Inter-cultural dialogue in international crises
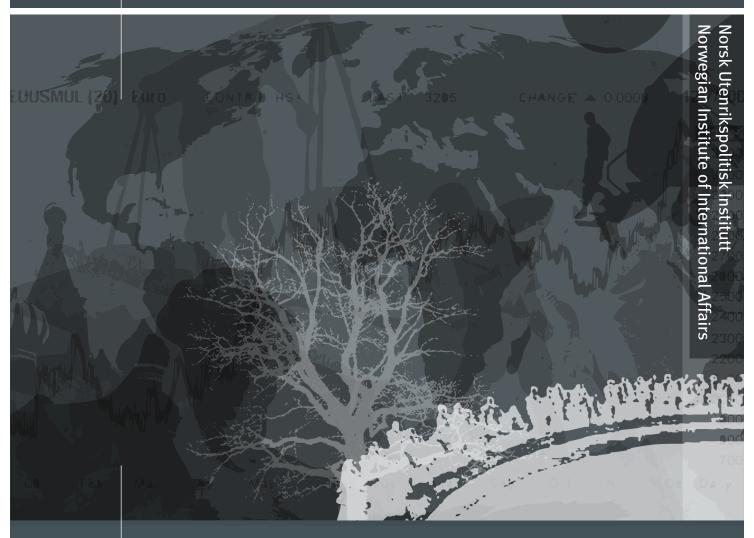
Pernille Rieker and Ole Jacob Sending (eds)

NUPI Report

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Preface

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This report is NUPIs contribution to the Chatham house portfolio of projects entitled Cultural Dialogue in International Security. The collaboration between NUPI and Chatham House commenced in December 2011 with a discussion of the need for a cross-cultural dialogue between actors seeking to manage risks to their security. Since our initial meeting, the scope of the project has widened beyond the realm of security and defence, as the fundamental concepts of the project resonate more broadly within the changing contours of foreign policy, and have been developed alongside 'Dialogue' project of Jonas Gahr Støre and the Norwegian Foreign Ministry.

Two events have occurred which have pushed the project – and the cooperation between NUPI, the MFA and Chatham House – outside of the remit of international security: the deepening of the financial crisis sparked by the crash of Lehman Brothers in September 2008, and the Arab Spring. Firstly, the global fiscal crisis accelerated a power shift in international relations from West to East, changing the terms of engagement for many Western countries that previously enjoyed the luxury of 'calling the shots' with rising powers and new stakeholders. Now, with the fate of the Euro hanging in the balance, and trillions of dollars of toxic assets left unaddressed on both sides of the Atlantic, Western countries need to cooperate with others not only to ensure security at home, but also need actively diversify investment with partners outside of their geographical borders in order to ensure their own economic vitality and sustainability.

Secondly, the tumult across the Arab world – culminating in the Arab 'Spring' or 'Awakening' – meant that the terms of this engagement had to change: the US and other Western democracies could no longer pick and choose the constituencies with whom they engaged in the oil rich region of the Middle East. Paradoxically, as the victories of Ennahada and the Muslim Brotherhood have demonstrated, greater democracy might actually mean greater conservatism: in other words, Western translations of democracy and governance were neither absolute nor universally desirable.

So, the enduring financial crisis of 2008 meant that dialogue on the world stage was not only important but also necessary, for both security and for economic growth, and the change of regimes across the Arab world meant that the rules of engagement could no longer be set by the West. In light of these objective realities, as we have convened roundtable events throughout the course of the Cultural Dialogue project, participants have largely been agreement that in order for meaningful dialogue to take place, actors need to adopt a 'holistic' approach: that is, policymakers must speak with all people, across all sectors. As the Arab revolt made patently clear, a problem-solving approach involves talking to many different constituencies – from the 'Twitter generation' to a regime that may hold power illegitimately. As Foreign Minister Jonas Gahr Store rightly points out, 'We [Norwegians] speak to everybody'.

Cross-cultural dialogue in international relations is also best conducted across sectors, rather than through 'stove-piped' spheres of information. Although elements of this approach are currently practiced by some groups – such as Western militaries engaged in counter-insurgency, NGOs in conflict zones, and by certain businesses engaged in international investment – we see the value in delivering this framework for dialogue as a coherent approach to policymakers – one which can be adopted not just by Western governments, but by new stakeholders seeking to bridge gaps in understanding across flashpoints such as the Middle East, the horn of Africa, south Asia, and East Asia.

It must be noted that this approach is not a panacea for conflict: there will be times in which dialogue falls victim to certain 'demands of human dignity' which one party deems to be 'non-negotiable': in the practice of international relations, these 'red lines' often appear in a divergence of perception of gender or tolerance or contrasting understandings of corruption. However, by adopting this framework for dialogue, we hope that policymakers can hope to secure interests, express values, and manage risks in a globalized era.

In our experience, Norway and Qatar are currently two states which put these ideas in practice – our anticipation is that the value of this approach takes root with governments and with businesses in an increasingly complex world. Although humans share similar concerns, they define these needs in accordance with different preferences: by engaging in dialogue, one hopes that each party may meet with a view that they will not only have their own needs met, but that they might one day learn from one another.

Inter-cultural dialogue in crises – a comparative study

Pernille Rieker and Ole Jacob Sending (NUPI)

Introduction

Diplomacy is all about mediating between political units. To a great extent, it is defined by procedures and mechanisms that allow adversaries, even enemies, to talk to each other. Protocol pervades diplomacy because it is there to minimize friction and enable dialogue, or at least communication, in an environment where there is animosity and lack of trust. To identify 'dialogue' as a central tool of foreign policy is to say that diplomacy is important to foreign policy, which goes without saying. What is at stake in the identification of dialogue as central to foreign policy is, first, the idea that one should talk to every one – even those who advance values and objectives that are diametrically opposed to one's own. Second, there is the implicit assumption that dialogue as such can have a transformative effect on the behaviour, perhaps even on the values, of actors who define their identity and culture in opposition to those of others.

This report explores the nature and effects of dialogue in times of crises. We analyse three distinct crises where fundamental values have been at stake and where there has been considerable uncertainty on both sides about the intentions and actions of the other. In focus here are the evolving *Russo–Georgian* conflict, the conflict between Western powers and *Libya* from the late 1990s onwards, and the conflict over *Iran*'s nuclear programme over the past decade. In particular, we explore how communication among stakeholders has evolved over time, and how it looked prior to and during the 'peak' of each conflict. We ask three inter-related questions:

1. What was the character of the dialogue between the actors prior to, during, and after the 'peak' of the conflict/crisis?
2. To what extent has the dialogue been successful?
3. What determines whether a dialogue can succeed or not?

In the following, we explain why we have chosen to focus on dialogue; we discuss the literature on conflict resolution and the role of dialogue, and highlight some central themes that run through the three case studies.

Dialogue in time of crisis

Dialogue implies a willingness to learn and be persuaded by the force of the better argument. As such, dialogue is something of a paradox in world politics: while dialogue is a defining feature of diplomacy and is frequently called upon to ease tensions and avoid conflicts, it is also quite often considered a sign of weakness, since dialogue implies – precisely – a willingness to change one's position and be persuaded by others' arguments (Kagan 2008). This becomes particularly acute when conflicts over basic values of a society are at stake and when the relationship between those involved has been defined in terms of enmity. According to Robert Mnookin, there are times when political leaders must quite simply opt to fight rather than talk: 'In an age of terror, our political leaders are faced with this sort of question every day. Should we negotiate with the Taliban? Iran? North Korea?' (Mnookin 2010: 1). Subsequent US administrations have adopted this stance, opting either to fight (Taliban) or to demand as preconditions for talks the very things that are at stake in the conflict (Iran). Mnookin's central point is that it is impossible to enter into a dialogue with those whose values one fundamentally rejects without violating one's own integrity.

The Norwegian government has adopted a different stance, rejecting the idea that dialogue with those whose values are fundamentally different somehow serves to legitimize them. Instead, the argument is that it is precisely when fundamental values collide that it is important to engage in dialogue. Norwegian Foreign Minister Støre argues, for example, that 'engaging in dialogue with a group and its members is not the same thing as legitimizing its goals and ideology. Used skilfully, engagement may moderate their policies and behaviour' (Støre 2011).

These two positions rest on fundamentally different conceptions of what dialogue is and what it can achieve. That makes it important to assess empirically how dialogue – in isolation or combined with other factors – may help to shape outcomes. Can dialogue, by itself, help to change actors' behaviour? Is dialogue always a positive thing? Can other polity tools – such as sanctions – operate effectively in combination with and through the medium of dialogue? Studying the behaviour of states in time of crisis – when there are not only conflicting values but also uncertainty about the intentions of the other – offers a good vantage point from which to assess the strengths and weaknesses of dialogue as a tool of foreign policy.

In a crisis, there is uncertainty as to what constitutes an appropriate or effective course of action to advance given interests. Just what those interests are can be hard to pin down. Moreover, diplomacy is at heart

about keeping on talking in order to communicate interests and to keep the door open for political solutions (precisely through dialogue). As such, the resilience of dialogue is best measured in times of crises, when both time and the willingness to compromise are often in short supply. For the purpose of this report, we define a 'crisis' as a set of interlinked events where i) there is uncertainty on the part of actors about how best to advance their interests; ii) there are clashing values and interests, with high stakes involved; and iii) the actors are unsure about the facts of the situation and about the strategies of other actors.

What do we know about inter-cultural dialogue?

By 'dialogue' we mean the exchange of ideas or opinions on a particular issue, with a view to reaching an amicable agreement or settlement. The robustness of dialogue – as a foreign policy tool – will depend crucially on how it functions and shapes actors in different settings. Much hinges on whether dialogue aims to promote understanding, whether it aims to change actors' identities and interests, or whether it (merely) seeks to avoid escalation and the use of violence. Moreover, the motivations for engaging in a dialogue may differ. In some cases, actors may engage in dialogue for instrumental or tactical reasons, with no real commitment to peaceful resolution of the conflict in question. In other cases, dialogue may be imposed upon the parties by the UN Security Council without their sufficient commitment to reach an agreement.

Here we focus on cases where the parties may not be interested talking to each other – and where a breakdown in communication is part of the problem, owing in no small part to conflicts over fundamental values. Efforts to establish dialogue between such parties present special challenges. As noted by Jakobson (1960), the quality of any form of communication hinges on the context of communication and on the ability of the parties to present their message in a manner that is understandable – that messages can be coded and de-coded to avoid misunderstandings. Central here is how the parties to a conflict define the cause of a conflict and possible ways of addressing it. As we shall see, a shared framework within which the causes of a dispute can be assessed and discussed is often lacking, causing the actors to create mutually exclusive causal narratives that serve to drive the actors further apart.

Types of dialogue

There are different types of negotiations, and dialogue plays a different role in each of these. It is important to differentiate between them as we seek to elucidate the role and character of dialogue in specific cases. As an heuristic, we draw on Zartman's (1988) typology to un-

derstand the character of the dialogue in our three cases. Zartman distinguishes between five different approaches: structural, strategic, behavioural, processual and integrative (See Table 1.).

Table 1[1]

Approach	Basic features	Assumptions	Limitations
Structural	Focus on means, positions and power	Win–lose	Lock into positions might lead to lost opportunity for mutually beneficial agreement. Over-emphasis on power
Strategic	Focus on ends, rationality, positions	Win–lose, existence of optimal solutions and rationality of players	Excludes use of power, players undifferentiated (apart from differences in the quality of options open to each)
Behavioural	Focus on personal traits	Win–lose, role of perceptions and expectations	Emphasis on positions
Processual or Concession Exchange	Focus on concession-making, behaviour, positions	Win–lose, moves as learned (reactive) responses	Emphasis on positions Lack of predictiveness
Integrative	Focus on negotiation as a process: problem-solving, creating value, communicating, win–win solutions	Win–win potential	Parties should still recognize and be prepared for encounters with non-integrative bargainers Time-consuming

Structural, *strategic* and *processual* approaches to negotiation tend to share a distributive understanding of negotiations in the sense that these approaches involve the presupposition that negotiations are zero-sum transactions that have affiliations with different forms of game theory. This means that negotiators look at negotiations as contests over a limited or fixed amount of some mutually desired benefit whereby that the one side's gain is the other side's loss. (Alfredson and Cungu 2008: 6)

While *behavioural* approaches also tend to see negotiations as zero-sum games, these approaches emphasize to a larger extent the role of the negotiators' personalities. In contrast to game theory, which assumes that players in a negotiation 'game' are featureless and uniformly rational, the behavioural approach highlights human tenden-

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[1]   This table is based on Alfredson & Cungu (2008)

cies, emotions and skills. According to this approach, individual characteristics play a crucial role in determining the course and the outcome of negotiated agreements (Alfredson and Cungu 2008: 13-15).

The *integrative approach* stands in sharp contrast to all the distributive approaches referred to above, including the Behavioural approaches, in the sense that it presents the most comprehensive and ambitious form of negotiation, and the only one with a win–win potential. Whereas a zero-sum view sees the goal of negotiations as an effort to claim one's share over a 'fixed slice of the pie', integrative theories and strategies look for ways of creating value, or 'expanding the pie', so that there is more to share between parties as a result of negotiations (Alfredson and Cungu 2008: 15).

The best-known example of the integrative approach is the 'Harvard Negotiation Project' which builds on the work of Roger Fisher and William Ury and their *Getting to Yes: Negotiating Agreements Without Giving In,* from 1981. They frame negotiation as a three-phase process, whose efficiency depends on how negotiators treat four essential elements: *interests, people, options and criteria*. These four elements have, in a later edition, been refashioned into seven elements or steps of negotiations (Fisher and Ury 1991).

> *Step 1: Identifying interests* (may be both implicit or explicit and may differ from positions – identifying interests may show that there are win–win potentials)
> *Step 2: People* (separate the people from the problem, trust, diplomacy, creating personal relationships)
> *Step 3: Alternatives* (crucial for both parties to recognize their Best Alternative to a Negotiated Agreement – BATNA)
> *Step 4: Identifying options* (this may promote creative thinking and expand problem-solving capabilities)
> *Step 5: Criteria/legitimacy* (agreeing on mutually acceptable criteria)
> *Step 6: Commitments* (all parties must respect the commitments made)
> *Step 7 Communications* (good communications skills, such as being an active listener and learning to deal with difficult emotions)

Limits of the integrative approach

Is dialogue always a positive thing?

Dialogue with counterparts within the same culture, where actors typically share a set of values enabling communication and the resolution

of conflicts, can be difficult enough. Doing so in the international realm, where there are often conflicting value systems, and no over-arching authority to sanction an agreement, is even more difficult. There is often a lack of trust, even outright suspicion, and frequently – as displayed in the cases in this study – no real interest in reaching a consensus. As Jennifer Mitzen has observed, commenting on Haber-mas' theory of communicative action, 'strangers might not see con-sensus as desirable; they might not recognize one another as capable of communicative consensus at all, much less be willing to listen and reflect on each other's arguments' (Mitzen 2005: 404). On this basis, and in an effort to structure the case studies and enable the identifica-tion of commonalities and lessons learned, we have identified three dimensions – secrecy v openness, domestic legitimacy, and emotions – that are crucial to any dialogue. Although we use Zartman's typolo-gy as a point of departure to unpack the character of dialogue, we sup-plement it by bringing in the various aspects of international political processes that are of the essence. We discuss each in turn.

Secrecy versus openness

Because dialogue implies a willingness to be persuaded by argu-ments, dialogue has the power to undo and remake any existing social consensus. As such, it can also lead to violence, in the sense that ar-gumentative processes face a potentially slippery slope. Without some constraint to keep actors committed to resolving their disa-greements discursively, argues Mitzen, arguments can spill over from the conference table to the street, or even to the battlefield (Mitzen 2005: : 401). Much of what goes on to resolve conflicts takes place behind closed doors. Secrecy is often a precondition for getting the parties to meet at all. While secrecy may lead to positive results in some cases, there are also limits to this approach. First, secret talks do not have the same communicative horizon as do public ones. Thus, despite the vulnerability of public dialogue, it may also actually fa-cilitate compromises – not simply through a process of deliberation and the force of the better argument, but due to what Jon Elster terms the 'the civilizing force of hypocrisy'. He argues:

> The presence of a public makes it especially hard to appear motivated merely by self-interest. Even if one's fellow assembly members would not be shocked, the audience would be. In general, this civilizing force of hypocrisy is a desirable ef-fect of publicity. […] Publicity does not eliminate base motives, but forces and induces speakers to hide them. (Elster 2011: 111)

In other words, even though adversaries in a dialogue say one thing and do something very different, the publicness of their statements may – over time – force them to align deeds with words, lest they be considered hypocritical. Elster also recognizes, however, that this ef-fect of hypocrisy is not always civilizing, and that there are cultural

factors that may prevent compromises for other reasons. As an example he refers to societies with strong codes of honour. Here, even an individual who does not want to take revenge might be forced to do so, to avoid the contempt to which he would otherwise be exposed (Elster 2011). These insights, emphasized by both Elster and Mitzen, indicate that the civilizing force of hypocrisy, or what Mitzen calls the 'forum effect of talk', works in the long run, whereas secrecy seems to be a precondition for initiating talks and to achieving progress in the short run.

The importance of domestic legitimacy

Any leader, whether democratically elected or authoritarian, must depend on support from core constituencies for survival. As described in Putnam's model of two-level games (Putnam 1998: 434): 'domestic groups pursue their interest by pressuring the government to adopt favourable policies and politicians seek power by constructing coalitions among those groups.' At the international level, meanwhile, 'national governments seek to maximize their own ability to satisfy domestic pressure, while minimizing the adverse consequences of foreign developments' (ibid.)

It is easy to think that this logic is valid only in democracies, but even authoritarian regimes need a certain degree of support in their domestic population (Eriksen and Nordhaug 2006). This means that analyses of inter-cultural negotiations must take into consideration both levels also in the non-democratic negotiations parties. As we shall see, shifts in the distribution of power at the domestic level have significant impact – positively or negatively – on the dynamics of the negotiations under analysis here.

The importance of emotions

For Dominique Moïsi (2009), the feelings of fear, humiliation and hope are central to the types of conflicts that we analyse here. He argues that the West has been dominated by a culture of fear – fear of the 'Other' and of foreign cultures – because it anxiously tries to maintain global dominance. In the Arab and Muslim world, a culture of humiliation is in operation, which feeds into Islamic extremism, leading to hatred of the West. Meanwhile, much of Asia has been able to concentrate on building a better future, creating a culture of hope. These moods, of course, are not universal within each region, and there are some areas, like Russia and parts of Latin America, that seem to display all of these simultaneously.

Coleman (2011) has picked up on the centrality of emotions, arguing that when emotions overshadow how the actors define what the con-

flict is about, the much-lauded integrative approach described above simply will not work. Conflicts that are fuelled by emotions, Coleman argues, are highly destructive and make up an estimated 5% of the conflicts that are seemingly intractable.

Defenders of the integrative approach, like Roger Fisher, would say that one should always negotiate, and Coleman would concur while also noting that dialogue is no panacea and that addressing the emotional aspect is crucial. Others, like Robert Mnookin (2010), would hold that there are also times when one should engage the enemy on the battlefield rather than at the negotiations table. He argues that one should not engage with actors whose values fundamentally contradict one's own, as that may serve to legitimize the former. Both Fisher and Mnookin were called to give George Bush advice in 2001 on how to respond to Taliban leader Mullah Mohammad Omar's offer to negotiate. Fisher argued that the Bush administration should accept the offer, because one should always try to resolve conflict through a problem-solving approach to negotiation based on the interests of the parties. By contrast, Mnookin argued that the offer should be refused, as there was no point in negotiating with the Taliban at that time.

Structure of the case studies

This present study is a comparative one. The research questions, presented above, are investigated in each case, following a template that runs as follows: An introductory section introduces what the conflict is about, how it has evolved, and who are the main stakeholders. Subsequent sections are organized chronologically, analysing the evolution of the conflict, identifying 'tipping points' and seeking to elucidate the dynamics of the dialogue in each case. The authors employ the analytical tools discussed in this introduction, trying to assess how they fit each specific case.

What makes dialogue work or not? The Russia–Georgia Case

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Introduction

This study examines the role of dialogue in conflict prevention and solution in the context of the five-day war fought between Georgia and Russia in August 2008. The outbreak of open hostilities on the night of 7/8 August that year resulted in a full-scale military conflict between the Republic of Georgia and the Russian Federation. When Georgian troops were ordered to restore order in the breakaway region of South Ossetia and launched an assault on the city of Tskhinvali, where Russia had a contingent of peacekeepers who came under attack and suffered some losses, Russian policy-makers decided to respond by launching a full-scale military operation in which targets on the whole Georgian territory were attacked and destroyed. The official Georgian justification for armed intervention in South Ossetia was an attempt at restoring constitutional order in the breakaway region of South Ossetia. Moscow's official justification was the need to protect Russian citizens and soldiers in the conflict area, to prevent the genocide of the South Ossetians and, as Russian President Medvedev himself put it, 'to coerce Georgia to peace'. After five days of heavy fighting, with hundreds of casualties on both sides of the frontline, the two parties agreed to accept the conditions of a ceasefire negotiated by French diplomats and the French president acting on behalf of the whole EU.

The indirect dialogue between Russia and Georgia facilitated by this French shuttle diplomacy paid off. Hostilities ended, Georgia could set about healing its wounds, while Russia decided to recognize the independence of the two areas, formally a part of the Georgian state, and to give them security guarantees against possible Georgian actions in the future. The independence of Georgia was saved, but Georgia lost control over much of its territory, and the prospects of regaining control are today much dimmer than at the outbreak of the conflict. Russia won a small victorious war, taught Georgia's President Saakashvili a painful lesson, achieved some of its long-term strategic objectives in the region, apparently reaffirmed its status as a regional and European great power – but also strained its relations with the EU, NATO and the US, made many others worry about its intentions, and

faced what some have described a 'strategic solitude' (Gomart 2008: 50).

The August war remains a watershed event in the recent history of Russia's relations with the post-Soviet states and the West, and as such deserves academic attention. Although dialogue and negotiations had not prevented the outbreak of the war, they played a major part in putting an end to the hostilities and in preventing this local conflict from spiralling out of control. We need to explore the role of dialogue in that context, and ask what other elements were central.

This study is divided into several sections, focused on answering three important questions:

- Why the dialogue was successful, or not?
- What was the character of the dialogue between the actors prior to, during, and after the peak of the crisis?
- Can we identify 'tipping points' beyond which dialogue was of little relevance?

The first section presents the historical background of the conflict and the turning points in its development, focusing on the moments when dialogue seemed a viable option and those when dialogue seemed impossible. In the next section, we turn to the failed attempts at finding a peaceful solution to the conflict, and why the conflict-prevention work of several actors did not result in dialogue or yield the expected results – instead, the conflict spiralled out of control. In the third part we explore the role of dialogue and negotiations in putting an end to the armed phase of the conflict and preventing it from expanding to become a threat to European and even global peace. The focus will be on the broader structural framework conditions, on the strategic rationales of the actors involved, and, in line with Moïsi's suggestion (Moïsi 2009) on emotions that either facilitated or hampered dialogue. This specific case provides useful insights into what makes dialogue and negotiations possible and fruitful – while also revealing the limitations of an approach based on dialogue and negotiated solution of conflicts in situations when actors misread each other's intentions or are unwilling to engage in dialogue because the stakes are too high, the strategic positions irreconcilable and the emotions too difficult to control.

Georgia, breakaway regions, Russia: historical background and turning points

The August 2008 conflict dates back to the period of the collapse of the Soviet Union and its aftermath. The main bone of contention was the status of the two regions – Abkhazia and South Ossetia – on the

territory of the newly-established Georgian state, but there were also broader strategic ramifications involving relations between the Russian Federation and the 14 other post-Soviet states, and the way those fifteen new actors were to relate to other centres of global and regional power, not least the increasingly integrating Europe and the trans-Atlantic community.

Here we will not analyse all the phases of that conflict within the framework of that study, as there is abundant literature on that topic. (For a good overview see Asmus 2010; Blandy 2009; Charap and Welt 2011; Flikke and Godzimirski 2007; Independent International Fact-Finding Mission on the Conflict in Georgia 2009; Pukhov and Glantz 2010) Instead, we attempt a bird's-eye view, seeking to identify key actors, their interests and approaches and those factors that made the dialogue a non-workable solution in August 2008, as well as those that got both Russia and Georgia to agree – with the help of others – on cessation of hostilities.

For deeper insight into the complexity of that conflict, a brief historical background is needed, not least since the armed clash that started on 7 August was, as clearly stated in the 2009 IIFFM report, 'only the culminating point of a long period of increasing tensions, provocations and incidents' (Independent International Fact-Finding Mission on the Conflict in Georgia 2009: 11).

There were several turning points in the history of that conflict. The most crucial ones were Georgia's *de facto* defeat in the war against South Ossetia in 1992, resulting in the signing of the Dagomys/Sochi Accord on 24 June 1992; and Georgia's even more painful defeat in war against Abkhazia one year later (For Abkhaz interpretaion of the events see RAD 2008).

The deadlock – often referred to as 'frozen conflict' – continued, with some ups and downs, until August 2008, when full-scale war broke out again. Even during this long interim period the situation fluctuated – there were several attempts at finding a diplomatic and negotiated solution but the parties to the conflict also resorted to weapons as a means of dealing with the deadlocked situation. The 2003 power shift in Georgia, with the ousting of Eduard Shevardnadze and the ascent to power of Mikheil Saakashvili, marked another important turning point. Also the Georgian operation in May 2004, which resulted in the ousting of the Moscow-friendly Adjara leader Aslan Abashidze accompanied by an apparent lack of reaction on the part of Russia, was important, as it established a pattern of action that the new Georgian authorities thought could be useful also in dealing with other breakaway regions.

Further noteworthy factors in shaping the conflict dynamics in the region include Saakashvili's July 2004 renunciation of the 1992 Dagomys agreement regulating situation in the conflict areas, Tbilisi's attempts at finding new solutions and at internationalization of the conflict, and the drive to join NATO signalled by the new Georgian leadership (Silayev 2009).

In June 2007, Georgian Minister of Foreign Affairs Gela Bezhuashvili decided to open dialogue with Russia on a solution to the South Ossetian conflict. Saakashvili called Putin and presented his plan, and both agreed that their foreign ministers were to meet. At meeting of Bezhuashvili and Lavrov on 24 June 2007 in Istanbul, the Georgians proposed to make Moscow guarantor of the peace in the region and to introduce a new travel regime for South and North Ossetians. There was also an economic dimension to the deal, as several joint energy and transport projects were to be developed. Settlement of the conflict would be based on same provisions as the 1921 Treaty of Kars; moreover, Georgia was now offering Russia a legal voice in its internal affairs in South Ossetia (Asmus 2010),84). However, work on the new agreement was killed by a leak to the Russian press.

In the autumn of 2007, Bezhuashvili and Lavrov met again in New York to discuss problems in bilateral relations, with the growing tensions between Georgia and Russia and the risk of war between the countries. According to Bezhuashvili's account, Lavrov told him that Moscow would never allow Georgia to join NATO and go West (Asmus 2010: 85).

Western policy towards Georgia, and relations between Russia and the West, were also important factors. In May 2005 US President George W. Bush paid a visit to Georgia, declaring it a 'beacon of democracy' in the region. In late 2007 and early 2008 Georgia, supported by many of its Western allies, undertook substantial efforts to become eligible for MAP – the Membership Action Plan that would open for Georgian membership in NATO. However, the NATO Summit in Bucharest in April 2008 did not grant Georgia MAP status, although the final declaration stated that the Alliance welcomed 'Ukraine's and Georgia's Euro-Atlantic aspirations for membership in NATO' and had agreed that 'these countries will become members of NATO'.[2]

What seems to be another key turning point in the conflict was the recognition by many important members of the international community of Kosovo's self-proclaimed independence on 17 February 2008, and Russia's reactions (Asmus 2010: 105-106 and 142-144; Silayev 2009: 1-4).

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2   http://www.nato.int/cps/en/natolive/official_texts_8443.htm

On 6 March 2008, Russia lifted the CIS sanctions against Abkhazia that had been imposed in 1996. One week later, the Russian Duma met to discuss Russia's reactions to South Ossetia's and Abkhazia's calls for recognition of their independence and on 21 March the lower house of the Russian parliament issued a special resolution endorsing their request. On 14 April 2008 *Nezavisimaya Gazeta* published a lengthy article in which an unidentified Russian diplomat was quoted as saying that the Russian Ministry of Foreign Affairs (MFA) recommended President Medvedev to recognize the independence of Abkhazia and South Ossetia in two cases – if the process of Georgia joining NATO were to start, or in the case of the Georgian military intervention in one of the areas (Perevozkina 2008). Finally, on 16 April 2008 Vladimir Putin ordered the Russian MFA to help the populations of South Ossetia and Abkhazia.

To prevent the crisis from escalating, a diplomatic process was started by several actors. As regards the Russian–Georgian conflict brewing in spring 2008, Washington made diplomatic efforts that tried to persuade both Georgia and Russia to avoid a military solution; further, Berlin that sent its foreign minister Frank-Walter Steinmeier, who launched his own proposal for settlement of the conflict, effectively torpedoed only weeks before the outbreak of the war; and Tbilisi in April 2008 offered broad autonomy to Abkhazia (Asmus 2010: 144). Despite all these diplomatic efforts, tensions continued to mount in the region, not least due to increased military activity and presence in the area. On the Russian side of the Caucasus the 58th Army conducted its military exercises *Kavkaz 2008* with 8000 troops, while on the Georgian side of the range a US–Georgian military exercise *Immediate Response* was held at the same time, involving 1000 US and 600 Georgian troops (Blandy 2009).

On 2 August 2008 the Georgian Minister for Reintegration Temur Yakobashvili proposed direct talks to the Ossetians (Novikova 2008). In a final effort to calm the tense situation Georgian President Mikheil Saakashvili delivered an address on 7 August 2008 in which he proclaimed a unilateral ceasefire, and offered the Ossetians Russian-guaranteed autonomy within the Republic of Georgia. Yakobashvili was dispatched to Tskhinvali to try establish direct contact with both the Russian and South Ossetian authorities, but failed (Asmus 2010, 33–34). Although South Ossetians rejected all attempts at communication and mediation, Saakashvili announced a unilateral ceasefire at 18.40 hours on 7 August. Then at 23.35 hours he ordered his troops to start a defensive operation to protect civilians in the Tskhinvali region, to neutralize the positions from which fire against civilians, Georgian peacekeeping units and police originated, and to halt the movement of regular units of the Russian Federation through the Roki Tunnel inside

the Tskhinvali Region (Der Spiegel staff 2008; Felgengauer 2008; Independent International Fact-Finding Mission on the Conflict in Georgia 2009: vol.1, 19-20).

Fully-fledged war in the Caucasus was now a fact, but from the outset of that armed phase of the conflict new diplomatic efforts were made to put an end to hostilities and to prevent the conflict from spiralling out of control. The first to propose a ceasefire was Condoleezza Rice, who already on 8 August presented a three-point ceasefire plan during her talks with Russian MFA Sergei Lavrov (Asmus 2010: 40). That plan called for Russian and Georgian forces to be withdrawn to the 6 August status; for the establishment of a new international peacekeeping force in the region; and for holding new elections in South Ossetia. Russia rejected the plan, and in the meantime the conflict spread to Abkhazia. On 9 August 2008, French Foreign Minister Bernard Kouchner, acting on behalf of the entire EU and accompanied by Finnish Foreign Minister Alexander Stubb representing the OSCE, visited Tbilisi and presented a draft ceasefire agreement to President Saakashvili, who accepted the proposal and ordered his own forces to begin a ceasefire. Moscow rejected this call for ceasefire, and accused Georgia of continuing military operations. It was not until 12 August, a few hours before French President Sarkozy was to arrive in Moscow, that President Medvedev ordered Russian troops to halt their operations in Georgia.

The parties agreed on a six-point plan to put an end to hostilities. The plan provided for (1) a commitment to the non-use of force; (2) a permanent end to all military operations; (3) ensuring free access to humanitarian aid; (4) the return of Georgian armed forces to where they were normally deployed; (5) the withdrawal of Russian Federation armed forces to their positions from before the start of offensive operations; pending the development of 'international mechanisms', the Russian peacekeeping forces (i.e. the armed forces of the Russian Federation) were to undertake 'additional security measures'; (6) the opening of an international debate on the status of South Ossetia and Abkhazia, and on the means to ensure their security.

The military phase of the conflict had ended, but the conflict as such remained unresolved. The parties agreed to a ceasefire, but Moscow's decision on 26 August to recognize the independence of the two breakaway Georgian regions and to guarantee their security against any Georgian actions changed the situation on the ground. On the following day, Georgia severed diplomatic relations with the Russian Federation.

In the course of one week – between 7 and 12 August – the world witnessed both a failure and a success of diplomacy. On the one hand, diplomacy and negotiations had not been able to prevent the outbreak of the Georgian–Russian war; on the other hand, they did succeed in putting an end to the armed clash and in preventing the conflict from spiralling out of control, into a conflict between Russia and the West. Thus we should ask: what made diplomacy fail prior to the outbreak of open hostilities, and what were the factors that made it work only five days later?

In order to understand why dialogue and negotiations did not work and the conflict could develop into a full-scale war on 7 August 2008, and what made dialogue and negotiations work only five days later, we will use a framework for the study of negotiations proposed by Zartman (Zartman 1988).

As mentioned in the introduction to this report, the *integrative approach* is the most comprehensive and the only one with a win–win potential. However, in order to be able to present a plausible interpretation of the developments in Russian–Georgian conflict we should look into the explanatory power of all five approaches. In our interpretation, the war broke out largely because the parties to the frozen conflicts in Georgia failed to engage in dialogue with a win–win potential. This fact alone makes the use of the integrative approach much less convincing, which also explains why this interpretation of that failure requires us to focus on other factors and explanations.

Poles too far apart and tunnel vision – or why dialogue did not work
To present a plausible explanation of the failure to reach a negotiated settlement of the conflicts in question we have to identify the key parameters of the conflicts and then enquire into the explanatory power of other approaches proposed by Zartman. It seems that not only structural and strategic factors can help to explain why the conflict developed into a full-scale war. Understanding the conflict dynamics also requires a focus on behavioural aspects, such as the personal traits of actors involved, as well as on processual aspects of the dialogue that did not work. The integrative approach can, on the other hand, help us in explaining why dialogue and diplomacy could prove successful after the outbreak of hostilities.

All the key parameters of the conflict were set already after the end of the open hostilities between Georgian and the breakaway regions in 1992 and 1993. The two breakaway regions had gained *de facto* independence from Georgia. Georgia had lost control over those territories, and re-establishing sovereignty over those areas became a key point on the Georgian political agenda. Russia could adopt a rather

ambiguous position in that conflict as it was expected to act as an impartial peacekeeper acting on behalf of the whole CIS, but was also, and rightly so, suspected of having its own political and strategic agenda not always comparable with this expected impartiality. The international community showed some interest in helping the parties to find a workable solution and in preventing conflict escalation, through the establishment of UNOMIG and the Group of Friends of Georgia (France, Germany, Russia, USA, and UK), but the role of international community was rather limited and its efforts brought rather disappointing results.

All those factors have also contributed to making the situation in the conflict area much tenser and less predictable (Halbach 2009; Nodia 2007). Georgia suspected Russia of undermining its position in the region and of seeking closer cooperation with breakaway regions as a means of preventing Georgia's closer cooperation with West; Russia in turn suspected Georgia of undermining Russia's position in the whole post-Soviet space by proposing another model of political culture that could have – and had – some appeal elsewhere in the post-Soviet space, and of being a Western 'agent' and instrument in undermining the geopolitical position of Russia in an area where it felt vulnerable (Scott 2007). These suspicions led Russia to treat the conflict between Georgia and Abkhazia/South Ossetia in instrumental manner, to gain a strategic upper hand over Georgia and lessen its chances of becoming a full member of Western institutions, first and foremost NATO.

The West – the USA in particular – also established a stronger presence in the region, firstly by giving support to the Shevardnadze regime and then by supporting Georgia's and Saakashvili's aspirations to join NATO and in the longer perspective the EU (Larrabee 2009; Lukyanov 2009; Missiroli 2009). This increasing Western strategic presence in what Russia perceives as its own strategic backyard annoyed some circles in Moscow (Stepanova 2008). In February 2007 then-President Vladimir Putin fired a heavy anti-Western salvo at the Munich security conference[3], accusing the West of trying to establish a global system with 'one centre of authority, one centre of force, one centre of decision-making', of imposing new dividing lines and walls and of 'trying to transform the OSCE into a vulgar instrument designed to promote the foreign policy interests of one or a group of countries'. He further accused the USA of overstepping its national borders in every way. Putin did not mention the USA and the Western presence in and support for Georgia directly, but the situation in Georgia had been a core problem in Russia–Western relations since the Istanbul Summit in 1999, when Russia had to promise to withdraw

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3   http://www.washingtonpost.com/wp-dyn/content/article/2007/02/12/AR2007021200555.html

its troops from that country, a process that was postponed many times and has contributed to increasing tensions in the region, in bilateral relations between Georgia and Russia, and in relations between Russia and the West.

The structural perspective

The conflict between Georgia and Russia has developed from a post-Soviet regional issue to an issue that has been interpreted in a much broader context, especially after the US presence in Georgia increased and Georgia was given a promise of full NATO membership (Dyakova 2010). The five-day war was to a certain extent Russia's war by proxy with the USA and the West. The USA made several attempts at getting Saakashvili to understand that neither the USA nor NATO would intervene in the case of outbreak of open hostilities between Georgia and Russia. The line of action chosen by Saakashvili challenged therefore not only Russia, but was also a surprise to his close allies who were caught unprepared and had problems finding a proper response (Klussmann 2009). Saakashvili's action and Russia's reactions strained relations between Russia and the USA / NATO, thereby directly impacting on relations between the most important elements of the international system (Astrov 2011; Chatham House 2008; Gahrton 2010). It was not only Georgia that lost in that five-day war – also the West's will and ability to contain Russian power and to manage conflicts in the post-Soviet space was put in question. Russia fought and won what is sometimes referred to as ' a diagnostic war' – an operation in which not only Georgia was defeated on the battleground, but also NATO's credibility as a military alliance was dealt a heavy blow (Alexandrov 2010).

The strategic perspective

When the conflict between Georgia and Russia entered its most intense and armed phase in August 2008, the two parties directly involved held completely different strategic perspectives. For Georgia it was the matter of national survival – or at least the survival of the current regime; for Russia it was a matter of retaking the lead, showing strategic (limited) capability and resolution in addressing a burning issue, and a way of containing the Western advances into what Russia considers its own exclusive sphere of influence (Felgengauer 2008). Russia also used this opportunity to punish a regime that challenged its dominant position in the post-Soviet space, to undermine the credibility of the USA and NATO, and to show the limits of what is sometimes perceived as waning US power.

At the core of the conflict were relations between Russia, Georgia, separatist movements in Georgia (Abkhazia and South Ossetia), and

Western institutions (the EU, NATO) and Georgia's future member-ship in NATO. What was at stake was the independence of Georgia, its territorial integrity, Georgia's possible membership in NATO and the EU, relations between Georgia and Russia, between Georgia and Georgian territories that had declared their independence, and between Georgia and Russia, and relations between Russia and NATO/the EU. Due to the US direct engagement in Georgia dating back to the late Clinton and early Bush eras, US–Russian relations were apparently at stake as well.

For both Georgian and Russian leaders, involvement in the conflict was also a way of legitimizing their power in the eyes of their domes-tic audiences. Saakashvili treated the regaining of the 'lost territories' as a way of strengthening his position in the domestic arena. For Putin, tough statements on Saakashvili and his policies were a way of showing himself a capable and decisive leader. Medvedev in turn was also forced to show his decisiveness in dealing with an important issue only three months after taking over from Putin. The poor personal chemistry between Putin and Saakashvili and problems in contacts between Saakashvili and Medvedev made it easier for all of them to present their counterparts as men with whom constructive dialogue was simply not possible. In addition, Georgia's relatively successful drive towards reforms and modernization and especially fight against corruption were seen as posing a challenge to Russia's dominant posi-tion in the CIS area.

Although Moscow could fear the effect of successful separatist movement on its own territory in the Northern Caucasus, where Rus-sia had gone to war twice in the 1990s in order to prevent Chechnya's drive for independence, this did not prevent Russia from supporting separatist movements in Georgia. The will to punish Georgia that made negotiations and dialogue so difficult was also caused partly by the fact that Georgia and Chechen separatists sometimes worked to-gether in addressing regional issues: that infuriated the Kremlin and led Russia to threaten preventive strikes on Georgian territory.

Also several other geopolitical considerations worked against talks between Russia and Georgia. Russia treated the area as its own strate-gic backyard, and was not willing to let other powers play a more im-portant part in setting the regional agenda. Georgia's drive towards NATO membership was viewed as a strategic challenge, likewise closer Georgian–US security cooperation. Russia had sided first in-formally, then formally, with the separatist movements in Georgia and played a crucial part in securing their 'survivability'. The outbreak of hostilities in August 2008 was caused in part by the growing Russian military presence in the region and by what regional separatist leaders

could interpret as Russia's protection against Georgia. The outbreak of large-scale hostilities provided the Kremlin with an opportunity to 'punish' Saakashvili for his pro-Western policy, give him a bloody nose, test the US and NATO will and ability to react, and perhaps 'compromise' the Western security guarantee.

However, the outbreak of hostilities on 7 August was not solely the result of the diverging interests and policies of the parties directly involved: it was also the consequence of what the report of the IIFF commission described as 'the failure of the international community, including the UN Security Council, to act swiftly and resolutely enough in order to control the ever-mounting tensions prior the outbreak of armed conflict'(Independent International Fact-Finding Mission on the Conflict in Georgia 2009: 12). The outbreak of the war in the Caucasus was also viewed as a clear example of the failure of the international society to prevent war and as an example of great-power inability to manage emerging conflicts. As noted by one commentator: ''from the point of view of successful great power management.... this war should not have happened in the first place' (Astrov 2011: 2).

The history of the conflict between Georgia on the one hand and its breakaway regions and Russia on the other hand goes back to the early 1990s. Several rounds of talks between the parties all failed to produce results satisfactory to all parties involved. The fact that the conflict again entered into a military phase in August 2008 and resulted in recognition of the independence of South Ossetia and Abkhazia by Russia and six other states bears witness to the ineffectiveness of dialogue as an instrument of conflict settlement in that particular case.

Georgia and other actors had presented various proposals for settlement of the conflict between the Georgian central authorities and South Ossetia and Abkhazia, without success. Russia played a double role in those attempts. On the one hand, it was the guarantor of the agreements on cessation of hostilities reached in Dagomys in 1992 between South Ossetia and Georgia and in Sochi in 1993 between Georgia and Abkhazia, and it sought to promote peace and stability in the region (Markedonov 2007, 2008). On the other hand, there have been several reports of Russian troops siding with the rebels, or at least providing them with heavy weapons used to defeat the Georgian units. Moreover, Russia deployed, on behalf of the CIS, several peacekeeping units in the conflict areas, but these units were accused of not being impartial and of siding with the separatists. Thus the Georgian authorities saw Russia not as an impartial mediator but as a party to the conflict, a party that tended to side with the Abkhaz and

the South Ossetians. This perception of Russia as a party to the conflict made any Russian–Georgian dialogue a challenging task.

In addition to those bilateral issues, escalation of the conflict was further spurred by various other circumstances. These included the approaching end of the second term of US President George W. Bush, which made the US administration a lame duck; the EU crisis following the Irish referendum; summer holidays in Europe and the USA, which slowed down key actors' reaction times; and the start of the Summer Olympic Games in Beijing, probably seen by Georgia and Russia alike as an opportune moment to start a campaign and check whether the other side would dare to escalate the conflict, which might be viewed as breaching 'the Olympic peace' and used in the propaganda war that would follow the armed clash (Menkiszak 2008; Asmus 2010).

There have been many stated and non-stated objectives of Russian action in Georgia. According to Russian official statements, the intervention was aimed at protecting Russian citizens living in South Ossetia, protecting Russian peacekeepers stationed there, preventing the genocide in South Ossetia by the Saakashvili regime, and what the Russian official discourse termed enforcing peace on Georgia.

Many independent observers have seen the goals of Russia's actions completely differently. According to the Polish think-tank OSW (Menkiszak 2008), Russia had not only seized the whole of South Ossetia and Abkhazia, but had also occupied north-western Georgia. The invasion is a manifestation of Russia's determination to defend its influence in the CIS area, and is intended to demonstrate both Russia's status as a world power and the weakness and helplessness of the West (particularly the USA) to the countries of the region and the Russian political classes. Moscow is apparently trying to establish a permanent military presence in the separatist regions, which it hopes to separate from Georgia permanently and also to provoke a political crisis and a change of leadership in that country.

Similar readings of the Russian action prevailed among many Western observers and experts, who also underlined the lack of strategic restraint and intelligence on the part of Mikheil Saakashvili as a factor contributing to the conflict reaching the armed phase (Allison 2008, 2009; Klussmann 2009).

The behavioural perspective
What complicated the situation on the ground even further was the ascent to political power of a new generation of politicians in Russia and in Georgia, representing two completely different political cul-

tures, two different visions for the development of their countries, of their bilateral relations and their relations with the outside world. The two leaders – Saakashvili in Georgia and Putin in Russia – chose to base their policies on opposing sets of ideas: Saakashvili advocated further democratization of Georgia and strengthening of ties between Georgia and Western institutions, whereas Putin embarked on a political project that resulted in the construction of a hybrid semi-authoritarian regime and a worsening of Russian relations with the West. The ascent to power of Vladimir Putin in Russia in 1999/2000 and of Mikheil Saakashvili in Georgia in 2003 opened a new chapter not only in bilateral Russian–Georgian relations but also in relations between Russia and the post-Soviet space, in Russia's relations with the West and not least in Georgia's relations with the West and its relations with Russia and other post-Soviet states.

What proved to be an additional element that complicated relations between Georgia and Russia and prevented them from entering into constructive dialogue were the personalities of the two leaders. Even Saakashvili's friends in the West described him as having hard time practising patience (Asmus 2010: 85). Putin was also known to be hot-tempered, vindictive and unforgiving as well as calculating and unscrupulous. The diverging political agendas and these difficult personal traits led to bad personal chemistry between Saakashvili and Putin, with each suspecting the other of playing a double game (Asmus 2010: 56). Also the propaganda campaigns that depicted the two leaders as having hidden agendas and lacking a common sense had a negative effect on attempts at finding a negotiated solution to the conflict (Zharov and Sheviakov 2009). Russian official propaganda portrayed Saakashvili as an irresponsible 'madman' and hothead with serious mental problems (Ruchkin 2008), whereas the Georgian side presented Putin as a Russian imperialist and the worst enemy of the young Georgian democracy (Georgia 2009); these latter views featured in many Western interpretations as well (Blandy 2009; IISS 2008).

Personal factors seem therefore to have played a major part in the escalation of the conflict. In addition to the fact that Saakashvili's drive towards closer cooperation with the West was seen as posing a strategic threat to Russia's interests in the region, the personal chemistry between Saakashvili and Putin was bad. Although there were some hopes that Medvedev's formal ascent to power in May 2008 and his seemingly softer approach might change the situation and that personal animosities would no longer figure so strongly in conflict management, these expectations were quickly shattered when Medvedev adopted an even more hawkish approach to cooperation with Saakashvili, with Putin still calling the shots behind the scenes.

There is much to indicate that Russian policy-makers, knowing how to provoke Saakashvili, decided to set a trap to get him to act as they expected – and then compromise him in the West and make his Western partners doubt whether he was the right man to be invited to the Western club. The Russians saw in Saakashivili a man who seemed incapable of showing the necessary strategic restraint and strategic intelligence and acted in a way that was very much counterproductive (Blandy 2009).

Role of dialogue in this period, preliminary conclusions

Once these incompatibilities came to the fore in Georgia, where both sides were pursuing interests defined in terms of their conflicting self-understanding in an atmosphere already heavily tinged with the negative legacy of the Cold War, armed conflict was perhaps the inevitable outcome (Papkova 2011: 58). The key problem was that the positions of parties were incompatible, and there was scant space for dialogue as they could not agree on the basic principles for such dialogue. Georgia was sending mixed signals that could be misread by the authorities in South Ossetia and Abkhazia; Abkhazia was not willing to accept the return of Georgian refugees as this could alter the demographic balance and in the long run de-legitimize its claim for independence; the South Ossetians feared Georgian domination; and Russia was not interested in letting Georgia join the West. The poles of the conflict were so far apart as to render dialogue almost impossible. The conflict could be defined as belonging to that 5 per cent of intractable conflicts that are highly destructive, never-ending, and virtually impossible to solve (Coleman 2011). In such a situation, fighting may appear as a better option than negotiations (Mnookin 2010). However, in making such a decision, the leader must act with some prudence, and consider all the pros and cons – which was probably not the case with Saakashvili on the night of 7 August.

One of the direct causes of the war was therefore what could be called Saakashvili's 'tunnel vision'. According to the Georgian interpretation of the events leading to the war, Saakashvili's decision to launch an attack on Tskhinvali in the late hours of 7 August was triggered by information on the movements of Russian troops through the Roki Tunnel he had apparently received from the Georgian intelligence (Independent International Fact-Finding Mission on the Conflict in Georgia 2009: vol.2, 220-221). According to one account (Asmus 2010), Saakashvili believed that Russian tanks were rolling toward him. He felt cornered and concluded that there was no alternative but to fight. Saakashvili also hoped that Moscow might back down, as had been the case during his intervention in Adjara some years earlier, and that the West and above all the USA would intervene diplomatically to prevent Russia from acting.

Nothing illustrates more clearly the distance between the parties to the conflict than their interpretations of what actually happened on the night of 7 and 8 August. The official Georgian interpretation is that the Russian Federation launched a large-scale invasion on sovereign Georgian territory; and that Russia's use of force that was both illegal and unjustified under international law constituted a breach of Georgia's political sovereignty and territorial integrity and was an act of aggression (Independent International Fact-Finding Mission on the Conflict in Georgia 2009: vol.2, 186). The Russian side, however, described the situation as 'the treacherous attack launched by Georgia against the peaceful population of South Ossetia and the Russian peacekeepers', as 'an unprecedented event in modern history both in terms of its recklessness and cruelty' that 'demonstrated aggressive intent on the part of the Georgian side' and forced Russia 'to use its inalienable right to self-defence enshrined in Article 51 of the UN Charter' (Independent International Fact-Finding Mission on the Conflict in Georgia 2009: vol.2, 188).

Once the war in Georgia had erupted, the international community embarked on a more active policy of conflict management, and a negotiated solution could be found. True, the situation in the region remained tense and volatile, with many fearing that hostilities might be resumed (Independent International Fact-Finding Mission on the Conflict in Georgia 2009: 12); and the Georgian authorities decided on 27 August to severe diplomatic relations with Russia. However, the indirect dialogue between Russia and Georgia, initiated by French diplomats acting on behalf of the EU, probably combined with a more active US role behind the scenes, made the parties realize that the political and human costs of continued warfare could prove unacceptably high.

Better late than never, or the talks that did succeed (in part)
The dialogue that followed and succeeded in putting an end to the armed phase of the conflict in August 2008 was not a direct dialogue between Georgia and South Ossetia/ Abkhazia/Russia, but a series of bilateral dialogues between the French negotiators and Georgia, Russia, South Ossetia and Abkhazia, with the results communicated to other parties by the French team. One factor facilitating this negotiated solution was probably the situation as such: Russia had by then achieved most of its war objectives; Georgia was on the brink of collapse and had to accept the harsh conditions, while the French negotiators had good contacts in both Moscow and Tbilisi. Moreover, Salome Zourabichvili was a former high official in the French MFA who had served as French ambassador to Georgia between 2003 and 2004 before being appointed Georgian Minister of Foreign Affairs in 2004;

and Saakashvili himself had studied at the Strasbourg Human Rights International Institute.

The strategic perspective

By defeating Georgia on the battleground, Russia proved capable, in its own eyes, of dealing with a regional security challenge and sent a signal to other powers that their actions in Russia's backyard would not be tolerated. On the other hand, having achieved most of its political and military objectives, Russia could afford to show good will and accept the conditions proposed by Sarkozy, who had managed to develop relatively good relations with Putin and Medvedev prior to the outbreak of the conflict and also enjoyed the trust of Washington due to his pro-American turn and Atlantic commitment.

The fact that the French decided to act as intermediaries on behalf of the EU made it possible for Sarkozy to present his peace proposals to both parties and get them to accept his ideas on how to put an end to the armed phase of the conflict. Although the parties accepted the conditions, dialogue between them was not opened – but the French negotiators managed to conduct the talks that finally put an end to the war.

The EU, represented by the French president, managed to get the warring parties to talk (indirectly) one to another, to accept the conditions of a ceasefire and to put an end to the armed phase of the conflict. This made clear the relevance of the European Union and its strategic weight in the region. Even more important from a strategic perspective was the fact that the EU/Sarkozy managed to persuade Putin/Medvedev to stop the Russian military's push into Georgia and their plans for taking Tbilisi and overthrowing the Saakashvili regime. Had the Russian forces continued towards Tbilisi, the conflict could have spiralled out of control, with unpredictable consequences not only for the parties directly involved, but also for the region and even for the world.

The fact that the end of the armed phase of the conflict could be presented as an effect of the French president's mediation and not of US pressure on Russia strengthened the impression of the United States as less relevant and less capable of shaping the international agenda. On the other hand the fact that Sarkozy was acting on behalf of the EU and managed to persuade Russia that regime change in Georgia – which was probably one of the objectives of the Russian action – would be unacceptable, is likely to have strengthened the structural power of the EU, which Russia has often viewed as a counterbalance to the US presence in Europe and its dominant position in NATO. The end of the conflict could therefore be presented as the result of deci-

sions taken by a European concert of powers that had sidelined Washington and reached a compromise without direct US interference.

The processual perspective

Direct talks between Kouchner and Stubb, supported behind the scenes by Sarkozy, with Saakashvili and the Medvedev/Putin tandem, played a crucial role in preventing escalation of the conflict in August 2008. The parties agreed to exchange concessions and were persuaded by the negotiators to accept a set of conditions and concessions as a precondition of the ceasefire that was to enter into force immediately after the signing of the agreement. Georgia agreed to accept the effective loss of control over territories that had been out of Tbilisi's reach since the early 1990s. In spite of that – and the military defeat – the incumbent president remained in power and was not ousted: obviously Russia's concession to the French negotiators. In addition, Russia decided to halt the movement of its forces towards Tbilisi and to pull out its troops from what was undisputed Georgian territory.

Moreover, the six-point peace plan proposed by Sarkozy outlined the agreed criteria of the ceasefire. The parties were to agree to abstain from the use of force, to a definitive cessation of hostilities, to free access to humanitarian aid, and to the withdrawal of armed forces to their permanent positions and to the line where they had been stationed prior to the outbreak of hostilities. In addition it was agreed that discussions on the future status of South Ossetia and Abkhazia would be internationalized. During the negotiations, the parties – Georgia in particular – had to accept some modifications to the text. Especially important here was the rejection of the idea that refugees from the conflict area would be allowed to return, that the mandate of the Russian peacekeeping forces would be extended to only the next six months, and that the future status of the South Ossetia and Abkhazia was to be based on the decisions of the UN and the OSCE.

The relative success of these indirect talks may well have been due to the fact that the parties involved followed what has been termed 'the seven steps of principled negotiations' (Fisher and Ury 1991).

1. They managed to **identify key interests**. What was at stake at that point was Georgia's territorial integrity and survival as an independent nation; for Russia the key interest was to retain control in its strategic backyard and to prevent direct involvement of other great powers. The Russian interests corresponded mostly with those Abkhazia and South Ossetia, as they sought the development of their statehood and protection against what they saw as the serious threat of Georgian intervention, so they accepted the conditions as well.

2. **Relationships**. Although there was no personal trust between Saakashvili and Putin/Medvedev, **the people** involved in this indirect dialogue could act as intermediaries between the warring parties. Sarkozy managed to bridge that personal gap in a strained situation when the stakes – the survival of the regime/state – became high enough for Georgia, and the cost for Russia – strained relations with its most important economic partner, the EU – of continuing military operations in Georgia proved higher than the possible strategic gains.

3. **Alternatives.** When the agreement was reached, Georgia's reservation point was pushed so hard that it found itself forced to accept the conditions proposed by the French negotiators and accepted by Moscow. For Georgia the desired solution to the conflict would be to regain control over Abkhazia and South Ossetia and repeal the Russian intervention, but after defeat on the battlefield Georgia was forced to 'shift' its reservation point and accept the harsh conditions, as the alternative would have been the utter collapse of the Georgian state. At the same time Russia appeared satisfied with the solution achieved in 2008, even though the Saakashvili regime had not been removed from power. When faced with a concerted effort on the part of the EU, supported indirectly by the USA, Russia too decided to 'shift' its reservation point, widening the zone of possible agreement with the West. Those two acts, the less-than-voluntary moving of the two countries' reservation points, were what made possible the agreement on cessation of hostilities.

4. **Identifying options**. In the wake of the five-day war, the situation in the region could be best described as a stalemate. Georgia could not find a mutually acceptable solution, and Russia was not interested in finding one. Another important element facilitating a negotiated settlement in the wake of the war was also the fact that Russia was aware that this local conflict could have global implications, and might develop into a new conflict between Russia and the West. There are, however, some signs that after a period of high tension in bilateral Georgia–Russia relations, both parties – and especially Georgia, the weaker party – were more ready to adopt a more pragmatic approach. This has probably much to do with the realization that what until 2008 had been described as a frozen conflict became an 'intractable conflict' that could be solved only by non-military means. Having in mind the strategic disparity between Georgia and Russia (Kolstø and Rusetskii 2012), the bloody lesson Russia taught Georgia in 2008 and the West's

unwillingness to become engaged more deeply in finding a so-
lution to that intricate conflict, Georgia seems to have been left
with practically no other option than unwilling acceptance of
the post-conflict status quo.

5. **Criteria/legitimacy**. Three different core and apparently ir-
reconcilable interests seemed to be at stake and in conflict in
this case. For Georgia the question of national survival, territo-
rial integrity and inviolability of the country's borders was
central at the outbreak of war, but after five days the question
had boiled down to the physical survival of the nation. Georgia
then had no option but to accept the conditions of the proposed
ceasefire. The agreement reached in 2008 is in Georgia viewed
as one reached under the conditions of duress and as such lack-
ing legitimacy, but as yet Georgia has had no better options
available. For Abkhazia and South Ossetia the central issue
was the right of self-determination and national survival which
had been *de facto* – and after Russia's recognition *de iure* –
granted in the aftermath of the war. For Russia the key ques-
tion was the preservation of its status as a great regional and
global power, a power that does not accept other powers' di-
rect or indirect presence in what Moscow sees as the country's
strategic backyard – or, as President Medvedev put it in a TV
interview on 31 August 2008, in Russia's zone of 'privileged
interests'. Russia claimed to have legitimate goals – protection
of its citizens, prevention of genocide – in the conflict. Once
these goals had been achieved, Moscow was willing to accept
the conditions proposed by the EU.

6. **Commitments.** All parties directly involved in the conflict de-
cided to accept the commitments proposed by the French ne-
gotiators. Georgia, which suffered military defeat and could
not count on external support, had no other option but to ac-
cept. Russia decided to accept the set of commitments because
it had already achieved most of its strategic and local objec-
tives, and the cost of confrontation with the West that would
follow had Russia continued its march towards Tbilisi would
have been prohibitive in political and perhaps also military
terms. The two breakaway regions followed the Russian ad-
vice, probably realizing that Russia was about to recognize
their independence and provide them with security guarantees
against future Georgian attacks.

7. **Communications**. Direct communications between the war-
ring parties were effectively breached on the day the Georgian
president decided to send troops to retake Tskhinvali on 7 Au-

gust; or when Yakobashvili was not able to meet the Russian representative Popov earlier on 7 August (Ruchkin 2008; Yakobashvili 2009). What made direct communication between Moscow and Tbilisi even more difficult was the fact that both Georgia and Russia launched information/propaganda campaigns before, during and after the war in August 2008. The Moscow line was that Russia prevented the genocide of the South Ossetian people that the Georgian regime was attempting to commit. The Georgian line was that a small democratic nation, the 'beacon of liberty' in the post-Soviet space, was attacked by a great power with imperial designs: Russia was attempting to rid the Caucasus of Western influences, using the pretext of protecting its citizens (who in legal terms were citizens of Georgia) to realize its imperial project and extend the Russian sphere of influence in the post-Soviet space. Saakashvili was presented in Russian propaganda as a lunatic eating his own tie, as a criminal who deserved to be brought before the ICC for his role in preparing the genocide of the South Ossetian people and in launching the assault on Tskhinvali in which several Russian peacekeepers were also killed. From the Georgian side, Putin was portrayed as a typical Russian wrongdoer and advocate of the rebirth of Imperial Russia at the expense of the smaller post-Soviet nations, including Georgia, which was crushed by his war machine. Such a point of departure made it indeed challenging to get the two leaders to talk – even indirectly – one with another. The success of negotiations was secured by a clear communications strategy on the part of the negotiating team, who made it clear to both parties that the alternative to a negotiated settlement would be the total annihilation of the Georgian state and the effective breakdown of relations between Russia and the West – as already signalled by NATO, which had decided to withdraw from cooperation with Russia, in a move echoing the Russian reaction to NATO's intervention in Kosovo in 1999. It was especially Sarkozy's persuasive skills and his determination to get the parties to understand that they had no better alternative that made this work.

The role of dialogue in this period/ Preliminary conclusions

The fact that both parties negotiated with the French team representing the EU was an important element that facilitated the relative success of negotiations. Moscow could 'sell' this as being in line with the Russian idea of the European concert of powers as being able to solve regional problems among themselves, without US interference. For Saakashvili, who feared that he could be left alone to face Russia, the EU involvement in finding a negotiated solution was also a way out of

the deadlock caused by his 'tunnel vision', his apparent lack of strategic intelligence and probably unrealistic expectations as to the role the West could play in the conflict.

The agreement reached on 12 August was not a perfect solution, as it did not solve the core issues that had been at stake prior to the outbreak of open hostilities. It was, however, probably the best option available at the time and under the circumstances. The conflict between Russia and Georgia over the breakaway regions may still be classified as intractable, but the dialogue initiated by the EU succeeded in putting an end to the bloody phase of that conflict. Perhaps it may help the parties to realize at some stage that the cost of resorting to arms could be higher than the possible gains.

Concluding remarks
This brief study has sought answers to a set of questions on the usefulness of dialogue in conflict prevention and settlement. We have looked into the role of dialogue in the Russian–Georgian conflict, probing into what made the dialogue successful or not, the character of the dialogue between the actors prior to, during and after the peak of the crisis in August 2008, and, finally, whether we could identify 'tipping points' beyond which dialogue was of little relevance.

The main finding is that, with the conflict between Georgia and Russia threatening to escalate, dialogue seemed a non-viable option: the strategic and interest distance between the parties had grown so much that calls for dialogue had no chance of reaching the ears of those in charge. In addition there was an evident lack of mutual trust, indeed a sense of hostility, between Georgian and Russian leaders, combined with a lack of commitment on the part of the international community to prevent the conflict from escalating. On top of all that came a series of misjudgements and miscalculations that triggered the outbreak of open hostilities.

The immediate tipping point beyond which dialogue was no longer possible was the Georgian troops' shelling of Tskhinvali that caused massive human casualties (according to the Russian reading), or (according to the Georgian reading) Russian violation of Georgian sovereignty and territorial integrity caused by Russia moving its troops through the Roki Tunnel. The shelling of Tskhinvali provided Russia with a pretext for intervention that resulted in Georgian military defeat and the apparent undermining of the credibility of the West as a provider of security in the post-Soviet space. What the Georgians saw as Russian violation of Georgian sovereignty left Saakashvili with no other option but to fight. At that point, dialogue was not an option that any of the parties involved was willing to consider. For dialogue to

become relevant again, the situation on the ground had to change – and the involvement of new actors was apparently needed to make the warring parties silence their guns.

Due largely to the disparity of the military potentials available and engaged in this military phase of the conflict, the situation changed dramatically within few days. This led other actors (the EU, the OSCE, the USA,) who realized the gravity of the situation, to become involved in attempts at finding a negotiated solution. With the involvement of these new actors, the strategic calculus of the parties directly involved in the conflict changed. Dialogue proved again to be a relevant option as a way out of the war deadlock. After several rounds of negotiations, an agreement on immediate ceasefire was reached on 12 August 2008.

The negotiations brought the end to the armed phase of the conflict, but the contentious issues that led to war have not been resolved. Relations between Russia and Georgia have remained tense and seem unlikely to improve soon, not least since the key adversaries – Saakashvili, Putin/Medvedev – are still in charge of the policies of their countries. However, one independent observer has shown some optimism by referring to the German–French and Russian–Finnish reconciliations as examples to be followed by Russia and Georgia. Further, according to the same source, reintegration of Abkhazia and South Ossetia into the Georgian state – probably the main objective of the war on the Georgian side – is unlikely in the foreseeable future, due to the recent war and Russia's recognition of the breakaway regions. On the other hand, the 2008 war has shown that these conflicts do not have a military solution: the only way to enable Georgians, Abkhazians and South Ossetians to live together lies in lengthy negotiations and patient dialogue (RAD 2008). Most of those who have learnt the painful lesson of the five-day war would agree that even tortuous and difficult dialogue with no guarantee of success is far better an option than a new and not necessarily victorious war.

The Libya conflict(s) and the role of multicultural dialogue

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Introduction

This case study investigates the role of inter-cultural dialogue in crisis resolution between Libya and Western states between the mid-1990s and the fall of the Gaddafi regime. Following the negotiated abandonment of Libya's nuclear weapons programme in late 2003, the North African state transitioned from international pariah toward a normalized status in the international community. Within a decade of these breakthroughs, the Libyan regime crumbled following a NATO-led campaign in support of the anti-regime forces. These tumultuous developments give rise to questions about the possibilities for dialogue – and negotiated reform – with a radical and isolated regime. What role did dialogue between the West and Libya play in this period? What accounts for the substantial results of earlier negotiations, and why did dialogue apparently fail in the end?

We will examine these shifts, focusing primarily on the period between 1995 and 2011. During these years a series of secret talks and negotiations unfolded between the West and Libya. We will look into the impact of domestic structural changes, international shocks such as the US-led War on Terror, and the roles of force and diplomacy in transforming Libya's policies and behaviour during this period.

Background: From isolation toward rapprochement

Colonel Muammar Gaddafi came to power after a military coup in 1969. The Gaddafi regime adopted an anti-colonial and increasingly radical foreign policy. Libya offered support for anti-colonial movements that employed terrorist and guerrilla tactics, providing financial support and training facilities. During the 1970s and 1980s, Gaddafi's increasingly idiosyncratic and radical ideology created frictions domestically and at the international level as well. By the early 1990s the Gaddafi regime found itself isolated, subject to US sanctions, and ridiculed internationally.

These activities caused increasing strains in Libya's relations with states in the Middle East, Europe, and the United States. Gaddafi's

radical ideology began to trigger growing discontent at home and abroad during the 1980s. His Revolutionary Committees gained growing influence, also over foreign policy, as they replaced the professional Libyan diplomatic corps. This shift led to controversial practices, like the declared policy of eliminating opposition figures residing abroad, through agents based in Libyan embassies.

During the 1980s, Libya's radical policies led to clashes with Western states as well as regional powers. In 1981, US jets shot down two Libyan planes in the Gulf of Sidra. Two years earlier, attacks on the US embassy in the Libyan capital Tripoli had led to the closure of the embassy. Over the next few years, US President Reagan characterized Gaddafi as the 'Mad Dog' of the Middle East, and defined Libyan regime change as a policy objective. In 1984, the shooting of a British police officer outside the Libyan embassy in London caused the break of diplomatic relations between the two countries.

During the 1980s, Libyan agents were involved in a series of attacks on foreign soil targeting Western individuals. The attack on the La Belle discothèque in Berlin, the 1988 bombing of Pan Am flight 103 over Lockerbie, and the bombing of a French plane UTA 772 over Niger in 1989 caused hundreds of casualties. As a consequence, Libya was subjected to bombing raids in 1986 on Tripoli and Benghazi. Furthermore, US economic sanctions targeted Libya's key export – oil.

Coming in from the cold?
The 1990s brought tremendous international pressure and heightened domestic discontent, with several direct challenges to Gaddafi's leadership (Braut-Hegghammer 2008). In 1991, two Libyan agents were accused of responsibility for the 1988 bombing of the Pan Am 103 flight. Libya refused to extradite the two suspects, which led to the imposition of international economic sanctions through UN Security Council Resolution 748 (1992). These sanctions, combined with the sanctions targeting Libya's oil industry, contributed to erode the already struggling Libyan economy. During the early 1990s, domestic dissatisfaction with the state of the economy and the excesses of the Revolutionary Committees created a crisis. Assassination attempts and crumbling support of key tribes posed a serious home-grown challenge to the regime's long-term survival. In the middle of the decade, the regime faced its greatest challenge: an Islamist uprising in Benghazi that lasted from 1995 to 1998, and highlighted Islamist elements as a key challenge to the survival of the Gaddafi regime.

By the early 1990s the Gaddafi regime had come increasingly disillusioned with its radical policy experiments. Following mounting domestic discontent and strained foreign relations, Gaddafi and his clos-

est advisors concluded that it would be necessary to adopt a more con-
ciliatory route in order to secure their long-term survival. To improve
the domestic economy, and thus maintain the *rentier* state practices
shoring up domestic support for the Gaddafi regime, tackling the in-
ternational sanctions became their first priority.

Sanctions and engagement

Faced with both international and domestic pressure, reformist ele-
ments in the Libyan regime persuaded Gaddafi of the need to improve
the country's international standing. Libyan officials reportedly
reached out to US officials as early as 1992, offering to strike a deal
on Lockerbie, but this initiative was rebuffed (Jentleson and Whytock
2005/06; St John 2004). When such efforts failed, Libya sought to
find ways to get the sanctions regime lifted or at least ameliorated,
through a series of diplomatic overtures to Western powers.

The Gaddafi regime began to call into question the legitimacy of the
sanctions regime to erode international support for these measures.
Throughout this period, the Gaddafi regime sought to utilize – and
perhaps manipulate – liberal institutionalist symbols and multilateral
institutions. Applying a normative discourse, Gaddafi argued that the
sanctions regime actually violated the norms of procedural justice rec-
ognized in international law and the domestic legal systems of most
states; that supporting the sanctions constituted disrespect for accepted
International Organisations and the wishes of the international com-
munity rather than respect for them; and finally that such disrespect
was itself a threat to international peace and security (Hurd 2005: :
504). Through such arguments, Libya managed to secure support from
several countries, and representatives from the West – in particular the
US and UK – found themselves having to discuss and defend the legit-
imacy of the sanctions. Noticeably absent for most the 1990s, howev-
er, was support from Middle Eastern states. Disappointed, Gaddafi
increasingly turned his attention toward Africa.

'The Libyan model': negotiated reform through secret talks

Two important turning points emerged in Libya's relations with the
international community between the mid-1990s and 2003. The first
was the Lockerbie negotiations concerning the hand-over of the two
suspects, for trial in The Hague. The second was the secret trilateral
negotiations to end Libya's longstanding efforts to acquire nuclear
weapons and other weapons of mass destruction.

Lockerbie talks

In 1999, Libya decided to hand over the two suspects of the Lockerbie attack for trial in The Hague in return for the suspension of UN sanctions (Jentleson and Whytock 2005/06). This decision followed extensive negotiations dating back to 1995. These talks took the form of discrete and intimate deliberations with clearly defined *quid-pro-quo* steps.

As the UN sanctions and the US oil embargo began to take their toll on the Libyan economy, Gaddafi made the improvement of the country's economic situation a key priority. However, this sense of urgency was not matched by the international community. For example, initially the Clinton administration did not take the Libyan approaches seriously. In 1995, however, they agreed to talks after a Republican, Abraham Sofaer, reportedly passed a message from the Libyan regime to the Clinton administration. From 1995, several high level meetings were held in a hotel in Geneva. These negotiations were difficult initially, mainly due to a combination of lack of trust and commitment by the USA. This lack of urgency reflected the fact that Libya was seen as posing any imminent security challenges.

The Libyan regime also approached US and European oil companies that had been in Libya before the oil embargo, to generate additional support for their efforts to get the sanctions regime lifted. When European oil companies began making visits to Libya, US oil companies started to put pressure on Washington. Tony Blair, the new British Prime Minister, also tried to persuade Clinton to approach Gaddafi in order to find a solution. The USA finally decided to go along with this, recognizing that it was becoming increasingly difficult to maintain the sanction regime. In 1998, Washington therefore accepted a special negotiation solution: Gaddafi would hand over the two suspects of the Lockerbie terrorist act to a court in the Netherlands, to be judged under US rules and by British judges. In addition, the Libyan regime provided compensation to each of the victims' families. Following the trial the UN sanctions were lifted, but not the unilateral US sanctions (Vitkine 2011).

During the late 1990s, reformist elements – favouring economic reform and improved relations with Western states – came to influence Libya's foreign relations and policies in an increasingly moderate direction. The Clinton administration seized this opportunity to initiate a new round of negotiations. This time the aim was to open a sub-set of issues linked to the Middle East Peace Process, in which President Clinton was heavily involved at the time, as part of the dialogue with Libya. The US administration attempted to persuade the Libyan leader to end his support for Palestinian organizations, offering the lifting of

sanctions as an incentive for closer relations. In the following days, the Abu Nidal camp in Libya was closed down.

9/11, secret talks and Libya's nuclear turnaround

After George W. Bush assumed the US presidency in January 2001, the Gaddafi regime intensified its efforts to improve bilateral relations. The Bush administration's preoccupation with the threat from so-called 'rogue states' left the Libyan regime feeling increasingly vulnerable. This sense of urgency to resolve Libya's conflict with the United States intensified after the terrorist attack of 9/11 that year, and the Gaddafi regime now sought to rebrand itself as a potential partner in the US-led War on Terror. Libya offered to share intelligence information with the United States. This offer was not solely an opportunistic move on the part of the Libyans, as the Gaddafi regime also saw radical Islamist terrorism in Libya as a key threat to its survival. Here we may recall that Libya was not mentioned in Georges Bush's State of the Union address in 2002, where he focused on rogue states like Iran, Iraq and North Korea as the 'axis of evil'.[4]

The ensuing war on terror – and growing pressure on Iraq, citing allegations about residual WMD (weapons of mass destruction) threats – intensified the Gaddafi regime's desire to resolve the remaining issues that stood in the way of fully normalized relations with the USA. Gaddafi's son, Saif al-Islam, who was a PhD student at LSE in London, contacted officials at the British Secret Intelligence Service MI-6, and passed on the message that his father was ready to consider abandoning Libya's WMD programmes. This offer came as a surprise to the US administration, which at the time was preoccupied with Iraq. However, they accepted. The sensitivity of these negotiations required strict secrecy and compartmentalization on all sides (Tucker 2009: : 364).

Between March and September 2003 US, British, and Libyan officials held a series of secret meetings in London, Geneva and Tripoli. While the Libyans were forthcoming, and had repeatedly stated their preparedness to abandon the pursuit of WMD, a key concern was that Gaddafi would not verifiably give up the entire programme. A turning point came on 3 October, when the USA, Britain, German and Italy arranged the diversion at sea of a German-owned container ship, the *BBC China*, en route from Dubai to Libya. Containers on board were found to hold thousands of parts for centrifuges used to enrich uranium. Subsequently, the Libyan side invited inspectors from the USA

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4   'Axis of evil' is a term initially used by George W. Bush in his State of the Union Address on 29 January 2002, and often repeated throughout his presidency, describing governments that he accused of helping terrorism and seeking weapons of mass destruction. Bush labelled Iran, Iraq and North Korea as the 'axis of evil'.

and Britain to visit the sites associated with its WMD programmes and collect the sensitive nuclear technology intended for the weapons programme. On 19 December, the Libyan regime announced publicly its decision to abandon the pursuit of WMD and their means of delivery. The announcement came only a few days after Saddam Hussein had been captured and killed in Iraq.

In this process, the Libyan regime appeared to be a flexible and committed negotiating partner, offering a much-needed public diplomatic success for US President Bush and British Prime Minister Tony Blair in the wake of the 2003 Iraq war debacle. In fact, this outcome has been cited as an example of a successful Western soft-power initiative in the War on Terror and has also been interpreted as the most successful case of coercive diplomacy since the Cuban missile crisis without the threat of force (Jentleson and Whytock 2005/06).

The negotiations that led to Libya's WMD disarmament benefitted from the experiences and trust that had been established during the Lockerbie negotiations. Some of the US and British counterparts later expressed surprise at how quickly the Libyan side had acted to facilitate inspection visits and the removal of the centrifuge technology. Once the Libyan dictator had made a strategic decision, and committed to it, the notoriously inefficient state apparatus was able to implement this decision within days. There is a strong contrast between this and the Iraqi state's difficulties in implementing Saddam Hussein's new policy of increased collaboration with UN inspectors in late 2002 (Braut-Hegghammer 2008).

Following the 2003 announcement of Libya's negotiated nuclear *volte-face*, this deal was cited as a model that could be applied in getting other isolated states to move toward normalized relations with the international community. Libyan leaders and their counterparts in Europe and the United States held up this 'Libyan model' – negotiated normalization – as a fruitful approach to other states.

The role of dialogue in this period

As we have seen, a combination of domestic and external factors contributed to facilitate dialogue during this period. At the domestic level, mounting challenges following popular dissatisfaction combined with the emergence of an intensified external threat to the regime after the 9/11 terrorist attacks and the announcement of the Bush doctrine. Initially, during the 1990s, there had been no perceived urgency on the side of the West to open negotiations. The Libyans had to work hard, and through different channels, to convince Washington that it was also in the US interest to negotiate. The lack of trust (especially on the

side of the West) was a challenge, but through skilful secret negotiations, this challenge was overcome – at least temporarily.

There are various interpretations of Gaddafi's decision to facilitate the Lockerbie trial in the Netherlands. Some argue that this is a successful case of multilateral sanctions against Libya in the 1990s, others see it as part of a broader shift within the Gaddafi regime towards *Realpolitik* and a desire to improve Libya's international standing (Blakely 2010; Braut-Hegghammer 2008). The 2003 negotiations that ended with the Libyan nuclear turn-round were also caused by a combination of these two factors, but were additionally influenced by key events like the war on international terrorism. Both series of negotiations are pertinent examples of successful inter-cultural negotiations where one of the parties had many characteristics in common with what Robert Mnookin would refer to as 'the devil' (in his 2011 book *Bargaining with the Devil: When to Fight, When to Negotiate*).

In this case, both sides chose to negotiate. The question is then, what type of dialogue/negotiation is the most representative of this period?

In this dialogue or series of negotiations, there was a focus on a win–win solution through a process that must be seen to be quite similar to what the introduction was referred to as the 'integrative approach'. This win–win solution was achieved after a series of secret negotiations where the negotiators were quite good at *identifying interests* – the first step of the integrative approach. Second, the negotiators on both sides also managed to separate the people from the problem, and tried to build trust between the parties through diplomacy and personal relationship. In the 2003 negotiations, they could also build on the trust that had been developed in the late 1990s, since the negotiations involved the same people. Third, it is difficult to know for certain whether or not both parties had a clear conception of their best alternative negotiated agreement – BATNA – and whether they identified different options, but due to the length of the negotiations (steps 3 and 4), they probably did so during and between these different series of talks. Finally, what ultimately made these negotiations with Libya a success was that both parties could agree on mutually acceptable criteria and that all parties (in the end at least) respected the commitments made (steps 5 and 6). The final condition (or step) is good communication skills – which obviously seems to have been the case here.

This means that this negotiation period that started after Gaddafi's initiative in the mid-1990s and ended with the nuclear turnaround in 2003 must be seen as a clear example of integrative inter-cultural negotiation. However, it is also important to note that without the external and internal factors that favoured dialogue, the result might have

been different. The need to restore the Libyan economy and to fight regime-threatening terrorism are important factors in explaining Gaddafi's willingness to negotiate in this period.

After the 'Libyan Model': Disappointments, crises and new negotiations

Within a year, the Libyan leader began to express disappointment at what had been achieved through the 2003 deal. In December 2004, Gaddafi stated:

> Actually we were somewhat disappointed by the response from Europe, the United States, and Japan. They did not really repay Libya for its contribution to international peace. And we are still waiting. If we are not repaid, other countries will not follow our example and dismantle their programmes in turn. When we spoke with North Korea and Iran, which are suspected of having nuclear programmes, they said: 'But what was the recompense in your case? What did you obtain from the international community? So why do you want us to dismantle our programme?'[5]

This disappointment reflected the lengthy Congressional process of lifting all US sanctions, and resentment that Libya had been promised further concessions and benefits that were not forthcoming. Over the following years, Libyan officials grew increasingly frustrated that their country had not become a more respected member of the international community, and was excluded from events such as the 2010 nuclear security summit in the United States. Gaddafi criticized this decision, pointing out that this would make the Libyan model less attractive to states like North Korea and Iran.[6]

In addition, the Libyan regime moved away from the 'post-revolutionary' emphasis on *rapprochement* toward a more hard-line position. The officials who had been personally involved in negotiating agreements with the USA and the UK found themselves outweighed by more hard-line regime elements. The Libyan regime faced a tricky balancing act during this period, unable to agree on a way forward to revitalize the economy and strengthen the regime's domestic standing.

We should note in particular three turning points or crises in the relationship between Libya and the West: (1) the crisis linked to the Bulgarian nurses; (2) the return of hard-liners and more anti-Western officials in the Libyan administration; (3) the cartoon crisis. A particularly challenging aspect of the crises facing the regime between 2003 and

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5   'Libyan leader laments no "concrete" reward for giving up WMD', Rome RAI Television Network (in Italian), 17 December 2004, Lexis-Nexis.
6   Matthew Lee, 'Gadhafi: US nuclear snub of Libya hurts peace', *Associated Press*, 26 April 2010.

2011 was that they entailed domestic ramifications – in the form of clashes between civilians and security forces, grieving families, and the Libyan economy. As the regime sought to cope with these crises, the need for domestic legitimacy seemed to come increasingly into conflict with the objectives of strengthening the country's international standing.

The Bulgarian nurses

Following the 2003 diplomatic breakthrough, Libya entered into a new round of negotiations with the West in 2007. These negotiations concerned five Bulgarian nurses and one Palestinian doctor who had been charged with deliberately infecting 426 children with HIV in 1998 at the El-Fatih hospital in Benghazi. These six individuals received a death sentence that was upheld in Libya's highest court in 2007. As the evidence strongly suggested the infections were caused by general malpractice, and not intentional acts on the part of the accused, the international community strongly condemned both the ruling and the use of torture to extract confessions from the defendants. The epidemic triggered strong emotions in Libya, consistent with the scale of the outbreak (the largest hospital-induced HIV epidemic to date, according to some observers). While initial Libyan reports cited the poor sanitary conditions at the hospital, the Bulgarian nurses and Palestinian doctor were soon identified as the main suspects of an alleged conspiracy involving the CIA and Mossad. The fact that this took place in Eastern Libya, an area with a long history of resistance to the Gaddafi regime, may have bolstered the regime's desire to seek a negotiated solution without losing face in Libyan public opinion.

The European Union entered into negotiations with the Libyan regime to find a solution to this crisis. Gaddafi was adamant that the court system in Libya was independent from political pressure, and emphasized that the judicial system could not be overruled. A key issue delaying a negotiated settlement, however, was disagreement within the Libyan regime concerning the type of agreement that could lay the foundation for a negotiated solution. Hard-liners insisted on financial compensation to the 426 families, and proposed an exchange of the medical personnel in return for the Libyan national convicted of the Lockerbie attack, who was imprisoned in Scotland. Moderates, led by Seif al-Islam Gaddafi and senior diplomat Abdellati al-Obeidi, were prepared to admit to Libyan responsibility for the HIV epidemic. They took a more conciliatory approach, which ultimately found favour with Gaddafi.[7] In these negotiations, the Libyan regime insisted on reaching an agreement that would include financial compensation –

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[7] 'Quiet Pressure from Berlin: How EU and German Diplomacy Helped Save Bulgarian Nurses', *Der Spiegel Online International*, 23.07.2007.
    http://www.spiegel.de/international/world/0,1518,495974,00.html

such as Libya's compensation to the Lockerbie families – and not overturning the guilty verdict imposed by the Libyan justice system.

Following lengthy negotiations, in 2007 a deal was struck between Libya and the EU. The Libyan High Judicial Council overturned the death sentences, and an extradition to Bulgaria was negotiated. In July 2007, Libya announced that a settlement had been reached including the establishment of a fund of €9.5 million to improve conditions at the hospital in Benghazi where the HIV epidemic had broken out.[8] France played a key role in late stage of these deliberations. Shortly after the six were released, it emerged that President Nicolas Sarkozy had offered the prospect of an arms trade agreement and opened for potential civilian nuclear cooperation between the two countries.

The Libyans wanted the establishment of a fund to aid the families of the 425 children, and asked USD 1 million per child. Bulgaria provided the first USD 44 million in debt relief, the Libyan government contributed USD 74 million, while the EU promised only the €9.5 million to the Benghazi hospital.[9] The Libyan government had to cover the outstanding amount. As a result, Gaddafi could claim that the EU would compensate the victims, whereas the European counterparts could point to the sizeable Libyan portion, to refute allegations that this was a reparations fund.

Resolution of this conflict cleared the way for further cooperation between Libya and the European Union. This was clearly beneficial to both sides, due to Libya's geostrategic location and role as oil exporter to major European countries. The settlement also demonstrated that Libya had learned from prior experiences, and sought to emulate a more quid-pro-quo, incremental approach including tangible benefits and avoiding interference with key domestic institutions like the judiciary.

Domestic transition: Back to the future

Following the 2003 agreement, observers anticipated liberalization of Libya's economy to reap the benefits of enhanced trade and cooperation. In fact, the regime appeared to be moving in the opposite direction. Despite efforts to recruit leading British and US scholars to advise the Gaddafi regime on economic reform, and offers of Libyan funding to leading US universities to improve the regime's image, substantial reform remained elusive. During this period, the Libyan

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8   'Libya commutes medics' sentences', Reuters (CNN), 07.07.2007.
     http://www.cnn.com/2007/WORLD/africa/07/17/libya.medics.reut/index.html. Retrieved
     17.07. 2007.
9   'French Posturing over Bulgarian Nurses: Why Did Cecilia Sarkozy Go to Tripoli?',
     Spiegel Online International, 07/24/2007 24.07.2007.
     http://www.spiegel.de/international/europe/0,1518,496269,00.html

leadership seemed incapable of identifying a path that could reconcile reform with securing and maintaining the regime's sources of economic and political power. While the Libyan regime recognized the need to revise former revolutionary dictums, substantial revisions to the relationship between the regime and civil society were still out of the question.

Reform remained elusive for two key reasons. First, the Gaddafi regime was reluctant to undertake any reforms that could weaken its domestic power base. As Libya had been a *rentier* state for decades, genuine economic liberalization could challenge an important source of leverage. Second, regime figures who had spearheaded the move toward negotiations and *rapprochement* had been replaced with more conservative officials who were against domestic liberalization and closer ties with the West. Individuals who were associated with the reformist wing remained influential, but were outweighed by the hardliners who opposed further reform.

Cartoon crisis

The Libyan balancing act proved fragile. The regime continued to be concerned about its weak domestic political standing, seemingly upheld mainly by the lack of feasible alternatives, while remaining unwilling – or unable – to bring about reform. In early 2006, the eastern city of Benghazi was shaken by protests following the publication of cartoons in Denmark and Norway depicting the Prophet Muhammad. The protests followed the appearance of an Italian minister, Roberto Calderoli, wearing a t-shirt on television with an offensive depiction of the Prophet on 15 February. A protest in Benghazi led to an attack on the Italian consulate: eleven protesters were killed by security forces and dozens were injured. The subsequent reaction of the regime – reportedly offering the victims burial as martyrs – reflected concerns that such demonstrations could also bring about intensified criticism of domestic issues. In stark contrast to Syrian attacks on Norwegian and Danish embassies, the regime opted to repress the demonstration on this occasion, apparently valuing its relationship with Western allies over frustrations expressed by its people.

Role of dialogue in this period?

The 2003 agreement and recognition of Gaddafi as a partner in the war against terrorism led to Libya's reintegration into the international community. After 2003, however, it became clear that this integration had its limits. Libyan disillusionment, and lessons learned from tough negotiations with Western counterparts, informed the objectives and tactics of subsequent dialogues and interactions. During the two key crises following the 2003 'Libyan model', the behaviour of the Gad-

dafi regime was evidently influenced by concerns about their domestic standing. This indicates that domestic factors and domestic support are important even in an authoritarian state such as Gaddafi's Libya. Emotions, and in this case humiliation, as referred to in *Geopolitics of emotions* (Moïsi 2009) might well have influenced the character of the negotiations between the West and Libya in this period. As we have seen, the negotiations on the issue of the Bulgarian nurses were still geared towards a win–win solution. Meanwhile, Gaddafi was more reluctant to back down, due to concerns about his domestic standing. He also preferred the institutionalized dimension of the legal apparatus, to distance himself from the deal in an issue so sensitive in domestic public opinion. There was also a domestic struggle over the direction of negotiations – a more bargaining position (the hard-liners) or more conciliatory (the moderates, including Gaddafi's son Saif Al-Islam).

While these negotiations ended successfully, and in this sense may also be an example of integrative approach, they did not lead to improved relations between the West and Libya. These were tense, with the level of trust rather low on both sides. However, both parties managed to identify their interests (step 1), separate the people from the problem (at least temporarily), and France and the EU managed to achieve results after skilful diplomatic efforts (steps 1and 2). Also here it is difficult to say whether both parties knew their Best Alternative Negotiated Agreement (step 3), but they identified options, and creative thinking at least on the side of the French led to results (step 4). Both parties also agreed on mutual acceptable criteria; they were committed and had good communication skills (steps 5, 6 and 7).

But while this particular negotiation situation may be seen as an example of the integrative approach, the fact that during the same period the regime moved in a more conservative direction was a clear indication that this dialogue would not necessarily mean enhance regional stability and international security. The negotiations concerning the Bulgarian nurses and the cartoon crisis demonstrated the difficult balancing act of seeking to ensure domestic legitimacy, on the one hand, and being perceived as a moderate, stable ally of the Western powers, on the other.

Like Mnookin, we may also question whether it is possible to expect viable negotiated results when negotiating with persons and regimes that operate on a completely different normative basis. In the next section, focusing on the period initiated with the Arab spring, we will see how the West moved away from the negotiations option.

Libya and the Arab Spring

In 2011, the improved relationship between the Gaddafi regime and Western allies quickly came to an end. After popular movements overturned the rulers of Tunisia and Egypt, Libya's immediate neighbours to the west and the east, Libya was shook by a national revolt beginning in February 2011.[10] This uprising emerged from a series of protests in Benghazi criticizing the Gaddafi regime's treatment of political opponents. Although united in the determination to overthrow the Gaddafi regime, the opposition was a fragmented collection of local militia groups and political associations from across the country. The Gaddafi regime responded in a far more brutal and uncompromising manner than the Egyptian and Tunisian authoritarian regimes had done. This response drove a wedge between the Libyan regime and its former Western allies. Gaddafi and his regime soon found themselves isolated and under mounting international pressure.

Within days, the revolt had spread across the country and loyalist forces had lost control of key cities, notably Benghazi. Faced with a rapidly spreading revolt, the long-divided Gaddafi regime stood firm against the opposition coalition and refused to commit to substantial reform or meaningful concessions. Muammar Gaddafi, who at that time had ruled Libya for more than 41 years, characterized the protestors as drug-fuelled foreign agents with connections to al-Qaida. His son Saif-al-Islam, who had previously distinguished himself as an apparent champion of reform and liberalization, also maintained that the regime would firmly strike back the protests until the rebellion had been fully stamped out. By late February, a counter-offensive had begun, and government forces succeeded in pushing the opposition forces back to Benghazi. Reports soon emerged of brutal repression of the civilian protestors, which further tarnished the Gaddafi regime.

Faced with the violent repression of the protests by Libyan security forces and mercenaries, Western leaders voiced support for the opposition movement and denounced the response of the Gaddafi regime. Within weeks, the UK and US leaders declared that the Gaddafi regime was no longer considered a legitimate ruler of Libya. A National Transitional Council was established in Benghazi to serve as an opposition governmental agency. On 10 March 2011, France became the first state to officially recognize the Council as the legitimate representative of the Libyan people. Gaddafi's military attacks against the revolts were condemned by the UN, several countries imposed economic sanctions against Libya and the UN Security Council also voted to refer Gaddafi and other government officials to the ICC for investigation (Resolution 1970). The decision to refer Gaddafi to the ICC

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[10]   International Crisis Group 'Holding Libya together: Security challenges after Qadhafi', *Middle East/North Africa Report* N°115, 14 December 2011.

appears to have been a red line for the Libyan leader, who in previous crises had insisted on avoiding personal culpability for acts such as the Lockerbie bombing.

Regional actors responded to the Libyan conflict with various preferences for a negotiated solution versus military intervention to protect civilian protestors from Gaddafi's promised revenge. The African Union sought to facilitate a negotiated settlement that essentially would enable Gaddafi to maintain his position, while also facilitating some reform. The Arab League, on the other hand, voiced strong criticism of the Gaddafi regime's harsh response. The support for the Libyan opposition movement stood in contrast to the more gradual support accorded by Western states to the opposition movements in Tunisia and Egypt. In particular, the response of France to the Libyan conflict may have been driven by perceptions that it had been too slow in supporting the anti-regime protesters in Tunisia. As key European states, notably the UK and France, pressed for action to shield the Libyan opposition from the violent response Gaddafi had publicly committed to delivering, the USA remained reluctant to signal commitment to support the uprising in the form of military intervention.

Despite initial reluctance to support the Libyan opposition movement actively, the international community was united in its strong criticism of the Gaddafi regime's harsh response to the protesters. While principles of non-intervention and fears of setting a precedent that could come to haunt the international community in the case of Syria contributed to this initial restraint, the characteristics of the Libyan regime also influenced the outside world's response. Despite its geostrategic importance and oil exports, Libya's idiosyncratic regime had rendered it a marginal actor in international relations and Middle Eastern politics. Following Gaddafi's continued interference in other Middle Eastern states, including alleged support for an assassination plot targeting the Saudi Arabian royal family, there was little support to be found among these states for the Gaddafi regime. While the opposition movement was at best a loose coalition, lacking a political programme and internal coordination, the brutal response of the Gaddafi regime soon led Middle Eastern and Western states to treat the opposition as legitimate representatives of the Libyan people and to seek to curb the Gaddafi regime's campaign to end the protests.

On 17 March 2011, the UN Security Council passed Resolution 1973, sanctioning the establishment of a no-fly zone and the use of 'all means necessary' to protect civilians in Libya. Subsequently, NATO provided aerial protection to shield the opposition forces from the government forces. This move was welcomed by key regional actors, as evidenced in the Arab League's call for the imposition of a no-fly

zone prior to the adoption of Resolution 1973. This rare instance of invited intervention in a Middle Eastern domestic conflict reflected the unique context of the recent uprisings in Tunisia and Egypt, but also the deep-felt dislike of the formerly radical Gaddafi regime.

The NATO campaign nullified the military superiority of the Gaddafi loyalist forces, and the bombing campaigns targeting the regime's strongholds further weakened their capability to withstand the pressure. This campaign provided the rebels with time and space to make gradual advances toward the capital. As the Gaddafi regime was targeted with military and economic sanctions, it was soon clear that the regime would eventually crumble. The question was how long it would be able to hold out.

In the late spring of 2011, the Gaddafi regime appeared to be beyond saving. The violent campaign to defeat the uprising led by former apparently liberal figures such as Saif-al-Islam Gaddafi indicated that the regime could not be engaged in a meaningful dialogue or negotiations. As the rebellion continued, moderate elements in the Gaddafi regime joined the uprising. Already in late February 2011 the Libyan UN ambassador, a former childhood friend of Muammar Gaddafi and a fellow revolutionary, had criticized the brutal repression in the country and called for foreign intervention to curb Gaddafi's offensive.

Aiming at a zero-sum victory – no willingness to negotiate
Attempts made by the African Union to mediate between the two sides faltered due to the insistence of the opposition on regime change and the refusal of the Gaddafi regime to commit to meaningful change. The mutually exclusive objectives of the contenders rendered negotiations futile. The lack of trust between the two sides, and their pursuit of a zero-sum victory, made any attempt at dialogue or negotiated settlement highly unlikely to succeed. Both sides displayed a lack of will to negotiate a solution. The objective of the opposition movement was to topple the Gaddafi regime and instate a democratic form of government. As such, the Gaddafi regime was not considered a legitimate actor, so there was little room for negotiation apart from an orderly transition to democratic rule. The Gaddafi regime, for its part, refused to have direct contact with the opposition movement. Reports indicated some attempts by the Gaddafi regime to communicate proposals to the opposition movement to end the conflict. Furthermore, the African states seeking to facilitate such a dialogue appeared to enjoy scant support among Middle Eastern and Western states. With little leverage to offer, and with two intransigent parties in a civil war, Libya did not offer fertile ground for dialogue or a negotiated solution to the conflict.

Conclusion

What role did dialogue play in the conflicts/crisis?

As noted in the introduction to this report, there are different types of dialogues or forms of negotiations. The negotiation literature distinguishes between *structural, strategic, behavioural, concession exchange* and *integrative dialogues*.

However, only integrative dialogue has a win–win potential. This form of dialogue is characterized by its focus on negotiation as a process that aims at problem-solving through communication – so there are parallels to what Habermas refers to as communicative action (Habermas 1984). This form of dialogue is often presented as an ideal, but it also has some obvious costs. First, it is often very time-consuming. Second, it is fragile when applied as a template for negotiation and dialogue between parties from different cultures, operating within very different norms and values. It is fragile also because of various internal and external factors that may influence the negotiation situation. The Libya case can exemplify precisely this point.

What type of dialogue is the most representative of the relationship between Libya and the West in the period studied in this chapter?

The negotiations between Libya and the West prior to the 2011 revolution must be seen as a good example of integrative approach. They were aimed at a win–win solution, and scored rather well in terms of the 7 elements of principled negotiations presented in the introduction to this report (identifying interests, people, alternatives, identifying options, criteria/legitimacy, commitments, communications).

However, the fact that the Gaddafi regime was overthrown with the support of its former negotiating partners only a few years after the last negotiated agreement illustrates the uncertainties associated with negotiating with authoritarian regimes. Any leader – even a dictator – depends on domestic support if a negotiated agreement is to be respected in the long term. Recent research on 'audience costs' casts doubts on the long-standing assumption that authoritarian regimes are less influenced by domestic pressure with regard to upholding agreements and commitments (Snyder and Borghard 2011).

If it does not fit with this typology – where does it differ and why?

In the case of Libya, the level of domestic support as well as the peculiar personality of the leader were of great importance in shaping interactions and dialogue, as were emotional issues. While the conflicts between Libya and the West cannot be interpreted as what Peter

Coleman refers to as a '5%' conflict, they may be a good example of Robert Mnookin's perspective presented in his *Bargaining with the Devil* (2011). Mnookin holds that certain questions must be addressed before one takes the decision to opt for bargaining/ negotiation or go to war against certain regimes/and dictators. These questions, presented in the introduction, are the following:

1. What are the interests at stake?
2. What are the alternatives to negotiation?
3. Are there likely potential outcomes amenable to the interests of both parties?
4. Is there a reasonable prospect that such an agreement would be implemented?
5. What are the costs for the [West] parties of choosing to negotiate?
6. Finally, is the alternative (i.e. the use of military force) legitimate and morally justifiable?

In earlier periods, the answer to all these questions [by the West] went in favour of negotiations with Libya. This was not the case in the crisis in 2011. External factors, like the Arab Spring, and internal factors in Libya (upraising and human rights abuse from the regime), made a military option legitimate. Also noteworthy is the fact that very few states opted for a negotiated solution in this case.

Nuclear Diplomacy: the Case of Iran

Sverre Lodgaard (NUPI)

Introduction

This study examines the diplomatic dimension of the conflict over Iran's nuclear programme, asking why the talks have fared so poorly. Most of the time, they have been confined to diplomatic posturing, exchanging proposals that have been tightly constrained by incompatible red lines graven in stone in the domestic politics of the main parties. At no point have the talks been anywhere near a diplomatic solution to the problem.

Sometimes actors go to the negotiations table to avoid war. That was the main motive when the Europeans engaged Iran in 2003. Or they may do so to legitimize the use of force later on, arguing that all other means have been tried in vain. Some US leaders seem to have entertained such ideas while Israeli leaders have told them that time is up. Actors may also use diplomacy to buy time for other objectives. For years, Iran has been accused of employing stalling tactics while developing a nuclear weapons capability.

Like the 'walk in the woods' during the euro missile negotiations in the 1980s, the negotiators have tried, on occasion, to twist their mandates in the search for progress, but have been quickly reined in. The Western powers have known their alternatives to a negotiated solution only too well: sanctions, cyber-attacks, covert operations and threats of war – and the other P5+1 joined them in a top–down approach. This was no surprise, however: in 1998, Resolution 1172 from the United Nations Security Council (UNSC) even subjected big India to that kind of treatment in response to its nuclear testing. In the case of India it was soon abandoned, but deep-seated historical enmities make things much harder in the case of smaller Iran. From 2005, Iran has pushed the nuclear programme and pursued a provocative foreign policy in defiance of the pressure levelled at it. The name of the game has been power play: all the time, power politics have trumped the search for diplomatic solutions.

While the conflict between Iran and the West is virtually all-encompassing, this paper focuses on the nuclear issues. It begins with a brief account of the origins of the conflict and where Iran's nuclear programme might be heading. It then identifies three turning points in

the diplomatic process: 2003, when Iran became more transparent and opened negotiations with the EU3/EU; 2005/2006, when these negotiations failed and Iran was referred to the UNSC; and 2009, when President Obama changed US declaratory policy and the parties came close to agreement on a confidence-building measure. However, soon thereafter, Obama adopted policies similar to those of the Bush administration.

Finally, the paper analyses the diplomatic process in structural, strategic, processual, behavioural and integrative terms as described by Zartman (Zartman 1988), It adds a discussion of domestic constraints and of the confidence-building functions of IAEA inspections.[11]

Background

Origin of the conflict

The Iranian fuel cycle programme, which came to public attention ten years ago, has a long history, dating back to the Shah's investments in fuel-cycle works in the mid-1970s {Mousavian, 2012 #186 39-51. After a period of neglect following the revolution in 1979, the programme was revived in the mid-1980s, but was kept secret till 2002, when an opposition movement revealed the conversion and enrichment facilities in Esfahan and Natanz and the heavy-water works in Arak[12]. These activities had not been declared to the International Atomic Energy Agency (IAEA), which started the difficult process of reconstructing Iran's nuclear history in February 2003.

Relations between Iran and the United States had been antagonistic for decades. In Iran, the enmity goes back to the coup against Muhammad Mossadeq in 1953. In the USA, bitterness toward Iran began with the hostage crisis of 1979. Diplomatic relations were broken off and US sanctions introduced. Ever since, there has been fertile public ground for punitive action. For Iran, the US became the great Satan, and Israel the small one. For the USA, Iran became a main adversary.

It was in that context of enmity that the nuclear problem emerged. The timing could not have been worse. The United States was in its unipolar moment, keen to convert superior military might to political ad-

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[11]   In the text, the books by Mohamed ElBaradei and Seyed Hossein Mousavian are cited several times. They are therefore referred to along with page numbers. ElBaradei was Director General of the International Atomic Energy Agency from 1997 to 2009. Mousavian was head of the Foreign Relations Department of Iran's National Security Council and spokesman for Teheran's nuclear negotiating team from 2003 to the autumn of 2005.

[12]   In mid-August 2002, the National Council of Resistance in Iran (NCRI) – an Iranian opposition group based in Paris – held a press conference in Washington DC, disclosing these works. Whether the disclosure was based on the group's own intelligence or on Western intelligence sources is not publicly known.

vantage. Having declared 'mission accomplished' in Iraq in the spring of 2003, Washington contemplated the use of force to solve the Iran problem. President Bush reflected on who is next: would a military attack on Iran be appropriate to halt the nuclear programme and bring Iran back into the US sphere of influence?[13]

After the events of 9/11, Iran had cooperated with the USA in removing the Taliban regime in Afghanistan, but that did not prevent the Bush administration from now inscribing Iran in the 'the axis of evil' together with Iraq and North Korea. In Washington, the mantra was 'you don't talk to evil. You take action against it' {Mnookin, 2010 #122}. If talks were to be conducted, it would have to be on European initiative – and that is what the UK, France and Germany (the EU3) set out to do. In October 2003 the EU3 foreign ministers went to Teheran to start negotiations that unravelled at first, but came on stream again with the Paris Agreement of October 2004 (IAEA 2004). The USA let this happen, but never believed it would yield satisfactory results.

For the political elites in Washington, there was another grievance more substantial than humiliation over the hostages: the loss of a faithful ally in the Gulf. Iran had regained its independence after almost three centuries of intrusion and humiliation by the big powers – by Russia, the UK and the USA first of all. Ever since the Islamic revolution, US administrations have toyed with the idea of regime change, but have not been clear about the relationship between nuclear reversal and regime change, or how to prioritize these objectives.

The conflict is also about the role of Iran in the Middle East. Western powers and Sunni Arab governments try to constrain it as much as possible, while Iran seeks recognition of a role corresponding – somehow – to its size and importance in the region. Many times, it has called for a grand bargain to normalize relations with the West and solve the nuclear problem in that context. All the time, Iran has been asking for justice and mutual respect.

For Israel, on the other hand, nuclear weapons in the hands of a hostile Iranian leadership are what the conflict is all about. Prime Minister Netanyahu, Defence Minister Barak and other Israeli leaders see Iran as an existential threat. The Israelis are not ready to live with an Iranian programme that could be weaponized on short notice. The Iranians, however, are determined to continue their fuel-cycle works, invoking Art. IV of the nuclear Non-Proliferation Treaty (NPT), which gives

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[13]   When Norwegian Prime Minister Kjell Magne Bondevik visited the White House in early summer 2003, George W. Bush brought this question up for reflection and discussion. Communication from Bondevik to the author.

member states the right to enrich uranium and reprocess plutonium under international safeguards (Miller 2007). For Iran, the nuclear programme is a high-technology prestige programme that cannot be discontinued without seriously compromising the nation's hard-won sovereignty and independence. President Ahmadinejad, in particular, has raised the programme to national prominence and mobilized broad public support for it.

Where is Iran's nuclear programme heading?

Under the leadership of Mohamed ElBaradei, the IAEA noted that until 2003, Iran had concealed its enrichment programme. The Agency published a lengthy list of items that should have been reported. The underreporting was in obvious violation of the safeguards agreement, but not necessarily of the NPT.[14] A report of November 2011, prepared under the leadership of Yukio Amano, conveyed a different message. Now the Agency said that Iran had conducted weapons-oriented activities up to 2003; that there were indications that such activities had continued after that year; and that some of them might still be ongoing. This report made extensive use of information provided by IAEA member states. The US National Intelligence Estimate (NIE) of 2007 had made a similar assessment of the period up to 2003, but claimed – with a high degree of confidence – that the weapons-oriented works stopped that year, and – with a modest degree of confidence – that they had not been resumed. Another US NIE of 2011 was broadly consistent with that of 2007.

Acquisition of fissile materials is the key to production of nuclear weapons. In this respect, Iran is obviously building a capability to produce weapons. However, there is broad agreement in the intelligence communities that Iran has made no decision to weaponize the programme.[15] This is far from unique: a number of NPT parties have long held that option without exercising it.

Nevertheless, many Western political leaders appear convinced that Iran is about to become a nuclear weapon state. Since the mid-1980s it has been predicted, over and over again, that Iran may build nuclear weapons in anywhere between one and seven years. Such predictions have usually been phrased in ways that blur the distinction between *capability* and *intent* (Sahimi 2010), alerting people to a seemingly imminent danger.

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14   For that to be the case, the items would have to be unambiguously connected with a weapons programme, such as development and testing of triggering mechanisms or work on nuclear weapon designs. Or they would reveal assistance to others in the acquisition of nuclear arms, which is prohibited under Art. II of the NPT. To date, there has come no proof of any of this.

15   On this point, the latest US NIE says 'We do not know…if Iran will eventually decide to build a bomb' .

This practice has not abated. Crying wolf seems to have gained a life of its own. Sometimes the alarm appears to have been a matter of genuine concern, and sometimes mere hype intended to underpin demands for stricter punitive measures and regime change. US sanctions legislation calls for the latter: the strongest ones cannot be eliminated unless a new regime is established on terms described by the US Congress. Scrapping the nuclear programme will not do.[16]

Approaches to the problem

Four rounds of sanctions have been mandated by the UN, and unilateral US and EU sanctions have gone much further. Various kinds of cyber-attack have been launched, and Iranian nuclear scientists have been killed. Drones have been flying over Iranian territory, and covert operations of various kinds have been reported. Efforts have been made to deprive Iran of supporters and allies, and all the time there is the threat of using force to halt the nuclear programme. Israel and/or the USA are assumed to be the architects of most if not all of these activities. There has been much talk about sticks and carrots – but the sticks have been biting, and the carrots few and modest.

Talks started in the autumn of 2003 between Iran and the EU3/EU and continued in 2006 between Iran and the P5+1 (the permanent members of the UNSC plus Germany). Among the P5+1, the strongest supporters of diplomacy have been Russia and China, backed by Turkey and Brazil and the great majority of non-aligned states. These countries are less alarmist about the Iranian nuclear programme, more understanding of Iranian behaviour than the West, and more critical to Western policies than the voting patterns in international organizations would indicate (as can be seen from explanations of vote). For all of them, the common denominator is to prevent Iran from becoming a nuclear weapon state. Geopolitically, the BRICS (Brazil, Russia, India, China, South Africa) countries and others do not want Iran to fall back into the Western sphere of influence. There is an important geopolitical fault line going by Iran.

All the time, the talks have been conducted against the backdrop of the IAEA's efforts to reconstruct Iran's nuclear history and clarify the

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16 US sanctions can be lifted only after the president certifies to Congress that the government of Iran has: (1) released all political prisoners and detainees; (2) ceased its practices of violence and abuse of Iranian citizens engaging in peaceful political activity; (3) conducted a transparent investigation into the killings and abuse of peaceful political activists in Iran and prosecuted those responsible; and (4) made progress toward establishing an independent judiciary. Further, the president has to certify that 'the government of Iran has ceased supporting acts of international terrorism and no longer satisfies certain requirements for designation as a state sponsor of terrorism; and [that] Iran has ceased the pursuit, acquisition, and development of nuclear, biological, chemical, and ballistic weapons.' Initially, the unilateral US sanctions were imposed by executive orders, meaning that they can be eased or even waived at the President's discretion. In recent years, however, more and more sanctions have been enacted into law.

nature of its nuclear programme. Agency negotiations with Iran have been conducted on a bilateral basis between the secretariat and Iranian authorities. To some extent they have been steered by the IAEA Board of Governors, which became politicized over this issue, sometimes passing decisions by majority vote rather than by consensus as had been the case in the past; and from 2006 onwards the UNSC has also been involved.

Turning points

Reviewing 10 years of talks about Iran's nuclear programme, two turning points stand out very clearly: the breakthrough in Iranian transparency and the beginning of negotiations with the EU3/EU in the autumn of 2003; and the breakdown of these talks and the resumption of fuel-cycle activities in Iran in August 2005, leading the IAEA Board of Governors to refer the Iranian file to the UNSC in February 2006 and to the ensuing imposition of UN sanctions.

The second turning point coincided with the election of Mahmoud Ahmadinejad to the presidency of Iran and was to some extent caused by him. Ahmadinejad pursued the nuclear programme with a brazen rhetoric that exacerbated tensions with the West and Sunni Arab states. As the programme advanced, his negotiating cards improved up to the point when, in the spring of 2012, there were discussions about halting the production of uranium enriched to 20 per cent and sending abroad what had been produced, in return for international acceptance of enrichment to 3–4 per cent for use in power reactors. For Iran, the right to enrich has always been a red line in the negotiations, but the United States and others have not been ready to accept that.

A third turning point was expected in 2009, when Barrack Obama became president of the United States. During the presidential campaign, Obama had declared his readiness to talk with US adversaries without conditions. However, new obstacles emerged, among them the unrest in Iran after the presidential elections in the summer of 2009 and the information that a new enrichment facility was being constructed at Fordow outside Qom, carved into mountain to protect it from air attack. The facility had not been declared to the IAEA.

Later, it became known that, at about the same time, Obama had authorized sophisticated cyber-warfare against Iran known as Stuxnet, destroying hundreds of centrifuges in Natanz. Stuxnet was followed by other kinds of cyber-attacks.[17] To allay Israeli fears of the Iranian

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17   The exact timing of these decisions is not known. The US programme is led by a four-star general, which indicates that it is a major one, but the secrecy is pervasive. The investments in cyber-warfare and the conduct of cyber-attacks are kept in the dark. To the ex-

programme and avoid Israeli bombing of Iranian facilities, the attacks were conducted in collaboration with Israel (Sanger 2012). The change from Obama to Bush therefore became less of a turning point than first assumed. Meetings between Iran and the P5+1 in Geneva in October 2009, focusing on a concrete confidence-building measure, came to nought – partly because of domestic disagreements in Iran, and partly because the US administration was labouring under tight domestic constraints. By the turn of 2009/2010, Obama was back on the Bush Administration sanctions track.[18]

2003: a golden opportunity

On 16 October 2003, Iran's chief negotiator Hassan Rowhani told El-Baradei that Iran was ready to turn over a new leaf in its relationship with the Agency and provide full disclosure of its nuclear activities (ElBaradei 2011: 120-121). Iran was also ready to conclude an Additional Protocol (AP). Pending its entry into force, the Agency would be allowed to go by its provisions.

Two factors account for much of the turnabout. One was the threat of war, seriously contemplated by a US Administration in a mental state of hubris and supported by the Israelis. Radical measures might be needed to avoid it. Another was the public exposure of Qadeer Khan's supply network, which had delivered sensitive nuclear technology to Libya. Disclosure of Iran's purchases from the same network was a sure consequence, so there was no better choice than to admit it.

Two more factors – speculative, in the absence of documentation – may have worked in the same direction. First, when the nuclear programme was revived in the midst of the war with Iraq, Saddam Hussein was conducting a secret nuclear weapon programme. How much Iran knew about this is uncertain, but after the first Gulf War the programme was disclosed. Today, we know that Saddam abandoned it and UNSCOM[19] dismantled it, but that was not clear at the time. Western powers were not ready to draw that conclusion, and Saddam remained in power. In 2003, when no weapons of mass destruction were found and Saddam was removed, whatever concerns the Iranians might have had about Iraqi nuclear weapons disappeared. Second, there is a lingering suspicion that by 2003, Iran had already done so much on the non-nuclear components of nuclear weapons that halting the work entailed no big sacrifice. US intelligence, now supported by the IAEA, has claimed that until 2003 Iran was engaged in a range of weapons-oriented activities.

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tent that specific attacks have come to the public attention, such information has emerged long after the event.
18   For a select list of events from these periods, see Appendix 1.
19   The United Nations Special Commission on Iraq, charged with implementing the disarmament provisions of SC Res. 687, the ceasefire resolution on Iraq.

The first attempt by the EU3/EU to keep Iran unambiguously non-nuclear was part and parcel of this re-orientation. Not only did Iran promise to cooperate with the IAEA and become fully transparent, but on 21 October it also signed the Teheran Agreed Statement with the EU3/EU in which it undertook to suspend sensitive fuel-cycle works and negotiate a long-term solution to the controversy. The scope of the Statement proved contentious, however, particularly with regard to the uranium conversion facility at Esfahan. Iran continued work on this facility and began to convert uranium oxide into hexafluoride.

When these negotiations unravelled, the parties signed another agreement in Paris on 15 November 2004, building on the Teheran Statement. In the Paris Agreement, suspension of all enrichment-related and reprocessing activities was agreed and specified in unambiguous language,[20] and the IAEA was invited to verify and monitor the suspension. The EU3/EU recognized that the suspension was a temporary and voluntary confidence-building measure, not a legal obligation.

The long-term arrangement to be negotiated on the basis of the Paris Agreement should provide 'objective guarantees that Iran's nuclear programme is exclusively for peaceful purposes'. In return, Iran would get 'firm guarantees on nuclear, technological and economic cooperation and firm commitments on security issues (IAEA 2004).

2005/2006: a fatal turn of events

The Paris Agreement reaffirmed the parties' commitment to the NPT, but they never agreed on the operative meaning of 'objective guarantees'. Iran emphasized that compliance with the provisions of the NPT, full transparency and application of the AP was all that an NPT member can legitimately be asked to accept. The EU3/EU emphasized that exercise of the 'inalienable right' to develop nuclear energy for peaceful purposes must be in conformity with Articles I and II of the NPT. They further argued that, in view of Iran's long record of concealment and non-compliance with international obligations, the only way the international community could be confident that Iran was not intent on producing nuclear weapons would be for Iran to forego all enrichment and reprocessing activities for a period, to be defined. They probably had in mind a moratorium of 20 years or so.

At the core of the Framework for a Long-Term Agreement offered by the EU3/EU on 5 August 2005 were assurances of fuel supply for Ira-

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20 Iran undertook to 'continue and extend its suspension to include all enrichment related and reprocessing activities, and, specifically: the manufacture and import of gas centrifuges and their components; the assembly, installation, testing or operation of gas centrifuges; work to undertake any plutonium separation, or to construct or operate any plutonium separation installation; and all tests or production of any uranium conversion installation'.

nian power reactors, in return for a halt to all fuel-cycle activities (Framework 2005). While international supply arrangements can never be as reliable as domestic sources of supply – the proposed buffer store would be located outside Iran – the credibility of these assurances was high. They had been made by a group of states and communicated to all interested parties through an international organization (the IAEA), and thus could not be abruptly withdrawn by any individual government.

The framework recognized Iran's right to develop a nuclear power programme, but stopped short of offering Iran light-water reactors. Article IV of the NPT commits supplier states to facilitate access to technology for non-nuclear-weapon states parties, but the Framework promised only 'not to impede participation in open competitive tendering' (Framework 2005: para. 19b).

In addition to ratifying the AP, Iran should undertake to cooperate pro-actively with the IAEA to resolve all outstanding issues, 'including by allowing IAEA inspectors to visit any site or interview any person they deem relevant to their monitoring of nuclear activity in Iran'. To this, Iran noted that such inspections would go beyond the Additional Protocol, and saw this demand as an intimidating infringement on national sovereignty (Iran 2005).

According to the Paris guidelines, the long-term agreement 'will…provide…firm commitments on security issues'. The offer included nothing of the sort. Neither was it easy for the EU3/EU to do so, since the main threat to Iranian security came from the USA. Washington kept Iran under high pressure and conducted contingency planning for a military attack.

The EU3/EU kept the US well-informed about the negotiations. The Americans made two gestures that conveyed a semblance of support, while staying at a distance: they would no longer object to negotiations for Iranian membership of the World Trade Organization (WTO), and they were willing to provide spare parts for Iranian civilian aircraft. There is a long way, however, from the start of WTO negotiations to their successful conclusion. Talks can derail in a great many ways. Moreover, providing spare parts for civilian aircraft of US origin ought to be a matter of course. Refusal put civilians at risk without in any way affecting Iran's nuclear programme.

Thus, the US side did not invest in the talks, but as long as the Europeans stayed committed to halting all fuel-cycle works in Iran diplomacy could do no harm. At a time of considerable disagreement within the US government – some advocating a military attack for regime

change, others preferring diplomacy on the basis of a set of conditions to be met in advance, and yet others favouring dialogue and negotiations without preconditions – they could only be helpful in buying time. However, the US never gave them much of a chance beyond being a holding manoeuvre.

For several months, there were high expectations of major steps toward an overall diplomatic solution. At the March 2005 meeting of the IAEA Board, Iran was not on the agenda, for the first time in almost two years. In Iran, however, criticism was mounting as the negotiations failed to make visible headway. Well before they received the European offer, Iranian officials indicated that they would not continue with the full suspension (ElBaradei 2011). On 1 August, they announced that uranium conversion at Esfahan would resume.

A few days later, the European offer was presented. The Iranian response was sharp: 'the proposal is extremely long on demands…(and) absurdly short on offers to Iran…(and) amounts to an insult to the Iranian nation (Iran 2005).

From then on, the conflict escalated rapidly. On 24 September, the IAEA Board characterized Iran's history of concealment and reporting failures as constituting 'non-compliance', a term that foreshadowed referral of the Iranian file to the Security Council. In January 2006, US Secretary of State Condoleezza Rice said that 'the time for talking outside the Security Council is over' (Pleming 2006). On February 4, the IAEA Board of Governors reported Iran to the Security Council and the next day, Iran withdrew from the AP – as it had said it would do. Two months later, the updated US National Security Strategy named Iran the single greatest threat to the United States.

2006–2009: posturing over a vexing problem

When Iran reverted to the standard safeguards agreement, the IAEA gradually lost overview of what was going on. On occasion, the Agency was allowed to go beyond the agreement, but only at Iran's discretion.[21] It could no longer follow the production of centrifuges, only register installation of them where fissile materials were used. In 2007, the problem was compounded by the fact that Iran also reverted to the original safeguards provision requiring states to notify the IAEA 180 days before a new facility would be operational. In 2003, it had accepted the new code 3.1. of the subsidiary safeguards arrangement which requires notification as soon as a decision to build a new facili-

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[21] The main example was the work plan agreed in the autumn of 2008, containing a timetable for the resolution of all the outstanding inspection issues. Many questions were clarified, but a few remained, chiefly those pertaining to the so-called 'alleged studies' that stemmed from an Iranian laptop that had landed in US hands, the authenticity of which remains in doubt.

ty has been made – as the last country to do so. Now it withdrew uni-laterally – as the first to do that. From then on, the building of new enrichment plants could go far without the Agency being informed. Generally, enrichment leaves a weak signature, so national intelli-gence may fail to register new activities.

The new government of Mahmoud Ahmadinejad speeded the nuclear programme up. Uranium conversion resumed in August 2005 and en-richment R&D in January 2006. In the following years, Iranian centri-fuge capacity grew steadily. Between 2006 and 2009 there were next to no formal negotiations that could have introduced constraints. Pro-posals were exchanged and the chief negotiators and others met, but there was only one brief official meeting between Iran and the P5+1, in July 2008.

On European initiative, the P5+1 presented a new proposal in June 2006 which was more generous than the previous one in both sub-stance and tone. Unlike the EU3/EU offer of August 2005, the big powers committed to actively support the building of new light-water reactors in Iran using state-of-the-art technology. They also offered to improve Iran's access to the international economy through practical support for full integration into international structures, including the WTO, and to create a framework for increased direct investments and trade with Iran including a trade and economic cooperation agreement with the EU. Steps would be taken to improve access to key goods and technology. These and other provisions were presented without the patronizing tone of the first offer. However, the proposal repeated the demand for suspension of enrichment as a precondition for negotiations, and it left the impression that resumption of such ac-tivities would be predicated on Western approval.

Iran waited until 22 August to respond. Domestic bargaining seemed as complex as ever. But the Western powers did not wait, and the oth-er veto powers went along: in late July another Security Council reso-lution was adopted which made suspension mandatory under Chapter VII of the UN Charter. What could not be agreed under the NPT was now made illegal by the Security Council.

On 22 August Iran responded, as promised, citing ambiguities in the P5+1 proposal and asking approximately one hundred questions of clarification – but also declaring its willingness to negotiate on 'all issues' (Mousavian 2012: 253). ElBaradei remained convinced that the Iranians were open to the idea of suspension so long as it was not a precondition of negotiations; that they were willing to implement the AP on a voluntary basis during the talks; and that they were ready to

commit to permanent membership in the NPT to allay fears of a breakout scenario in the style of North Korea.

Iran's chief negotiator, Ali Larijani, tried to find a way around the suspension problem by limiting enrichment to the one or two cascades already in operation, or to a total of no more than 3000 centrifuges. Another possibility would be some form of suspension in return for security assurances. Complete suspension up front seemed out of the question, but in Washington that requirement was firm: not one centrifuge.

The period 2006–2009 also saw an Iranian 'Proposed package for constructive negotiations' (May 2008); a third proposal from the EU3/EU, largely reiterating previous positions (June 2008); a similar repeat by Iran a few days later; and the meeting in Geneva between the Iranian chief negotiator Saeed Jalili and the P-5+1 in July 2008. At this meeting, the parties went through the motions and repeated their positions, but to little or no avail.

In Geneva, the USA was for the first time represented by a high official, Undersecretary of State William J. Burns. Moussavian's summary of what the Americans wanted to achieve seems accurate: to show agreement with the other members of the P5+1; to prove that they were in favour of diplomatic means; and to convince the other P5+1 that if negotiations failed, there would be no alternative to more sanctions (Mousavian 2012: 311). In September, the Security Council passed its third sanctions resolution, with a fourth soon to follow.

2009 – : a glimpse of hope – and further escalation

When Obama became president of the United States, there was a radical change of tone and atmosphere. Here was the man who had declared his willingness to talk to US adversaries without preconditions. Ahmadinejad sent a letter congratulating him on his election.

The United States and Russia came up with a promising suggestion. Iran would receive fuel for the Teheran Research Reactor, which had worked on 20 per cent enriched uranium provided by Argentina, in return for transferring most of its low-enriched uranium abroad. Of the 1500 kilograms of LEU that Iran had produced at the time, 1200 would be sent abroad. In that way, Iran would demonstrate that its enrichment programme was for peaceful purposes. For the sceptics, what would remain in Iran was – if further enriched to weapons-grade – less than one bomb's worth. Most important for Iran, it was not being asked to stop or suspend its enrichment. The proposal had the potential to defuse the enrichment issue and pave the way for serious nego-

tiations. As a confidence-building measure, such a swap made good sense.

On 1 October 2009, Iran and the P5+1 met in Geneva to discuss the proposal. On the margins of the meeting, Burns and Jalili met bilaterally – the highest-level bilateral meeting between the two states in 30 years. In principle, the parties agreed to pursue the fuel swap. Another meeting would convene three weeks later to hammer out the details.[22]

And that is where the devil proved to have taken hold. In Iran, it was payback time. Ahmadinejad, who had undermined Larijani's efforts to limit the enrichment programme and pursue the diplomatic track, supported the proposal, but now Larijani opposed it. Moussavi, prime minister in the 1980s when the nuclear programme was revived and front figure of the 'greens' during the 2009 presidential elections, did the same. In the aftermath of the contested re-election of Ahmadinejad, the rivalries between institutions and individuals in the exceedingly complex Iranian political system became more intense than ever.

In the run-up to the Geneva meeting, the Americans put their finger on a new enrichment facility being built at Fordow, thirty km north of the holy city of Qom. They said they had known about it for two years, but had not been ready to go public with it (ElBaradei 2011: 297-299). The facility was of a limited size that arguably made it unsuitable for industrial purposes. Still, the signals from all sides indicated a desire to conclude the fuel-swap deal.

In the discussions, the parties were innovative in their search for modalities, well assisted by ElBaradei. Still, they failed to agree, largely because of the domestic rivalries in Iran. In an illuminating reflection of US politics vis-à-vis the Islamic Republic, the Americans clarified that they could not themselves be a party to an agreement with Iran. However, they were ready to write a letter of support for the deal.

This was the closest that the parties ever came to a negotiated agreement. By the turn of 2009/2010, Obama was back on the Bush administration track. In April 2011, Gary Samore explained this continuity in policy in broader terms: '..both the Bush administration and the Obama administration have emphasized that the first step is for Iran to comply with the UN Security Council resolutions and restore confidence in its nuclear programme.'[23] The resolutions demanded that Iran stop all fuel cycle works, accept the AP and allow unlimited inspections beyond the AP, *before* fuel cycle activities could be continued

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22 For an analysis of the fuel-swap negotiations, see Parsi .
23 "Obama advisor Gary Samore, "The Ball is Very Much in Tehran's Court"', RFE/RL, 14 April 2011, www.rferl.org/content/interview-_samore_russia_iran_us_policy/3557326.*html*-

and *before* sanctions could be lifted – it being anybody's guess how long Iran would have to wait. ElBaradei summarizes his fuel-swap experiences this way: '..the pattern was familiar: nothing would satisfy, short of Iran coming to the table completely undressed' (ElBaradei 2011: 313).

In the spring of 2010, Turkey and Brazil managed to strike a deal with Iran along the same lines. By that time Iran had produced 2500 kilograms of LEU, so a swap that would bring 1200 kilograms out of the country seemed less attractive to the West. Brazil and Turkey also recognized Iran's right to enrich under the NPT. The next day, the P5+1 announced that they had reached agreement on a fourth sanctions resolution on Iran for not having stopped its enrichment programme. Hillary Clinton branded the agreement a 'transparent ploy' by Iran to avoid new sanctions (Lee 2010).

Another meeting of the P5+1 and Iran took place in Istanbul in January 2011, followed by three more meetings in Istanbul, Bagdad and Moscow in April, May and June 2012. Ahead of the April meeting in Istanbul expectations were raised, *inter alia* because Iran and the IAEA seemed close to an agreement on inspections in Parchin, where it was intimated that Iran had tested trigger mechanisms for nuclear weapons. Having more than 10,000 centrifuges spinning, some of them enriching to 20 per cent for use in the Teheran Research Reactor, the goal posts had been moved to speculations about doing away with 20 per cent enrichment in return for limitations of sanctions and acceptance, in principle, of Iran's right to enrich. That, however, proved off the mark. In Moscow, the talks were called off indefinitely, and there were no inspections at Parchin.

Analysis

The structural perspective

Iran's nuclear programme surfaced at the peak of the US unipolar moment and Iran was treated accordingly: top–down. For Washington, there was no need to negotiate: talks were rewards for good behaviour, not means to achieve results. Overwhelming power would do the job. Power politics was somewhat tempered by the vexing problems in Iraq and Afghanistan, where Iran was called upon to assist, but it was not until the election of Barack Obama that the declaratory policy changed in favour of negotiations based on mutual respect.

The Europeans stepped in to negotiate, not least in order to avoid another war. They saw themselves as a 'human shield' against the use of force. Still, they were under the impact of US power and disbelief in

negotiations, which may explain why their August 2005 offer to Iran was so thin on substance. It was not deemed appropriate to offer much. Or, they were trying to negotiate bazaar style, not bringing out all their carrots up front (ElBaradei 2011: 144). That the June 2006 offer was more forthcoming than the first one suggests that this may have been so. In any case, the Europeans gravely misread developments in Iran.

Disappointed by the results of the negotiations, the new government of Mahmoud Ahmadinejad took corrective action. Iran adopted a more aggressive foreign policy, raised its regional ambitions, pursued the nuclear programme with greater vigour, and turned to the East and South for political support.[24] Ahmadinejad appointed Ali Larijani, who had stressed the importance of ties with China and Russia, as his chief nuclear negotiator; courted the non-aligned movement; and tried to gain acceptance for Iranian membership of the Shanghai Cooperation Organization, but in vain. In part, this was a general foreign policy orientation; in part, it was also a tactic to weather the nuclear crisis.

This way, Iran raised the stakes – and so did the West. First, by obtaining a mandatory Security Council resolution which denied Iran the right to do fuel-cycle works. Second, by a series of UN sanctions resolutions followed by comprehensive US and European sanctions blocking oil imports from Iran and black-listing the Iranian central bank. Third, by cyber-attacks to delay the enrichment programme and by covert operations to stir unrest and gather information. Also, nuclear scientists were assassinated. All the time, the military option was kept alive.

When the negotiations between Iran and the EU3/EU ran aground in 2005 and a new government came to power in Iran, the talks between Iran and the P5+1 were reduced to exchanges of proposals and probes to clarify the other side's flexibilities or the lack of such. The probes were generally left to the representative of the EU (Solana, Ashton) and the secretary of the Iranian National Security Council in his capacity of chief negotiator (Rowhani, Larijani, Jalili). There was one exception: the talks about the fuel swap in the autumn of 2009, when the parties seemed genuinely interested in confidence-building, but which failed due to adverse domestic circumstances, chiefly but not only in Iran.

Why did Russia and China go along with the other P5 on so many proposals and Security Council resolutions?

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24 Ahmadinejad and his team preferred the phrase 'expansion of capacities' rather than 'looking to the East' to describe the new foreign policy orientation.

Russia always wanted to prevent Iran from completing the fuel cycle. In this respect, it has been attuned to the USA and the EU all the time. It undertook to finish the Bushehr reactor and would certainly welcome more reactor contracts. Not only for economic reasons, but because command over parts of the Iranian nuclear programme would provide good bargaining chips in negotiations with the West: if *you* are more cooperative in this or that respect, *we* will be more cooperative on Iran. Russia was always ready to use the Iranian card to extract concessions from the Western powers. To the Iranians, this confirmed that their suspicions of the Russians were not only historically rooted, but based on contemporary realities as well.

Working relations with Iran are valuable conduits for Russian influence in the Middle East and important for regaining influence in central Asia. In that connection, Iran's support for Moscow in Chechnya has been duly noted. Overall, however, relations with the West are far more important to Russia than are relations with Iran. In the face of important trade-offs with the West, Iranian concerns are expendable.

For China, too, relations with the US clearly trump those with Iran. China's stakes in Iranian oil production have been fast growing, and it has exported arms to US adversaries like Iran to enhance its bargaining power with Washington over arms deliveries to Taiwan. Politically, however, the relationship is not very comprehensive, and has no strategic bonds. Both China and Russia have worked to modify UN resolutions and like the other BRICS countries, China is for diplomacy and against the use of force. But as long as Russia accommodates to Western policies, China has had little reason to break out of the P5 consensus.

Ahmadinejad's turn to the East was, therefore, not much of a success. Ali Larijani – guided by principles but also pragmatism – was among the first to realize this. Regardless of foreign policy orientation, Iran remained solidly stuck in its confrontation with the West and its differences with the P5+1.

The strategic perspective

There was never a shared strategic vision of what to go for. The Paris Agreement foreshadowed 'objective guarantees' that the Iranian programme would be a peaceful one, in return for which Iran would receive nuclear technology and security guarantees. Months later, the Europeans made it clear that 'objective guarantees' meant suspension of all fuel-cycle activities for an indefinite period. In the face of US and Israeli threats, the EU3 were in no position to provide security assurances.

Neither was there a shared perspective of what the talks should comprise. In 2003 Iran proposed a grand bargain, resolving the nuclear problem in the framework of Middle East politics writ large. The US scoffed at it and even reprimanded the messenger for having conveyed it.[25] The negotiations with the EU3/EU comprised a range of issues in addition to the nuclear one, as did the P5+1 offer of June 2006. However, the United States never believed in the EU exercise, and in hindsight, the P5+1 offer of June 2006 seems to have been a means to obtain Russian and Chinese support for the Chapter VII resolution that ordered Iran to stop all fuel-cycle works, including R&D. In practice, the verification requirements of the proposal amounted to indefinite suspension, which Iran was sure to reject – and Iranian rejection would make P5+1 consensus easier to achieve.

Later, Iran made more proposals for a comprehensive settlement with the West.[26] In the words of Mousavian, 'Iranians have always believed that reconciliation with the United States should come in the form of a broad-based policy, not with a piece-meal deal on the nuclear issue, unless a nuclear deal is comprehensive and covers Iran's full rights' (Mousavian 2012: 247). Iran therefore wanted direct contact with the United States, without which such a deal could never be struck. At one point in the fuel-swap negotiations it even proposed that Iranian LEU could be held in US custody – a clear invitation to bilateral talks with the Americans.

For the Bush administration, a comprehensive settlement was out of the question for many reasons, inter alia because it would amount to recognition of the Islamic republic, and in the fuel-swap negotiations Obama made it clear that the USA could not be a party to any deal with Iran. Washington never abandoned the objective of regime change in Iran; it always demanded suspension of fuel-cycle activities as a condition for negotiations; and use of force was always an option. Iran, on its part, did not exclude another suspension – but then as a result of negotiations, not as a precondition for holding them.

Exchange of concessions

Both the Rafsanjani and the Khatami governments had tried to mend fences with the West, especially the EU. When developments in 2003 called for a radical change of nuclear policy, the Khatami team made sweeping concessions to get negotiations with the EU going and bring hostilities to an end. In this period, the EU3 became key economic partners for Iran.

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25 This was the Swiss caretaker of US interests in Iran, Tim Guldiman.
26 For instance, in May 2006 ElBaradei conveyed a message from Larijani to Condoleezza Rice: 'The Iranians were interested in direct talks with the United States. They were ready to discuss not only Iran's nuclear issues, but also Iraq, Afghanistan, Hezbollah, and Hamas' 194.

The Iranian concessions up front were expanded somewhat during the negotiations. The EU3/EU made a comprehensive offer at the end. Concessions were not traded step by step.

Between 2006 and 2009 the parties were shadow-boxing from a distance, leaving it to Solana and Larijani/Jalili to look for openings. When supporters of diplomacy seemed to make progress, they were undermined. The spoilers had the upper hand.

In October 2009, the parties had an intense give-and-take over the proposed fuel swap. This would have been a confidence-building measure, far from a solution to the nuclear problem, but partly for that reason and partly because of Obama's initial commitment to diplomacy, this was as close as they ever came to a negotiated agreement on anything. To clinch the deal, the negotiators were quite innovative, but could not overcome the domestic constraints they were labouring under.

It was not until the Istanbul meeting of April 2012 that Iran and the P5+1 agreed on a step-by-step approach based on reciprocity.[27] At that point, there were expectations of a productive continuation. However, the approach was not followed up in practice. In Baghdad, the P5+1 asked Iran to meet three conditions: stop 20 per cent enrichment, ship out its stockpile of 100 kg of 20 per cent enriched uranium, and close the heavily fortified enrichment plant at Fordow. Iran was open to the first demand, but not to the others. In Moscow, the US side emphasized that this was not an opening salvo that could be negotiated or addressed piecemeal, but a take-it-or-leave-it position.[28] Iran wanted easing of sanctions and, as always, recognition of the right to enrich.

As so many times before, the talks did not come to much more than exchanges of different positions and proposals. Diplomats described them as 'the dialogue of the deaf'. What had been announced as a sustained process of serious dialogue was called off indefinitely. Technical meetings would be held to explore the opportunities for resumption of talks.

Agreed criteria

Ashton's summary of the April 2012 talks in Istanbul had an interesting ambiguity: 'We have agreed that the non-proliferation treaty forms a key basis for what must be serious engagement to ensure that all the

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[27] '..we will be guided by the principle of the step-by-step approach and reciprocity' . Statement by High Representative Catherine Ashton on behalf of the E3+3 following the talks with Iran, Istanbul, 14 April 2012. European Union, Brussels, 14 April 2012. A 173/12.

[28] Laura Rosen, 'US seen hardening its position in Iran nuclear talks', http://backchannel.al-monitor.com/index.php/tag/eu-33/

obligations under the treaty are met while fully respecting Iran's right to the peaceful use of nuclear energy' (Ashton 2012). Some wanted to read this as an overture to a solution based on the right to enrich in return for comprehensive inspections ensuring that all obligations under the Treaty were met – in accordance with the principles of the NPT and the extra inspection activities needed to clarify the remnants of the past. However, the phrase 'a key basis' suggests that the NPT was not the only one: another basis was the Security Council resolutions requiring Iran to suspend all fuel-cycle works and accede to the Additional Protocol.

Meeting 'all obligations under the treaty' is, moreover, an elastic notion. Suspicions of secret weapons-oriented activities have run so deep that it takes a lot to put them to rest – nor are proponents of regime change necessarily interested in that. The case of Iran stands in stark contrast to Argentina and Brazil, which have more advanced enrichment programmes than Iran and which never accepted the Additional Protocol, yet enjoy full fuel-cycle rights. In Iran, 'objective guarantees' of peaceful intent start with suspension, and even R&D on nuclear enrichment is seen as a threat to international peace and security. This shows how utterly embedded the Iranian case is in politics and lack of trust.

For the Iranians, suspicions of weapons-oriented activities are sources of mounting and seemingly endless problems. In some respects, however, ambiguity also works to their advantage. Because of their nuclear programme they have been basking in international attention, leaving Egypt and other Arab states in the shadows. And to the extent that others believe they are dealing with a would-be nuclear weapon state, they may be more inclined to accommodate to Iranian interests. For instance, when the UAE ambassador to Washington says that if Iran crosses the threshold, the Gulf states may have to turn away from the USA and accommodate to Iran, ambiguity seems to be working in Iran's favour,[29] adding weight to Iran's voice in the Middle East.

Confidence-building: the functions of IAEA inspections

The talks were conducted against the backdrop of IAEA safeguards and negotiations with Iran about the modalities of inspections. The inspections always had the potential to build confidence, but from February 2006 the Agency was no longer in a position to search for facilities that might not have been declared.

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[29] '..the United Arab Emirates ambassador to the United States told Jeffrey Goldberg of the Atlantic magazine in 2010 that if the United States allowed Iran to cross the nuclear threshold, the small Arab countries of the Persian Gulf region would have no choice but to leave the American orbit and align themselves with Iran out of self-protection' Zuckermann, *U.S. News and World Report*, March 12, 2012..

The parties made active use of IAEA reports to influence the course of events. The Western powers shared information with the Agency at times of their choosing to alert it to suspicious activities. On one occasion, the US President also did his best to cast doubt on his own National Intelligence Estimate (NIE), which did not conform to his allegations against Iran: in response to the 2007 NIE, Bush maintained that Iran was dangerous. Something similar happened in 2011, when the new NIE held on to much the same conclusion, but with little impact on the statements of US politicians. The list of predictions claiming that Iran could or would get nuclear weapons in the more or less immediate future grew steadily longer.

When the Iran file went to the Security Council and Iran withdrew from the AP, later also from code 3.1. of the subsidiary arrangement, the Agency lost track of ongoing activities. For instance, it could no longer follow Iran's production of centrifuges – how many, where, and of what kind – only register what was installed at the declared facility in Natanz. Sometimes, Iran was nevertheless open to more inspections in order to influence debates in the IAEA Board and upcoming talks with the P5+1 – but the scope of the unknown grew, and with it the potential for speculations.

In 2007, Iran and the IAEA agreed on a work plan to resolve the outstanding issues of the past. After a few months, only one issue remained: the alleged weaponization studies originating from a laptop that the USA had received in 2004, containing information about the 'Green Salt' (uranium tetrafluorid, UF4) project, high explosives testing, design of a missile re-entry vehicle to accommodate a nuclear warhead, and administrative interconnections between these studies. Taken together, they pointed to a possible nuclear weapons programme. The problem was to verify the authenticity of the information, because the Americans would not reveal the source and would not let the Agency show the material to the Iranians as a basis for investigations. After a while, the IAEA got pieces of information that it could present to Iran, and discussions began. However, two days before the Governing Board was scheduled to review the report on the progress that had been made, the Security Council adopted another sanctions resolution. In an act of defiance, Ahmadinejad announced plans to expand enrichment operations, and discussions of the alleged weaponization studies stalled. ElBaradei got the impression that at this point, Iran was playing wait-and-see with the coming shift in the US administration.

Sometimes Western demands for more inspections were made in the knowledge that nobody can prove a negative and in the hope of finding incriminating evidence. Iran claimed that more access gave rise to

more questions: except for the work plan, it therefore opened up only partially, in calculated moves for specific political ends. Under such circumstances, the confidence-building effect of inspections is questionable. Again and again, inspections have been turned and twisted for political ends.

That conclusion was corroborated by the fact that when the IAEA reported on the progress under the work plan, the report was belittled by the West. The USA emphasized that the report was damning for Iran, 'presumably because some of the allegations about weaponization studies had been openly stated for the first time' (ElBaradei 2011: : 281). Iran did the opposite, claiming that it was a total victory that vindicated its nuclear programme.

Domestic constraints

In both Teheran and Washington, the Iranian nuclear programme has been a matter of intense contention between rivalling political groups. In 2005, Ahmadinejad was ready to draw conclusions from Khatami's failure to reach an understanding with the West. After a brief period of re-orientation towards the East, he and his chief nuclear negotiator, Ali Larijani, returned to talks with the West, but were constrained by hardening positions in other parts of the Iranian political system. On many occasions, the Iranians tried to get in direct contact with the Americans, although they were not uniformly in favour of this, depending on the circumstances. Among the key decision-makers, the supreme leader appears to have been the most restrictive on concessions and deals with the West.

In the autumn of 2009, Ahmadinejad appeared genuinely interested in a fuel-swap deal, but came under fire from his critics in the reformist and conservative camps alike. His opponents wanted to deny him the success of an agreement with the West, and they succeeded. In the turbulent aftermath of the presidential elections, the Iranian political system became bogged down in institutional and personal rivalries. Leaders threatened to bring each other before the court, and Ahmadinejad was unable to exploit the opportunity represented by the new US president. However, by the time the 2012 talks started, the rivalries had calmed down and the system seemed to have come more or less back to normal. Clearly, the supreme leader was now in charge. No red line could be adopted without his consent.

Under Ahmadinejad, the nuclear programme became the signal expression of Iranian sovereignty and independence, which had been hallmarks of the revolution. In all its dealings with other countries Iran demanded respect and justice. There is nothing to indicate that the Ira-

nian political elite will change its strategic calculations in the face of sanctions and other punitive measures taken against it.

In the United States, the Bush Administration was reluctant to negotiate and the Obama administration has had little leeway for compromise. The USA is strongly pro-Israel and strongly anti-Iran. It is not prepared to recognize Iran's right to indigenous fuel-cycle capabilities. Doing so would mean recognizing Iran as a legitimate state with legitimate national interests, and also as a regional power pursuing policies independent of Washington. With the ingrained image of Iran as a major threat, and American sensitivities to Israeli interests, there is no room for that in the US political landscape.

In Istanbul, there was agreement on a step-by-step approach based on reciprocity. For Iran, sanctions relief was at the top of the wish list, but Washington was unwilling and unable to concede to a gradual lifting of them. Initially, the unilateral sanctions were imposed by executive orders and could therefore be reversed by the executive – but domestic political realities rules it out. Later, the most comprehensive sanctions have been enacted in law and made conditional on radical political re-orientations that amount to regime change in Iran.

Russian, Chinese and German diplomats believe that, in return for the right to enrich, Iran would accept comprehensive safeguards as well as limitations on the degree of enrichment and where to do it. They hold that that this would have to be at the core of a diplomatic settlement, but that does not square with the red lines in Washington. The Istanbul–Baghdad–Moscow sequence demonstrated Obama's lack of flexibility on these essentials. His motivation seems to have been to buy time and hold back the Israelis for the duration of the re-election campaign.

Personality factors: the role of leaders and negotiators
US and Iranian leaders and negotiators have been heavily constrained by their domestic political surroundings, so there has been little chance for personal initiatives and personality traits to play a role in the conduct of diplomacy. What came closest was the Solana–Larijani relationship. The two men spent much time together, also behind closed doors, and probably had as good a working relationship as the difficult framework conditions would tolerate.

Both of them were pragmatic negotiators with personal stakes in diplomatic progress. Larijani recounted a phone call with Solana immediately after Resolution 1696 of July 2006 had been adopted – which made any fuel cycle activity including enrichment R&D a threat to international peace and security – in which Solana said, 'The spoilers

have done their job' (Mousavian p. 252). A few months later, it appeared that Solana and Larijani had achieved a two-page agreement whereby Iran would agree not to launch new cascades for enrichment for a period of two months as a voluntary, non-binding and temporary measure, if UN sanctions were lifted.[30] This was a variation of El-Baradei's freeze-for-freeze proposal a little earlier, according to which Iran would stop adding new centrifuges while the P5+1 would refrain from new sanctions resolutions. The USA turned it down, but the other powers agreed to give Solana more time before considering more sanctions. However, it ended in a second sanctions resolution, Res.1747 of March 2007.

New negotiations between Solana and Larijani started in the spring of 2007. There were indications of a possible agreement between them, and the BBC reported that Larijani had carried an unofficial proposal for limited suspension which had been turned down by the EU. It was also rejected, out of hand, by Ahmadinejad. A third round took place in the summer of 2007. Shortly thereafter, Larijani resigned amid fierce criticism from Ahmadinejad, who complained about clandestine negotiations between 'some people' and the European countries – meaning Larijani. The rift between them was quite deep, Ahmadinejad being idealistic and aggressive, whereas Larijani was more pragmatic and attuned to international conditions and global power equations.

When Larijani resigned, 'all of his efforts to find a formula for sustained negotiations with the P5+1 had been blocked' (ElBaradei 2011: 266). He was replaced by Saeed Jalili, known as a hardline conservative.

In one respect, the Solana–Larijani talks were similar to the 'walk in the woods' during the INF (Intermediate Nuclear Forces) negotiations of the 1980s, featuring Paul Nitze and Yuli Kvitsinsky. In yet another wave of rearmament and East–West confrontation, they had a bilateral conversation on the margins of their instructions to find a way out of the stalled negotiations. Solana and Larijani seem to have done much the same.

Bargaining with a view to a win–win solution

Search for win–win outcomes requires mutual understanding to make communications effective. As a minimum, both parties must be able to present the positions of the other in their own words, yet in such a way that the other would agree (Deutsch 1963). Negotiating positions are not the same as national interests, however, and a fair reading of national interests requires proper understanding of the social, economic

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[30] Published by the *Washington Post* half a year later 254.

and political factors that determine the policies of 'the other'. This has been lacking between Iran and the West, especially on the part of the USA. It also requires political space and legitimacy for efforts to comprehend, and there has not been much of that either.

After the Iranian revolution, the US and Iran exchanged condemnations, not diplomats. US–Iranian affairs were down to a minimum, so knowledge of Iranian affairs was in low demand. US governmental expertise evaporated for lack of career prospects. The superpower was united around adversarial attitudes, took the high ground and spoke power politics. It knew what to say and do, so not only did those who could present nuances and alternative readings of Iranian affairs become superfluous: at times they also became a nuisance. Iranian understanding of the US suffered as well, but the smaller party always has to be more attentive to the behaviour of the big adversary than vice versa. European–Iranian affairs were in a better state although in recent years, EU diplomats have been hard put to gain access to Iranian governmental circles.

To the extent that there was a search for win–win options, it took place a step below the top decision-making level, between chief negotiators who had developed a personal interest in diplomatic progress. Negotiators are sometimes tempted to finesse and stretch their mandates, probing the scene to achieve results, and Solana and Larijani tried their luck. So did ElBaradei. He was heavily criticised for it, fiercely so for the work plan with the Iranians to settle the historical scores of the nuclear programme. Larijani resigned when diplomacy with the P5+1 got stuck. Typically, whenever progress seemed possible, another Security Council resolution blocked it. Or the rivals for political power in Teheran denied each other a diplomatic success. Or some other top-level move such as a damaging piece of intelligence came in the way.

The scope for win–win solutions was therefore miniscule. When the negotiators tried to find a way forward, they were quickly undermined and brought to order.

Concluding remarks

The mounting US pressure on Iran made Iranian decision-makers recalcitrant, pushing the nuclear programme in defiance. Efforts to bring the other P5+1 closer to the US position and keep them together hardened the conflict and made it more focused on nuclear issues. Ominously, further action boils down, more and more, to the relationship between three states: Iran, Israel and the USA.

There has been no shared vision of what to go for or what the talks should cover. There have been many exchanges of positions, but few attempts at sustained exchange of concessions. There have been no agreed criteria, the NPT being one key basis and Security Council resolutions another. International inspections have been subordinated to politics and become bones of contention. Iran has stalled and reverted to the minimum of safeguards obligations under the NPT; Western leaders have asked for more inspections, well aware that nobody can prove a negative and in the hope of finding incriminating evidence[31]. All the time, the domestic constraints have been tight and growing even tighter both in Iran and in the USA. The negotiators have been kept on a short leash. When the most enterprising among them sought to find common ground at the margin of their instructions (Solana, Larijani) they were quickly reined in. When ElBaradei agreed with Iran on a work plan to clarify the remnants of the past, he was harshly criticized for the initiative. Far from anything resembling integrative approaches to conflict resolution (Fisher and Ury 1991) or communicative action (Habermas 1984), the case of Iran may belong to the estimated five per cent of conflicts that do not lend themselves to resolution by diplomatic means (Coleman 2011).

The talks have been characterized as 'dialogues of the deaf' because they have been about little more than exchanges of positions and associated questions of clarification. There has been no sustained process of give and take. When, at long last, it was agreed in principle to go step by step on the basis of reciprocity, the parties proved unable to do this in practice.

The talks have also been 'dialogues of the blind', for lack of insight and understanding of 'the other'. In 2005, the EU3/EU either failed to grasp the turn that Iranian politics was taking, or they were held back by the United States, or – more likely – a combination of both was at work. Power politics trumped the search for diplomatic solutions. Most of the time, the US, the UK and France also tended to address Iran top–down, like the USA. More than anything else, the name of the game has been power play.

Criticizing his predecessor for making concessions with miniscule returns, Ahmadinejad went on the offensive in relation to Israel and the West and raised the stakes by advancing the nuclear programme, which became the prime symbol and concrete expression of Iranian sovereignty and independence. Iranian leaders have been quick to criticize each other for hints of compromise.

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[31] Hans Blix has argued that mistakes made in Iraq are being made over again in Iran. See Serri "Iran's Inspectors are Repeating the Iraq Mistakes," *Informed Commet (http://www.juancole.com/2011/11/serri-irans-un-inspectors-are-repeating-the-iraq-mistakes.html)*, November 18, 2011..

In the beginning, Obama appeared very different from Bush. But he, too, was heavily constrained by policies and sentiments that had been perpetuated and reinforced for thirty years. He could have done more to create action space for himself, but did not want Iran to become a matter of domestic political debate, and so became hostage to domestic constraints.[32] The US political scene is heavily influenced by Israeli interests, the alliance with Israel being stronger than ever. Having tried the diplomatic track in 2009 with a 'single roll of the dice'[33] and failed, Obama opted for continuity.

Sometimes, actors go to the table because it is deemed the correct thing to do, not because they believe in a diplomatic solution. For instance, if military action is entertained, talks may be important to gain legitimacy for it. Sometimes actors are motivated by the opposite – resorting to diplomacy in an effort to *avoid* a military outcome. That was the main concern of the Europeans from the beginning and for the other P5 when they became involved in the talks, and it was a leitmotif for ElBaradei. And sometimes, actors take a long view and engage in confidence-building.

When Turkey and Brazil picked up the ball from the failed fuel-swap negotiations in October 2009 they addressed many Iranian interlocutors on a many different issues. In Iran there are many centres of power and the nuclear problem is among the most intractable ones, so there is merit in building good faith with several players on more than one issue. Between November 2009 and May 2010, the Turks and Brazilians spent more time with the Iranians than the entire P5+1 combined (Parsi 2011). These were talks among equals, overcoming Iranian sensitivities about mutual respect. There was a degree of trust between them to begin with, so they capitalized on that, and Turkey and Brazil were not constrained by domestic politics. Hence the attraction of using such countries as intermediaries. However, big powers are loath to allow smaller states to intervene in their conflicts, and they did not on this occasion either.

Washington has kept its powder dry, but always wanted to decide for itself and not be pushed into war by the Israelis. In 2012, buying time was an important reason for going to Istanbul, Baghdad and Moscow. In an election year, the consequences of another big war in the Middle East are too unpredictable for comfort. Sanctions and cyber-attacks have been justified similarly, to demonstrate to the Israelis that tough measures have been adopted and to insist that further consideration of military action will have to wait till their impact becomes clear. Also,

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[32]. Obama's initial point man on Iran, Dennis Ross, was not known for willingness to pursue diplomatic options that might be at odds with Israeli interests.

[33] The title of Trita Parsi's book , a phrase that an administration official had used to describe the limited negotiation efforts pursued by the Obama presidency.

there has been the hope that sanctions and other means of pressure can lead to regime change.

However, as means to back diplomacy, sanctions work only if they can be lifted. The most biting US sanctions cannot: they are nailed down in law and can only be modified by a Congress which is staunchly pro-Israel and anti-Iran. Cyber-attacks are not helpful either. When President Nixon engaged China he did the opposite, ordering the CIA to stop all activities in Tibet in the name of consistency. Sanctions and cyber-attacks make better sense on the way to war because they heighten tensions, building up to the conclusion that all other means have been tried, so use of force is the sole remaining way to halt Iran's nuclear programme.

Appendix 1: Select list of events for Iran and nuclear diplomacy

Autumn 2003–2006
- Iran's change of policy toward transparency and the Teheran Declaration of October 2003, announcing Iran's agreement to suspend its enrichment activities during the forthcoming negotiations with the EU3 as a confidence-building measure, and its readiness to allow the IAEA to apply the Additional Protocol (AP) to the safeguards agreement on a voluntary basis. In return, the EU3 agree to recognize Iran's 'nuclear rights' and to outline specific ways in which Iran can provide 'objective guarantees' as to the peaceful nature of its nuclear programme.
- Paris Agreement of October 2004, in which Iran agrees to enlarge and extend the suspension to include uranium conversion and centrifuge production while negotiations are underway.
- Iranian statement of 1 August 2005 that conversion activities will be resumed; inauguration of Iran's new president Mahmoud Ahmadinejad on 3 August; and the EU3 offer to Iran a few days later. The offer is short on content and the new government scorns it, calling it a national humiliation.
- Resolution by the IAEA Board of Governors of September 2005, stating that Iran's history of concealment and reporting failures constitute 'noncompliance'.
- February 2006 referral of the Iran file to the UNSC.

2006– 2009
- Announcement of January 2006 to begin operating a small R&D enrichment   cascade at the pilot plant in Natanz
- Referral of the Iran file to the UNSC on 4 February 2006, and Iran's subsequent withdrawal from the Additional Protocol.
- The new offer by the P5+1 of June 2006, prepared on European initiative. This offer is more generous than the offer of August 2005.
- UNSC resolution 1696 of 31 July 2006, adopted under Ch. VII, three weeks before Iran had promised to respond to the P5+1 offer of June, asking Iran to suspend uranium enrichment and resolve outstanding issues with the IAEA.
- 21 pp. Iranian response to the P5+1 offer
- UNSC resolution 1737 of December 2006, under Art. 41 of Ch. VII, the first resolution introducing sanctions against Iran.

- UNSC resolution 1747 of March 2007, the second sanctions resolution.
- The 'Proposed Package for Constructive Negotiations' of May 2008, an Iranian invitation for comprehensive talks on political and security issues, including a proposal for international fuel-cycle consortia around the world.
- The EU3 presents a third proposal on 12 June 2008, largely re-iterating previous proposals for talks across a range of areas and repeating the demand for suspension of fuel-cycle activi-ties as a precondition for talks. A few days later, Iran repeats its proposals for talks.
- Iran's chief nuclear negotiator Saeed Jalili meets the P5+1 in Geneva in July 2008. For the first time, a US official takes part (Undersecretary of State William J. Burns).
- UNSC resolution 1835 of 27 September 2008, the third sanc-tions resolution.

2009 –
- Obama's inaugural speech of January 2009: 'To the Muslim world, we seek a new way forward, based on mutual interest and mutual respect'.
- Meeting of the P5+1 and Iran in Geneva, 1 October 2009, dis-cussing a fuel swap whereby Iran would send 2/3 of its en-riched uranium abroad in return for fuel rods for the Teheran Research Reactor. Follow-up discussions on technical aspects start 19 October, but fail.
- Announcement of an agreement between Brazil, Turkey and Iran on a fuel swap along the same lines, but with acknowl-edgement of Iran's right to enrich, 17 May 2010.
- Announcement one day later that the P5+1 have reached agreement on a fourth sanctions resolution, adopted on 9 June 2010.
- The P5+1 and Iran meet in Istanbul, January 2011: the meeting is inconclusive.
- The P5+1 and Iran resume talks in Istanbul, April 2012; talks are continued in Bagdad in May and in Moscow in June. The Istanbul meeting raises expectations of results, but in Moscow the talks are suspended indefinitely. The parties will stay on, with a view to eventual resumption of negotiations.

Comparisons and conclusions

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The aim of this report has been to study the role of dialogue as a tool to prevent, manage, and resolve international conflicts. The three cases differ in terms of *type of conflict*, *duration* and *outcome*.

In Libya, the conflict has (temporarily) been solved by virtue of the military intervention authorized by the UN Security Council. Prior to the fall of Muammar Gaddafi, Western powers had negotiated over different and only partly related issues (WMD programme, Lockerbie, Bulgarian nurses) and these negotiations fit with elements of the integrative approach.

The case of Iran has to do with its nuclear programme, but at a deeper level it is a manifestation of a more fundamental conflict over the future political landscape in the Middle East. There are few signs of genuine interest in finding a solution to the conflict on either side. Mutual mistrust reigns, and the conflict seems to fall squarely in the five per cent category of conflicts that are if extremely difficult to resolve. Changes in the domestic or regional context may generate a willingness to talk, but it is highly uncertain that such talk will produce more than posturing on each side.

The Russian-Georgian conflict is a deep rooted territorial conflict but here, too, much more is at stake in that Georgia so clearly orients itself towards the West, causing many to dub the Russian intervention as a 'proxy war with the west'. Dialogue has had some significance in managing the Russia-Georgian conflict after the 2008 war, but the underlying conflict remains the same.

Dialogue is important as a diplomatic tool, but the conditions needed for an integrative approach to succeed are seldom present in intercultural conflicts. Even though a win-win solution seems achievable in some specific cases, it is often limited due to a prevailing underlying conflict. Such agreements can provide temporary stability, but are also easily undone.

We find *elements* of an integrative approach at work, but no sustained effect of dialogue other than as a precondition for the application of other policy tools. Below, we list some observations of a more generic

quality in the hope of stimulating discussion about how to think about dialogue and engagement as a tool to resolve and manage conflicts.

Having specified that we look at what we term 'crises' – intense conflicts resulting in or at the verge of turning violent – we have identified the logic of dialogue and have sought to assess its impact on outcomes. The conclusion is sobering: in no instance did dialogue itself result in progress defined in terms of an agreement or a reduction of tensions. When progress was made, it was because the interests of one or more of the key players had changed.

Based on our findings it is difficult to hold that dialogue with those who hold fundamentally different values and interest can change their behaviour. Or rather: contact with such groups may open the way for the application of a host of other foreign policy tools aimed at changing their behaviour and policies, which may be effective over time. It can be anything from the threat or use of sanctions to the offering of economic incentives and political support. Staying engaged and having contact with actors, then, may *render possible* the application of *other* policy tools that may be effective over time in changing actors' interests and willingness to negotiate. Below, we highlight some general observations that emerge from our comparative analysis and that may point towards more general lessons or insights.

All cases under analysis here supports the view that dialogue can be a useful tool but that there is little inherent in dialogue that promote mutual understanding and enduring, peaceful agreements. Dialogue may be deliberative and serve to change actors' interests and behaviour, but this seems to presuppose trust and a shared communicative horizon. The types of conflict that we analyse here are characterized precisely of a lack of such trust. Below, we highlight eight lessons that can serve as a point of departure for ways to possibly make engagement and dialogue a more effective tool.

Actors' behaviour and positions may change as a result of changing international or domestic circumstances, not as a result of dialogue itself.

In the case of Iran, there has been little willingness for dialogue and the few attempts we have seen, have been motivated out of an attempt to avoid war (or perhaps to legitimise war on a later stage) rather than out of a fundamental belief that negotiation would increase the understanding between the parties. Mistrust and internal constraints on both sides have put huge limits on the negotiations. The few examples of progress in the negotiations have not been followed up, rather on the contrary. In the case of Libya, we also see that both geopolitical and

domestic factors are at play in all of the different dialogue situations and that the dialogue is a facilitating mechanism, but not a mechanism that changes the fundamentals in the conflict or solve the underlying conflicts. It was of course a necessary and important tool and the different negotiated results were real and important, but the reason for the breakthroughs must primarily be found elsewhere – sometimes internationally, sometimes domestically. In this case the underlying conflict was not solved and this also explains why Libya could go so rapidly from being a foe to be a friend and then, in the end, to be a foe again. Similarly, the conflict between Russia and Georgia is of the enduring kind in the sense that the underlying conflict is not solved. In this conflict we also see other factors than the dialogue itself that may explain the outcome. As we have seen Russia could accept the conditions presented by France and the EU since it had beaten Georgia on the ground. Geopolitics and power politics are important here since this conflict also can be interpreted as a Russian-Western conflict

Dialogue rarely transforms actors' values and identity and is therefore seldom sufficient to solve deep rooted conflicts even though it may affect both the timing of events and the nature of the measures that are adopted.

As such, dialogue is merely an opportunity to build trust so that – over time – pragmatic solutions may be found if there is sufficient willingness to compromise. While the 'integrative' approach may have added analytical and practical value in general or perhaps in negotiations over specific issues, it seem to have its limits when the aim is to find a solution to long term and deep rooted conflicts or as an approach to negotiate between regimes that have a radically different normative basis. Such an approach requires mutual confidence and trust, and as we have seen, the conflicts under analysis here have parties that do not readily lend themselves to such an approach. The reason for that is that these particular conflicts are in part about the actors' identities and attendant foundational values. The limited successes of dialogue in the Georgia-Russian conflict and that between Libya and the West are interesting, but even in these cases the underlying conflicts were not addressed. In the case of Iran, on the other hand, the underlying conflict seems to prevent dialogue from taking place at all. For long periods of time, the talks have been limited to exchange of positions. Both in the Libya case and the Georgia-Russian case timing also seem to be important and could partly explain the successes of the negotiations.

Lack of enforcement mechanisms in international politics makes any negotiated agreement fragile. As a result, agreements based on dialogue needs enforcements mechanisms.

Dialogue can result in agreements and breakthroughs, but because dialogue, in and of itself, does not contain enforcement mechanisms, any breakthrough or agreement is inherently unstable: it can easily unravel in the absence of an anchor or enforcement mechanism, which rarely exist at the international level. There are many examples of peace agreements and breakthroughs that have unravelled at a later stage precisely because a consensus/agreement at t-1 can be undone at t-2 by a change in domestic interests or international conditions. Libya is clearly an example of that, but also the various failed negotiation attempts between Iran and the West. Finally, the Georgian-Russian peace agreement of 2008 was successful, but since the underlying conflict is not solved there is no guarantee that it will prevail.

Dialogue or talk is 'cheap' and may easily be used to legitimize or offer cover for other more aggressive strategies.

The three cases show how dialogue is often used as a foil to advance objectives that increase rather than decrease tensions. Indeed, a central feature of dialogue – diplomacy – is that it is considered progressive and bears promise of peaceful solutions. Because of this, engaging in diplomatic processes often serve to legitimize strategies that are anything but progressive. For instance, this is clearly the case with Iran where initiatives for dialogues are advanced in parallel to rather aggressive statements and actions from both sides. Libya in 2011 and the first phase of the Russian-Georgian conflict in 2008 may also be referred to as examples of attempts to use dialogue to legitimize more aggressive approaches.

The character of the dialogue seem to differ dependent on whether the negotiation is undertaken by experts or by more moderate parties, by parties that are heavily involved in the conflict or if it is facilitated by a neutral third party.

As the three cases have shown, it is often useful to have interlocutors that are either pragmatic and/or have a certain distance to the conflict. In the Iranian case, constructive explorations of common ground were made when Ali Larijani, a pragmatist, and Javier Solana was negotiating. This is interesting even though it did not result in anything concrete and that it ended with Ahmadinejad replacing Larijani by a less pragmatic negotiator. In the Libyan case, more neutral parties were often chosen to transmit the message from the regime and the dialogue succeeded when the more moderate forces were representing the regime. Finally the Russia-Georgian conflict clearly shows that a neutral third party may be of a certain importance.

The character of negotiations differs depending on the level of secrecy.

In the introduction, we referred to the negative and positive sides of secret negotiations. While secrecy may facilitate the initiation of talks and prevent popular interference in the process, talks undertaken in public make it easier for arguments to commit over time. Even though the negotiations are seldom transparent, it is often known that they are conducted. This has been the case in the dialogue with Iran and in the Georgian-Russian conflict. While the Iranian conflict can refer to few or no results, the negotiations in the Georgian-Russian conflict succeeded even thought they were public. In some cases, however, the fact that the parties meet at all is also a secret. This was the case in most of the negotiations between Libya and the West, which was at least partially successful. This means that it is difficult to draw a conclusion on what to prefer and that this is highly dependent on the character of the conflict.

Western states often adopt a top-down approach, making it more difficult to generate trust and establish a genuine dialogue.

Armed with a sense of supremacy anchored in a combination of material preponderance and a claim to universal values, western powers often demand concessions from others as a precondition for starting negotiations. As the Iran and Libya cases both demonstrate, the 'imperial' or top-down attitude of western states generates tensions that undermine the effectiveness of dialogue. It is, we argue, no coincidence that Turkey and Brazil did broker a deal with Iran while EU3 or the US could not. Libya, Iran and Russia, all wanted/wants to be recognized as significant players in their respective region, a recognition that is often not accorded to them by significant others (US, EU, 'west'). There is a paradox here: While great powers are generally needed to guarantee and make parties commit to an agreement, they are often not the best mediators because of a tendency to try to universalize their particular interests. Conversely, small and medium-sized powers can be good mediators, but they are often unable to make the parties stick to an agreement because they lack the resources to sanction them.

Dialogue is more effective at preventing conflicts than resolving them

We have assessed the nature and effects of dialogue in three cases and concluded that it is only effective as part of a larger battery of diplomatic tools. Nonetheless, it is quite certain that *not* having a dialogue can heighten the risk of misunderstandings and further push actors in the direction of positions that preclude any possibility of an agree-

ment. Indeed, dialogue is perhaps most effective in *preventing tensions from becoming manifest conflicts*. As all the cases show, the fundamentals of each conflict are based on historically received and politically nurtured ideas about the other. If anything, dialogue can help nuance and transform understandings of others and increase the capacity to recognize and tolerate difference.

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