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A Pre-Negotiation Model:
Theory & Training
Project on Pre-Negotiation Summary

CONTENTS

INTRODUCTION

At a time of renewed pre-negotiation activity directed toward initiating negotiations between Israelis and Palestinians, the Project on Pre-Negotiation was initiated in Spring 1988.[1] Its goal has been to engage in research and education on the topic of pre-negotiation in "protracted social conflicts" (Azar, 1990)—with a case study focus on the Arab-Israeli and Cypriot disputes. Both this diplomatic activity and our project have been devoted to addressing a single question, namely: how can parties who have been in deep and deadly conflict for so many years be brought together to build foundations for lasting peace?

In attempting to address this question the project has focused on two areas: research into formulation of concepts and methods of pre-negotiation, and development of materials and programming to share these new theories and methods with practitioners and with other theoreticians. In carrying out this work, a primary goal of the project has been to bridge the gap between theory and practice and encourage cross-fertilization between practitioners and theoreticians. The project is based on the assumption that knowledge of new theories of pre-negotiation can greatly improve negotiators' chances of success. At the same time, we also believe that theories of pre-negotiation may be strengthened when developed and tested in cooperation with practitioners.

This theoretical work provided the basis for a wide range of educational seminars, workshops, and conferences. These have included:

- A number of courses for graduates and undergraduates at Hebrew University
- One "conflict definition" workshop about the Arab-Israeli conflict, and one pre-negotiation analysis workshop on the topic of Jerusalem for Israelis and Palestinians
- One week-long intensive training seminar for diplomats-in-training at the Israeli Foreign Ministry (for further description see Rothman, 1989)
- Several networking meetings with professionals in Israel interested in the topic of conflict resolution leading to a one-day conference reviewing "Current Conflict Resolution Research and Projects in Israel" cosponsored by the Institute for the Study of Prejudice at Bar Ilan University on June 14, 1989

- A series of pre-negotiation simulations for groups from abroad about the Israeli-Palestinian conflict
- A half-day pre-negotiation simulation and presentation of papers on the topic at the International Political Psychology Conference held in Tel Aviv on June 29, 1989, entitled "Training in Pre-Negotiation and Track-Two Diplomacy: A Participatory Workshop"
- A full-day conference devoted to the topic of "Preparing for Peace in the Middle East," held at Hebrew University on December 28, 1989
- The main focus of the project—a Diplomat Training Seminar entitled "Pre-Negotiation: The Art and Science of Getting to the Table" for mid-level diplomats from thirteen countries. This seminar was conducted over a period of two months, with meetings taking place one afternoon a week and concluding with a two-day retreat (for a description of this seminar see Appendix)

1. PRE-NEGOTIATION DEFINITIONS

For as long as parties have been negotiating, preparations have preceded negotiations. However, pre-negotiation as a focus of study and systematic practice is new. In recent years, a wide range of definitions of pre-negotiation has emerged. Before presenting the definition and the training model built around it that were developed during the project, a variety of other definitions should be briefly surveyed.

In 1985 Harold Saunders, former U.S. deputy assistant secretary of state, wrote an article entitled "We Need a Larger Theory of Negotiation: The Importance of Pre-negotiating Phases." In this essay he asserts that insufficient attention has been paid to the question of how policymakers develop a commitment to negotiate and arrange the negotiations. He suggests that attention be given to a larger theory of negotiation consisting of three pre-negotiation stages prior to the initiation of negotiation itself: (1) defining the problem, (2) developing a commitment to negotiation, and (3) arranging the negotiations.

Taking up Saunders's suggestion, a team of scholars connected with the Canadian Institute of International Affairs spent several years in intensive

study of pre-negotiation, one result of which is a book edited by Janice Gross-Stein, *Getting to the Table: The Processes of International Prenegotiation* (1989). The writers of this volume have agreed on a *temporal definition* of pre-negotiation as a linking theme throughout their varied and wide-ranging essays. They say pre-negotiation begins "when one or more parties considers negotiation as a policy option and communicates this intention to other parties. It ends when the parties agree to formal negotiations or one party abandons the consideration of negotiation as an option."

I. William Zartman, writing in the same volume, provides a *functional definition* of pre-negotiation: the attempt to persuade another that a joint solution to a common problem is possible. Louis Kriesberg (forthcoming), writing along the same lines, suggests that pre-negotiation is a phase in which parties deescalate conflict, redefine relationships, search for appropriate means to manage their conflict, and determine roles for third parties.

Over at least two decades, a number of practitioners and scholars, among them Herbert Kelman (1987), Joseph Montville (1981), and Ronald Fisher (1989), have focused on pre-negotiation forums (workshops, seminars, structured dialogues) in which conflicting parties are brought together to lower the psychological barriers of fear, mistrust, and trauma that keep them from being willing to work together for a negotiated solution to their conflicts. "It is the psychological barrier which I described in official statements as constituting 70 percent of the whole problem," said Sadat in his address to the Israeli Knesset. These various approaches could be grouped together under the heading of a *psychological definition* of pre-negotiation.

In his talk at the project-sponsored conference on "Preparing for Peace in the Middle East," December 28, 1989, a former director general of the Israeli Foreign Ministry, David Kimche, provides what might be termed a *strategic definition* of pre-negotiation. He views it as the process of finding and eliminating issues that parties judge to be nonstarters (areas for which negotiated agreements are very unlikely if not impossible), identifying alternative formulations for them, and arriving at an initial cooperative direction for forthcoming negotiations.

Paul Hare, who gave a paper at the workshop on pre-negotiation at the International Political Psychology Conference on June 21, 1989, suggested a pre-negotiation definition based on the Quaker model of consensus decision-

making, whose primary function is to build consensus among parties before the start of formal negotiations. This could be characterized as a *process-focused definition* of pre-negotiation.

At the first session of the project's Diplomats Training Seminar, conducted in Tel Aviv from February 1990 to April 1990, sixteen mid-level diplomats from thirteen countries were asked to share their *experience-based definitions* of pre-negotiation. First they wrote down personal definitions; then, in groups of five, they generated a common group definition. The following are their group definitions:

a. "Pre-negotiation is a preparatory period in which the parties (i) define their mutual interests, (ii) do the necessary 'homework,' and (iii) make the necessary contacts and preparations so as to ensure the ultimate success of negotiations.

   "The circumstances of the conflict and the intensity of the interests involved will determine who will participate—and how directly—in the pre-negotiations."

b. "Pre-negotiation is a flexible, exploratory process to prepare for conflict resolution that involves: (i) an attempt to create confidence, (ii) discussion of methods or modalities of negotiation, and (iii) a refining of parties' position(s).

   "The dividing line between pre-negotiation and negotiation is not clear and differs in each situation."

c. "Pre-negotiation creates the atmosphere where the search for common understanding makes contacts possible. It provides an optical illusion where the parties 'negotiate' without seeming to be negotiating. The parties to be involved in actual negotiation must be involved in pre-negotiation."

Building on these various definitions—temporal, functional, psychological, strategic, process, and experiential—I have developed an *integrated definition* of pre-negotiation. I view pre-negotiation as an integrated process in which highly placed representatives of parties in conflict prepare for negotiations by jointly framing their issues of conflict, generating various options for handling them cooperatively, and interactively structuring substance and process of future negotiations.

2. FROM DEFINITION TO MODEL

ᴵn developing our definition of pre-negotiation and for the purpose of preparing for our educational programs and workshops, we derived a three-phase model consisting of: (i) *framing*--the process by which parties in conflict derive shared definitions about conflict parameters and build a *will-to-negotiate*, (ii) *inventing*—the creation of cooperative strategies for solving central aspects of the conflict as framed to build a *confidence-in-negotiation,* and (iii) *structuring-*-based on insights from framing and inventing, parties make joint decisions about the variables that must be addressed in setting the table for formal negotiations and build a *momentum-of-negotiation.*[2]

Framing[3]

Theorists have already accepted that misperception is often a cause of conflict (Jervis, 1976). They generally deal with misperception by conflicting sides about each other. We are concerned with deeper misperceptions: over the nature of a given dispute itself; that is, of parties' conflict epistemology. The way we frame a problem determines the way we go about attempting to solve it (Schon 1983). Parties engaged in protracted conflicts regularly hold a self-perpetuating and, I believe, fallacious conception about conflict. They view it as a situation of right and wrong, us and them, win and lose.

Such common frames are unproductive. First of all, participants tend to blame the conflict on the other side and therefore try to win instead of resolve the conflict. In this frame, participants attribute their own behavior to situational factors ("we have to build weapons because we are being threatened by our neighbors") whereas the behavior of the enemy or out-group is attributed to dispositional factors ("they build weapons because they are an aggressive, evil nation bent on destroying us"). Those who framed U.S.-Soviet relations in the recently thawing cold war as a battle to the death between the forces of good and evil were bound to develop different ideas about appropriate ways to manage the conflict than those who are now beginning to view conflict

as motivated by mutual insecurity and domestic considerations. This is the difference between what could be termed negative frames and positive frames.

The prevalence of negative frames about conflict is derived in large measure from common assumptions that parties hold about conflict and each other. Parties in conflict assume that there is a finite resource over which they are fighting, so that the more one side gains the more the other loses. Consequently, solutions to the conflict so defined take the form of either domination or sacrifice. Moreover, as parties often attribute evil intentions to their adversary, such competition is perpetuated and conflict is viewed in the most negative of terms (Bar Tal, 1990).

A number of researchers have investigated the effects of framing on negotiation behavior. Neale and Bazerman (1983), for instance, have found that a positive frame leads to significantly greater concessionary behavior and more successful negotiating behavior than a negative frame. Discussions about how parties frame a conflict, when conducted carefully and with opposing parties present, can provide participants with an opportunity to reframe their conflicts, from negative to positive. Many participants arrive at such discussions with negative conflict frames. For instance, one participant in our Israeli-Palestinian "Conflict Framing Workshop" explained the problem as that of "two peoples or groups [who] want the same piece of land . . ." Another participant put it in starker terms: "every side wants the same place at the expense of the other."

As participants in our workshops probe their frames more deeply, they discover more positive ways of viewing the conflict. A number of factors contribute to this phenomenon. First of all, an unofficial setting and informal character of the discussions is very important. Conflicting parties tend to view every interaction with the enemy as a competitive bargaining session. This attitude highlights the need for a confidential, noncommittal, informal, and nonbargaining environment to provide an appropriate atmosphere for creative analysis (for further discussion of these points see Kelman and Cohen, 1986).

A second function of framing is to encourage parties to be publicly "reflexive" with their own needs and values.[4] That is, by making their deep concerns known to everyone involved—in a private and confidential context— greater clarity can be achieved about what makes a conflict run so deep. This

type of openness, possible only in the appropriate setting, can help parties learn about deep motivations of their opponents, which they sometimes discover to overlap with their own.

Perhaps the most important aspect of the framing process is to provide parties with the conceptual tools with which to forge distinctions between positions, interests, and needs.[5] We have found that this division provides a very useful analytic tool for participants in conceptualizing their conflict at various levels. Moreover, it helps them to do this in a way that helps to promote cooperative problem solving, instead of competition and conflict escalation.

To help parties make these analytic distinctions, we define *positions* as the "headlines of a conflict," or the political outcomes of a conflict that parties seek in terms of who gets what, when, and how. Often positions in a conflict appear wholly incompatible, and foster zero-sum conditions leading to stalemate. Behind opposing positions, parties in conflict are motivated by a range of more specific *instrumental interests* that ultimately are designed to fulfill their *fundamental needs*. Since there is often a great deal of overlap and potential compatibility between parties' interests and needs, parties can begin to articulate at least partially positive frames about their conflict situation and build a cooperative momentum for problem solving.

This can be illustrated through an example drawn in part from our Israeli-Palestinian "Problem Framing Workshop." In it Palestinian participants defined their *position* as independence/statehood for the Palestinian people. Underlying this position, they stated that one central instrumental *interest*, among others, was to achieve political self-control. Underlying this interest, in turn, they identified fundamental *needs* for belonging and identity, control (over personal and collective destiny), and self-expression. Israelis, who defined their *position* either as including willingness to make territorial adjustments or in support of maintaining control of the occupied territories, shared an instrumental *interest* in maintaining strong security arrangements. Beneath this interest was a range of human *needs* for safety, predictability, control of own destiny, and so forth.

This positions/interests/needs categorization may provide parties with both a positive conflict frame and more choice about what to do with often hardened and opposing bargaining positions, thus allowing them to discuss the conflict more freely and creatively. For instance, the directly conflicting

negotiation positions—Palestinians' demand for an independent state and Israelis' demand that no solution lead to the emergence of a Palestinian state—appear less incompatible, and more positive, at least in principle, in the form of the interests and needs that lie beneath them. The following simple table illustrates these Israeli and Palestinian positions, interests, and needs:

	Palestinians	Israelis
Positions:	Statehood	No Palestinian state
Interests:	Political control	Security arrangements
Needs:	Control over own destiny	Safety

To summarize, a central motivation for statehood among the Palestinians is to fulfill their interest in political control. A key objective of preventing Palestinian statehood for Israelis is to fulfill their interest in strong security arrangements. Palestinians' interest in political control is in significant measure connected to fulfilling their human need for control over their own destiny. The Israelis' interest in security arrangements is connected to fulfilling their safety needs.

All of this helps contribute to a frame of conflict that is potentially positive, or in game theoretic terms, positive-sum. It is being demonstrated around the world in conflicts in Africa, Sri Lanka, Cyprus, Northern Ireland, the Middle East and elsewhere that suppressed needs lead to protracted and often violent conflict that is not overcome through force or coercion. Thus, zero-sum solutions in which one side's needs are fulfilled at the expense of the other are beginning to appear unworkable. Moreover, if zero-sum positions are only one way for parties to frame their conflict, then perhaps focusing on other potentially compatible levels of conflict (i.e., interests and needs) may lead to more positive frames.

In order to keep a pre-negotiation process moving forward, a will to negotiate must emerge from among the participants. A process of getting parties to frame their interests and needs, first unilaterally, and then interactively, can foster such a will. In this process parties may discover that beneath their separate and clashing positions many of their interests are not

mutually exclusive and many of their deep needs and interests are held in common. Thus, it may begin to appear more attractive to pursue these needs and interests cooperatively, through negotiation, instead of competitively through continued conflict. This is particularly possible if both parties have already come to believe that the conflict's status quo is unacceptably painful and some kind of dialogue for change is necessary.[6]

Inventing[7]

Having engendered a will to negotiate, this must be concretized through confidence that negotiation will lead to more benefits than sacrifices. Diplomacy is regularly viewed as a unilateral effort for maximizing gains at the other side's expense, leading to zero-sum outcomes. Thus, for parties to venture into negotiation they must believe they have a good chance of "winning." One way for parties to build confidence that negotiation will not lead to unacceptable losses is to reconceptualize the nature of winning in a way that does not necessarily leave "losers" in its wake. Such positive-sum results are also popularly called "win-win" solutions.

The way such "win-win" outcomes are commonly, albeit mistakenly, sought is initially through a compromise approach, where parties give up a little in order to gain a little. This may be satisfactory when conflicts are over easily divisible interests (e.g., money, rent, real estate), and it is often imperative when parties' positions are unbridgeable. However, when deeply held values and needs are at stake that are not readily divisible, if at all (e.g., identity, meaning, safety), a deeper level of reconciliation must first be fostered. In other words, compromise is the last step on the way to peacemaking, not, as is usually perceived, the first step.

If negotiation in situations of protracted conflict is seen as primarily about compromise, then it is often viewed quite unfavorably. This helps to explain, at least in part, why it is so difficult to arrange negotiations in situations where they are so sorely needed. Moreover, if negotiation does occur and a solution is reached through sacrifices that one side ultimately deems unacceptable, there will be new outbursts of conflict.

If positive-sum solutions are not attained through compromise, what methods are available? One approach that is relatively unknown in the international arena, but quite well developed theoretically and practically in industrial relations, is the integrative approach.[8] This approach was first formulated by Mary Parker Follet (1940), referring to strategies and options by which parties can cooperatively solve their conflicts with each other. "There are three main ways of dealing with conflict," wrote Follet, "domination, compromise and integration. Domination, obviously, is a victory of one side over the other. . . . Compromise [occurs when] each side gives up a little in order to have peace. . . . [Integration occurs when] a solution has been found in which both desires have found a place, [such] that neither side has to sacrifice anything." I would add that integration is necessary where neither side will sacrifice anything that it *really* needs; integration thus enables parties to work together to fulfill their own needs without undermining those of the other. Follet gives a simple illustration of the integrative approach:

> In the Harvard Library one day, in one of the smaller rooms, someone wanted the window open, I wanted it shut. We opened the window in the next room, where no one was sitting. This was not a compromise, because there was no curtailing of desire; we both got what we really wanted. For I did not want a closed room, I simply did not want that particular window open, he merely wanted more air in the room.

To the extent that parties continue to frame their conflicts in terms of opposing positions—open the window or close it—domination strategies resulting in winners and losers are inevitable. Once parties delve into the underlying interests at stake in their conflicts, not only do they regularly refuse compromise at the outset, they also often discover overlapping concerns for which integrative approaches are more useful than distributive ones, at least to begin with. As will be illustrated below, when workshop participants are instructed to use "integrative techniques" they regularly generate approaches where both sides "win," thus building a confidence that negotiations which could lead to such outcomes are useful.

Having generated integrative solutions in a conflict at the level of interests, participants in an "inventing" process then engage in "reality testing" of the extent to which such solutions will indeed meet the needs that

have earlier been determined as underlying the parties' interests. Thus, this approach to integrative problem solving focuses primarily on interests, with needs serving as a litmus test of feasibility.

To summarize, inventing is the process whereby integrative approaches are employed for designing possible solutions to a conflict. In this way confidence is fostered that negotiations are worth undertaking. Moreover, this approach also seeks to foster agreements that endure. It seeks to help overcome the dilemma that often arises when parties are forced, through distributive techniques, into concessions such that the "winners" may not retain their "spoils" for very long because the "losers" are not content with what they have achieved through the negotiation.

Integrative strategies require cooperation between parties. Sometimes cooperation will demand that parties give up something in order to gain something else. For this to lead to integrative outcomes, the giving up must be based on mutual agreement, and not unilateral action. That parties are "in this together" is perhaps the main characteristic of integrative solutions. Cooperation does not necessarily mean that all parties get everything they want; rather, that mutual adjustments and concessions are made with a view toward maximizing the fulfillment of underlying interests and needs of all parties. Instead of asking "how can I maximize my gains and minimize my loses" as in classical preparations for negotiation, or in actual negotiation, parties ask "how can all sides maximize our gains and agree on mutual accommodations, such that our gains can be assured?"

To facilitate integrative problem solving, we have defined three categories of integrative solutions: resource expansion, exchange techniques, and functional techniques (Albin, forthcoming; Pruitt, 1981; Pruitt and Rubin, 1986). All of these techniques are focused on integrating instrumental interests in order to fulfill fundamental needs. These will be broadly described here and will be illustrated by brief hypothetical examples drawn from inventing integrative options for the Israeli-Palestinian conflict.

In *resource expansion* parties attempt to expand the amount, type, and/ or use of available resources. Parties can develop more of an existing resource (e.g., access to the Nile River); they can add different types of resources (e.g., economic aid); and they can foster a new kind or use of existing resources (e.g., expanded concept/design of statehood).

In *exchange techniques* parties must first determine the extent to which they prioritize their interests differently from one another. If they do, they can then attempt to make exchanges over and/or offer compensation for differently valued issues and interests. Exchanges might include, for example, territorial relinquishment for security arrangements. Compensation might include, for example, payments to refugees for lost property, or recognition for territorial concessions.

When interests appear to be the same, and not differentially valued, parties may try to build integrative solutions through *functional techniques*. There are essentially three types: sharing, division, and delegation. Sharing might include, for example, water resources and sewage system, or joint control over property. An example of division might be separate municipalities in a single city. Delegation is seen in, for instance, UN administration of a buffer zone.

In attempting to promote integrative options, pre-negotiators would generate as many integrative alternatives as possible. It should be noted here that one of the main characteristics distinguishing pre-negotiation from negotiation itself is that in the earlier phase options are generated in a broad and nonbinding way. Pre-negotiators help to generate a wide range of creative and cooperative possibilities for negotiators, thus helping to build a momentum to bring parties to the table, and provide well-designed "pieces of peace" for negotiators to package and bargain over toward a comprehensive settlement.

Following guided "brainstorming" pre-negotiators would then engage in reality testing by evaluating the options in light of the list of underlying needs they have developed during framing. Parties would then be able to ascertain the extent to which the options, if implemented, would be acceptable to constituencies on both sides, that is, to what extent needs would be met by each of the proposed integrative solutions.

Let me conclude this highly theoretical section with a concrete example drawn from the protracted Cyprus conflict. Some years ago the two leaders of divided Nicosia, Lelos Demitriades and Mustafa Akinci, employed the functional technique of specific sharing, in the interest of their respective communities. After the city was divided following the war in 1974, the populations in the two halves of the city found themselves without adequate sewage

facilities. The water was on one half of the divided city, the physical plant on the other. The parties had two choices: to muster the resources to replace the missing half, or to cooperate with the other side. Each side, however, was resource poor; and, quietly, over a number of years, these two leaders drew up and implemented plans for cooperation. This effort—about as prosaic an effort as one can imagine—has built confidence between the leaders and among their communities that negotiations, at least around issues of urban development, are useful. Indeed, every week a joint planning commission of Greek Cypriot and Turkish Cypriot city planners, architects, economists, sociologists, engineers, geographers, and outside experts meets to discuss and design broader plans for city development, through functional cooperation.

In attempting to work on these broader plans, the Nicosia "master plan" team was faced with a serious dilemma. As a nonpolitical body, how could it design cooperation when the political future of the city they were discussing was unknown and in the hands of politicians? They agreed on a creative solution. They accepted that there are two main sets of political scenarios to work with. One assumes an eventual solution in which two separate sovereign states will exist; the other envisions a binational, bicultural unified island state. They then were able to proceed by developing two sets of cooperative plans for rebuilding Nicosia, given either eventuality.

Structuring

One of the problems of modern diplomacy is that it often puts process before content. If parties can only be brought to the table, by promises and threats if need be, the momentum of the "peace process" is expected to work wonders. In an apt description, a former director general of the Israeli Foreign Ministry decried the recently failed peace process:

> Instead of investing expensive political capital in unproductive diplomatic wrangling to convene preliminary talks on procedural steps for the discussion of modalities of elections designed to lead to negotiations on provisional arrangements, the parties and powers—and, in particular, peace—would be much better served by a major effort on their part to tackle directly the core issues of the conflict. (Rafael, 1990)

The third phase of pre-negotiation, structuring, is designed to set the order right and place content before process.

Based on substantive discoveries about parties' needs and interests derived during conflict-framing efforts, and generation of integrative solution options during inventing efforts, parties can then attempt to specify what will be on and off the agenda of upcoming negotiations. In traditional preparations for negotiation, detailed agenda-setting discussions are regularly left until the actual start of formal negotiations. This often leads to negotiations coming to an end before they really begin. If agreements about what will be discussed can be reached during pre-negotiation, the likelihood of successful negotiations should improve significantly. Instead of jockeying for advantage over each other at the starting line, parties could devote their energies to coordinating substantive discussions. Thus, for instance, parties could spend precious negotiating time figuring out what agreements reached in principle, and integrative options generated, during prior stages are indeed politically feasible and how they could be implemented; what solutions should be packaged together to add to such feasibility; and what painful compromises must be made to ensure that these other "integrative" gains are sustained.

This process of direct negotiation between high-level negotiators, extending and consolidating work previously carried out at lower and less formal levels and in the political arena, was largely what took place between Israeli and Egyptian pre-negotiators at Camp David. In Morocco several years before Camp David, negotiations between Egyptian and Israeli ministers Dayan and Tuhamy led to informal understanding regarding exchange of land for peace. Indeed, it was these discussions that helped lay the foundation for Sadat's trip to Jerusalem in which he provided Israel with assurances of acceptance and security in the region. This then led to Camp David, where the negotiators together with the third party built an entire "peace package" around these prior discussions and political events.

Agreements about the order of the agenda are another potential minefield that may fruitfully be discussed during this third phase of pre-negotiation. Whether in the end parties decide to put "easy" issues first (e.g., tourism and economic exchange), "hard" issues first (e.g., Jerusalem), or confidence-building issues first (e.g., declarations of mutual acceptance) may

well be less important than the sheer fact of arriving at decisions about this order together.[9] Such agreements, if reached, can provide significant momentum for moving into and through negotiations.

Following decisions on substantive issues, parties then try to reach agreements about various procedural issues. These include time and venue for negotiations; selection of participants who must be present to address the substantive issues on the agenda and who could later implement agreements; the need for third parties and, if so, what type (adjudicator, mediator, facilitator, etc.).

In order to concretize the structuring phase of our pre-negotiation model, and show how it is rooted in the prior two phases where negotiation substance is articulated and peacemaking options generated, I will now sketch out a hypothetical example of how the model might have been profitably used to address one of the central "hidden content" issues in the 1989-1990 round of Israeli-Palestinian pre-negotiations. When the issue emerged, it led to the demise of this "peace process" attempt, and the fall of the Israeli National Unity government.

The hidden content behind the procedural question of whether East Jerusalem representatives would join a Palestinian delegation at Cairo talks was whether the status of Jerusalem would be on the agenda. To describe how pre-negotiation might have helped the parties explore whether or how the issue of Jerusalem should be addressed, I will draw from data generated by diplomats who participated in our recent seminar on pre-negotiation and who simulated a pre-negotiation over Jerusalem. (Let me add that I am providing this data as illustrative of the model, not as conclusive of what should actually be done in the given case.)

During Phase I, framing, participants in pre-negotiation over the Jerusalem issues would generate lists of positions, interests, and needs. Schematically, one set might look something like this:

ISRAELIS:	PALESTINIANS:

POSITIONS

Jerusalem must remain forever unified under Israeli rule.	East Jerusalem must become the capital of the Palestinian state.

INTERESTS

Maintain order and political control. Security stronghold. Ensure access to holy sites. Maintain point of near-consensus among Jews. Attract tourism. Attract new immigrants.	Gain political control. Ensure access to holy sites. Rallying point for Palestinians and their cause. Regain territory and return refugees. Business capital for new state.

NEEDS

Identity Meaning Recognition Safety Control of destiny	Identity Justice Recognition Equality Control of destiny

Next, by working together, parties would attempt to invent a range of integrative problem-solving options to build confidence that negotiations will lead to gains. To illustrate this concretely, below is a list of possible integrative options generated to address problems at the level of interests:[10]

1. Expansion options:

- Political control: The city is divided into two capitals, with two municipal authorities and a single overarching coordinating body.

- Access and unity: One side establishes Jerusalem as its symbolic capital, but maintains all political and economic functions elsewhere.

2. Exchange options:

- Political control: Israel maintains control over municipal affairs in the Jewish Quarter in the Old City; Palestinians gain municipal control over the rest of the Old City.
- Political control: Israel gives up some peripheral settlements; the world recognizes Jerusalem as the capital of Israel.
- Regain territory: Palestinians give up sovereign claim over Jerusalem in exchange for a Palestinian state.

3. Functional options:

- Access: Jerusalem becomes a shared capital for both peoples.
- Political control: In a shared capital, a rotation scheme is developed whereby the mayor and deputy mayor are alternately Israeli and Palestinian for certain periods of time.
- Development: Economic-cooperation bodies are formally established.
- Access and unity: Various functional coordinating bodies are established (over holy sites, archeology, architecture, urban development, etc.) that would address the concerns of all communities.

Finally, having generated integrative options, the structuring process would be initiated to design and launch negotiations. Before describing some possible designs, let me digress briefly to set the context. A common assumption about the Jerusalem problem is that no progress can be made on it, because of the extent of emotional, religious, and historical meaning it holds for all parties involved, until an overall Israeli-Arab, or at least Israeli-Palestinian peace plan is put in place. This is a chicken-and-egg problem; Jerusalem's Mayor Teddy Kollek (1988/89) has said that Jerusalem must be both first and last on any agenda of peace talks. Only when all parties have a will to negotiate over Jerusalem, consolidated through confidence that

negotiation will improve their situation, can real progress toward comprehensive peace be made. On the other hand, only when such comprehensive peace exists, or at least the promise of it, can lasting progress be made over Jerusalem.

For pre-negotiators, the way out of this bind is to follow the lead of the Cypriots: to draw up scenarios for various future political solutions, then structure negotiations based on each scenario. Thus, for example, pre-negotiators over the Jerusalem problem could envisage a handful of comprehensive solutions to the broader conflict and the context it sets: a two-state solution, a confederation, an autonomy arrangement, and so forth. For each scenario, a different structure of negotiations could be created.

Based on the types of inventions described above, plans for structuring negotiations can be drawn up. First, issues would be grouped into agenda items. These might fall into three categories of issues: territorial, municipal/institutional, and economic and other forms of functional interdependence. Next, the types of inventions generated in Phase II would be linked with each agenda item or subitem. Participants required for each agenda item or subitem would be selected on the basis of who must be present to design and implement agreements (considerations of technical knowledge, political power or power to deliver a constituency, creativity, and so forth are some of the main criteria). Parties would then proceed, one agenda item at a time, to carefully consider the content of each agenda item. By taking into account the inventions from Phase II, and the participants chosen, decisions could be made about what type of negotiation procedure should be used. For instance, parties must decide whether they choose to be aided by a third party or to move into negotiations using direct discussions, or a mix of both. Finally, based on all previous structuring agreements, decisions could be made about time and venue for each set of discussions.

CONCLUSION

During the final session of our pre-negotiation seminar with international diplomats, one participant queried, "This has been very interesting, but is it realistic?" My response is that regarding each of the various pieces of the

model, some empirical evidence shows that it has been used to good effect in helping groups solve difficult problems cooperatively. However, this model has not been used in its entirety, and obviously there are some problems with its implementation that can already be foreseen. Perhaps most prominent among them is the problem of getting parties to agree to learn and apply this methodology.

Nonetheless, I am confident that this model has both heuristic and theoretical relevance. Its usefulness as a guide for educational endeavors with students, diplomats, and policymakers has been well tested. Indeed, it has been through such settings that the model as presented here has taken its shape. Moreover, it is a model that ties together many disciplines and approaches parsimoniously. The model was developed through integrating a wide range of conflict management theory and experience. That it can indeed directly help to promote successful negotiations is a hypothesis to be tested.

APPENDIX

Pre-Negotiation:
THE ART AND SCIENCE OF GETTING TO THE TABLE

A nine-session seminar organized by the Project on Pre-Negotiation, the Leonard Davis Institute for International Relations, Hebrew University, Jerusalem.

Tel Aviv, February 1, 1990-March 29, 1990

Seminar Agenda

Initiating international negotiation is a major hurdle on the path to peace. This seminar will introduce diplomats to conflict resolution and pre-negotiation theories and practices which are geared toward enabling negotiation to take place and succeed.

In this seminar we are particularly concerned with deeply rooted conflicts in which protractedness, violence, and communal competition are common characteristics. We will examine a number of such conflicts, with special attention given to the Israeli-Palestinian and Cypriot cases.

Participants will gain:

- a systematic framework for pre-negotiation practice
- conceptual and practical conflict management tools
- new perspectives on conflict and negotiation

Participants will include diplomats from:

Australia, Brazil, Canada, Egypt, England, Finland, Israel, Ivory Coast, Mexico, Sweden, Switzerland, Togo, U.S.A.

The seminar will be conducted by Dr. Jay Rothman, the director of the Project on Pre-Negotiation. He will be joined by a number of colleagues who will present various components of the seminar as described below.

Topical Outline:

Pre-Negotiation: Thinking and Acting for Peace
February 1, 3:00-7:00

In this session participants will describe their personal diplomatic backgrounds. They will then meet in small groups to foster social and professional interaction. These groups will generate definitions of pre-negotiation based on members' individual perspectives.

In the second part of this session the Project's three-part pre-negotiation model, consisting of "framing," "inventing," and "structuring," will be presented.

Phase One—Framing (I): How we view a conflict is how we act upon it
February 8, 3:00-7:00

This session will focus on the influence of framing on decisionmaking: that is, how we frame a problem is decisive in determining the way we approach solving it.

"Problem framing" will be defined and a systematic framing methodology will be presented. Participants will then use this methodology to undertake a frame analysis of protracted conflicts in Northern Ireland, Sri Lanka, and Ethiopia.

Framing (II): Articulating Hidden Dimensions of Conflict
February 15, 3:00-7:00

In this session, the political psychology of international conflict will be explored. A presentation will be made about cognitive factors, perception, and the way conflicting parties subjectively "frame" reality.

Following the presentation participants will explore the relevance of the hidden dimensions of conflict in pre-negotiation framing. Using insights from the lecture, they will analyze hopes and fears motivating Israelis and Palestinians in their conflict with each other.

Framing (III): Preparing for Peace
February 22, 3:00-7:00

In conventional analysis of deeply rooted conflict, parties believe that it is in their self-interest to deny the legitimacy of their opponents and/or their claims, and compete for scarce resources. We believe that in such cases all parties lose. Instead, self-interest may be more profitably defined as consisting of "needs-based" cooperation.

Following a discussion of "needs-based" and "interests-based" conflict frames about the Arab-Israeli conflict, participants will engage in a simulated Israeli-Palestinian needs-analysis workshop.

Phase Two—Inventing: Making Peace Possible
March 1

In the previous session benefits of self-interested cooperation in intense conflict were explored. In this session theory and practice of "integrative problem solving" will be presented (these include "bridging" and "expanding the pie").

Participants will then be guided to experiment with these techniques by applying them to important conflicts that must be addressed in any Israeli-Palestinian negotiation.

Phase Three—Structuring: Preparing for Possible Peace
March 8, 3:00-7:00

The rationale and process by which participants may interactively determine the content and context for negotiations (including substance, order of discussion, participants, agenda setting, etc.) will be presented.

Concentrating on the Israeli-Palestinian conflict to focus our explorations, participants will examine how they might apply insights gained during framing and inventing to pave the way for successful negotiations. A typology

of pre-negotiation variables concerning the structuring of negotiations will be presented. Based on this typology, participants will apply the insights and tools developed during previous sessions to make structuring decisions about future, fictional negotiations.

Jerusalem: "City of Peace"
March 15, 3:00-7:00

In this session we will explore options for peace in Jerusalem using our framing, inventing, structuring pre-negotiation model.

The model will be used to evaluate the strengths and weaknesses of some of the numerous Jerusalem peace proposals that have been suggested over the years.

Applying the Three Phases of Pre-Negotiation: A Weekend Retreat
March 23-24

Participants will engage in a day-and-a-half pre-negotiation simulation on the Cypriot conflict. They will prepare roles as Greek Cypriots (with one mainland Greek participant), Turkish Cypriots (with one mainland Turkish participant), and third parties. The retreat is designed to enable participants to integrate and apply the pre-negotiation model in a comprehensive way.

From the Seminar to the Field Summary Session
March 29, 3:00-7:00

In reviewing the seminar, participants will discuss its relevance to their present and future work. They will also evaluate the seminar as a whole and the pre-negotiation model on which the seminar was built.

Jay Rothman

NOTES

1. The project was sponsored by grants from the United States Institute of Peace and the John D. and Catherine T. MacArthur Foundation. I want to express my gratitude to these foundations for their support. I am also grateful to a number of people who have read and commented on this essay—Gabriel Sheffer, Theodora Saal, David Hornik, Aaron Back, and Randi Jo Land.

2. This model is the result of repeated applications and refinements in teaching and training settings. I am grateful to all my university students and diplomatic seminar participants for their contributions in the development and refinement of this model.

3. I am grateful to Mr. Adam Lefstein who contributed extensively to the research and preparation of this section.

4. Victor Turner (1986:140) suggests that framing is "often reflexive, in that, to 'frame,' a group must cut out a piece of itself for inspection (and retrospection). To do this it must create— by rules of exclusion and inclusion—a bordered space and a privileged time within which images and symbols of what has been sectioned off can be 'relived,' scrutinized, assessed, revalued, and, if need be, remodeled and rearranged."

5. This is an integration of two schools of conflict resolution. One, developed by Roger Fisher and William Ury (1981), focuses on positions and interests. The other, developed by John Burton (1984), focuses on needs.

6. It should be noted here that this pre-negotiation model does not really attempt to determine how parties arrive at such a conclusion. Essentially, this model begins once parties have arrived at it. The model addresses the question of how, once parties want to deal with each other, they can go about it in a mutually satisfactory way. I acknowledge that this involves jumping over a major hurdle. However, many others have devoted a great deal of attention to this problem—including those whom I have earlier mentioned as working within a psychological definition of pre-negotiation.

7. I am grateful to Cecilia Albin, visiting research fellow, Project on Pre-Negotiation, for her substantial theoretical and practical input into the development of this phase and into the model as a whole and its application in training contexts.

8. "Integration" is used in contradistinction to "distribution," which is the more common approach to conflict resolution in conflicts in which resources are perceived as limited.

9. Common wisdom might suggest, and with support by practitioners such as Kissinger, that pre-negotiation choreography "is as important as what is negotiated" (1969). I would suggest that the negotiators' intention—to win, or to cooperate in solving problems—before arriving at the table is far more central. If they come to win, then what is first and last on the agenda matters greatly. However, with such an intention, negotiations will often neither begin

nor end, but die stillborn. If, on the other hand, negotiators come to the table to cooperate in solving their problems, then what is first and last matters less. In package deals, which typify successful negotiations, issues eventually shade into each other and become interdependent.

10. Note that these are for the purpose of illustration. In a full inventing process, each invention would be very carefully evaluated based on the extent to which it would further or hinder the fulfillment of each side's needs (reality testing). As the reality testing process progresses, certain inventions are refined, combined, or altered.

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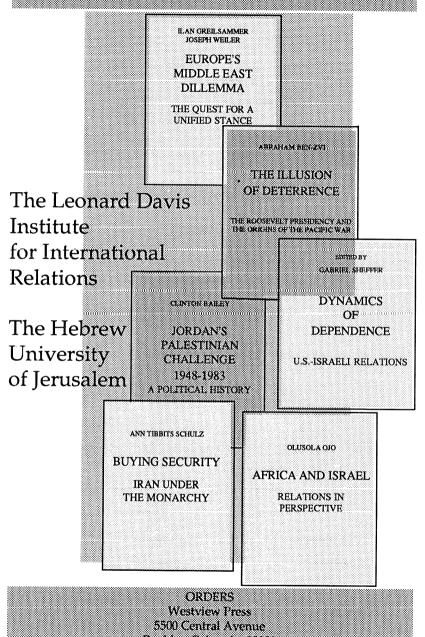
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