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ARTICLE

Are there formulas for successful diplomatic agreements?

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Abstract The existence of natural panaceas or silver bullets in diplomatic agreements is currently under examination. Diplomacy has evolved from the classical theories of the seventeenth and eighteenth centuries, which stressed the importance of objective factors, to modern ideas that highlight the human element as well. This explains why finding generalised models in diplomatic arrangements was easier in the old forms of diplomacy than in its more modern counterparts. Diplomatic agreements have become increasingly complex, covering many fields beyond conflict in the traditional sense. The Dayton Accords and Minsk Agreements are good examples of this. This complexity hampers our ability to find a universal formula which can work for all diplomatic situations and agreements. For some scholars a settlement must produce a set of arrangements that lasts for generations, demonstrating robustness and permanence, while for others, the measurement of success is based on the ability of the agreement to meet initial expectations.

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Introduction

In light of contemporary diplomatic literature, it is quite difficult to define a 'successful settlement'. This is because a settlement is a complex and multifaceted outcome of a process, and arises from particular circumstances. For some scholars, a settlement must produce a set of arrangements that lasts for generations, demonstrating robustness and permanence. For others, the concept of success is subject to the ability of the matter at hand to meet initial expectations.

At the same time that the notion of success is being broadly contested, the existence of natural panaceas or silver bullets in diplomatic agreements has also come under scrutiny. Finding generalised models in diplomatic arrangements was easier in old forms of diplomacy than in its more contemporary counterparts. For example, during the medieval era, the Byzantinian emperors revived the art of diplomacy. They mainly employed three diplomatic strategies: causing rivalry among the barbarians, securing good terms with the frontier tribes via the use of money and flattery, and urging the conversion of pagans to Christianity. These fixed strategies helped Emperor Justinian to expand his empire.

Currently, diplomatic practices have to deal with both the varying relations between states and the changing fabric of transnational ties. There is no way of telling if or when a problem can be 'objectively' accommodated by a formulated solution. Moreover, every scenario is different and has to be addressed carefully through various approaches. The progressive complexity of diplomatic agreements, which cover many fields beyond traditional conflicts, requires tailor-made solutions.

Colombia's peace accord and referendum were established to work like those of Northern Ireland. However, the situation has turned out to be more like that of Cyprus, where in 2004 voters refused the Annan Plan proposed by former UN Secretary General Kofi Annan. In Cyprus, the UN mediators conceived a plan to reunite the island and to reach an agreement on certain power-sharing forms of government. In the end, however, political leaders in some areas of the island rejected the agreement and campaigned against it. Like Colombia's rejection of the peace accord, the rejection of the Annan Plan showed that expectations were very high for the agreement. Although some scholars have defended the presence of useful formulas in the various stages of reaching an agreement, this article argues that it is hard to find a comprehensive formula that will work for all diplomatic situations and agreements.

The remainder of this article proceeds in four sections. First, the article reviews the concept of successful diplomacy. In the second section, it compares the formulas and methods of 'old diplomacy' with those of 'new diplomacy'. Moving forward, it analyses some common elements necessary for a successful deal by contrasting the methods of

old diplomacy with those of new diplomacy. The article concludes with a comprehensive discussion of the critical factors involved in a successful deal.

What constitutes success?

Peace settlements do not follow the same pattern as those on trade or environmental issues. For example, the recent Paris climate change agreement is considered, by some, to have been the world's greatest diplomatic success. In contrast, the previous global attempt to resolve the issues of climate change, held in Copenhagen in 2009, broke down into chaos and recriminations. Thus the settlement in Paris was an improvisation on the previous failure to achieve success.

Conversely, peace accords have evolved historically from an old idea that attributes a military victory in substantial documents which are the result of a long negotiation process. Tanisha M. Fazal represents the views of some scholars when she states that

> the use of peace treaties to conclude interstate war has seen a dramatic decline since 1950. Approximately three-quarters of nineteenth-century interstate wars were accompanied by peace agreements. This number drops to about forty percent for the twentieth century as a whole, and to a mere fifteen percent for interstate wars after 1950. Like declarations of war that used to accompany the start of a conflict, peace treaties may be falling into desuetude. (Fazal 2013, 4)

In 1994, Arthur M. Schlesinger observed that, 'diplomacy is useful when the rules of the game have general agreement. However, the ideological wars of the twentieth century shattered the context of shared values' (Schlesinger 1994, 150). According to Schlesinger, the disappearance of Communism had opened new doors for diplomacy; that is, at least until the conceivable revival of fascism, which would renew ideological warfare.

If ideology were not the root of the conflicts that the world faces today, it would be easier to explain the assertions of Fazal and Schlesinger. However, the wars in Syria and Afghanistan have religious and ethnic components that hinder the negotiation process, which has led to delays in potential settlements. This fact is evident in the absence of a peace treaty in Iraq, which could conclude the war. Furthermore, the emergence of asymmetrical transnational threats, such as terrorism and organised crime, also exemplifies this phenomenon.

Aiding the cause of this article, Mitchell (1989) describes the different ways of devising successful diplomacy. He explains that in a historical context, some processes have never managed to get the parties into a dialogue, let alone to agree on a ceasefire. The Georgia–Russia war of 2008 is a good example in this context. The author mentions other cases too in which there have been negotiations, but a deal has not been concluded. The course of the Middle East peace talks between Israel and the Palestinians serves as an excellent example of successful diplomacy in which an agreement has not been reached. Mitchell concludes that if the settlement breaks down during the implementation stage then it is bound to compromise trust between the involved parties. The Minsk peace

process, the series of agreements intended to de-escalate tensions between Russia and Ukraine, is an excellent example that pertains to Mitchell's last point.

Multidimensional approaches

Many people adhere to the common belief that a good settlement is one in which 'neither side is happy'. The Anglo-Irish Agreement of 1985 was one such compromise, in which neither side achieved complete victory. However, three and a half centuries before this event, the peace settlement of Prague in 1635 between the Holy Roman Empire and the majority of Protestant princes created a brutal situation. The settlement caused France, the Habsburg dynasty's greatest enemy, to form an alliance with Sweden and the Dutch, against Spain and the Austrian Empire, which caused the Thirty Years' War to run for another 13 years. Thus, over the years, it was concluded that the 'neither side is happy' axiom was not a useful approach for prolonged matters. The Peace of Westphalia, for example, did not ultimately restore order throughout Europe. As a consequence Spain did not acknowledge France's territorial acquisitions and hence the battles continued until the Treaty of the Pyrenees in 1659.

Cardinal Richelieu, who instigated the alliance against Spain, developed the sense of *raison d'état* (reason of state) more than anyone else in his time. The *raison d'état* demonstrated that the primary goal of a nation's conduct was to ensure the protection of the strength of the state. The French cardinal wrote in his *Political Testament* that states always profit from uninterrupted international negotiations (Richelieu 1961).

For Machiavelli (1988), the *raison d'état* meant that in the case of conflicting goals, the prince was not bound to fulfil promises made in the spirit of diplomacy. In fact, the diplomatic method exercised by sixteenth-century Italians cannot be regarded as exemplary. Their ambassadors were trained with two sets of instructions, the first ostensible and the second secretive.

The *raison d'état* and the law of the strongest continued to arbitrate disputes in successive centuries until 1919. After that, the 'new' diplomacy came into being through the efforts of idealists and liberals such as Woodrow Wilson. At first, the 'new diplomacy was bound to fail' (Morgenthau 1946, 1080) to prevent the Second World War. However, by the end of 1944 when a series of international conferences was held on the initiative of the US, the new diplomacy was able to provide a new framework to facilitate understanding and to build bridges in international society.

New diplomacy

The new diplomacy gave rise to an unknown phenomenon: the need for the interests of the parties to be clearly understood, and then shaped into a shared comprehension of the problem and its solution. Constructive engagement as an appropriate method of reaching

agreements also entailed 'open' diplomacy, in contrast to the 'secret' diplomacy of previous periods. In the early 1950s, the European Coal and Steel Community began to unite European states economically and politically, to establish real peace. In 1957, the Treaty of Rome created the European Economic Community, or the 'Common Market'.

However, new diplomacy is not problem-free. Three main issues should be singled out: first of all, for tactical or cultural motives, the parties may use different approaches to negotiation (Zartman and Berman 1982, 143). Different scenarios also require different approaches. The scope of conflict resolution in today's world is entirely different from what it entailed in the past. Current conflicts, such as those in Ukraine or Syria, for example, where an assertive Russia plays a crucial role, are entirely different from the ones following the collapse of the Soviet Union, when Russia was politically and militarily weak. Second, current problems have been rendered intricate and interrelated, making progress on negotiated solutions even more challenging. Third, the progressive complexity of diplomatic agreements that cover many fields (environmentalism, human migration, trade, etc.) beyond traditional conflict, represents an additional challenge to finding generalised formulas in diplomacy.

Ultimately, both cognitive psychology and psychoanalysis have a lot to contribute to our understanding of how diplomatic decisions are made. Diplomacy is based on human instinct. Individuals who are working in a leadership capacity first address the foreign policy issue, then submit their judgements and finally process this information to come up with a useful course of action. Individual perceptions, the leader's personality and the dynamics of group decision-making are vital psychological factors which have a significant role in shaping foreign policy. The intransigence of either one of the parties, or of both of them, also blocks progress in talks.

Policymakers tend to operate based on subjective opinions, regardless of whether these are accurate or not. With the help of analogies, they unconsciously simplify a complex environment while risking oversimplification of the situation. When they look into the past to learn for the future, political leaders tend to draw simple direct comparisons without acknowledging the qualifying conditions. For instance, in 1991, US President George H. W. Bush called Saddam Hussein 'another Hitler' (Reston 1990), without paying any attention to the differences between the two men.

In 1976, Robert Jervis carried out one of the most influential studies on the role of misperception in foreign policy decision-making. He believed that leaders make policies based upon their perceptions rather than on the actual 'operational environment', thus creating misperceptions (Jervis 1976).

Formula exploration

Despite what has been mentioned so far, other scholars state that the turning point in the negotiation process may be reached 'through the course of arriving at a formula' (Zartman and Berman 1982, 88). They believe that establishing a method that has the

capability to address the issues relevant to a solution, and can directly lead to drafting implementation details, is a good way to reduce the differences between parties. Berridge (2002) agrees with the concept of formula exploration, as it promises solutions to all the concerns of the parties involved.

Lead negotiator and architect of the Bosnia Dayton Accords, Holbrooke (1998), finds similarities between this agreement and the Camp David talks held in September 1978. At the Camp David talks, US President Jimmy Carter made the historic agreement between Egypt and Israel possible, concluding 30 years of hostility between the states. The negotiating team in Dayton interviewed officials involved in Camp David

> about every detail, no matter how small, concerning the talks, including eating arrangements, telephone connections to the outside world, and the handling of the press. Of greatest interest to us was the question of personal relations between the leaders at Camp David. Had the Americans been able to create any personal rapport between Sadat and Begin? Could we do so at Dayton? Do people become more malleable after being cooped up for days? Will sheer fatigue make tempers flare? I phoned President Carter and listened in fascination as he described how he had tried without success to get Sadat and Begin to talk directly to each other. (Holbrooke 1998, 280)

President Carter and Holbrooke both experimented with 'proximity talks', a diplomatic technique used in the 1940s at the UN, in which the mediator moves between the two parties, who rarely meet one another face-to-face. This was a form of 'shuttle diplomacy', which Kissinger successfully tested during the cessation of hostilities following the Yom Kippur War. The US secretary of state under President Nixon offers an example of the central role played by individual relationships in diplomatic negotiations. He contributed to restoring confidence among the affected countries.

Finding a formula for an agreement is indeed reliant on the negotiator's skill, but is also dependent on the development of the conflict itself. The pressure caused by frequent frictions is so powerful that it can take creativity away from the parties. A lack of creativity makes it difficult to overcome differences. At such times, a mediator is needed. This role can be assumed by effective negotiators or international organisations.

Although there is no single silver bullet or panacea at a time of crisis, with only a few very specific exceptions (detailed above), there are independent variables that can have a critical impact, including providing a resolution and forestalling a crisis. The variables include dialogue, negotiation, outcome and commitment. The outcomes of the variables can prevent the situation from deteriorating.

Dialogue and negotiation

In the old days, heads of state rarely met one another. On the rare occasions when they did, they expected trouble and even personal danger. In fact, they were often afraid of being kidnapped and therefore met in the middle of a bridge between their

two territories and talked through a strong oaken barrier for safety. 'Two great princes who wish to establish good personal relations, should never meet each other face to face, but ought to communicate through good and wise ambassadors', said Philippe de Commynes, the fifteenth-century French historian and diplomat (de Commynes 1817, 72). He argued that these meetings were expensive, provoked rumours and hostility, aroused false expectations of progress, and, since they were verbal, led to misunderstandings, which eventually led to disillusionment and even hostility.

Almost a century later, Cardinal Richelieu's writings set the benchmark of continuous engagement and ongoing dialogue. Callières (1994) contended that real diplomacy is based on the creation of confidence, and that confidence can be inspired only by good faith. A dialogue leads to an understanding of reciprocal positions and helps in overcoming the lack of trust. Richelieu thought that negotiations should never be interrupted and proposed to carry out an orderly programme of action in an intelligent and ingenious way. The approach that claims that 'today's enemy could become tomorrow's ally' suggests that only a permanent diplomatic mission can ensure that enough time is spent on negotiation to gain knowledge and influence (Berridge et al. 2001, 23).

Cardinal Richelieu's influence on diplomacy is evident even now. One only needs to look at the changes that have occurred in the Russia–NATO relationship. The NATO–Russia Council was suspended in 2014 amid strained relations over the Ukrainian crisis. However, NATO Secretary General Jens Stoltenberg decided to return to the negotiating table with Russia in accordance with some of Richelieu's advice from 400 years ago. In April 2016 Stoltenberg noted that keeping dialogue open is an important step: 'When the tensions are high, the need for political dialogue is even more important' (NATO 2016).

In the early 1950s, Churchill's view of the Communist menace had shifted away from that expressed in his 'Iron Curtain' speech of 1946. 'He sought a more tolerable coexistence with the Soviet Union by way of near-permanent negotiations' (Kissinger 1994, 505). Churchill advocated the idea of reopening talks with the Soviets, but the American leaders were not receptive to Churchill's proposal. If dialogue had taken place in a constructive and consultative manner, there might well have been some positive changes in the development of the Cold War.

The bargaining stage in conflict management has gained in relevance throughout history. Fortunately, unlike in the past, negotiators are no longer killed by their opponents as a show of power. Bilateral negotiations have achieved satisfactory results since the nineteenth century as an alternative to warfare.

Richelieu was the first person to establish that negotiation is an ongoing art and not merely a hurried endeavour. Callières (1994) suggested that the secret of negotiation is to harmonise the real interests of the parties concerned.

Unlike in the past, when an ambassador negotiating a treaty was not pressed for time, a lack of mutual understanding in today's negotiation processes can jeopardise a region's stability and security. Negotiators must be aware that if they are not

able to achieve an agreement they must go back 'to reformulate a framework that works' (Zartman and Berman 1982, 147). In effect this is exactly what has happened recently in Yemen. More than three months of peace talks, in an attempt to end a war in which 6,500 people had been killed, came to a halt on 6 August 2016. This has left the future of the fragile ceasefire in doubt, which could potentially worsen one of the world's worst humanitarian crises. The UN special envoy to Yemen said that the talks had been suspended in an attempt to find a lasting solution to the conflict, not a weak one.

However, scholars do not agree on this subject. For some, the pressure of time could increase inventiveness and effectiveness, while for others the stress of time pressure reduces the accuracy of the judgements made (Pleydell-Bouverie 2013). Pinfari adds that the absence of time pressure is usually related to longer-lasting agreements (Pinfari 2010).

Therefore, face-to-face meetings are a critical tool in creating a positive atmosphere among parties. Kissinger, as US secretary of state, was a practitioner of this approach through his 'step-by-step' diplomacy in the 1970s. 'Throughout thousands of hours of negotiation in the Middle East and Washington… Kissinger summoned all the power of his prodigious intellect to prevent another war', observes Sheehan (1976, 4).

Winslade (2009, 562) remarks that the face-to-face meetings enabled the parties 'to step out of the contest of perspectives and to appreciate the importance of taking the perspectival difference into account'. Moreover, peace talks that are open to broad social participation are the most successful at producing agreements that work.

The two final stages that need to be completed for a successful settlement and to culminate in the signature of the parties are the setting of clear outcomes, which leave no scope for subsequent reinterpretation (Richelieu 1961), and the commitment to fully respecting the accord.

The French cardinal argued that a signed treaty must be observed 'religiously' (Richelieu 1961, 99). However with the arrival of new diplomacy, other scholars have started to propose that states must not compromise their national interests (Morgenthau 1978).

The Russians' interest in retaining the political leadership of Syria amidst the civil war and the destabilisation in the Middle East causes us to question Russia's commitment to peace in the region. Compliance makes compromise possible, but it does not assure its success. The Anglo-Irish Agreement of 1985 was initially frustrating as it did not bring peace to Northern Ireland, yet it was critical to bringing new hope of ending the violence to the region. The key to success was the commitment to set up a framework for regular meetings between British and Irish officials to discuss the most divisive matters.

Conclusion

Harold Nicolson claimed that 'by such slow steps, through such various channels, has the great river of diplomacy changed its bed. The water is the same as formerly; the river is fed by the same tributaries and performs much the same functions. It is merely that it has shifted itself a mile or so in the sand' (Nicolson 1969, 76). With this quote, the diplomat reminds us that the purpose of diplomacy has not changed at all. Likewise, the essential characteristics of diplomats that are required to achieve outstanding diplomatic success have not changed either.

As explained above, there are a plethora of differences between the diplomacy of today and that which prevailed in the seventeenth and eighteenth centuries. Diplomacy has evolved from the classical theories that stressed the importance of objective factors to modern ideas that highlight the human element as well.

In statecraft, 'success' is generally about achieving an agreement, deal or compromise through dialogue. The requirements of all the parties involved in this dialogue must be accommodated. However, there is no consensus in academic and professional spheres regarding the method used to achieve this. The quest for a formula is practical according to some thinkers, who argue that it will provide a suitable basis 'for proceeding to the next phase and creating specific agreements on details' (Zartman and Berman 1982, 144). However, certain obstacles usually impede the process of applying formulas. One obstacle is the existence of unique elements in a successful deal. This makes it difficult to find a universal method or even two similar agreements. Another is the danger that different scenarios entail entirely different approaches to handling, managing and resolving the issues involved. Finally, the third danger is that there may be a situation in which human factors prevent the implementation of a universal method. This includes the presence of many influential actors with whom diplomats must engage, or simply the existence of a double standard: *aliis si licet, tibi non licet* ('what is permitted to one side is not permitted to everyone').

The peace accord that put an end to the war between Russia and Georgia closely resembled the protocols signed by Ukraine, the pro-Russian rebels, Russia and the European mediators in Minsk in September 2014 and February 2015. Yet unlike the Minsk Agreements, the Georgian ceasefire has held.

The formulaic process of a ceasefire, disarmament, creation of security and elections that worked to end the war in Bosnia and Herzegovina is not currently functioning in Eastern Ukraine as agreed in Minsk.

To conclude, even if it is not always possible to standardise formulas in a diplomatic agreement, there are some independent variables which have a critical impact on success: dialogue, real negotiation, clear outcomes and compromise. All of these elements constitute a sound framework within which negotiators can pursue the end to a conflict in a cooperative manner and attain a viable agreement.

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