When Formal Negotiations Fail: Strategic Negotiation, Ripeness Theory, and the Kerry Initiative

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Abstract

This study takes the failure of Secretary of State Kerry's efforts to mediate negotiations aimed at resolving the Israeli–Palestinian conflict as a case study and asks what can be done in intractable cases where efforts at conflict resolution have failed. It suggests a move from conflict resolution to conflict engagement in these cases; this entails preparing the ground for formal negotiation within a wider and prior strategic negotiation (SN) framework. We outline a strategic negotiation (SN) approach that aims to supplement existing theoretical and practical approaches in cases that have yet to gain sufficient traction. This new perspective is grounded in the prenegotiation literature, but adds another layer by addressing the circumstances in which conflict parties are not even prepared to undertake the preliminary moves that prenegotiation requires. We suggest how an SN approach might be helpful as an extension and supplement to ripeness theory in the most difficult cases.

The departure point for this article is why efforts at conflict resolution and negotiation fail in intractable conflicts and what can be done about this. The article suggests a move from conflict resolution to conflict engagement in these cases in which the ground for formal negotiation is prepared within a wider and prior strategic negotiation (SN) framework. This is not seen as an alternative to existing approaches, but as a supplement that may help to increase their future chances of success. This study takes the failure of Secretary of State John Kerry's efforts in 2013–2014 to mediate negotiations aimed at resolving the Israeli–Palestinian conflict as a case study, looks at some of the main principles seen by some to lie behind mediation efforts of this kind, and offers a suggestion as to how they might be adapted and supplemented if, after so many years of failure, there is to be any success in the future.

We first provide the empirical context by offering a short historical overview of the Kerry initiative. We then present the theoretical lenses through which we attempt to analyze some of the factors that contributed to the failure of the Kerry initiative. We do not suggest that the Kerry mediation team explicitly embraced these theories in their engagement, but they are useful in helping to pin down some of the elements of "unripeness" both between the conflicting parties and within their internal politics that a supplementary approach such as strategic negotiation (SN) needs to address. In the next section we present a possible strategic negotiation (SN) approach that aims to supplement existing theoretical and practical approaches from a new angle in those cases where so far they do not yet gain sufficient traction. The strategic negotiation (SN) approach is grounded in the prenegotiation literature, but adds another layer by addressing the circumstances in which conflict parties are not yet even prepared to undertake the

preliminary moves that prenegotiation requires. The strategic negotiation focus is on clarifying what blocks the way and on specifying the broader strategic conditions that are therefore necessary to make formal negotiation possible in the first place. The fourth section suggests, in light of this, how a strategic negotiation approach might be helpful as an extension and supplement to ripeness theory in the most difficult cases. We conclude by summing up a strategic negotiation approach to intractable conflicts, and by asking what would need to happen from a strategic engagement perspective in order for there to be better success in peace negotiations in the Israel–Palestine arena in future.

Background Description: the Kerry Initiative

Since the Declaration of Principles (DOP) that was signed in 1993, the aim of the Israeli–Palestinian peace process was gradually to reach a final status agreement to resolve the Israeli–Palestinian conflict. There had been two significant earlier efforts to reach final status agreement between Israel and the Palestinians with American mediation. The first occurred under President Clinton during the years 1999–2000, when Ehud Barak was serving as prime minister of Israel and Yasser Arafat was Palestinian Authority (PA) president. The second was the Annapolis process during the Bush administration in 2007–2008, during Ehud Olmert's tenure as Israeli prime minister and with Mahmoud Abbas serving as president of the PA (Ben-Artzi, Cristal, & Kopelman, 2015).

The Kerry peace talks were the second attempt by President Obama's administration to bring the Israelis, led by Prime Minister Netanyahu, and the Palestinians, led by Chairman Abbas, together, to resolve their conflict. Kerry was determined to succeed where his predecessor, Hillary Clinton, and U.S. Special Middle East Envoy, George Mitchell, had failed. The United States intended to play an active role in the talks: to oversee their progress, to resolve crises, and to offer bridging proposals if necessary.

In late March 2013, Kerry initiated diplomatic efforts to renew direct negotiations between Prime Minister Benjamin Netanyahu and Chairman Mahmoud Abbas, following a three-year hiatus. Kerry set a very ambitious initial target for the talks, which were renewed in July 2013: a comprehensive peace treaty for a two-state solution within about nine months. The Palestinians committed to enter the talks and not to walk away from the negotiating table, and they promised to freeze all unilateral steps against Israel in the UN during the nine-month period slated for negotiations—for many years, the Palestinians believed that international institutions would serve as a powerful instrument for exerting international pressure on Israel. The Palestinians demanded that Israel reciprocate with significant confidence-building measures: an indefinite freeze on construction over the 1967 "Green Line" and a release of 104 imprisoned Palestinians. They also demanded that the talks be based on the 1967 lines as the international border. Israel agreed to a four-stage release of the prisoners and to significantly limit settlement construction during the months of negotiation. The sides agreed in advance to discuss all the core issues during the negotiations and that the final accord would end the conflict and the demands of both sides (Birnbaum & Tibon, 2014). On the basis of the agreement to resume talks, Kerry sent a letter of guarantees to the sides in which he declared that the U.S. position was that the borders of the future Palestinian state should be based on the 1967 lines with land swaps. The letter of guarantees to Israel also made clear the U.S. acceptance of the key Israeli demand to be recognized as a Jewish state (Birnbaum & Tibon, 2014; Ravid, 2013). The United States intended to play an active role in the talks, to oversee their progress, to resolve crises, and to offer bridging proposals if necessary.

From the outset, the Israelis and Palestinians were unable to agree on the agenda for the talks. There were wide gaps between the sides on all of the core issues, as well as considerable skepticism on both sides (Birnbaum & Tibon, 2014; Ravid, 2013).

Although Kerry had intended to mediate between the two sides in direct talks in order to reach a detailed final status accord, he had already realized in mid-November 2013 that in light of the vast disagreement between the sides, this goal was not realistic, and that it would be better to focus on a framework agreement defining the borders of the two-state solution. At this stage, the Americans switched to

indirect negotiations via proximity talks aimed at a more modest goal: the signing of a framework outlining negotiations between the two sides that would define the principles for resolving the core issues. Kerry and Indyk, former U.S. ambassador to Israel, who was appointed to serve as special envoy for the peace process, conducted intensive contacts on the document, shuttled between the two sides, and tried to bridge the gaps (Ravid, 2014c). However, here, too, after they reached some understandings with Netanyahu, the Americans discovered (in Kerry's meeting with Abbas in Paris on February 19) that these terms were very far from what Abbas was ready to accept. The gaps between the sides were too wide, making it impossible to reach agreement on this sort of framework document (Ravid, 2014a; Ravid & Khoury, 2014).

Kerry adopted an even more modest goal in late February 2014: an American document of principles that both sides could accept in principle while expressing reservations about some of its content. The document of principles was designed to enable continuation of the nine months of final status negotiations that were supposed to conclude in April 2014. The Americans understood that without reaching understandings on the document, it would be very difficult for Netanyahu to carry out the fourth and last round of prisoner releases, which would lead to the collapse of the entire process. Consequently, they began a marathon series of conversations to extend the negotiations (Brom, 2014). However, the gaps between the sides were still too big (Birnbaum & Tibon, 2014).

Under intense public pressure, Israel refused to release the fourth group of prisoners on the scheduled date without a Palestinian commitment not to quit the peace talks at the end of April, as well as refrain from resuming unilateral action at the UN. Abbas, on his part, emphasized that if the prisoners were not released, he would not even consider extending the negotiations and would immediately reactivate Palestinian UN activities. The Palestinians rejected proposed alternatives to the prison release and refused American compromise proposals for continuing the process, preferring unilaterally to seek acceptance into international institutions (Birnbaum & Tibon, 2014; Yadlin, 2014).

In June, tensions increased rapidly. Three Israeli teenagers were kidnaped and killed, together with increased rocket fire from Hamas-controlled Gaza. This led to Israeli response, and the seven-week operation in Gaza. In October 2014, after the Gaza action ended, Kerry tried to promote a new diplomatic initiative as an alternative to the unilateral Palestinian efforts at the Security Council. Netanyahu did not reject Kerry's ideas out of hand. At the time the Palestinians were trying to win the support of nine members of the Security Council for their request to define a timetable for ending the Israeli occupation of the West Bank in their quest to establish a state. The proposal was rejected by the Security Council in late December 2014 (Khoury, 2014; Tibon, 2014). In early January 2015, the Palestinian Authority submitted a request to join 22 international conventions.

Analysis: Four Theoretical Lenses

Intractable conflicts with their persistence and refusal to yield to efforts to reach a political agreement pose difficult challenges for the parties to the conflict and for the international community (Crocker, Hampson, & Aall, 2005; Kriesberg, 1998). The international community engages in these conflicts in an attempt to manage and ultimately resolve them out of concern that they might escalate into large-scale violence and expand beyond their original geographic borders. In this enterprise, third parties face the daunting challenge of confronting key characteristics of this class of conflicts, which include persistence, goal incompatibility, incommensurability of issues, zero-sum perceptions, and the psychological trauma of cumulative destructiveness (Crocker et al., 2005; Kriesberg, 1998, 2005; Mitchell, 2014; Zartman, 2005). In this prevailing situation of "unripe" conflict, parties prefer the unilateral track over the bilateral track of negotiation.

To analyze why the Kerry initiative failed, we will look through four theory lenses—*ripeness theory* (Zartman, 2000), the *push and pull* model of the extended ripeness theory (Zartman, 2008, 2012), *central coalition theory* (Pruitt, 2007), and *principled (interest-based) theory* (Fisher & Ury, 1981). We do not

suggest that the third party in this case subscribed specifically to any of these theories. Rather, by applying the criteria identified in these theoretical approaches, we hope to discern ways in which the situation at the time of the Kerry efforts was not ready for resolution. And this will provide the context for specifying how a strategic negotiation (SN) approach, might be able to offer supplementary resources when so far attempts at conflict resolution fail.

Faced with intractable conflicts, difficult questions are raised, such as the following: Should a mediator try to mediate in a situation of unripe conflict in the first place? And what can a motivated third party do to bring the parties to the negotiating table and reach an agreement in these circumstances? Is it possible to decipher the mechanisms that might lead embattled parties in intractable conflicts eventually to reach agreements to end these conflicts in a manner beneficial to all?

Four Theories

In approaching these questions and assessing the Kerry initiative, we will look through four theoretical lenses.

Ripeness Theory

Zartman's ripeness theory seeks to explain why, and thus when, parties to a conflict will commence negotiation toward resolution (Crump, Hopmann, Lyons, & Spector, 2017; Zartman, 2000). It addresses two necessary (albeit insufficient) perceptual elements that are necessary "for the productive inauguration of negotiations" (Touval & Zartman, 2001, p. 9) and to lead the parties to agree to engage in bilateral or mediated negotiation. The elements are a mutually hurting stalemate (MHS), optimally associated with an impending, past, or recently avoided catastrophe, and a way out (WO). The idea behind the mutually hurting stalemate concept is that "when the parties find themselves locked in a conflict from which they cannot escalate to victory and this deadlock is painful to both of them (although not necessarily in equal degrees or for the same reasons), they seek a way out" (Zartman, 2000, p. 228). The stalemate is seen as a painful deadlock between two equal and checking powers in which both are suffering (Touval & Zartman, 2001). The perception of catastrophe brings the parties to realize that the pain they incur "might increase sharply if prompt action to alter the situation is not taken" (Zartman & de Soto, 2010, p. 5). The second essential element of ripeness—the perception of a way out (WO)—means that the parties must have a sense that it is possible to pursue an agreement in negotiation, and that the other side shares this sense and readiness to seek a solution (Zartman & de Soto, 2010). This perception of a way out in the context of a mutually hurting stalemate gives the parties a sense that there is potential for progress.

The Push and Pull Model

The second theory we will use in our analysis is a revision and extension of ripeness theory to the negotiation stage, in the form of the "push and pull" model (Zartman, 2008, 2012), which outlines two conditions for a positive outcome from negotiations: mutually hurting stalemate (MHS) as a push factor that impels the parties to initiate and persist in negotiation, and mutually enticing opportunity (MEO) as a pull factor that draws negotiation to a successful conclusion. To prevent the parties from abandoning negotiation and pursuing a unilateral solution through escalation, the perception of ripeness must be maintained throughout the course of negotiations. Thus, a perception of MHS serves as a factor that pushes the parties to begin and persist in negotiating. During negotiations, this perception serves as a necessary but insufficient condition for successful talks. In order for the parties to reach an agreement in the negotiation stage, the perception of MHS must be maintained, but the perception of a way out (WO) must now be extended into a formula for a solution that creates perception of a mutually enticing opportunity (MEO), which is a formula which is perceived by the parties as a way out of their problems, serving their needs and interests better than the *status quo*, and as offering hope for a change in the conflict

(Zartman, 2012). Consequently, the MEO must develop during negotiations and is a requisite condition for achieving agreement and resolving the conflict (Zartman, 2008, 2012). The MEO is created by the parties engaged in negotiation or by a third party (Zartman, 2008, 2012). The challenge for negotiators and for a third party is to put together an attractive formula with appropriate details (Zartman, 2012), moving the negotiation from the formulation phase into the details phase and to agreement. During the negotiations, the terms of the resolving formula require adaptation, consistency, and pressure to lead to a final accord (Zartman, 2008). According to the theory, during the negotiation itself, the parties' demands must be met in a resolving formula that will later become an MEO. The process must also be supported by external incentives and constraints to keep it on track (Zartman, 2008). A third party can play a major role in shaping the demands of the parties, adapting them to concessions that are acceptable to the other side.

Central Coalition Theory

The third theory we refer to in our analysis is central coalition theory (Pruitt, 2005, 2007; Schiff, 2014). This theory can explain why negotiations fail to produce the desired outcome and why, in some cases, the sides do reach an agreement (Pruitt, 2007, p. 1531). Central coalition theory refers to the political dimension of readiness theory (Pruitt, 2007) and relates to the readiness of the various factions on each side (not just the leaders) to negotiate with the other side in the conflict and reach an agreement. It describes the internal political mechanism through which the parties decide to enter into negotiations and reach an understanding (Pruitt, 2005). It also describes the groups participating in peace negotiations as an alliance of doves from both sides and all of the groups that join them—that is, moderates and in some cases hawks (Pruitt, 2007).

Pruitt argues that in the prenegotiation stage and during the course of negotiations, a "central coalition" sometimes coalesces that ranges from the hawks on each side of the conflict, to the moderates, and to the doves, with the doves on each side adjacent to each other on this political spectrum. A central coalition can vary in size—from a very broad coalition that includes neutral factions, doves, moderates, and most of the hawks, to a very narrow coalition that includes only the neutral factions and doves (Pruitt, 2005, p. 22, 2007, pp. 1532–3). As Pruitt notes, when there is a large central coalition, "negotiation becomes quite likely; and if the coalition persists, a lasting agreement is likely to be reached" (Pruitt, 2005, p. 26). On the political spectrum, the hawks have more extreme goals than the others, are more alienated from the other side, and are more willing to take risks to achieve their objectives (Pruitt, 2005, pp. 22–23).

According to this theory, all of the members of the central coalition must be above the threshold of readiness to advance toward an accord and accept it (Pruitt, 2005, p. 26). The conflict is ripe for resolution when there is a broad central coalition of people across the political spectrum who are ready to engage in negotiations (Pruitt, 2007, p. 1532). Pruitt believes that leadership is a decisive component in forging a broad central coalition that is sustainable over time. If a political leader supports negotiations, the central coalition will be larger—especially if the leader is popular and is known as a patriot who can be counted on to protect the group's interests. A third party can also fill a role of similar importance in building a broad coalition (Pruitt, 2005, pp. 29–30).

Principled Negotiation Theory (Fisher & Ury, 1981)

The fourth theory lens we look through is Fisher and Ury's original principled negotiation (or interest-based) theory—still by far the best known negotiation theory worldwide (Fisher & Ury, 1981). This Harvard School negotiation theory applies to negotiations at different social levels and has contributed significantly to the development and popularity of the problem-solving paradigm, which has been the dominant negotiation framework in the conflict resolution (CR) field in recent decades.

The following four basic points in Fishers and Ury's *Getting to Yes* (Fisher & Ury, 1981) define a straightforward method of negotiation that can be used under almost any circumstances. Each point

deals with a basic element of negotiation and suggests what you should do about it. The first relates to the people's problem suggesting to separate the people from the problem. The second calls for a focus in interests, not positions, followed by the third element calling for inventing multiple options and looking for mutual gains before deciding what to do. The last point is "criteria" insisting that the result is based on some objective standard.

Fisher and Ury (1981) sum up principled negotiation theory like this:

> Each side should come to understand the interests of the other. Both can then jointly generate options that are mutually advantageous and seek agreement on objective standards for resolving opposed interests. To sum up, in contrast to positional bargaining, the principled negotiation method of focusing on basic interests, mutually satisfying options, and fair standards typically results in a *wise* agreement. The method permits you to reach a gradual consensus on a joint decision *efficiently* without all the transactional costs of digging into positions only to have to dig yourself out of them. And separating the people from the problem allows you to deal directly and empathetically with the other negotiator as a human being regardless of any substantive differences, thus making possible an *amicable* outcome. (p. x)

Applying the Four Theories

Studying the Kerry peace initiative through the theoretical frameworks described above reveals that the failure of the process can be attributed to several factors. These include the following: lack of ripeness and the resulting divergent responses of the parties to negotiation process and outcome in relation to the push and pull model; the differing internal politics of the parties in relation to central coalition theory; the fact that stipulations about people, interests, options, and criteria were premature in relation to principled negotiation theory; and the role of third parties, particularly the conduct of the third-party mediator (Ramsbotham, 2017; Schiff, 2018).

Lack of Ripeness

It was clear from the initial contacts aimed at bringing the parties to the table in 2013 that the conflict was not ripe for resolution. The Israeli government viewed the Palestinians as unwilling and unable to compromise, and preferred the status quo. Israel also felt that gestures made by Netanyahu in the previous round of dialogue were unappreciated. Although the Palestinians were hurting, they preferred to pursue the unilateral track of resuming their campaign to win international recognition, begun in 2011, as a means of pressuring the Israeli government. The growing international criticism of Israel's ongoing settlement activity in the West Bank and the deadlocked negotiations contributed to the Palestinians' sense that time was on their side.

Based on their experience from the Obama administration's first peace effort, both parties were skeptical and doubted the other's willingness to compromise. Further, the lack of trust between the leaders was profound, and there were wide gaps between the sides on all the core issues. Embarking upon the 2013 negotiations, the leaders' assessment of the likelihood of reaching a final accord within nine months, as Kerry expected, was very low. In short, the stipulation that the mutually hurting stalemate is seen as a painful deadlock between two equal and checking powers in which both are suffering (Touval & Zartman, 2001) did not apply in this case.

Divergent Negotiation Responses and the Push and Pull Model

Here again the absence of the mutually hurting stalemate condition played a major role in the parties' pros and cons consideration of reaching an agreement. Perhaps the major obstacle to the creation of a shared mutually enticing opportunity was the drastically different perceptions of "best alternatives to a negotiated agreement" of the two sides. This will play a major role in the outline of a strategic negotiation approach because we suggest that it is a strategic negotiation approach that best illuminates this

complex interplay. In a word, Palestinians had a better perceived alternative to the process preferred by the third party (bilateral negotiation), namely the internationalization route, whereas Israel had a better perceived alternative to the outcome preferred by the third party (a Palestinian state), namely continuation of the status quo. This was the rock on which the Kerry initiative chiefly foundered. There was no shared "mutually enticing opportunity."

Kerry had to operate within this complicated scenario. Motivated by the U.S. interest in resolving the Israeli–Palestinian conflict during that period of instability in the Middle East, and led by his strong belief that the parties had only one or two years to achieve a two-state solution before running out of time, Kerry tried to produce incentives to encourage them to embark on negotiation. He brought massive American and international pressure to bear on the parties, to convince them to negotiate. This included cultivating perceptions of looming catastrophe and of the rewards of a future without conflict; offering the Palestinian Authority an economic investment package, and an additional assistance package from donor states; and promising the Israelis help in assessing their security needs under a two-state solution.

Both sides were hard-pressed to resist the massive American and international pressure to agree to negotiate and accept Kerry's terms. Despite their skepticism regarding the chances of reaching an agreement, Netanyahu and Abbas were dragged into the talks because of their need to maintain good relations with the United States and the international community, and to avoid the cost of rejecting U.S. peace efforts. However, Kerry's efforts to portray the looming threats and to offer attractive peace dividends were not enough to outweigh the mistrust between the sides, which grew ever more acute during the negotiations. Internal political pressures exerted on the leaders, as well as certain key elements in the parties' conduct, made it more difficult for both sides to generate public support for an agreement. These factors, coupled with the ineffective American mediation, limited the possibility that the 2013–2014 negotiations would actually lead the parties to believe that a formula for resolution was taking shape.

Internal Politics and Central Coalition Theory

Another way to understand why the negotiations failed to produce the desired outcome is through political analysis based on central coalition theory. According to this theory, all members of the "central coalition" must be above the threshold of readiness—that is, have the requisite motivation and optimism to advance toward and accept an accord.

The Israeli–Palestinian process was characterized by a very narrow central coalition, driven by Netanyahu and Abbas, who understood the importance of complying with the American efforts to start negotiations. They managed to overcome and manipulate internal political constraints and come to the negotiating table, but subsequent processes allowed hawks on both sides to set the tone and sow pessimism about the negotiations.

From the outset, the political atmosphere on both the Israeli and Palestinian sides did not encourage progress in the peace process initiated by Kerry. Abbas was weak within his own political camp and lacked legitimacy among the Palestinian public at large. Prior to Kerry's announcement about resuming negotiations, the PLO's Executive Committee voted against participating in negotiations with Israel in light of Israel's rejection of the Palestinians' preconditions (a commitment to the 1967 borders and a settlement freeze). Nonetheless, Abbas decided to renew the negotiations and was heavily criticized for this step. Furthermore, elections were long overdue and internal conflict unrelated to Israel was increasing. Palestinian society was immersed in a deep political crisis, with a rift between the West Bank, ruled by Fatah, and the Gaza Strip, ruled by Hamas, which fiercely opposed Abbas' diplomatic efforts. In Abbas' own Fatah party, there were also reservations about negotiating with the Netanyahu government, which was perceived by the Palestinians as unlikely to make or sustain major concessions. Eventually, American pressure tipped the scales in favor of the negotiation process, but the pessimistic mood in internal Palestinian politics did not change throughout the months of the negotiations. Pessimism grew stronger, and

many senior Palestinian figures favored returning to unilateral action at the UN and applying international pressure on Israel.

Netanyahu's government was a fragile coalition that was liable to collapse if major concessions were made without the expected quid pro quo. Most of the members of parliament in Netanyahu's party, as well as his coalition partners, were skeptical regarding the claim that the establishment of a Palestinian state would bring peace. Based on the dialogue conducted during Mitchell's term, Netanyahu felt that the risks he took in endorsing the two-state solution, and the 10-month settlement moratorium, were neither appreciated nor reciprocated. Thus, from the outset of Kerry's discussions with Netanyahu about Palestinian demands, Netanyahu was sure that both his party and his coalition partners would never accept them. Nonetheless, in the face of European threats of boycotts and sanctions, and after consulting with his coalition partners, Netanyahu agreed to renew negotiations. As part of this agreement, Kerry consented to modify some of the conditions.

Premature Prerequisites and Principled Negotiation Theory

It was evident from the outset that the four celebrated negotiating prerequisites of principled negotiation theory, or interest-based negotiation theory, were in this case premature. This gives further insight into "unripeness" and why the Kerry initiative failed.

In relation to the first element, any idea of separating the "people" from the "problem" was not yet possible. It was, rather, more a question of understanding—and therefore anticipating and managing—damaging and mutually opposed emotional impact: such as that over prisoner release, where Palestinian jubilation at the liberation of martyrs compounded Israeli horror at the release of murderers. Much of this was beyond the power of the mediators to alter, such as what the Israeli public regarded as continued incitement by PA officials close to Abbas, as well as in the education system and Palestinian media, against the existence of Israel (Yaar & Hermann, 2014a); and almost universal skepticism among the Palestinian public about the possibility of reaching an accord with the Netanyahu government. But lack of trust was sometimes increased rather than decreased by the way the process was conducted (Birnbaum & Tibon, 2014). What were intended as confidence-building measures often had the opposite effect (Brom, 2014; Yadlin, 2014). For example, for Israel the concession on prisoner release meant that talks would resume with partial freeze on settlement construction, which in turn undermined Palestinian support for the negotiations. What was meant to strengthen Abbas ended up weakening him politically. For the Israeli public, the final destructive chord was struck by the reconciliation pact between Fatah and Hamas in late April 2014 and Fatah's agreement to form a unity government with Hamas and Islamic Jihad—despite widely publicized declarations by their leaders that they did not recognize Israel and would not abandon the path of terrorism. In light of this, and the internal limits on each party, it is hard to see how Kerry could have been expected to separate the people from the problem, especially in such a limited period of time.

In relation to the second element of focusing on interests rather than positions, advice to pass over what the parties said (positions) to focus on supposedly more amenable underlying "interests," which the conflict parties themselves might not yet realize, was again precipitate. Key constituencies within the conflict parties did not welcome "instructions" about what their own long-term "best interests" were from outsiders, who did not live in the region. As argued in outline of a strategic negotiation approach, in intractable conflicts it is best to try to understand what the complex interrelations between the existing positions *are* before attempting to alter them.

In relation to the third element, the notion of brainstorming options in a search for mutual gain, this also was not yet possible. Conflict parties evidently were not ready for this. From the outset of the contacts, the gaps between the sides on all the core issues were wide, there was great skepticism on both sides, and their assessment of the likelihood of reaching a final accord within nine months was very low. The situation did not change during the course of the negotiations. The talks conducted under American leadership between August and December of 2013 between Justice Minister Tzipi Livni and Yitzhak

Molcho (Netanyahu's representative) from the Israeli side and Saeb Erekat and Mohammad Shtayyeh from the Palestinian side did not lead to a breakthrough. The two sides focused on presenting their basic positions and reportedly did not include the "give-and-take" expected in any negotiation (Birnbaum & Tibon, 2014; Ravid, 2014c). What *was* needed, as suggested in third party's conduct, was rigorous exploration with the conflict parties of the interrelationship between different strategic scenarios.

In relation to the fourth element, the stipulation that outcomes should be seen to be "legitimate" and "based on objective or fair standards," this begged the main question. For example, the whole nature and application of international law was itself part of what was in dispute (for instance, disagreement about the right to self-determination and Geneva IV if this was an occupation; or equal citizens' rights, indigenous rights, and minority rights if it was not).

The Third Party's Conduct

Finally, moving from the four theories to the conduct of the third party, three key elements of the American mediation effort were unconducive to the emergence of a perceived mutually enticing opportunity (MEO) during the negotiations, and ultimately contributed to the failure of the process. These were setting a goal that was too ambitious and unrealistic; the appearance and perhaps the substance of asymmetrical conduct; and a lack of understanding of the complex political factors on both sides.

First, Kerry's initial goal of reaching a final and detailed agreement within nine months was clearly overly ambitious and revealed a lack of understanding of the political context and realities in a region that has known many disappointments.

Second, the mediator's conduct was perceived by the two sides to be asymmetrical, but in opposite directions. From the Palestinian point of view, the stance of the American mediators was widely seen to be compromised by the role of the United States in "guarding Israel's back." The Americans, who did not want to present the Palestinians with an insignificant proposal, fearing that this might diminish the Palestinians' willingness to cooperate, refrained from discussing with the Palestinians the document it formulated with Netanyahu until the document was already in an advanced stage (Ravid, 2014c). When Kerry met Abbas in February 2014 and presented to him the key points of the document he had formulated with Netanyahu, Abbas—who thought that Kerry was trying to sell him a finished product—refused to conduct talks on the framework document. In efforts to negotiate with him a month later, the Palestinian president again refused to discuss the framework agreement, which he saw as a conspiracy against him. The Palestinians perceived the American proposals as a mirror of the Israeli position on all important issues (Khalidi, 2014). In view of the fact that drafts of the document of principles went back and forth between Washington and Jerusalem on a daily basis, the wariness of the Palestinians and their frustration with the Americans became even deeper; ultimately, they lost interest in the process (Birnbaum & Tibon, 2014).

Israelis felt that Kerry exerted disproportionately heavy pressure on Israel to accept the framework agreement and that he refrained from investing similar efforts vis-à-vis Abbas (Ravid, 2014c). American pressure on the Netanyahu government to moderate its stance was perceived by the Israeli public as unfair and as a misguided effort aimed at pushing Israel toward unacceptable concessions (Yaar & Hermann, 2014b). For example, to influence public opinion in Israel, the secretary of state made an exceptional public statement on the alleged danger Israel faced from boycotts and international isolation if it failed to reach an accord, and argued that Israel would become an apartheid state if it did not achieve peace. This received extensive publicity in Israel, much of it highly critical (Ravid, 2014b; Yaar & Hermann, 2014b).

Third, in all of this the American mediators showed a lack of understanding of the complex political factors on both sides. Many MKs (members of the Knesset) from Likud, Israel Beiteinu, and Jewish Home were implacably opposed to what the American mediators were trying to achieve. Some were in the government. There were similarly strong constituencies opposed to such a settlement on the

Palestinian side. Abbas was weak within his own political camp and lacked legitimacy among the Palestinian public at large now that nearly ten years had passed since the presidential elections of 2005. Palestinian society was immersed in a deep political crisis, with a rift between the West Bank (ruled by Fatah) and the Gaza strip (ruled by Hamas). Hamas fiercely opposed Abbas' diplomatic efforts. In Abbas' own Fatah party, there were also reservations about negotiating with the Netanyahu government. Throughout the process, many senior Palestinian figures favored returning to unilateral action at the UN and exerting international pressure on Israel (Birnbaum & Tibon, 2014; Halevi, 2014). That this is what finally transpired demonstrated the failure of the mediator to persuade the Palestinian leadership that the benefits of staying in the negotiations continued to outweigh the temptation to leave them. In other words, the possibility of developing a mutually enticing opportunity (MEO) was undermined because the United States refrained from applying its leverage of "limitation" (Touval & Zartman, 2001)—that is, its ability to close off parties' alternatives for winning the conflict. According to Zartman (2008, 2012), the attractiveness of each proposed formula in negotiations is determined by the parties: They weigh the value of the proposed solution against their needs and interests; their situation in the absence of an agreement; and the value of the status quo.

In summary, because of the deep discrepancies and imbalances inherent in the conflict, the U.S. mediator was caught between these conflicting strategic priorities, seen by one party (Palestinians) to be part of the problem in terms of the negotiation process, and by the other party (Israelis) to be initially closer to their opponents in terms of proposed outcome. The result was that key moves made by the mediator to save the talks had the unintended (but not difficult to predict) effect of ending them. The shift in mid-November 2013 from the aim of securing a final status agreement by direct talks to the lesser aim of signing a framework agreement by indirect negotiation and proximity talks unsurprisingly confirmed the worst suspicions of most Palestinians that the United States had reneged and the process had reverted to previous toothless "statements of principles," etc., that left the initiative perpetually in the hands of Israel. This was further confirmed in their eyes in late February 2014, when the goal was watered down further to being merely the production of an American document of principles to extend the talks beyond April. In parallel with this, as noted above, the U.S. Secretary of State undertook intensive discussions with Israel on the framework document to bring what was seen as the more recalcitrant side on board. Israelis may have felt unfairly leaned on by this, but more devastating was the widespread Palestinian conviction that a separate negotiation was being conducted with Israel, that the outcome would be sprung on Palestinians, and that this would trap them into having to accept some form of nonsovereign "pseudostate" that would leave Israel in effective permanent control of the whole of Palestine. This was the reason why the second Palestinian negotiator, Dr. Mohammad Shtayyeh, resigned permanently in anger in December 2013. American mediators appear *not* to have anticipated the consequent events of February and March 2014, when the PA President summarily rejected the whole package (Friedman, 2014).

In short, we suggest that the deepest reason for the failure of the Kerry talks was that the formal negotiations aimed at resolving this protracted conflict were premature. Given the circumstances, the Kerry initiative was overambitious. The assumptions on which it was based did not yet apply. The conditions necessary did not yet exist. And the conflict parties were not yet prepared to think and behave as the third-party peacemakers wanted. That the Kerry initiative was relatively deficient in these ways, despite the heroic efforts of the Secretary of State himself, is suggested by the striking discrepancy between the initial optimism of some of the leading mediators that a final settlement could be reached within nine months, and the almost universal pessimism among the conflict parties that it could not (Birnbaum & Tibon, 2014).

Outline of a Strategic Negotiation Approach

The foregoing analysis has concluded that the Kerry initiative was premature because it was launched on the basis of assumptions and conditions that did not yet exist, and was targeted at conflict parties who

were not yet ready to think or behave as the mediators wanted. If that is the case, could this have been discerned in advance and adapted to appropriately? It is in answering this question that a strategic negotiation approach naturally emerges.

A strategic negotiation (SN) approach is grounded in the prenegotiation literature, but adds another layer by addressing the circumstances in which conflict parties are not yet even prepared to undertake the preliminary moves that prenegotiation requires. Its focus is on clarifying what blocks the way and on specifying the broader strategic conditions that are therefore necessary to make formal negotiation possible in the first place. It includes a bottom-up dimension in contrast to the prevailing prenegotiation theory which is entrenched in top-down processes. We suggest that it can then play a further helpful role by continuing to accompany succeeding formal negotiation stages after that. We will come back to the issue of prenegotiation itself in how a strategic negotiation approach can supplement ripeness theory when we suggest ways in which a possible strategic negotiation approach might usefully inform ripeness theory.

Given an intractable situation where formal negotiation fails, a strategic negotiation approach starts where the conflicting parties are, not where third parties want them to be. It begins, not between conflict parties when this is premature, but within them by promoting collective strategic thinking: Where are they? Where do they want to go? How do they get there? Why are conflict parties ready to do this when they are not yet ready for negotiation—or even prenegotiation? Because they want to overcome internal divisions in order to attain strategic goals.

Why can this nevertheless be a "placeholder" for conflict resolution and help to prepare the ground for a possible initiation or revival of negotiations? One reason is because internal disagreements are often more ferocious than external disagreements and internal divisions can be the main blockage to external accommodation, so that overcoming them may help to make prenegotiation possible. But the main reason lies in the nature of collective strategic thinking itself. To see this, it is best to look at collective strategic thinking methodologies that three inclusive strategy groups—the Israeli Strategic Forum (ISF), the Palestine Strategy Group (PSG), and the Palestinian Citizens of Israel Group (PCIG)—have developed in their different ways in recent years. This is the admittedly as yet small empirical basis on which the suggestions in this section are based. The strategy groups are inclusive across as many of the main internal constituencies as possible and open to all those in the identity group wanting to participate. Further detail about the nature and work of the three strategy groups can be found in Ramsbotham (2017). The collective strategic thinking methodology developed by the groups is different in each case, but this is a representative example:

Outline of a collective strategic thinking methodology

- Strategic Identity

Managing overlapping constituencies: Whose strategy?

- Strategic Unity

Attaining sufficient strategic unity to formulate strategy and sufficient strategic authority to implement it—a strategic prerequisite

- Strategic Context

Analyzing the *status quo* as a complex system

- Strategic Balance of Power

Weighing the dialectic of strength and weakness

- Strategic Futures

Evaluating scenarios to be promoted or blocked—desirability, attainability, likelihood

- Strategic Goals

Determining short-term, medium-term, and long-term destinations

- Strategic Paths

Defining and orchestrating complementary options to mirror the complexity of the strategic context: how to get to the goals

- Strategic Alternatives

Preparing for either-or choices: Plan A, Plan B, etc.

- Strategic Means

Assessing appropriate forms of power—how best to move down strategic paths

- Strategic Opponents

Looking at the chessboard from the perspective of the opponent

- Strategic Allies

Eliciting external support as a force multiplier

- Strategic Communication

Winning the war of words

Collective strategic thinking of this kind differs from the private strategic planning and public manipulation familiar in military, security, commercial, and party political strategy because it aims to be open and inclusive to the identity groups in question and to be fed continuously into the respective national debates at all levels. It can be seen how the elements listed above in a certain sense "mimic" elements of conflict resolution and can thus open opportunities for its initiation or revival even in the most inhospitable of circumstances. Collective strategic thinking looks to the future and is not preoccupied by the past. It aims to be inclusive and thus prevents any one faction monopolizing debate. Collective strategic thinking analyzes the status quo as a complex system, ensuring a measure of discrimination and sophistication. Collective strategic thinking distinguishes between different forms of power (hard, military; soft, legitimacy), understanding the dialectic of weakness and strength. It evaluates future scenarios, not just in terms of desirability or undesirability, but also in terms of attainability and likelihood, tempering wishful thinking with an element of realism. Collective strategic thinking discriminates between short-term, medium-term, and long-term goals, adding flexibility. It orchestrates complementary paths, increasing options; collective strategic thinking prepares and evaluates alternative routes (Plan A, Plan B, etc.), retaining creativity. Collective strategic thinking continually reviews strategic means in terms of relative effectiveness under different conditions, keeping open the possibility of abandoning violence when it is seen not to work. Collective strategic thinking looks at the chessboard from the perspective of the opponent in order not to lose, but at the same time thereby opens scope for greater understanding of the other's motives and concerns. It assesses how third parties can be influenced to become "force multipliers." And finally, collective strategic thinking takes care that strategic messages are expressed appropriately for different audiences.

In this way, collective strategic thinking—the first level of a strategic negotiation approach—provides information about the impassioned internal strategic debate between the constituencies making up the conflicting parties that is obtainable in no other way. This does much to shape public decision-making in democracies (the situation in autocracies raises different questions that lie beyond the scope of this article). In addition, understanding the collective strategic thinking of the conflict parties illuminates the entirely different strategic considerations that affect possessors and challengers in asymmetric conflicts. In asymmetric conflicts, it is beneficial to all parties to build a capacity for collective strategic thinking

and action. But for challengers, it is essential. Without it, they have little hope of changing the *status quo* and attaining their collective strategic goals, which is why this is in practice recognized from the outset by challenger groups as a strategic prerequisite.

To illustrate this dynamic, it is helpful to relate the three main strategic conditions for successful negotiation identified from a strategic negotiation perspective to the main strategic scenarios (possible futures) considered by the identity groups.

At the risk of oversimplification, the three strategic conditions are as follows: (a) Parties must conclude that entering negotiations is strategically better for them than not entering negotiations; (b) parties must conclude that reaching agreement is strategically better for them than not reaching agreement; and (c) parties must conclude that implementing agreement is strategically better for them than not implementing agreement.

And here, for illustrative purposes, is an equally simplified set of scenario clusters. These are called "scenario clusters" because each covers a diverse set of related possible futures, which cannot be elaborated here. Often it is distinctions within a scenario cluster that turn out to be crucial to the possibility of opening strategic space. Alternative sets of scenario clusters emerge from different strategy groups, but the following are reasonably representative of the possible futures that emerged from the collective strategic thinking within the three strategy groups:

Scenario cluster (A): End of conflict with a Palestinian state
Scenario cluster (B): Perpetual Israeli control of all the land in question
Scenario cluster (C): Continuation of the *status quo*
Scenario cluster (D): End of conflict without a Palestinian state (equal rights)

At the time of the Kerry initiative in relation to strategic condition (a) (entering negotiations), as possessors Israelis were on the whole happy with bilateral negotiations brokered by the United States as the only peace process and did not see a better strategic alternative. In contrast, as challengers most Palestinians saw the "Oslo process" as part of the problem—a mask for deepening occupation and settlement—and regarded "internationalization" as a greatly preferable strategic alternative. In relation to strategic condition (b) (reaching agreement), however, in terms of outcome it was the other way around. Most Palestinians preferred scenario (A) so long as this was a genuine Palestinian state and other UN resolutions were complied with. Despite opinion poll support for a Palestinian state, however, most Israelis when it came to it (e.g., in the 2015 national election) saw withdrawal from Judea and Samaria, given the catastrophic consequences of withdrawal from Gaza in 2005, as highly risky in comparison with the perceived risk-free alternative of scenario (C)—the *status quo*.

Even in this highly simplified format, it can be seen that the first level of a strategic negotiation approach—the promotion of collective strategic thinking within the affected identity groups—offers information about who and what blocks formal negotiations and why. The internal disagreements among different constituencies within the groups give a clear indication on a continuous basis of what scope there is for the possibility and likelihood of initiating, sustaining, and completing formal negotiations. As is emphasized below, this is vital information for would-be third-party peacemakers.

The key factor at the heart of a strategic negotiation approach, therefore, is the role of the comparative evaluation of *strategic alternatives* in the collective strategic thinking of the main conflicting groups—and of the different constituencies that make them up. In the case of the Kerry initiative in relation to strategic condition (a), most Palestinians saw the internationalization route (which Israelis call the "unilateral" route) as a better strategic alternative to the bilateral route, whereas in terms of strategic condition (b), most Israelis, when it came to it, saw scenario (C) as a better strategic alternative to scenario (A) as favored by the third-party mediators. Only if these comparative collective evaluations of strategic alternatives could be changed would successful formal negotiations be possible. This was the daunting challenge for those seeking to mediate a formal negotiation process to end the conflict—in this case the U.S. Secretary of State and his team. Negotiation in intractable asymmetric conflicts is best seen from a strategic

negotiation perspective as a *battle of the BATNAs* (best alternatives to a negotiated agreement) in which the third-party peacemaker is also a strategic player.

It remains to comment briefly on the other two levels of a strategic negotiation approach. The second level of a strategic negotiation approach is the promotion of strategic engagement across and between the conflicting parties made possible by continuing collective strategic thinking at level 1. This can open direct and indirect channels of communication between *constituencies* hitherto shut off from each other, or unaware of each other's existence—in the case of "hard-liners," these channels are likely to be indirect. For example, the work of the Palestinian Citizens of Israel Group (PCIG) cuts across the work of non-Palestinian Israelis and non-Israeli Palestinians. This has been a neglected community in past negotiations, not numbered among the core issues addressed (borders, security, Jerusalem, Palestinian refugees, Israeli settlements, water resources). Yet Palestinian Arabs in Israel will be those most likely to be affected by the outcome with or without a Palestinian state—for example, by the nature of a "Jewish State of Israel" or by whatever "land swaps" might be agreed. The formation of the United Arab List in the 2015 Israeli Knesset election (now the third largest party) shows the significance of this group, and the importance therefore of the PCIG's collective strategic thinking work in which the leader of the United Arab List participates.

The second level of a strategic negotiation approach can also put *issues* into the public arena that were hitherto taboo or not on the strategic radar screen, for example, the strategic possibility that "two states" might be the best way over time to approximate to "one state" via various forms of future voluntary federal arrangements between Palestine, Israel, and perhaps Jordan. This scenario, drowned out in daily electoral politics, but part of scenario cluster (A; see above), only clearly emerges via the more sustained processes of collective strategic thinking and strategic engagement.

At this point, we can note that strategic engagement across and between collective strategic thinking groups clarifies what the rival scenarios are. In this case, it demonstrates clearly why the popular "two state solution, one-state solution" mantra (e.g., President Trump's "I'm looking at two-state and one-state and I like the one both parties like—I can live with either") is both inaccurate and misleading (Cohen, 2017, p. 28). These are not the strategic alternatives. Scenario cluster (A; end of conflict with a Palestinian state) covers a range of future possibilities including "two states, one homeland." Scenario cluster (D; end of conflict without a Palestinian state) is as yet an empty strategic category—it lacks proper strategic analysis: It is mainly used as a threat, not a "solution," in Israeli internal debate, and it is seen as part of a wider two-track strategy in Palestinian collective strategic thinking, as, for example, in the Palestine Strategy Group 2015 report *A Post-Oslo Strategy*, where the two tracks (a Palestinian state and equal rights) are seen to be strategically complementary and interdependent, not alternatives. Scenario (B; permanent control or partition of the West Bank) and scenario (C; perpetuation of the *status quo*) are both seen as one-state "realities" by Palestinians. Some Israelis support scenario (C) as a stepping-stone to progressive implementation of scenario (B). Most Palestinians want to dismantle scenario (C) in order to expose scenario (B; described as colonialism and apartheid) as the only alternative to scenario (A). The inadequacy, and misleading nature, of the "two state solution, one state solution" mantra—with its damaging consequences—is only shown through the second level of a strategic negotiation approach.

Finally, we reach the third level of a strategic negotiation approach—the involvement of third parties. Of vital importance here is the involvement of regional and international actors and the strategic efforts of the conflicting parties to coopt their support. In this struggle, a state actor (such as Israel) is at a huge advantage over a nonstate or semistate actor (such as the Palestinians) for obvious reasons. The possessor tries to use strategic leverage to prevent the interference of other powers. The challenger tries to use regional and international support as a force multiplier and tries not to fall off the regional or international radar screen. We do not have space to pursue this further here.

It is also worth noting at this point that third-party outsiders in intense and intractable political conflicts are confronted with what Oliver Ramsbotham calls the linguistic intractability and radical disagreements that constitute the communicative core of the conflicts (Ramsbotham, 2010). Beneath Israeli

strategic considerations, for example, lie, not subjective "narratives," but lived experience, deep history, and uncompromisable security imperatives. Palestinian national strategy is similarly driven, not by mere reflexive constructions, but by fused realities—fact (what happened in 1948), value (injustice), emotion (indignation), and action (the liberation struggle). How can third parties best understand and handle this explosive dynamic? By recognizing that they do not understand it. For deep reasons, there is no adequate third-party theory of radical disagreement (Ramsbotham, 2013). Third parties—whether mediators or academic experts—do not know more than the protagonists. There is no "view from nowhere." Intervening third parties are part of the struggle. A strategic negotiation approach is based on humility.

Turning to would-be third-party peacemakers—in this case the U.S. Secretary of State and his team—from a strategic negotiation (SN) perspective, would-be third-party peacemakers are not neutral or impartial or disinterested. This is not up to them. Whether "mediators with muscle" or "elicitive" mediators, third-party peacemakers want to expedite the peace process (elicitive mediators are mediators without muscle who try to "elicit" positive responses from the conflicting parties without applying external economic, political, or military threat or force). So they want to change the comparative strategic calculations of the conflicting parties accordingly. As a result, as often as not in intense and intractable conflicts the longer the negotiation process goes on, the more the third party is criticized by some—or all—of the protagonists. So third-party peacemakers also need a strategy to overcome these obstacles and attain their strategic goal—for example, by applying Touval and Zartman (2001, p. 437) leverage of "limitation" to close off parties' "alternatives for winning the conflict" as noted in the analysis of 'four theoretical lenses' above. In the case of the Kerry initiative, this included the extraordinary strategic challenge of persuading Palestinians that continuing in bilateral talks was strategically preferable to defecting to the "international" route (and Hamas to accept the outcome), and persuading the Israelis that after all scenario (A; withdrawal from Judea, Samaria, and East Jerusalem) was strategically preferable to scenario (C; the *status quo*). The conclusion from a strategic negotiation (SN) perspective, therefore, is that third-party peacemakers in intense intractable conflicts are in this sense themselves part of the conflict. In this strategic struggle, they can gain additional insight about who or what is blocking the formal negotiation path at each stage—and what if anything can be done about it—from information provided at the other two levels of a strategic negotiation approach.

In summary, when confronted by the locked positions and intransigence of intractable conflicts, where so far formal negotiations gain no purchase, a strategic negotiation approach links ongoing internal strategic evaluation within conflict parties (depth) to the evolving strategic context (regional, international) where the outcomes of complex asymmetric transnational conflicts are now increasingly determined (width), and hopes that this information will enable would-be internal and external peacemakers to maximize opportunities for the initiation, continuation, and successful conclusion of formal negotiations.

How a Strategic Negotiation Approach Can Supplement Ripeness Theory

In this final section of the article, we return to the four theoretical lenses through which we looked earlier in our analysis and ask what value-added a supplementary strategic negotiation (SN) approach might give them. We suggest that there are two aspects of ripeness theory in particular that a strategic negotiation approach might supplement: first in relation to prenegotiation, and second in relation to the assessment or measurement of ripeness (and readiness) criteria in general.

The SN approach is grounded in prenegotiation theory. According to ripeness theory, prenegotiation is designed to change the beliefs and expectations of decision-makers, as a result of which they are able to consider options entailing negotiations and compromise. A change in beliefs and expectations, or its absence, is assumed to be critical for the success or failure of subsequent negotiations (Zartman, 1989). As Zartman contends, "unless the uncertainties covered by these... functions of prenegotiation are reduced, negotiations... cannot begin and cannot come to a conclusion" (Zartman, 1996, p. 275). This essential change in beliefs and expectations needs to have been achieved by the end of the prenegotiation

stage through the performance of several actions (Zartman, 1989). One of these actions is the mobilization of domestic support for the settlement (Zartman, 1996), which implies that during prenegotiation each party should assess and establish domestic support for a settlement policy through actions such as amending the public image of the adversary and assembling a coalition of interests in support of the settlement.

More specifically, at the prenegotiation stage, when conflict parties have in one way or another indicated readiness to enter negotiations, Zartman and de Soto (2010) list the "prenegotiation functions" that need to be "established or decided upon before actual negotiations can be initiated" (p. 41–2). These include identification of the parties necessary to a settlement as well as identification of spoilers to be isolated; identification of the issues to be resolved and separation of issues not resolvable in the conflict; identification of alternatives to the current conflict course and to a negotiated agreement; establishment of contacts and bridges between the parties; clarification of costs and risks involved in seeking settlement; establishment of requitement (assurance of reciprocity) between the parties; and assurance of support for a settlement policy within each party's domestic constituency.

We hope that it is clear by now how a strategic negotiation approach can assist in these prenegotiation tasks by adding the insights and opportunities gained at the first two levels of collective strategic thinking and debate within each of the conflicting parties, and the consequent promotion of strategic engagement across and between them. All the prenegotiation functions identified by Zartman and de Soto can be illuminated in this way.

Beyond this, we have noted in our outline of a strategic negotiation approach how at times of maximum attrition when even prenegotiation is premature (e.g., when conflicting parties are not ready to amend the public image of the adversary or to assemble a coalition of interests in support of the settlement) a strategic negotiation approach can nevertheless still cast light on what or who is blocking these possibilities and what might be done to unblock them. So a strategic negotiation approach can be a useful supplement to prenegotiation theory and practice by adding another layer. It can address the circumstances in which conflict parties are not yet even prepared to undertake the preliminary moves that prenegotiation requires, and can go some way toward specifying the broader strategic conditions that are therefore necessary to make formal negotiation possible in the first place.

The second main way in which a strategic negotiation approach might enhance or supplement peace processes is by providing additional strategic criteria for measuring ripeness. Some critics of ripeness theory, recognizing that it can be very difficult to assess whether a ripe moment exists in a particular conflict at a particular time, note a certain circularity in the way ripeness is measured as a result (Casperson, 2017). This problem can be recognized in the five steps advised by Zartman and de Soto (2010, p. 7) for mediators who wish to initiate and sustain a peace process. It is also evident in ripeness theory in general, where, in relation to a "mutually hurting stalemate" and perceptions of a "way out," ripeness is assessed through a combination of "objective" and "subjective" indicators, while recognizing that in the end it is the subjective components that are the decisive ones (Zartman, 2008, p. 233). Subjective indicators include evaluation of the meaning behind official statements, and assessment of unofficial statements in the public media. A "way out," for example, is "primarily subjective and depends on each parties' perception of the other parties' intentions," so the "perfect indicator would read something like '[w]e think our opponent is willing to join us in looking for a solution'" (Zartman & de Soto, 2010, pp. 23, 26).

We suggest that a strategic negotiation approach could be helpful here by supplying insights from collective strategic thinking and strategic engagement that are not confined to subjective perceptions, but come out of strategic debate. The value-added emerges from open argument and discussion about the relative desirability or undesirability, attainability, and likelihood of alternative futures, evaluations of relative strategic strengths and weaknesses, etc. Alternatives considered include possible negotiation options together with their likely outcomes. The evidence takes the form of arguments rather than perceptions. This cannot be called purely objective or purely subjective. For example, we have seen in our

outline of a strategic negotiation approach how it is these comparative evaluations of the cost, risk, and benefit of different possibilities that will in the end determine whether the status quo is seen to be better or worse than a particular negotiated alternative by the conflict party in question. This is the strategic equivalent of determining whether a mutually hurting stalemate (push) or way out (pull) is recognized by conflict parties. And this may in turn, therefore, give mediators valuable information about whether the conflict situation is ripe for resolution (or at least for positive management).

In addition, a strategic negotiation approach can for the same reason give useful guidance to mediators on where and how to focus pressure if they want to influence conflict parties' perceptions and manipulate them, as envisaged in Zartman and de Soto's guidance for mediators (Zartman & de Soto, 2010, p. 7). Otherwise, the idea of a third-party mediator deliberately "increasing hurt" for a conflict party can be counterproductive (e.g., make it less likely that they will be turned to for help in future as envisaged under Zartman's and de Soto's step five) unless it is clearly linked to wider strategic understanding as promoted in SN. For example, in view of deep-rooted existential Israeli fears, international BDS measures against Israel may be as likely to intensify an Israeli "siege mentality" and reinforce a sense of isolation and determination not to be reliant on international security guarantees, as to impel Israeli decision-makers in the intended direction.

Conclusion

Since the time of the Kerry initiative, the Obama presidency has come to an end and the Trump presidency has begun with a personal commitment to revive the dormant peace process. Such a statement of intent compels us to rethink what this entails. In light of so many failures in the past, what lessons can be learned about the role of third parties and their manner of engagement, and about what the wider strategic requirements are if this asymmetric conflict is ever to be brought to an end?

These are some of the key challenges in intractable conflicts as seen from a strategic negotiation (SN) perspective: Instead of negotiation being seen as an end to the conflict, a strategic negotiation approach sees the negotiation as part of the conflict. Instead of an assumption of symmetry between conflict parties, a strategic negotiation approach sees asymmetry as a major factor to be engaged with in most as yet intractable conflicts. Instead of seeking to separate the people from the problem when this is premature, a strategic negotiation approach begins by seeing "people" (the fusion of facts, values, emotions, actions) as part of the problem to be addressed. Instead of wanting from the outset to focus on "interests" not "positions," a strategic negotiation approach starts from where conflict parties are and takes the strategic implications of what they say (positions) seriously. Instead of wanting conflict parties to look for mutual gains when they are not yet ready for this, a strategic negotiation approach wants conflict parties to think strategically. Instead of wanting agreed outcomes to be based on "objective standards" when these are in dispute, a strategic negotiation approach sees the definition of objective standards as part of the disagreement to be overcome. Instead of wanting to avoid the "blame game" at times of maximum intractability, a strategic negotiation approach recognizes the blame game as integral to the negotiation struggle and a possible weapon for third-party peacemakers. Instead of seeing "final agreement" as the end of the conflict, a strategic negotiation approach understands that in many cases, cessation of violence does not preclude a continuation of conflict "by other means"—otherwise, some key conflicting parties may not enter the negotiation process in the first place. Instead of seeing the removal of "extremism" as a precondition for successful negotiations, a strategic negotiation approach sees the critical precondition as the separation of extremists of ends (those who are uncompromising about strategic goals) from extremists of means (those who espouse violence). Instead of seeing third-party mediators as neutral, impartial, or disinterested, a strategic negotiation approach understands that third-party peacemakers want to change the comparative strategic evaluations of conflict parties and are therefore themselves part of the strategic struggle.

And here are some of the questions that should therefore have been asked from a strategic negotiation perspective at the time of the Kerry initiative: What is the preferred outcome of the negotiations for the U.S. Secretary of State? Is it scenario (A; end of conflict with a Palestinian state)? If so, what is his strategy for attaining this goal? What strategic prerequisites are needed? How can these be brought about? Does he begin from an understanding that the process of negotiation is itself part of the struggle? Does he see asymmetry as a major factor to be overcome? How does he propose to surmount the Israeli perception that at the moment scenario (C) carries fewer strategic risks (and continues to offer more strategic opportunities) than scenario (A)—whatever the long-term difficulties may be if scenario (C) is internationally seen progressively to approximate toward scenario (B)—including the additional perception that agreement to scenario (A) may be fatal for the incumbent government? How does he propose to overcome the Palestinian identification of the negotiation process and the U.S. role in it with the continuing status quo that the talks are meant to end, and the subsequent Palestinian preference for a unilateral use of international institutions to pressure Israel that is adversarial and therefore incompatible with the bilateral negotiation track? How can he put pressure on Hamas to collaborate and implement an agreement when signed? How can he reduce internal opposition to the negotiation process or outcome in Israel and among Palestinians—or at least ensure that steps taken by the mediator are not misrepresented in harmful ways within those constituencies? What negative and positive inducements is he able to deploy? Is he prepared to use the "blame game" as a means of putting pressure on the conflict parties? Is he prepared to bring in other third parties to increase pressure—for example, from the Quartet or the Arab League? If negotiations succeed, what preparations has he made to underpin the dangerous and long period of implementation? If negotiations fail, what is his Plan B? Can the Secretary of State communicate Plan B to the conflict parties straight away—together with a strong sense that it will be carried out—in order to be able to use it as a tool to add leverage to Plan A?

Taking the Kerry initiative as an example, the whole enterprise of a strategic negotiation approach could perhaps be best summed up as *the attempt to bring out into the open the strategic struggle between the Plan Bs*. The battle of the BATNAs now includes the third-party mediator's own strategic preferences. In this case, what *alternatives* are envisaged by the embattled parties, including the mediator, to the mediator's preferred Plan A, which for Kerry was for the negotiation to end in an agreed settlement based on the creation of a Palestinian state (scenario (A))? Unless this is clarified from the outset, there is no pressure on the conflicting parties to comply. To a remarkable extent, there has as yet been no serious consideration by third parties—for example, by the countries of the European Union—of what an agreed end of conflict might look like without a Palestinian state.

So let us have, not less radical disagreement, but more. Let us bring out into the open the internal debates, and the inclusive strategic thinking about possible futures of conflict parties and third parties alike. Let us, on this ongoing basis, actively promote strategic engagement across and between all those involved, so that the short-term, medium-term, and long-term implications are for the first time properly argued out. Let policymaking be informed by this process so that standards of decision-making are improved. Let words die rather than people. Let the battle of the Plan Bs begin.

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