peace process, concern with legacy (what might be called the “do anything to reach peace” problem), or genuine belief that the strategy is right.

Pastrana’s commitment to his strategy seems to have resulted from the latter possibility: over a long period of time, and with little to show for his effort, the president continued to believe that he had the right approach. Though in retrospect this appears naïve, the M-19 case suggests that one party’s adherence to an integrative strategy may, under the right conditions, elicit a distributive to integrative shift. Considered together, these observations reveal a tension: the maintenance of an integrative strategy in the face of a distributive one may, but will not necessarily, prompt a shift resulting in the mutual adoption of integrative strategies.

In situations where this kind of shift happens, the maintenance of the integrative strategy may facilitate political settlement, and the party that maintained the strategy may appear prescient. In cases where this kind of shift does not happen, maintenance of the integrative strategy will likely prove detrimental to the talks and the party employing the strategy. In retrospect, that party is likely to appear naïve.

Additional research that identifies the conditions under which the maintenance of an integrative strategy might prompt a distributive to integrative shift would be important for scholarship and policy. Tentatively, and based on the FARC and M-19 cases, we might hypothesize that strong public support for talks may favor these kinds of shifts. By engaging directly with civil society, the M-19 promoted public investment in the success of the talks. This encouraged deeper engagement between the government and M-19, which seems to have contributed to Barco's shift in strategy.⁵

An interesting empirical finding from the cases, not unrelated to H2a, is that strong tactical deviations away from integrative strategies may prompt the desired behavior by parties employing distributive strategies. In the FARC case, credible

⁵ Negotiations between Colombia and the FARC also witnessed public engagement, but this engagement seems to have been more perfunctory than meaningful. As Virginia Bouvier et al. (2012b, 8) observe, "The organization of hundreds of thematic tables in Caguán with over 20,000 presentations, left civil society deeply frustrated. Official delegates rarely attended the presentations, much less synthesized or archived what was said. In the end, the public is a key stakeholder and will need to support any agreement in order for it to be legitimate and sustainable."

threats to end the DMZ resulted in at least limited concessions and signed (if procedural) agreements. In the M-19 case, the kidnapping of Alvaro Gómez marked the beginning of the government's shift away from its distributive strategy.

Relatedly, the case histories show that shifts in strategy tend to be preceded by milestones in negotiations. As we saw in chapter 2, Israel shifted from a predominantly integrative strategy to a more distributive one in the Oslo talks after it upgraded the unofficial secret channel to an official (though still secret) channel. In chapter 5, we saw the opposite. President Barco shifted from a predominantly distributive strategy in negotiations with the M-19 to an increasingly integrative one after the kidnapping of Alvaro Gómez.

The research design employed here was not structured to test the kinds of means that would induce states to shift their strategies, and the evidence from the cases offers little guidance on this question. Any number of occurrences during these negotiations may have prompted parties to shift their strategies, but the ones listed above were the ones that actually did. The upgrading of a negotiation channel from unofficial to official and the kidnapping of a former presidential candidate are two very different kinds of events. Further research involving a larger number of cases might seek to determine commonalities among the kinds of events that prompt strategy shifts, both for states and NSAGs. This research would seek to determine whether "triggering events" typically precede strategy shifts, or if parties sometimes shift their strategies without clear catalysts.

As outlined in chapter 1, H2b is a logical extension of H1a and H1b. It contends that strategic shifts that result in the mutual adoption of integrative or distributive strategies are likely to favor or militate against negotiation success, respectively. This hypothesis can only be evaluated with reference to negotiations between Colombia and the M-19, because this was the only case examined where a clear shift in strategy changed the negotiating dynamic from one characterized by divergent strategies to one characterized by symmetric (integrative) strategies. As described in the discussion of H1c, above, this shift facilitated and strongly contributed to a political settlement, thus lending strong support to H2b.

The two manifestation of H3 speak to the kinds of strategies that states and NSAGs are likely to adopt at the outset of negotiations. As outlined in chapter 1, these hypotheses were derived from the literature on negotiations with hostage takers. Specifically, they were derived from William Donohue & Paul Taylor's (2003, 528) finding that:

*"Negotiators who saw themselves as having fewer options than their opponents were more likely to resort to aggressive strategies as a way of seeking change in the power structure... In contrast, negotiators who perceived themselves as having a greater number of options were less threatened by the power structure of the situation and, consequently, were more likely to risk their social identity with affiliative and conciliatory dialogue."*⁶

Adapting these observations to the present study, H3a and H3b suggest that states are likely to open with integrative strategies, and NSAGs are likely to open

⁶ See reference to similar findings in other work from this literature in chapter 1.

with distributive strategies, as a result of the inherent power imbalance between the parties at the outset of talks. What the cases actually show is that the power imbalances between states and NSAGs that tend to characterize these kinds of negotiations seem to be unrelated to parties' decisions to adopt certain kinds of initial strategies.

With regard to H3a, in the Oslo case Israel opened with an integrative strategy, but the decision to negotiate through proxies for as long as possible suggests that Israeli leadership was relatively closed to risk. When Israel finally upgraded the channel to official status, it suddenly (if temporarily) turned to distributive tactics. Taken together, these observations suggest mixed support for H3a at best.

H3b, in contrast, receives no support from the Oslo case history. The PLO went to great lengths to employ an integrative strategy from the beginning of talks, not the distributive strategy that the hypothesis would suggest, and it did so even when Israeli leadership was not officially represented. Indeed, Palestinian negotiators only began using distributive tactics in earnest in reaction to the use of these by Israel after the channel had been upgraded.⁷

The case of negotiations between the government of Colombia and the FARC would seem to support both H3a and H3b; the government opened with an

⁷ The Camp David case is not appropriate for evaluation of H3a and H3b, because in an important sense the summit was a continuation of the Oslo process. Thus, the strategies chosen for the summit were not necessarily "opening" strategies.

integrative strategy, and the FARC opened with a distributive one. When considered alongside talks between Colombia and the M-19, however, one might conclude that the relative power imbalance had nothing to do with initial strategies. In that case, the Barco administration initially adopted a distributive strategy, and the M-19 initially adopted an integrative one (contra the expectations of the hypotheses).

In short, this research suggests that the aforementioned findings from the hostage negotiation literature are not applicable to negotiations between states and NSAGs. Though there are some similarities between these kinds of negotiations, there is also a fundamental difference. Whereas hostage negotiations are by definition tactical, those between states and NSAGs are by their nature strategic.⁸ It should not be surprising that individuals and organizations would choose different kinds of approaches to negotiations in these very different contexts.

On the other hand, that these findings do not translate at a general level does not necessarily imply that lessons from the hostage negotiation literature will never apply to talks between states and NSAGs. Future research might seek to test these same hypotheses in narrower contexts. For example, when states and NSAGs divide negotiators into small teams that address specific issues (e.g., territory, security, refugees, etc., as we saw at Camp David) these more narrowly-defined talks may feel

⁸ Hostage takers seek goals that may or may not be political, and they seek to extricate themselves from immediate situations. Negotiations between states and NSAGs aim to resolve long-term political problems in ways that eliminate the *raison d'être*, and thus the existence, of one of the parties.

more tactical. Intuitively, the findings from the hostage negotiation literature seem more likely to apply in such circumscribed contexts.

The final hypothesis advanced in the introduction, H4, contends that relatively strong NSAGs are likely to maintain distributive strategies in their negotiations with states longer than are relatively weak ones. Juxtaposed with H3b, which suggests that NSAGs are more likely than states to open with distributive strategies (since they are likely to be the weaker party in negotiations), H4 is ostensibly paradoxical. If states have even more power vis-à-vis weak NSAGs than they do vis-à-vis strong ones, why would weak NSAGs be quicker to defect from initial distributive negotiating strategies? The logic behind H4 is that weaker NSAGs are likely to recognize that distributive strategies are ineffective faster than stronger NSAGs.

The comparative case study design employed in this research allowed for better evaluation of some hypotheses than others. It was least conducive to evaluation of H4. Though it would be possible to draw one tentative conclusion from comparison of the FARC and M-19 cases, doing so would shed little light on the actual hypothesis. Future research involving quantitative analysis, taking into account variables like NSAG size, financial resources, capabilities, support among constituents, etc., would better lend itself to the evaluation of this hypothesis.

Additional Observations

Beyond the findings related to the hypotheses, the cases provide other insights, some of which reaffirm and some of which challenge past research. The history of negotiations between Colombia and the M-19, for example, shows that under certain conditions spoilers can be fatal to peace processes and under others parties can overcome substantial threats by spoilers. Whereas congressional and military opposition severely undermined, and perhaps precluded, a political settlement under President Betancur, even the starkest congressional opposition could not prevent a political settlement under President Barco.

The difference here may have been related to the extent of division within the state. It is not surprising that opposition from the military and Congress would pose a more significant hurdle than opposition from just one of those parties, *ceteris paribus*. As opposition mounts within the state apparatus, state policy begins to look increasingly (and more narrowly) like executive policy. As the executive's ability to unilaterally follow through on commitments diminishes, we should expect the same of NSAG incentives to reach political settlements. In short, it may be that a minimum threshold of coherence within the state is necessary to convince NSAGs that potential political settlements can and will be honored.

Future research might build on the work of David Cunningham (2006, 2011) to explore the extent to which varying degrees of opposition within negotiating parties threaten peace processes. Can strong support for negotiations by some elements of the state offset opposition by other elements? How do parties think

about acceptable degrees of opposition from different factions within their negotiating counterparts? As a working hypothesis, we might expect that strong opposition from one (non-executive) element of the state is surmountable, but that opposition from two or more elements of the state will be fatal to peace processes.⁹

Regarding third party mediation, the Oslo case shows that effective mediators can make the difference between success and failure; the Camp David case shows that the presence of mediators does not necessarily portend success;¹⁰ and the M-19 case shows that parties can reach political settlements without third party mediation at all. Collectively, the cases show that mediators *can* be beneficial in these contexts – not that they will be or that they are necessarily key to negotiation success. The cases thus show that certain past findings are misguided. Audrey Cronin's (2010, 9) contention that "The role of third party states neighboring or having interests in a conflict is crucial, as are mediators, outside guarantors, and other external actors willing to push along or support negotiations," for example, is shown in this work to be inaccurate.

The dissertation also reveals that certain procedural measures may be inherently beneficial to negotiation outcomes irrespective of the strategies adopted

⁹ "Elements of the state" refer to the executive, the military, Congress, and the judiciary. The term "branch" is not appropriate, since the military exists within the executive branch.

¹⁰ Indeed, there are aspects of the Camp David case that suggest that American mediation may have undermined the process. Though providing different amounts of information to the parties and presenting the positions of one side as American positions may facilitate talks under some circumstances, these measures seem to have had the opposite effect at Camp David. See chapter 3.

by the negotiating parties. Among the most propitious of these measures is regular interaction between counterparts. As outlined in the M-19 case, maintaining a schedule rather than meeting on an *ad hoc* basis allowed for the regular affirmation and reaffirmation of the goals of the process, the maturation of relationships, and the regular discussion of developments at and away from the table. If and when obstacles to the process arose, these were addressed in a timely manner. Parties were not left to dwell only on their own interpretations of events.

The establishment of a joint committee (or committees) charged with addressing unforeseen obstacles is another procedural measure that is likely to be inherently positive for negotiations. The “Consultation and Coordination Committee” established by the government and the M-19, for example, played an important role in that peace process, because it created a default forum to address crises in talks whenever they occurred. When M-19 co-founder Afranio Parra was assassinated by police in 1989, whether and how the parties would convene to address the matter had been predetermined. The parties were able to get right to the work of addressing the crisis.

Though these kinds of measures seem to have had positive independent effects in the M-19 case, the question of whether they would have, or could have, been implemented in the context of a different combination of negotiating strategies

is worth revisiting.¹¹ If one or both parties had been employing distributive strategies, these measures would not have been adopted. Proactive agreement on these kinds of mechanisms more than likely reflects an integrative mindset on the parts of both parties. Indeed, no such measures were implemented during the first phase of President Barco's term.¹²

6.3 *Future Research and Extending the Argument*

This section outlines areas for future research by further engaging with some of the shortcomings of existing theory, expanding upon findings from the dissertation, and introducing new concepts that might be useful for forward thinking about negotiations between states and NSAGs.

One of the principal shortcomings of existing theory is rooted in the idea that the underlying characteristics of negotiations between states and NSAGs are fundamentally different than other kinds of negotiations. William Zartman & Guy Faure (2011, 4) argue that "Unlike negotiations with hostage takers, [negotiations with NSAGs] do not involve parties looking for a deal, who try to define a zone of possible agreement [ZOPA] and find appropriate terms of trade." Instead, they

¹¹ This topic is initially addressed in chapter 5.

¹² These observations suggest that when third party mediators are involved in negotiations, in general they should encourage negotiators to adopt these kinds of procedural measures. As outlined in the section on policy relevance, however, they should be implemented cautiously.

“seek to change the means that [NSAGs] use but also, to some degree, the ends that they pursue.”

In some ways negotiations between states and NSAGs are different than those between state authorities and hostage takers, as outlined above, but this quotation implies a fundamental distinction that is not justified. Assuming good faith, the essence of *all* negotiation is the search for a zone of possible agreement and, ultimately, acceptable compromise.¹³ This is as true for negotiations with hostage takers as it is for negotiations with NSAGs, though the “terms of trade” are likely to be different. Parties in situations seek to reshape their counterparts’ assessments of what constitutes an acceptable outcome *as part of the search for a deal*.¹⁴ Indeed, doing so was central for the negotiating parties in all of the case studies explored here.

In arguing that talks with NSAGs do not involve parties looking for a ZOPA, Zartman and Faure conceive of the ZOPA in purely distributive terms rather than integrative terms. This is not surprising given the state of existing theory, where ZOPA’s are almost exclusively considered in the context of parties’ seeking to find

¹³ It is possible that states or NSAGs could negotiate as part of a strategy not aimed at reaching agreement. That is, they could negotiate in bad faith, seeking concessions that would allow them to rearm and regroup as talks are underway. This is not what Zartman & Faure refer to in their statement.

¹⁴ Also undermining Hampson & Zartman’s claim is the fact that hostage takers and NSAGs are sometimes one in the same. Among the most infamous cases of hostage taking in recent memory was the Beslan School hostage crisis (Beslan, Russia, 2004), in which a separatist NSAG took more than 1,000 people hostage.

common ground on particular issues (even when other issues are being discussed, often in different forums). Going forward, future research might explore whether the ZOPA should be reconceived to acknowledge that zones of possible agreement can and should apply to the whole negotiating package.

Put another way, ZOPAs are often considered only with regard to specific issue areas. A zone of possible agreement is sought *on territory* or *on refugees*, as in the Israeli-Palestinian cases. If and when agreements are reached on individual issues, they may or may not come together to form a final settlement. Future work should explore whether, in successful negotiations, parties' reservation points on individual issues shift to facilitate settlement by way of what might be considered a broader, overarching ZOPA. Could the ZOPA on territory move in response to, or in exchange for, movement in the ZOPA on refugees?

When states and NSAGs negotiate individual issues as part of broader negotiations, there may be no overlap in their initial reservation points. Parties may insist that their commitments on certain issues are absolute. The result, which scholars have called a "negative bargaining zone" (Thompson 1995; Krause, Terpend, and Petersen 2006), illustrated graphically in figure 1, is often a function of the deep-seated and fundamental grievances that give rise to NSAGs in the first place.¹⁵

¹⁵ Israeli and Palestinian disagreement regarding sovereignty over the Haram al-Sharif is one example of this kind of issue.

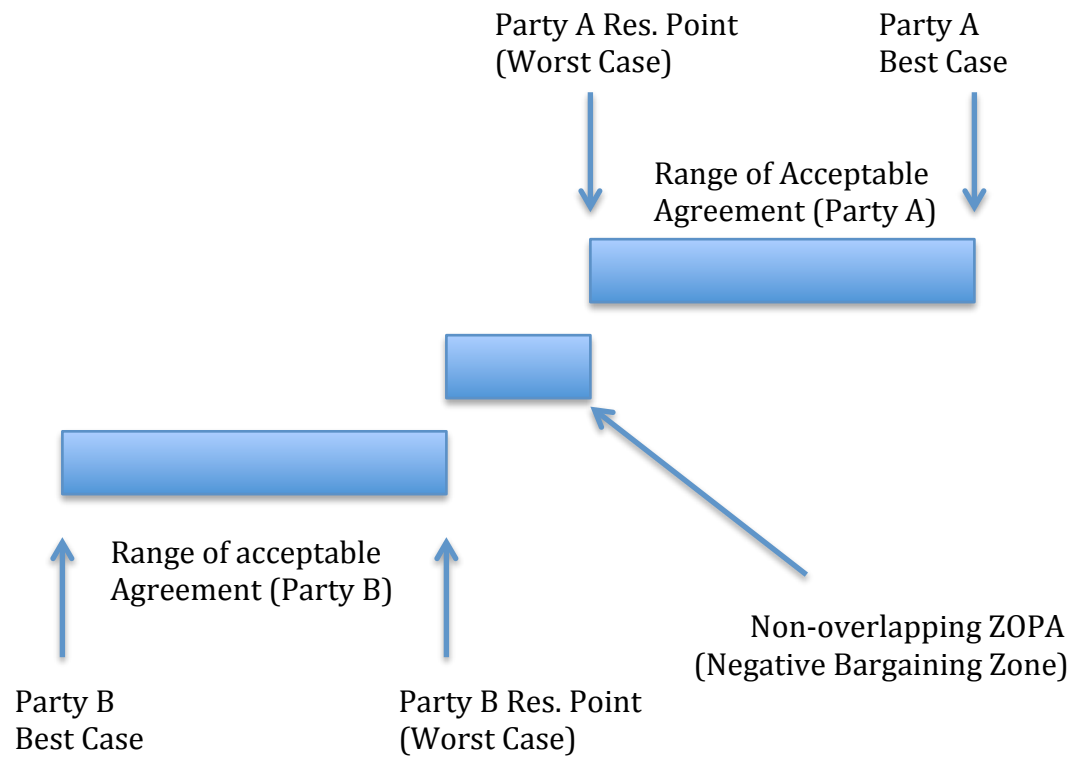


Figure 5: Negative Bargaining Zone

There is reason, however, to believe that reservation points can be moved. An expanding literature on “sacred values” suggests that “in a world of scarce resources, taboo trade-offs are unavoidable” and that “although people do respond with moral outrage to taboo trade-offs, they often acquiesce when secular violations... are rhetorically reframed as routine or tragic trade-offs” (Tetlock 2003,

320). In other words, under certain circumstances ranges of acceptable outcomes may be fungible.¹⁶

In the context of broad negotiations involving ostensibly intractable issues, thinking about *the* ZOPA may be misguided. It could well be in negotiators' interest to search for ZOPAs (plural) on multiple issues, interdependently. The ZOPA in one area may be flexible based on the ZOPA in another area, and any ultimate agreement may be the product of parties' having found the right combination of ZOPAs. Negotiations, then, would be like the turning of a dial on a combination lock, where parties attempt to align an acceptable combination of ZOPAs on multiple issues in search of an overarching agreement.

Another issue related to but separate from ZOPAs is that of parties estimating the negotiating positions of their opponents. On this point, I do not argue with existing theory, but I draw on insights from this research to suggest ways to sharpen it. The importance of estimating counterparts' negotiating positions has been well documented for decades, especially with regard to distributive negotiation situations. Edward Peters (1955), Ann Douglas (1962), and Carl Stevens (1963), for example, have shown that inaccurate assessments of opponents' positions may lead to offensive bargaining behavior (e.g., initially offering too little) and, consequently, the breakdown of talks and/or open conflict. Inaccurate

¹⁶ On sacred values, see Tetlock 2003; Ginges et al. 2007; Atran and Axelrod 2007, 2008; Hanselmann and Tanner 2008. On sacred values in the context of the Israeli-Palestinian peace process in particular, see Sheikh, Ginges and Atran 2013.

assessments may also lead party A to initially offer party B too much. In such cases, party B may reassess (what would have been) its initial position and use Party A's initial offer as an anchor to ask for more than it thought possible.

These concerns are valid, but there is another concern related to parties' estimations of their opponents' positions that is equally valid and under-theorized in the literature. In some cases, talks may break down not as the result of offensive bargaining behavior resulting from faulty estimations, but rather as the result of a credibility problem that faulty estimations create.

In an attempt to establish an advantageous negotiating position, party A may take an opening position so extreme that party B is able to reject it out of hand, knowing that both parties view the position as unrealistic. Party B may then decide *not* to counteroffer, but rather to wait until party A provides a more realistic opening offer. If and when this happens, the lesson for party B may be, "Don't budge and concessions will follow." If and when party A provides a more realistic offer, party B may continue to hold out, believing that because obduracy paid off in the first place, it may pay off again. This is precisely what seems to have happened in the case of Camp David, as outlined in chapter 3.

This research also suggests that future scholarship might usefully draw a temporal distinction between two different kinds of negotiations. In (temporally) *bounded negotiations*, leaders or their representatives interact at a summit or during a series of clearly identified "rounds" (as happened during talks at Camp David and

Oslo, respectively).¹⁷ One might hypothesize that the shorter the negotiating period (i.e., the more bounded the talks), the more important the dynamics and decisions at the negotiating table are for determining whether the parties reach political settlement (vis-à-vis policies that may result from decisions made at the table).¹⁸

In contrast, what might be described as *unbounded negotiations* are generally longer. Unbounded negotiations (e.g., those between Colombia and the FARC and Colombia and the M-19) may pose additional challenges to analysts, because the analytic focus is more likely to extend beyond what happens at the negotiating table to actions taken by the parties away from the table. If a state agrees during the course of negotiations to demilitarize part of its territory, as the Pastrana administration did in talks with the FARC, then the implementation of that policy can and should be viewed as a fundamental part of the state's strategy.

The logic of bounded and unbounded negotiations should be the same, but strategies are likely to manifest themselves in more ways during unbounded negotiations. The aforementioned decision to demilitarize territory would most likely represent an integrative "move," but a state cannot demilitarize territory at a summit. One of the key differences between negotiating at a summit and negotiating over a longer period of time is that in the latter context actual policies

¹⁷ Rounds in these contexts would take place over a limited period of time (measured in weeks or months rather than years).

¹⁸ Policymakers in this kind of negotiating environment may or may not have time to implement policy decisions. In the case of summits, for example, decisions are forward looking. Leaders agree, or not, that they *will* take certain actions.

(rather than commitments to implement policies) affect the dynamics of talks and their prospects for success.

In chapter 1, I provided examples of tactics that are consistent with distributive and integrative negotiating strategies. These related primarily to the kinds of actions that could be employed at the negotiating table. In the tables that follow, I introduce examples of integrative and distributive tactics that states and NSAGs might employ away from the negotiating table, in the context of unbounded negotiations.

Table 16: Integrative Tactics Away From the Table

INTEGRATIVE TACTICS IMPLEMENTED BY THE STATE	
Decrease use of “terrorist” rhetoric.	Refrain from action that restricts mobility.
Express public optimism about talks.	Release political prisoners.
Restrict bombing campaigns (especially in areas populated with civilians).	Demilitarize territory.
INTEGRATIVE TACTICS IMPLEMENTED BY THE NSAG	
Change rhetoric to suggest some degree of government legitimacy.	Refrain from action that restricts mobility.
Express public optimism about talks.	Release hostages.
End attacks against civilian populations.	Reduce or end kidnapping.

Table 17: Distributive Tactics Away From the Table

DISTRIBUTIVE TACTICS IMPLEMENTED BY THE STATE	
Increase use of “terrorist” rhetoric.	Increase roadblocks aimed at detaining NSAG members.
Emphasize preconditions for negotiations.	Increase bombing campaigns, especially in civilian areas.
Attempt to take or hold territory previously held by NSAG.	Extradite NSAG members to third countries to face trial.

DISTRIBUTIVE TACTICS IMPLEMENTED BY THE NSAG	
Increase anti-government rhetoric.	Increase kidnappings, especially on high-profile targets.
Emphasize preconditions for negotiations.	Execute detained political prisoners.
Increase attacks against government installations.	Increase attacks against civilian populations.

The contents of these tables do not reflect an extension of the research design employed throughout the dissertation. Many of these tactics (e.g., the demilitarization of territory, expressions of optimism over talks, the establishment of preconditions for talks, the kidnapping and freeing of political prisoners) appear in the empirical chapters and are identified as integrative or distributive therein. However, these tables represent the explicit articulation of a broad empirical observation: integrative and distributive tactics manifest themselves differently at and away from the negotiating table.

To evaluate the aforementioned hypothesis – the shorter the negotiating period, the more important the dynamics and decisions at the negotiating table are

for determining whether the parties reach political settlement – future research might use process tracing to compare tightly bounded talks (e.g., summits) with negotiations that extend over significantly longer periods. Though at first glance it seems logical that discussions at a summit will affect summit success or failure more than discussions in broader contexts, one of the principal contributors to summit failure may be the impossibility of knowing that negotiating counterparts will keep their word.

Additional Research Questions

Throughout this research, I have identified issues that lend themselves to questions appropriate for further investigation. I provide three such questions here. Brief discussion of each follows.

- Question 1: Do parties employing integrative strategies tend to deviate from those strategies as they approach political settlements? If so, why, and to what extent does this divergence threaten the process?
- Question 2: What kinds of issues are most conducive to integrative bargaining, and what kinds of issues lend themselves more to distributive bargaining?
- Question 3: Going forward, will territorial claims continue to be of principal concern to NSAGs that participate in strategic negotiations?

Question 1 is based on the observation that, despite the predominant use of integrative strategies by Israel and the PLO leading to the Oslo Accord, as the parties approached final agreement there seemed to be an uptick in distributive moves on both sides. This may suggest that while the mutual adoption of integrative strategies favors negotiation success – a key conclusion of this research – when parties believe that agreement is within sight they may deviate from their strategies in an attempt to maximize partisan gains.¹⁹ Future research might explore whether this kind of divergence is common in talks between states and NSAGs. To the extent that it is common, does this kind of divergence tend to threaten negotiating processes?

Relatedly, scholars might seek to distinguish between positions that are self-interested but not necessarily zero sum, on the one hand, and positions that are more zero sum and antagonistic, on the other. The former may rightly be considered integrative, though they run the risk of being perceived as distributive. The latter would rightly be perceived as distributive. In the second phase of negotiations leading to the Oslo I Accord, it was somewhat difficult to definitively identify certain tactics as integrative or distributive. The reason for this may have been that ostensibly distributive tactics (e.g., the issuance of an ultimatum for the continuation of talks) were not necessarily zero-sum.

¹⁹ There are other possible explanations for divergence. Parties may respond to distributive tactics with distributive tactics, for example, despite having no prior intention to deviate. Alternatively, parties may plan, from the beginning of talks, to deviate from their initial strategies as talks approach agreement.

The second question is based on the observation that some issues lend themselves more naturally to different kinds of negotiations (i.e., integrative or distributive negotiations) than do others. Territory, for example, is a finite good, and territorial sovereignty is almost always zero-sum.²⁰ This suggests that, more often than not, the narrow issue of territory is likely to be resolved in distributive terms, even though this may happen in a broader context of integrative negotiations.

In contrast, the question of how a NSAG might dispose of its arms after reaching a political settlement may lend itself easily to an integrative solution, as demonstrated in the case of negotiations between Colombia and the M-19. In future research, analysts might seek to explicitly identify which kinds of issues are more easily resolved through distributive bargaining and which are more easily resolved through integrative bargaining. This kind of work may provide useful insights regarding how negotiators could best allocate their efforts.

Finally, regarding question 3, Cronin (2010, 3) has found that nearly all NSAGs that have entered into talks in recent decades have had strategic objectives related to the control of territory. This was certainly the case for two of the three groups that participated in the negotiations explored here (the exception being the M-19). She notes, however, that it is difficult to know whether territory will remain

²⁰ Even territorial sovereignty may, in some cases, be resolved through integrative negotiations. For example, possible integrative solutions related to the Haram al-Sharif include Palestinian sovereignty over the Haram and Israeli sovereignty over the land on which it sits. Even more likely, the parties may eventually agree to past suggestions relating to international custody of the site or even the reservation of sovereignty for God.

a primary consideration of NSAGs “in an era of ‘virtual’ globalized causes.” This is a fairly simple question, though an interesting one, that can be addressed over time simply by taking note of the strategic objectives of NSAGs. Relevant corollary research might explore the extent to which NSAGs’ *principal* objectives have evolved over time.

6.4 Policy Relevance

In recent decades, a combination of factors – globalization, the diminishment of internal legitimacy within states, and the loss of the state’s authoritative control over the means of violence – has contributed to the proliferation of NSAGs and to the expansion of their capabilities. Understanding how states and NSAGs might find pathways out of violence and armed conflict has never been more important. In this context, this research sheds light on the kinds of strategies that may be effective in current and future negotiations. In this section, I make general and specific policy recommendations for states, as negotiators and mediators, that draw on the insights of the research.

General Policy Recommendations

The broadest policy implication here is that states should not preemptively rule out talks with NSAGs that have used terrorist violence in the past, and they should not assume that NSAGs are not amenable to negotiated political settlements. As explained in chapter 1, it is important to consider *kinds* of NSAGs, and there are

groups that states should avoid engaging in talks.²¹ Nevertheless, the “no negotiations” stance that has largely prevented systematic investigation of the conditions conducive to negotiations with NSAGs is misguided. The M-19 is but one example of a group once thought incapable of negotiating in good faith, much less of reaching a political settlement.

The most important policy recommendation that derives from this research is that states should adopt and maintain predominantly integrative negotiating strategies if, and only if, their NSAG counterparts are employing, or can be induced to shift to, integrative strategies. This recommendation stems from the finding that the combination of mutually integrative negotiating strategies is more likely than any other to culminate in settlements that are acceptable to both sides.

The corollary of this recommendation is that states as negotiating parties should do what they can to encourage the adoption of integrative strategies by their counterparts, including by reciprocating integrative moves with integrative moves. States should also take proactive steps to prepare domestic constituencies for possible political settlements. Doing so would not only demonstrate good faith in negotiations; it would also lay the groundwork for the implementation of an agreement if and when agreement is reached.²²

²¹ In general, these are the kinds of groups that would not engage in talks even if states were amenable to negotiations.

²² The importance of preparing domestic constituencies for political settlements is most clearly demonstrated in part 2 of chapter 3, which deals with the interim period between

As mediators, states should encourage the adoption and maintenance of integrative strategies, and they should laud integrative measures by the parties that employ them. Though the research design did not speak explicitly to the kinds of measures that would induce strategy shifts, *ad hoc* inferences from the cases suggest that these might include providing credible guarantees in areas where parties may be reluctant to make concessions.²³ In extreme cases (e.g., after the prolonged absence of integrative measures by one or both negotiating parties), mediators should make the continuation of mediation contingent on parties' (at least tentative) return to integrative tactics.

As highlighted above, none of this suggests that integrative strategies are "better" than distributive ones. Whether a given strategy favors settlement depends on context. The maintenance of an integrative strategy in the absence of integrative reciprocation is likely to be detrimental both to the interests of the party employing the strategy and to the negotiating process itself. When states' integrative moves are consistently met with NSAG distributive moves, as occurred in the case of

the Oslo I Accord in 1993 and the Camp David Summit in 2000. For discussion of the kinds of steps that can be taken in this regard, see "Preparing for Peace: Communications in Conflict Resolution," published by the Organization for Security and Co-operation in Europe (OSCE), December 2012.

²³ In mediating talks between Israel and the PLO, for example, the United States might seek to mitigate Israeli security concerns by offering a defined US troop presence in the Jordan Valley. This could help to alleviate the kind of zero-sum mindset vis-à-vis security that the Israeli team (and Barak in particular) manifested during talks at Camp David.

negotiations between Colombia and the FARC, states would be right to demand tangible demonstrations of good faith to continue talks. These would either provide the state with “gains,” hopefully while improving the dynamics of the process, or their absence would clarify that talks are unlikely to succeed.

A second policy recommendation relates to the two procedural mechanisms, described in chapter 5 and in the preceding section of this chapter, which may have positive independent effects on negotiations. These mechanisms are 1) the establishment and maintenance of regular meetings between negotiating counterparts, and 2) the establishment of a joint committee charged with addressing unforeseen obstacles in the negotiating process. The question of whether these mechanisms can be effectively implemented when one or more parties employs a distributive strategy is addressed above, but there is strong reason to believe that in cases where they are implemented they will favor negotiation success.

The policy recommendation is that states, as negotiators and as mediators, should in general encourage the adoption of these procedural mechanisms. Regular meetings promote the affirmation and reaffirmation of the goals of negotiations and of developments in the process. They also promote interaction between negotiators that may serve to “humanize” negotiating counterparts, contributing to the positive maturation of relationships. One might surmise that more exposure to the beliefs of

one's counterparts may promote the understanding of that counterpart's interests and positions, even when disagreement on given topics remains firm.

Though under most circumstances these mechanisms are likely to favor negotiation success, their encouragement under certain conditions may run the risk of undermining talks. Specifically, in the context of the mutual adoption of distributive strategies regular and frequent interaction may serve only to reinforce parties' suspicions of their counterparts' motivations and tactics. Since distributive talks tend to focus more on positions than on interests, regular interaction in this context could contribute to the hardening of the former.

In short, when one or both parties are employing a predominantly distributive strategy, the encouragement of regular interaction should be considered with caution. This is not to say that it should be avoided, but the determination of whether and how this mechanism would benefit the process should be determined on a case-by-case basis. In these contexts, states as negotiators and as mediators should prioritize encouraging the adoption of integrative strategies by both sides.²⁴

The study also yields secondary policy recommendations. First, states as negotiators and as mediators should be watchful for, and should respond to, evidence that negotiating parties intentionally seek to misinterpret past

²⁴ The other procedural mechanisms addressed here – the establishment of a committee charged with addressing unforeseen obstacles to negotiations – is likely to be beneficial to negotiations, if and when it can be implemented, regardless of the combination of negotiating strategies employed.

agreements. Parties may do this for partisan gain or to delay the negotiating process. Doing so likely reflects a distributive negotiating strategy. In its negotiations with the Pastrana administration, for example, the FARC agreed to specific timetables for talks before later arguing that deadlines could not realistically be met and that they were goals rather than hard dates all along. This maneuver contributed to the chipping away of the government's will to continue talks until they finally collapsed.

State negotiators may also have incentives to intentionally misinterpret past agreements, and the evidence of this intent is sometimes surprisingly clear. In justifying his electoral promise to uphold the Middle East peace process despite opposition to the Oslo Accord, Israeli Prime Minister Netanyahu explained in 1996:

*"I'm going to interpret the accords in such a way that would allow me to put an end to this galloping forward to the '67 borders. How do we do it? Nobody said what defined military zones were. Defined military zones are security zones; as far as I'm concerned, the entire Jordan Valley is a defined military zone. Go argue."*²⁵

This kind of disposition does not necessarily signal that a party is acting in bad faith, but it does suggest that mediating states (and, in this context, NSAG counterparts) should carefully evaluate the extent to which those involved are willing to uphold their commitments. Statements like these likely reflect

²⁵ http://voices.washingtonpost.com/checkpoint-washington/2010/07/netanyahu_america_is_a_thing_y.html.

distributive negotiating strategies, and as demonstrated throughout these militate against political settlement.

As a final general recommendation, this research suggests that mediators should refrain from "pre-negotiating" what is, and what is not, acceptable with individual negotiating parties. Doing so has the potential to undermine the negotiating process in at least three ways. First, it may reinforce the perception, justified or otherwise, that one party is "favored" by the mediator. Second, if discovered it may undermine the credibility of the mediator, including the perception that the mediator is acting even-handedly. Third, even if undiscovered, it may reduce prospects for success by tilting the scale in a way that is unfavorable to political settlement.

This problem arose in several ways during the Camp David talks. Before the summit began, President Clinton envisioned implementing a "one-text" process of the kind that was used successfully at the Camp David Summit in 1978. When Camp David II began, the president changed his mediation strategy to accommodate Prime Minister Barak, and when the summit was underway Barak was sometimes successful in lobbying the Americans to present Israeli positions as "bridging proposals." The PLO's justified suspicion that this was happening was among the factors that undermined talks.

Specific Policy Recommendations

When this research began in 2011, Israel was not negotiating with the PLO, and Colombia was not negotiating with the FARC. Since that time, talks have resumed in both cases. As of mid 2014, Cuba is mediating talks between Colombia and the FARC that began in early 2012.²⁶ From July 2013 to April 2014, the US mediated talks between Israel and the PLO. These were suspended by Israel after a reconciliation agreement between Fatah and Hamas.²⁷

Intimate knowledge of the details of the parties' negotiating strategies is not available, but strong inferences can be drawn from media accounts of developments in the processes and steps that have been publicly acknowledged by the negotiating parties. The available evidence suggests that Colombia and the FARC have employed integrative negotiating strategies and that these have contributed to progress in the process. Negotiations between Israel and the PLO, in contrast, seem to have broken down as the result of a distributive tit-for-tat. This section summarizes the state of negotiations in both cases and draws on the research to recommend policies that, if implemented, would favor negotiated settlements.

²⁶ The governments of Norway, Venezuela, and Chile are assisting in mediation.

²⁷ Fatah is the largest faction of the PLO.

Colombia and the FARC²⁸

In August 2012, Colombian President Juan Manuel Santos revealed that his government had been engaged in secret talks with representatives from the FARC for six months. That same day, he revealed a framework for talks that would begin in October 2012, first in Norway and then in Cuba. This framework, the “General Agreement for the Termination of the Conflict and the Construction of a Stable and Durable Peace,”²⁹ outlined a six-item agenda that was more limited than the one under Pastrana but broader than the one during talks between Barco and the M-19. In less than two years, Colombia and the FARC have reached accommodation on three of the agenda’s six major items.³⁰

Early in discussions, both sides took steps that boded well for progress. The parties kept initial conversations secret, allowing negotiators time to develop

²⁸ For primary documents relating to this peace process, including all joint communiqués by the government of Colombia and the FARC (in English and Spanish), see <https://www.mesadeconversaciones.com.co/documentos-y-comunicados>.

²⁹ <https://www.mesadeconversaciones.com.co/sites/default/files/AcuerdoGeneralTerminacionConflicto.pdf>

³⁰ These include comprehensive rural reform, political participation, and the problem of illicit drugs. Remaining agenda items include termination of the conflict, victim reparations, and implementation and monitoring. For the text of the aforementioned accords, see: <https://www.mesadeconversaciones.com.co/comunicados/comunicado-conjunto-la-habana-26-de-mayo-de-2013?ver=es>

<https://www.mesadeconversaciones.com.co/comunicados/comunicado-conjunto-la-habana-noviembre-6-de-2013>

<https://www.mesadeconversaciones.com.co/comunicados/comunicado-conjunto-la-habana-noviembre-6-de-2013>.

relationships before talks became subject to public scrutiny. In contrast to previous negotiations, the FARC did not require the establishment of a DMZ, and it accepted talks abroad. Shortly after the opening ceremony, the group announced that it would no longer kidnap civilians, and it released ten military and police hostages. The government suspended arrest warrants for senior FARC officials and supported a “Legal Framework for Peace” that promoted some of the FARC’s longstanding concerns.³¹

An April 2014 report by the Washington Office on Latin America finds that ongoing negotiations between Colombia and the FARC have made more progress than ever before.³² “It is not unreasonable,” the report suggests, “to expect an accord by the end of 2014.”³³ Having won reelection on June 15, the Santos administration should implement the following policy recommendations in its final push for a negotiated solution to Colombia’s decades-old conflict.³⁴

³¹ Legislative Act 01, July 31, 2012. Among others, these concerns included agrarian reform, land restitution, and reparations to victims of the conflict.

³² Isacson 2014. “Ending 50 Years of Conflict: The Challenges Ahead and the US Role in Colombia.” Washington Office on Latin America. Washington, DC. Available: http://colombiapeace.org/files/1404_colpeace.html.

³³ As optimistic as many observers are, however, there is reason for caution. Though the military balance has shifted significantly in the government’s favor, the FARC’s “capacity to attack is still considerable, as is their ability to recruit new combatants” (Bouvier et al. 2012a).

³⁴ A number of scholars have proffered specific policy recommendations regarding the current round of negotiations between Colombia and the FARC. See Bouvier et al. 2012a, 2012b; International Crisis Group Report Latin America Report No. 45 (September 2012); and the aforementioned Washington Office on Latin America Report (April 2014).

- 1) Prepare the Colombian public for a negotiated political settlement, and incorporate civil society into the peace process to the extent possible. This includes outreach to all segments of society: local leaders, businesspeople, pundits, academics, and others. Secrecy during the exploratory phase of talks was prudent and appropriate, but at this point the government should be fully engaged in explaining the limits, possibilities, and implications of a political settlement.
- 2) In the event that comprehensive agreement is not reached, accept partial and/or temporary agreements that may be beneficial to both sides. Even without comprehensive agreement, these may build trust that can be drawn upon in future processes. These may also improve conditions for parties on the ground, especially those most affected by the war.
- 3) Create mechanisms to identify, document, and address violations of current and future agreements. Defined procedures of this nature have been shown to be helpful during negotiations (as demonstrated by the M-19 case), and are likely to bolster political settlements.
- 4) As talks progress, exercise discretion in military operations against the FARC, even outside of the context of a ceasefire. Encourage tacit agreements of non-aggression, as existed between the Barco administration and the M-19 during the second phase of those negotiations. If and when political settlement becomes imminent, exercise restraint in military operations.

Israel and the PLO

In 2013 and 2014 the United States returned to its role as mediator of the Israeli-Palestinian conflict. As in the past, talks were aimed at generating confidence-building measures that would, over time, facilitate a final status agreement. US Secretary of State John Kerry envisioned that the parties would reach accommodation within nine months.

Though both parties took steps that supported and undermined negotiations, what might be described as a distributive tit-for-tat ultimately killed this iteration of the process. On March 28, 2014, Israel reneged on a commitment to release 26

Palestinian prisoners. On April 1, Mahmoud Abbas responded by signing 15 international conventions aimed at bolstering Palestinian standing in international organizations. That same day, Israel approved tenders for 708 new housing units beyond the Green Line in Jerusalem. On April 23 Fatah and Hamas announced a reconciliation deal. The following day, Israel suspended negotiations.³⁵

The US view seems to be that “Israel’s aggressive pursuit of new Jewish settlements... sabotaged the negotiations,” and reports suggest that the US has decided to step back from the peace process, at least temporarily, “to let the failure of the talks sink in for both parties, and see if that causes them to reconsider.”³⁶ This position seems prudent. There is little reason for optimism that talks will resume in the near future, and there is less reason to believe that if they do they will be productive.

The policy recommendations outlined below are not meant for quick implementation. Israeli-Palestinian negotiations are not a cost-free exercise; their

³⁵ Israel has maintained that it will not negotiate with a Palestinian entity supported by Hamas. The United States, the EU, and Israel have deemed Hamas a terrorist organization. In the wake of the reconciliation deal, Mahmoud Abbas assured the UN and others that the new entity would uphold all past PLO agreements with Israel, including the renunciation of violence and recognition of Israel’s right to exist. Hamas has claimed that it will not change its own policy (that Israel should not exist) but that it will support decisions made by the unity government.

³⁶ These statements are attributed to “senior American diplomats” involved in the process, one of whom is widely believed to be US Peace Envoy Martin Indyk. http://www.nytimes.com/2014/05/16/world/mideast-peace-effort-pauses-to-let-failure-sink-in.html?_r=0

failure can have significant consequences (as demonstrated during the second intifada after Camp David). The parties should return to the negotiating table only when conditions for negotiations are propitious.

These conditions include, especially, 1) a freeze on Israeli settlement construction in the West Bank for a defined and agreed period of time, 2) a stronger Israeli governing coalition,³⁷ and 3) clear and consistent public commitments by the negotiating Palestinian entity (whether that entity includes Hamas or not) that it will continue to recognize Israel and honor all past agreements signed by Israel and the PLO.

If and when these conditions are met, the following policy recommendations may prove helpful in securing a negotiated political settlement to the conflict, or at least in making progress in that regard.

To the government of Israel:

- 1) Return to talks under the condition that continued participation will depend on the unity government's upholding of past agreements, including the renunciation of violence and recognition of Israel's right to exist.

³⁷ One of the principal difficulties in recent negotiations may have been that Israeli territorial concessions would have threatened the Israeli governing coalition. Such a threat would presume that the prime minister would be willing to make difficult territorial concessions, and this presumption is not necessarily merited. In any case, eventual political settlement will require a strong prime minister not overly constrained by individuals or groups beholden to extreme parties, especially on the right.

- 2) In the likely event that comprehensive agreement is not reached in the near to medium term, accept partial and/or temporary agreements that may be beneficial to both sides. Even without comprehensive agreement, such agreements may build trust that can be drawn upon in future processes. In the mean time, they may improve conditions on the ground for both sides.

To the US government, as mediator:

- 1) In partnership with the European Union, recognize the Palestinian unity government. Stress that continued recognition of this government is contingent upon its upholding of past PLO agreements with Israel, including the renunciation of violence and recognition of Israel's right to exist.
- 2) Encourage an integrative negotiation process. Quietly provide parties with incentives to make unilateral gestures of goodwill. If and when one party makes such gestures, encourage the other party to respond in kind. In short, seek to foster a self-reinforcing integrative dynamic.
- 3) Publicly announce US positions regarding the outlines for a final settlement. Give the negotiating parties sufficient notice that such an announcement will be made.
- 4) Invest more political capital in the process. Presidential-level leadership will likely be required to facilitate resolution of the conflict.

6.5 Conclusion

This dissertation has not sought to advance a preconceived argument.

Rather, it has attempted to shed light on negotiations between states and NSAGs by evaluating hypotheses derived deductively and from existing literature. Some of the hypotheses outlined in chapter 1 were strongly supported by the empirical case studies. Others received mixed or little support. Overall, the principal finding of the dissertation is that negotiating strategy in these contexts matters. Though not the only contributor to negotiation outcomes, our understanding of talks between states

and NSAGs has suffered because the role of strategy has heretofore been overlooked.

One of the key points outlined in the discussion above bears repeating here. This research does not find, nor does it imply, that integrative negotiating strategies are inherently better than distributive ones. Whether a given strategy favors negotiation success is largely dependent upon the kind of strategy employed by one's counterpart. *Combinations* of strategies favor success to different degrees, and the mutual adoption of integrative strategies favors success more than any other combination. The mutual adoption of distributive strategies most strongly favors failure. Though divergent strategies may result in limited tactical agreements, these are unlikely to pave the way to political settlement.

Beyond showing *that* negotiating strategies contribute to negotiation outcomes, the dissertation has also sought to demonstrate *how* strategies contribute to those outcomes. Each of the case studies has taken the reader behind the scenes in negotiations, relying on first hand accounts and primary documents to tell the story of what happened, not merely what has been reported. These accounts show that trust in one's negotiating partner is key to success, and that trust can be shaped – built up or broken down – by the *process* of negotiation. When parties come to the table they rarely have faith in their counterparts, but the right combination of negotiating strategies may ameliorate that problem.



Ultimately, whether parties achieve a negotiated political settlement is a function of whether and how they are willing to compromise. The reason that the mutual adoption of integrative strategies favors negotiation success is that, more than any other combination of strategies, this one encourages trust between counterparts and creative thinking about solutions that may be mutually beneficial. Compromise is rarely the preferred course for either party, but to reach settlement it is usually required of both.

On September 30, 1999, less than a year before the Camp David summit, Yezid Sayigh outlined a Palestinian negotiating strategy in a memo since released by Al Jazeera as part of the Palestine Papers. In his memo, Sayigh proposed ways to refocus negotiations, to reconceptualize topics to be negotiated, and to “challenge and weaken” Israeli negotiating strategy. In many ways, the memo foreshadowed the distributive strategy that the PLO would employ at Camp David.

Though the strategies employed by both parties at the summit militated against a negotiated settlement, Sayigh’s memo was not without words of wisdom. Drawing on a well-known line from the 1960’s, Sayigh recognized that an eventual settlement with Israel was unlikely to achieve all of the Palestinians’ goals. Compromise would be necessary, and compromise would entail concessions. But compromise could lead to peace. From his memo:

“You can’t always get what you want, but if you try sometimes you might find that you can get what you need.”

Rolling Stones, 1969

Appendix A: Types of terrorists groups¹

Table 1. Types of Terrorist Groups.

	Less Ideological	More Ideological
More Representative	IRA PLO ANC Tamil Tigers	al Qaeda Ku Klux Klan
Less Representative	???	Baader-Meinhoff Gang Red Brigades Gush Emunem Aum Shinrikyo

¹ Reproduced from Pruitt (2006, 372).

Appendix B: Israeli and Palestinian Positions at Key Points During Negotiations Leading to the Oslo Accord¹

Issue	Draft DoP (5 th Round)	Israeli Proposals (10 th Round)	Palestinian Proposals (11 th Round)	Final Declaration of Principles (9/13/93)
End of Israeli civil administration of territories and military withdrawal.	No mention in 5 th round draft.	After the administration of the Council, Israeli Civil Administration will be dissolved.	After the inauguration of the Council, Israeli Civil Administration will be dissolved and the Israeli military government will be withdrawn.	After the inauguration of the Council, the Israeli Civil Administration will be dissolved and the Israeli military government will be withdrawn.
Public order and security	...Israel will continue to carry all responsibilitiesfor defending against external threats or terrorist threats against the Israelis, as well as the responsibility for overall security of the Israelis.	...for defending against external threats.	...for defending against external threats, as well as the responsibility for overall security of Israelis for the purpose of safeguarding their internal security and public order.

¹ These tables are based on primary documents and secondary sources written by participants involved in negotiations (e.g., Abbas 1995, Savir 1998). The idea for this table comes from Behrendt 2007.

Issue	Draft DoP (5th Round)	Israeli Proposals (10th Round)	Palestinian Proposals (11th Round)	Final Declaration of Principles (9/13/93)
Cooperation with and involvements of Egypt and Jordan	The two parties will negotiate an agreement to invite the Governments of Jordan and Egypt to participate in establishing further liaison and cooperation arrangements between the Government of Israel and the Palestinian Interim Authority, on the one hand, and the Governments of Jordan and Egypt, on the other, to promote cooperation between them.	The two parties will invite the Governments of Jordan and Egypt to participate in establishing further liaison and cooperation arrangements between the Government of Israel and the Council, on the one hand, and the Governments of Jordan and Egypt, on the other.	The two parties will invite the Governments of Jordan and Egypt to participate in establishing further liaison and cooperation arrangements between the Government of Israel, the Council, Jordan, and Egypt to look into, among other things, the means of cooperation, problem solving, and modalities of the admission of persons displaced in 1967.	The two parties will negotiate an agreement to invite the Governments of Jordan and Egypt to participate in establishing further liaison and cooperation arrangements between the Government of Israel and the Palestinian representatives, on the one hand, and the Governments of Jordan and Egypt, on the other, to promote cooperation between them. These arrangements will include the constitution of a Continuing Committee that will decide by agreement on the modalities of admission of persons displaced from the West Bank and the Gaza Strip in 1967, together with necessary measures to prevent disruption and disorder. This Committee will deal with other matters of common concern.

Issue	Draft DoP (5th Round)	Israeli Proposals (10th Round)	Palestinian Proposals (11th Round)	Final Declaration of Principles (9/13/93)
Elections	Palestinians of Jerusalem have the right to participate in the election process as candidates and voters. All displaced Palestinians registered on June 4, 1967 have the right to participate in the election process. Their future status will not be prejudiced because they are unable to participate in the election process due to practical reasons.	The future status of displaced Palestinians who were registered on June 4, 1967 will not be prejudiced because they are unable to participate in the election process due to practical reasons.	The future status of displaced Palestinians who were registered on June 4, 1967 will not be prejudiced if they are unable to participate in the election process due to practical reasons.	Palestinians who live in Jerusalem have the right to participate in the election process according to an agreement between the two sides. The future status of displaced Palestinians who were displaced on June 4, 1967 will not be prejudiced because they are unable to participate in the election process due to practical reasons.

Appendix C: Tactics Employed During Negotiations Leading to the Oslo Accord by Party and Round

Round	Israeli Tactics	Palestinian Tactics	Primarily Dist/Int/Mixed?
1	Focus on "mutual beneficial outcome," "construction of broader options"	Focus on economic cooperation, areas "likely to produce consensus," "Gaza First" (Israeli idea)	Both integrative
2	Draw on Pal. positions, concessions on points previously nonnegotiable	Continued focus on joint cooperation re: economy, cooperation, security	Both integrative
3	Stress cooperation on difficult issues, frame Israeli concessions as Pal. achievements	Continue talks despite misgivings re: lack of official Israeli recognition	Both integrative
4	Reveal Rabin's backing of the channel, emphasize his optimism	"Gaza & Jericho First" as suggestion, not ultimatum, focus on mutual benefit of this	Both integrative
5	Take Pal. Ultimatum not as a breach of good faith. Understanding and supporting of request.	Concede Pal. interim gov't will not include East Jerusalem, ultimatum for official Israeli representation	Pal: Mostly integrative but with caveat Israel: Integrative
6	Effectively recognize PLO, praise achievements of process, show good faith, establish red lines	Initially backward looking, questioning PLO threat to Israel, then forward looking	Both mixed, on balance integrative
7	"Cross examination," "arrogant" tone, seek to play Pal. Positions against them.	Disconnect from process, disengage	Israel: Distributive Pal: Disengaged

8	"Apologize" for approach in previous round, reestablish goodwill and rapport	Receptive to Israeli approach to reestablishing good will	Both integrative
9	Introduce biased draft agreement w/ selective use of Pal. positions, say positions are negotiable only after Pal. reaction	Initial furious response to draft agreement, settle down, go through document line by line, focus on areas of agreement	Both mixed
10	Reject Pal. proposals out of hand, leave table	Give Israelis "taste of their own medicine," introduce controversial amendments	Both (especially Pal.) distributive
11	Believing gaps too large, declare process dead	Believing gaps too large, Qurie expresses intention to resign	Unclear (see explanation in text)
12	Focus on mutual recognition, prioritize flexibility, concessions on points to be discussed during final status, mention of Jerusalem, refugees, implementation of UNSC Res. 242	Focus on mutual recognition, prioritize flexibility, concessions related to Jericho, border crossings	Both integrative
13	N/A	N/A	N/A
14	N/A	N/A	N/A

Appendix D: Oslo II Map, September 28, 1995¹



¹ Source: Foundation for Middle East Peace
http://fmep.org/maps/redeployment-final-status-options/oslo-ii-map-nov-1995/oslo_map_1995.gif/image_view_fullscreen

Appendix E: Israeli Deaths Resulting from Palestinian Attacks, 1993-2006 (Civs=civilians / OT=Occupied Territories)¹

Year	1993	1994	1995	1996	1997	1998	1999	2000 until 9/28	2000 (Oct.- Dec.)	2001	2002	2003	2004	2005	2006
Israeli civs. killed by Palestinians in OT	27	11	7	3	4	8	1	2	18	66	88	25	15	17	7
Israeli civs. killed by Palestinians in Israel	9	47	9	38	25	1	1	0	4	87	184	104	53	24	10
Total	36	58	16	41	29	9	2	2	22	153	272	129	68	41	17
Israeli security forces killed by Palestinians in OT	18	12	9	19	0	3	2	1	18	21	102	39	37	7	4
Israeli security forces killed by Palestinians in Israel	7	4	21	15	0	0	0	0	0	17	47	17	3	1	2
Total	25	16	30	34	0	3	2	1	18	38	149	56	40	8	6

¹ Reproduced from Tessler 2009, 777.

Appendix F: Palestinian Deaths Resulting from Israeli Attacks, 1993-2006 (Civs=civilians / OT=Occupied Territories)²

Year	1993	1994	1995	1996	1997	1998	1999	2000 until 9/28	2000 (Oct.- Dec.)	2001	2002	2003	2004	2005	2006
Palestinians killed by Israeli security forces in OT	154	106	42	69	18	21	8	14	272	453	989	573	812	190	656
Palestinians killed by Israeli security forces in Israel	11	7	0	0	0	0	1	4	1	9	30	9	7	0	5
Total	165	113	42	69	18	21	9	18	273	462	1019	582	819	190	661
Palestinians killed by Israeli civs. in OT	1	38	2	3	2	6	0	0	6	7	13	6	2	7	0
Palestinians killed by Israeli civs. in Israel	2	1	1	2	1	1	0	0	0						
Total	3	39	3	5	3	7	0	0	6	7	13	6	2	7	0

² Reproduced from Tessler 2009, 780.

Appendix G: Israeli and Palestinian Negotiating Teams and American Participants at Camp David

Israel

Ehud Barak, Prime Minister of Israel
Gilad Sher, IDF colonel and lawyer
Shlomo Ben-Ami, Minister of Internal Security & Minister of Foreign Affairs
Amnon Lipkin-Shahak, General (ret.) and Minister of Transportation
Danny Yatom, Barak's Chief of Staff & former head of the Mossad
Shlomo Yanai, Major General (ret.) and military advisor
Dan Meridor, former chair of the Knesset's Foreign Affairs Committee
Elyakim Rubinstein, Attorney General

PLO

Yasser Arafat, Chairman of the PLO
Mahmoud Abbas (Abu Mazen), Secretary General of the PLO
Ahmed Qurie (Abu Alaa), Speaker of the Palestinian Parliament
Yasser Abed Rabbo, Minister of Information & culture
Nabil Shaath, Minister of Planning and International Cooperation (i.e., Foreign Minister)
Saeb Erekat, Minister of Local Government
Hassan Asfour, Head of the Negotiations Affairs Department
Akram Hanieh, Journalist and Political Advisor to Arafat
Muhammad Dahlan, Chief of Preventive Security for Gaza
Muhammad Rashid, Business Partner of Arafat
Nabil Abu Rudeineh, Arafat's Chief of Staff

United States

Bill Clinton, President of the United States
Madeleine Albright, Secretary of State
Sandy Berger, National Security Advisor
George Tenet, Director of Central Intelligence
Dennis Ross, Special Middle East Coordinator
Aaron Miller, Deputy Special Middle East Coordinator
John Podesta, Clinton's Chief of Staff
Martin Indyk, US Ambassador to Israel
Bruce Riedel, NSC Director for Near East and South Asian affairs
John Herbst, US Consul General in Jerusalem

Toni Verstandig, Deputy Assistant Secretary of Near Eastern Affairs
Maria Echaveste , Deputy Chief of Staff
Joe Lockhart, Presidential Spokesman
Robert Malley, Special Assistant to the president for Arab-Israeli Affairs
Gemal Helal, Principal Translator

Appendix H: Tactics Employed During the Camp David Summit by Party and Phase

Phase	Israeli Tactics	Palestinian Tactics	Primarily Dist/Int/Mixed?
1 (Days 1-5)	Induce crisis, no negotiation for 2 days, pressure Clinton to put Israeli positions in US draft	No discussion of compromise/concession, emphasize inflexibility, no counterproposals	Both (maximalist) distributive
2 (Days 6-9)	Move away from opening positions, apply pressure, try to dictate terms, walk back concessions, all positions presented as red lines, Barak refuses to meet Arafat	Continued intransigence, heavily caveat positions, tentative concessions but all or nothing on Haram al-Sharif	Israel: shift from 'maximalist' distributive to bazaar approach (still dist.) Pal: Mixed, on balance distributive
3 (Days 10-13)	Barak will not interact with Pals, snubs Arafat's, "shock treatment," demand Clinton's terms be accepted as basis for talks	Engage on some issues but do not propose real compromise, reject proposals, no counteroffers, dictate terms	Both distributive
4 (Days 14-15)	Some creative Israeli ideas (w/o Barak's blessing), focus on zero-sum issues	Competitive, combative tone, rule out any kind of concession on Haram al-Sharif	Both distributive

Appendix I: The Palestine Papers, 9/30 – 4/29/01¹

Document	Date	Topic / "Title"	Source
2	9/30/99	Palestinian Negotiating Strategy	http://transparency.aljazeera.net/files/2.PDF
3	11/14/99	"Procedural Modalities for Palestinian-Israeli Permanent Status Negotiations"	http://transparency.aljazeera.net/files/3.PDF
4	12/1/99	"Talking Points: Security / Meeting with members of Israeli Delegation"	http://transparency.aljazeera.net/files/4.PDF
5	12/16/99	"Developing Negotiating Frameworks: The Colonies"	http://transparency.aljazeera.net/files/5.PDF
6	1/27/00	"Framework Agreement Options"	http://transparency.aljazeera.net/files/6.PDF
7	5/21/00	"Framework Agreement on Permanent Status"	http://transparency.aljazeera.net/files/7.PDF
8	6/1/00	"Negotiating Brief: Mutual Security without Israeli Territorial Annexation"	http://transparency.aljazeera.net/files/8.PDF
9	6/13/00	"Risks of Concluding Undetailed Framework Agreement"	http://transparency.aljazeera.net/files/9.PDF
10	6/14/00	"Framework Agreement: Commitments to Refrain from Belligerency"	http://transparency.aljazeera.net/files/10.PDF
11	6/26/00	"Minutes: Permanent Status Negotiations Meeting: US and Palestinian Teams"	http://transparency.aljazeera.net/files/11.PDF

¹ Documents numbered by al-Jazeera's Investigations Unit. This table includes all 62 documents available from the specified period. Entries shaded in blue were produced as parties negotiated at Camp David. Entries shaded in red are Arabic sources; all others are English sources.

15	Undated	"Proposed Measures for Security Implementation"	http://transparency.aljazeera.net/files/15.PDF
17	4/4/00	"Palestinian Border Crossings"	http://transparency.aljazeera.net/files/17.PDF
18	4/17/00	Letter from Mahmoud Abbas to Ismail Jabbar Haffiz Allah	http://transparency.aljazeera.net/files/18.PDF
19	6/11/00	"Unannounced Meeting with Ehud Barak"	http://transparency.aljazeera.net/files/19.PDF
20	6/13/00	"Israeli List of Independent Issues"	http://transparency.aljazeera.net/files/20.PDF
21	6/16/00	"Palestinian List of Independent Issues"	http://transparency.aljazeera.net/files/21.PDF
22	6/18/00	"Effects of Unilateral Declaration of Statehood"	http://transparency.aljazeera.net/files/22.PDF
25	Undated	"Security Presentation" by Shlomo Yanai	http://transparency.aljazeera.net/files/25.PDF
26	7/16 & 7/17/00	Minutes of (2) Israeli-Palestinian-American Meetings	http://transparency.aljazeera.net/files/26.PDF
27	7/16/00	"Minutes: Meetings of the Economic Working Group"	http://transparency.aljazeera.net/files/27.PDF
28	7/17/00	Minutes of Israeli-Palestinian-American Meeting	http://transparency.aljazeera.net/files/28.PDF
29	7/20/00	"Israeli Presentation: Security" (Based on Dahlan's notes)	http://transparency.aljazeera.net/files/29.PDF
30	8/1/00	Email "re: Security Presentations"	http://transparency.aljazeera.net/files/30.PDF
31	8/15/00	"Minutes: Economics Negotiating Group"	http://transparency.aljazeera.net/files/31.PDF

33	8/21/00	"Minutes: Economics Negotiating Group"	http://transparency.aljazeera.net/files/33.PDF
34	8/22/00	"Minutes: Economics Negotiating Group"	http://transparency.aljazeera.net/files/34.PDF
35	8/28/00	"Agreed Minutes: Palestinian-Israeli Permanent Status Negotiations: Economic Relations"	http://transparency.aljazeera.net/files/35.PDF
36	9/17/00	"Permanent Status Negotiation Session"	http://transparency.aljazeera.net/files/36.PDF
37	9/17/00	"What is Emergency?"	http://transparency.aljazeera.net/files/37.PDF
38	9/18/00	"Permanent Status Negotiations"	http://transparency.aljazeera.net/files/38.PDF
40	10/4/00	"Palestine Defence Needs"	http://transparency.aljazeera.net/files/40.PDF
41	10/8/00	"Palestinian Defense Needs"	http://transparency.aljazeera.net/files/41.PDF
42	10/17/00	"Annex B-1: Sharm El Sheikh Understanding"	http://transparency.aljazeera.net/files/42.PDF
43	10/25/00	"Palestine-Israel Comprehensive Agreement on Permanent Status"	http://transparency.aljazeera.net/files/43.PDF
46	11/27/00	"Summary Report: Introductory Meeting: International Committee of Inquiry"	http://transparency.aljazeera.net/files/46.PDF
48	12/23/00	"Meeting with President Clinton"	http://transparency.aljazeera.net/files/48.PDF
49	12/29/00	"Annex A-1: General Situation"	http://transparency.aljazeera.net/files/49.PDF

52	Undated	"Immediate International Deployment"	http://transparency.aljazeera.net/files/52.PDF
55	Undated	Minutes of undated Israeli-Palestinian Meeting	http://transparency.aljazeera.net/files/55.PDF
56	Undated	"Egypt's Support to the Palestinian Security Sector"	http://transparency.aljazeera.net/files/56.PDF
57	Undated	"Monitoring Mechanism"	http://transparency.aljazeera.net/files/57.PDF
58	Undated	"Talking Points on Moratinos' Proposal"	http://transparency.aljazeera.net/files/58.PDF
60	Undated	"Ideas"	http://transparency.aljazeera.net/files/60.PDF
62	Undated	"Annex II: Palestinian Proposal for Ending the Crisis: Details"	http://transparency.aljazeera.net/files/62.PDF
63	Undated	"Annex III: Ideas on Monitoring Structure to Implement Palestinian proposal"	http://transparency.aljazeera.net/files/63.PDF
64	Undated	"Annex IV: Elements of Implementation in Each Phase"	http://transparency.aljazeera.net/files/64.PDF
65	Undated	"Security Questions"	http://transparency.aljazeera.net/files/65.PDF
66	Undated	"The Palestinian Authority's Proposal for Implementation of the Tenet Workplan"	http://transparency.aljazeera.net/files/66.PDF
67	Undated ²	"Possible Questions and Answers"	http://transparency.aljazeera.net/files/67.PDF

² Though undated, this document appears to have been produced after the Taba talks (January 21-27, 2001).

69	Undated	Minutes of undated Israeli-Palestinian-American Meeting	http://transparency.aljazeera.net/files/69.PDF
70	Undated	Analysis of US Proposed Monitoring Mechanism Non-Paper	http://transparency.aljazeera.net/files/70.PDF
72	1/23/01	"Permanent Status Negotiations"	http://transparency.aljazeera.net/files/72.PDF
73	1/23/01	"Minutes of Negotiations Session on January 23, 2001"	http://transparency.aljazeera.net/files/73.PDF
74	1/23/01	"Memorandum Re: Land Exchange"	http://transparency.aljazeera.net/files/74.PDF
75	1/25/01	"Permanent Status Negotiations: Security Session"	http://transparency.aljazeera.net/files/75.PDF
76	1/26/01	"Permanent Status Negotiations: Security Session"	http://transparency.aljazeera.net/files/76.PDF
77	Undated	"Briefing Memo: The EU Paper on the Taba Talks"	http://transparency.aljazeera.net/files/77.PDF
78	2/10/01	"Meeting Report"	http://transparency.aljazeera.net/files/78.PDF
79	4/10/01	Fax from Ed Abington to Maen Areikat	http://transparency.aljazeera.net/files/79.PDF
80	4/18/01	"Non-Paper (Jordanian Version)"	http://transparency.aljazeera.net/files/80.PDF
81	4/20/01	"Non-Paper (Egyptian Version)"	http://transparency.aljazeera.net/files/81.PDF
82	4/29/01	"Amendments by Shimon Peres as outlined by Jordanian Foreign Minister Abdul Ilah Khatib"	http://transparency.aljazeera.net/files/82.PDF

Appendix J: FARC National Guerrilla Conferences³

Conference	Year	Site	Objective
1	1965	Marquetalia	Establish “Bloque Armado del Sur”
2	1966	Sumapaz	Declaration of the Armed Revolutionary Forces of Colombia (FARC) and decision to extend geographic reach.
3	1969	Guayabero	Establish a front en Magdalena Medio
4	1971	Pato	Establish a front in Urabá. Consolidate the concept of fronts.
5	1974	Pato	Reorganization of the FARC’s “Central Command” and creation of the Secretariat (i.e., 7-man leadership).
6	1978	Duda	Decision to divide each front into two fronts.
7	1982	Guayabero	Establish strategy for seizing power by expanding number of combatants, geographic reach, and combat capacity. Add “Army of the People” to the group’s name, henceforth “FARC-EP.”
8	1993	La Uribe	Propose a government platform of Reconstruction and National Reconciliation.
9	2007	Unknown	Continue war but return to classical guerrilla struggle: attacks in small groups, sabotage, traps, land mines, return to hinterland.

³ Sources: Otero Prada 2007, 67; <http://www.verdadabierta.com/la-historia-de-las-farc>

Appendix K: M-19 Proposals Aimed at Jumpstarting the Peace Process, June 30, 1988

1. [We propose] the signing of a 60-day ceasefire between the government and the CGSB.
2. [We propose] the convocation of a “Summit for National Salvation” that establishes dialogue in search of a solution [to the Colombian crisis].
3. We propose that at the summit we discuss a single topic: life and the principal reforms that the country requires in the context of democracy, sovereignty, and social justice, which will allow us to advance without winners or losers until we reach a grand, national compromise inspired by the agreements that we reach.
4. We propose that this national pact be submitted for approval to the national constituency by way of national plebiscite...because the responsibility for positive results lies with all Colombians.
5. We propose the following list of participants at the summit: the Government of President Virgilio Barco, the Supreme Court, the Senate and Congress, the Attorney General, the Armed Forces (including army, police, and air force), the unions (labor, industrial, agricultural, livestock, building, commercial, and financial), the media, the Liberal Party, the Conservative Party, the Patriotic Union, the National Association of Peasants (*campesinos*), the National Organization of Indigenous Colombians, the presidents of various civic departments, the National Student Movement, the Colombian Federation of Educators, the Permanent Committee for the Defense of Human Rights, the Association of Families of Political Prisoners and the Disappeared, the Movement of National Convergence, the CGSB, Dr. Alvaro Gómez Hurtado, the leader of the M-19, and the Church of Colombia. We propose monitoring and oversight of the Summit by the United Nations.
6. We propose the Apostolic Nunciature in Colombia as site of the Summit.
7. We call on all Colombians in our nation and those in exile to participate in a “National Day for Life, Democracy, and Justice” through mass mobilizations in public squares throughout Colombia and at our embassies abroad.

8. We ask the Holy Father that on that day he pray for Colombia.
9. We call on mayors and citizens throughout the country meet in open forums to discuss urgent products for local development, for the peace of their communities.
10. As homage to *El Libertador* [Simón Bolívar], and as part of the truce, we propose dialogue between the commanders of the armed forces and the commanders of the CGSB.
11. Lastly, we call on athletes and artists to organize, with the help of the state and the participants at the Summit, cultural and sporting events aimed at raising funds to help the war orphans [*huérfanos de la Guerra*]. We pledge our honor that Dr. Gómez will attend the opening of the summit with the leader of the M-19.

Appendix L: Summary of Key Points of Political Negotiation, 1989-1990⁹

Issue	M-19 Proposal (4/3/89)	Table of Analysis Recs (7/13/89)	Political Pact (11/2/89)	Political Accord (3/9/90)
Constitutional Reform	<p>a) Reform of article 218 to allow for plebiscite, referendum, and creation of a constituent assembly.</p> <p>b) Define a democratic process to create a new constitution.</p>	<p>a) Political accord needed to tackle reforms.</p> <p>b) Invite Congress to reform article 218 to give constitutional basis for referendum and constituent assembly.</p> <p>c) Referendum should include an article that obligates future governments to implement a policy of concerted peace.</p> <p>d) Creation of a branch of government that autonomously organizes radio and television service.</p> <p>e) The government should form a broad 'pre-constituent' commission that discusses constitutional reform.</p>	<p>a) Call for a referendum for peace and democracy to reform article 218 in the second round of constitutional reform in process.</p> <p>b) Include an article in the constitution that permits calling constitutional referendum.</p> <p>c) Introduce president's initiative about human rights.</p>	<p>Parties agree on the necessity of reforming the constitution by any means necessary to fortify the institutional legitimacy [of the state] and augment democratic space.</p>

⁹ These tables are constructed from review of the accords themselves and secondary sources (including García 1992 and García, Grabe & Patiño 2008). They are representative of the proposals and agreements but not comprehensive. For further discussion of these proposals and accords, see Villamizar 1995.

Issue	M-19 Proposal (4/3/89)	Table of Analysis Recs (7/13/89)	Political Pact (11/2/89)	Political Accord (3/9/90)
Electoral Reform	Electoral reform by plebiscite (by 10/20/89) regarding the following points: -Presidential elections and terms -Mandatory voting -National constituency -State financing of electoral campaigns	The following points should be included in the referendum: -Guarantees for a secret vote -Mandatory national voting -National constituency -State financing of campaigns	a) Recognition of demilitarized guerrilla groups as political parties b) Special national constituency for peace c) National constituency for ethnic minorities d) Mandatory voting (to be phased in) e) The electoral court will grant legal status to parties that arise from the peace process f) Other measures that guarantee the financial viability of parties that arise from the peace process and augmentation of information about electoral processes for everyone.	a) The parties agree to respect the establishment of a special national constituency to apply no later than the 1992 elections for the senate and house. b) The parties agree to support electoral reform that includes: -Mayoral election cards (1992) and corporations (1994) -Vote enclosure (to provide for secret vote) -National and territorial constituencies.

Issue	M-19 Proposal (4/3/89)	Table of Analysis Recs (7/13/89)	Political Pact (11/2/89)	Political Accord (3/9/90)
Dirty War	Creation of a special tribunal to judge political crimes, genocides, massacres, etc.	<p>Create a presidential commission to assess the effectiveness of justice on the following points:</p> <ul style="list-style-type: none"> -Formulation of strategies for the integral reform of justice. -Elaboration of legal texts -Collection of complaints from vulnerable people vis-à-vis the inefficacy of justice, especially regarding human rights. 	<p>Create an advisory commission that studies and proposes elements that contribute to justice and expedites the application of justice regarding the following points:</p> <ul style="list-style-type: none"> -Formulation of strategies for integral reform of justice. -Collection of complaints from vulnerable people vis-à-vis the inefficacy of justice, especially regarding human rights (channeled by attorney general's office). 	Government will issue a decree to create commission for the integral reform of justice.

Issue	M-19 Proposal (4/3/89)	Table of Analysis Recs (7/13/89)	Political Pact (11/2/89)	Political Accord (3/9/90)
Narcotraffic	Create a non-governmental commission to explore solutions and establish an agenda for direct dialogue with cartel bosses.	Create a non-governmental commission, academic in character, to investigate the national and international dimensions of the problem and explore different aspects of possible solutions.	The Ministry of Government will form an academic, non-governmental commission with autonomy and full independence that will investigate the national and international dimensions of narcotraffic. The results will be presented to the government.	Government will form academic non-governmental commission.
Self Defense Forces and Paramilitaries	a) Regulation of self-defense forces: i.e., identify those linked to the armed forces. b) Dissolve paramilitary groups c) Dialogue with armed groups that have recognized spokesmen	a) Begin process by which the state regains its monopoly of arms. b) Support governmental decrees aimed at dissolving paramilitaries. c) Publish information about self-defense forces that collaborate with the armed forces. d) Reject "private justice," which should be reprimanded by the state.	The government will publish information about armed self-defense forces that operate with the collaboration of the armed forces.	Nothing new on this point. Government will execute agreement from 11/2/89.

Issue	M-19 Proposal (4/3/89)	Table of Analysis Recs (7/13/89)	Political Pact (11/2/89)	Political Accord (3/9/90)
Anti-terrorist statute	Abolish the statute (Decree 180/88).	a) Define and typify the crime of terrorism. b) Consider the disappearance of persons a crime against humanity. c) Differentiate terrorism, political crimes, and peaceful social protest. d) Modify the statute according t the above criteria.	Review the statue for the defense of democracy, keeping in mind: -Differentiation of political crimes and terrorism. -Consideration of the disappearance of persons as a crime against humanity.	Nothing new on this point. Government will execute agreement from 11/2/89.
Humanitarian Law	a) Apply international humanitarian law / ratification of protocol 77. b) Form oversight committee to ensure application of accord.	a) Ratify protocols I and II of 1977. b) Propose "Pact for Life," signed by all parties, calling for no disappearances, no violence, etc.	Government creates commission for human rights headed by minister of foreign relations to study the recommendations to ratify protocols and consider viability of Congressional legal projects on subject.	Nothing new on this point. Government will execute agreement from 11/2/89.

Issue	M-19 Proposal (4/3/89)	Table of Analysis Recs (7/13/89)	Political Pact (11/2/89)	Political Accord (3/9/90)
Participatory Planning	<p>a) Expand the National Council for Economic and Social Policy (CONPES) to include representatives of different social sectors with the goals of developing an emergency plan of national reconstruction and initiate consultation about a ten-year economic and social development plan.</p> <p>b) Modification of regional councils on social and economic policy along same lines as above.</p>	<p>a) Study and adopt mechanisms for community involvement in the development of guidelines that inspire development programs and investment programs.</p> <p>b) Establishment and organization of a system of territorial funding.</p> <p>c) Supervise transfer of royalties to productive social investment projects.</p> <p>d) Regional Councils for Economic and Social Policy should adopt sub-regional policies.</p> <p>e) Accelerate popular input.</p>	<p>a) Mechanisms will be adopted for community intervention in the definition of plans for development and investment.</p> <p>b) Law 11/86 will be modified according to the consensus of the working table.</p> <p>c) The transfer of said royalties will be so supervised.</p> <p>d) Instructions will be given to Regional Councils for Economic and Social Policy regarding sub-regionalization to facilitate zone-specific planning.</p>	<p>Nothing new on this point. Government will execute agreement from 11/2/89.</p>

Issue	M-19 Proposal (4/3/89)	Table of Analysis Recs (7/13/89)	Political Pact (11/2/89)	Political Accord (3/9/90)
Wages and Income Policy	a) Semiannual increase in the minimum wage. b) Price controls on stable items.	a) Review of importation and tariff policies. b) Prevention of oligopoly and monopoly and expansion of opportunities for small industry, microenterprise, and economic solidarity. c) Raise productivity and efficiency in the productive sector. d) A policy of commercialization of agricultural products that favors consumers and farmers. e) Rational management of the Institute of Agricultural Marketing (IEMA)'s inventory. f) Change the date of annual salary increases. g) Control the pay of minimum wage and recognition of legal benefits. h) Effective control over social security institutions.	a) Policies to improve the real wages of workers. b) Policies related to the commercialization of agricultural products and strengthening of the Institute of Agricultural Marketing (IDEMA). c) Prevention of oligopoly and monopoly and expansion of opportunities for small industry, microenterprise, and economic solidarity. d) Arrange control measures regarding the payment of minimum wage and legal benefits.	Nothing new on this point. Government will execute agreement from 11/2/89.

Issue	M-19 Proposal (4/3/89)	Table of Analysis Recs (7/13/89)	Political Pact (11/2/89)	Political Accord (3/9/90)
Natural Resources	No proposal on this point.	a) Include a constitutional provision that recognizes the compatibility of sustainable economic development and protection of the environment. b) Institutional reorganization of the sector. c) Norms and mechanisms of control that guarantee the rational use of natural resources. d) Formulas for financing the management of natural resources. e) Strengthen and coordinate systematic investigate efforts on the issue. f) Official educational programs on the issue. g) Propose debt reduction to foreign creditors in exchange for environmental conservation.	a) Include a constitutional provision that recognizes the compatibility of sustainable economic development and protection of the environment. b) Institutional reorganization of the sector. c) Norms and mechanisms of control that guarantee the rational use of natural resources. d) Formulas for financing the management of natural resources. e) Official educational programs on the issue. f) National parks and reserves will not be utilized for purposes other than those dictated by law.	Nothing new on this point. Government will execute agreement from 11/2/89.

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Biography

Seth Cantey was born in Columbia, South Carolina on June 23, 1981. He graduated from Bucknell University in 2003 with majors in Psychology and Spanish. At Bucknell, he received the Helen E. Sprague Prize. In 2008 he earned an MA in Latin American Studies from Georgetown's School of Foreign Service, where he passed his comprehensive exam with honors. During his enrollment at Duke (2008-2014) he received five Foreign Language and Area Studies (FLAS) fellowships and three Bradley research fellowships. An avid traveler, he has lived in Argentina, Colombia, Ecuador, Mozambique, and Syria. He speaks Arabic, Portuguese, and Spanish.