Resiliency in Negotiation: Bouncing Back from Impasse

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Abstract. Deadlocked international negotiations risk prolonged uncertainty and, worse, the possible onset of hostilities. While the negotiation research literature is replete with strategies and tactics that seek positive sum outcomes, there is a paucity of reliable advice for negotiators faced with stalemate on what they can do to avert failure and get back on the negotiation track. This study suggests that international negotiations can learn from the field of developmental psychology about the concept and practice of resiliency. Resiliency is the human capacity to face, overcome and be strengthened by experiences of extreme adversity. It is a basic and powerful human competency that negotiators, faced with impasse, need to master to avert failure and achieve successful negotiation outcomes. If people have the capacity to bounce back from adversity in their personal lives, negotiators in their professional lives should be able to mobilize this capacity to bounce back from impasses, as well. Several propositions based on research findings are examined.

Key words: Resilience, deadlock, negotiation impasse.

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Introduction

In most cases, the worst negotiation outcome is no outcome at all. If the drive to agreement is sincere, a deadlocked negotiation process fails all sides. When negotiation cannot generate the ideas or approaches that direct the parties toward convergence, the whole process can break down and seek alternative, and perhaps violent, ways to resolve the conflict. The reality of international negotiation over the years is strewn with many cases of deadlocked and failed negotiations, some of which – the Palestinian-Israeli and Sri Lanka-Tamil Tigers cases, for example – regress frequently into overt conflict and violence.

Negotiation deadlock in the context of today's insecure world can yield an acute situation. When the stakes involve the proliferation of weapons of mass destruction or unleashed terrorism, failed negotiation can be devastating not only to regional relations but to the entire international system. Especially when national security becomes more broadly defined as involving major risks to the economy, environment, and natural resources (Spector and Wolf, 2000), the capacity of countries to negotiate obstacles and reach agreement to reduce these threats is an essential skill. The continuing transition from a bipolar world to one of a single superpower with multiple bases of lesser, but potent, state and non-state power presents additional uncertainties as to how negotiation deadlock on critical security issues may produce destabilizing trends.

The paralysis of deadlocked international negotiations risks prolonged uncertainty in conflict situations and, worse, the possible onset or worsening of hostilities. While the negotiation research literature is replete with strategies and tactics that seek positive sum outcomes, there is a paucity of reliable advice for negotiators faced with stalemate on what they can do to avert total failure and get back on the negotiation track.

Digging out of a deadlocked negotiation is perhaps the most difficult of situations: strategies have been attempted and rejected, negotiation movement has ceased, and the parties may have even pulled back from the negotiating table altogether. Negotiators may no longer have the will, motivation or stamina to resume talks. All the good ideas may have been used up and what remains is irreconcilable. What can be done? Are there special strategies that are likely to yield breakthroughs even in the face of impasse? Are there ways to avert deadlocks from occurring?

The field of international negotiations may be able to learn from the field of developmental psychology about the concept and practice of *resiliency.* Psychological research on resiliency – the human capacity to face, overcome and be strengthened by experiences of extreme adversity (Grotberg, 1996) – has yielded results and insights about youth and adults at risk that, by analogy, can be applied by negotiators to bounce back from impasses, their worst case situation.

The resiliency factor can introduce a new set of ideas and relationships into the negotiation field to enrich research, practice and the training of practitioners. For the past 30 years, developmental psychologists have been investigating how a majority of the children and adults that they have studied over extended timeframes -- faced with the extreme stresses and adversities of war, natural disaster, poverty, abuse, illness, crime, and drugs -- have not only survived, but succeeded in achieving their life goals. They were able to adapt and transform their adversities. If their resilience and what caused it can be understood and transferred to the international

negotiation context, perhaps new remedies for impasses can be developed, trained, and implemented.

Negotiation Resilience

Much of the negotiation literature focuses on strategies that are likely to yield agreement and avert deadlock. But certainly, the negotiation literature is concerned as well about impasses; after all, these situations define the failure of the negotiation process. This literature often talks about the "turning points" and "breakthoughs" needed to untangle failed negotiations that result in an end to dialogue and bargaining (Druckman 2001). Susskind and Cruikshank (1987) suggest consensus building mechanisms as a way of breaking the impasse. Watkins and Rosegrant (2001), as well as Crocker, Hampson and Aall (2004), highlight structural remedies, in particular, the use of third party mediation and coalitions, to achieve breakthrough. Harris and Reilly (1998) review a variety of tools to overcome deadlocks – coalition building, using unofficial channels, breaking into subgroups, and using shuttle mediation, proximity talks, referendums, and unofficial supplements to negotiation.

The literature on negotiation flexibility addresses behavioral change by negotiators, teams or institutions that can lead to either agreement or deadlock. Change – flexibility -- can be observed over time in terms of direction and speed. It can derive from trying to comply with the demands of the negotiator's constituency, from situational factors such as media coverage and audience pressures, and from process factors such as creativity, level of commitment and organizational goals (Druckman and Mitchell 1995; Spector 1995). If deadlock is already reached, it could be that the time for flexibility and creativity in the negotiation process has passed. In fact, flexibility by one side in the face of deadlock may appear to the other as weakness or capitulation, something to be taken advantage of. It can be used as an impetus for the use of force over negotiation.

On the other hand, some would say that deadlocked negotiations are the very conflicts that may be ripe for resolution if pushed just a bit further. Impasses may be broken if the pain of the stalemate gets worse, if it becomes mutually hurting and imposes credible, imminent and harsh costs (Zartman 2000). But parties in the thick of an impasse may not be capable of or willing to engineer such transformative ripe moments, especially hurtful ones. And it is questionable whether pushing the conflict toward more extreme costs, imposed after an impasse has been reached, will be more likely to turn the outcome to the battlefield as to return it to the bargaining table.

Resilience in the international negotiation context can be a critical factor that facilitates the emergence of success in the face of failure. *Negotiation resilience is defined as the capacity of negotiating parties to recover from actual or anticipated setbacks, stalemates and deadlocks experienced in the negotiation process by finding ways to restart the process.* When negotiators are faced with real or potential failures in achieving negotiated outcomes, resiliency – if they have it – can help them bounce back from the verge of failure and identify and apply new strategies and tactics that can facilitate overcoming the impasse. Resiliency is a personal trait, a characteristic, of negotiators as individuals, negotiating parties as teams or the very states they represent. It is an attribute that demonstrates a party's resistance to giving up despite adversity,

an inner fortitude to continue on despite setbacks, and a desire to be creative to achieve agreement. As such, resiliency may be *a way to explain* transformation in deadlocked negotiation processes -- how turning points are found, how breakthroughs are achieved, and what makes moments ripe. To make resiliency a useful concept for negotiation analysis, it will be necessary to dissect what it is in detail and how it is manifested.

As a personal characteristic of negotiators that manifests itself in certain competencies and skills, the concept of resilience may be able to explain what makes breakthrough possible, why negotiators are able to develop a flexible stance, and how ripe moments come to be. Resilience is related to all of these core negotiation concepts, but it is different. It gets at the underlying dynamics of how and why negotiation strategies and tactics change and solutions converge. Resilience differs from negotiation flexibility; it focuses on the special case of rebounding from failure, not the broader capacity to change tactic or approach. Resilience also differs from ripeness; it targets a trait and competence of negotiators, while ripeness is steeped in the context of impasses.

Many examples of negotiation at the international level illustrate how diplomatic talks can rebound from deadlock. Several relevant case studies have appeared in past issues of *International Negotiation*. While the case study authors refer to different factors in each case to explain what caused the deadlock to become unstuck and bounce back from the brink of failure, additional research might demonstrate if negotiator resilience was the key.

> The 1992 failure of the intensive Vance-Owen and Owen-Stoltenberg talks to resolve the conflict in Bosnia-Herzegovina gave way to the onset of United States mediation that can be seen as an episode of resilience (Rudman 1996). The US approach took a new tack; it backtracked on previous failed formulae to devise a composite proposal based on selected ideas and inputs from the parties that had been put forth in earlier proposals, but now in a new incarnation. This new formula was based on the exchange of a Croat-Muslim federation in Bosnia for a confederation between the federation and Croatia. By 1994, the US mediation resulted in the Dayton Agreement. It demonstrates that good ideas may be able to take on a new life even if they do not gain traction in their first instance. When it appears that negotiations may have run their course but no agreement can be found, reformulating old ideas in a new package might work. Moreover, the US mediation approach in the wake of the failed attempts engaged in active dealmaking and manipulation toward the conflicting parties. Resilience in this case may be traceable to the introduction of a new mediating party with new ideas, and new and more activist strategies.

> The 1992 Oslo talks on Middle East peace can also been seen as an example of resiliency in the face of failure (Pruitt 1997). A long history of failed negotiations was turned around by these negotiations that included non-official participants, extreme secrecy, and mixtures of Track 1 and Track 2 elements. Resiliency in this case may have been fostered by this nontraditional context, but also by the introduction of a new actor, Yitzhak Rabin, the prime minister of Israel, and a new "sense of possibility" and working trust that took two decades to evolve.

The on-again, off-again negotiations to resolve the intrastate conflict between the Northern rebels and the government in Mali extended over more than seven years from 1990 to 1997 (Storholt, 2001). The Tamanarasset Accord of 1991 failed and the National Pact signed in 1992 did not stop the continuation of violent conflict. There was an urgent need to restart negotiations to work out the implementation details of the Pact and assure all of the parties of the others commitment to a peaceful solution including demobilization and demilitarization. The 1995 Bourem Accords did just that by introducing new parties – a wide array of civil society groups including nomad chiefs, elders, religious authorities, and women and youth organizations – to develop mutual trust that the elements of the National Pact would indeed be carried out by all parties.

Hostilities between FRELIMO and RENAMO in Mozambique commenced after the end of Portuguese colonial rule in 1975. South African mediation efforts failed in 1984 and negotiations did not resume until 1989, with the emergence of a new president in Mozambique and a new tactic: defeat the RENAMO rebellion by negotiation rather than purely military means (Msabaha 1995). Using a variety of external mediators – Italy, Zimbabwe, the United States, Botswana, the Mozambican Catholic Church, and the Sant' Egidio community in Rome, renewed negotiations resulted in the Rome Accord in 1992 which called for a cease fire, demilitarization of the rebels and elections. The mediators were persistent and assertive, but the Catholic community in Rome, in particular, served as a dedicated peacemaker, convincing both sides that it was truly concerned about achieving an outcome that was evenhanded, being fully aware of the asymmetry of the situation. The negotiated outcome produced a sense of trust that transformed the long running conflict into a political, rather than violent, competition between the two forces.

What was it about these deadlocked cases that facilitated the rejuvenation of negotiations and ultimately, bouncing back from impasse to agreement? Was negotiator resilience at play? In some cases, new actors were introduced into the talks with new ideas or with new ways of repackaging old ideas. There always seemed to be a new forcefulness and new sense of hope introduced into the talks. As well, the restarting of negotiations in some of these cases emphasized the building of new relationships, coalitions and mutual trust. These factors reflect some elements that contribute to resiliency, but not the whole picture.

It is necessary to delve deeper into a case, including the strategies used and the negotiators' reactions and motivation, to understand the role of resiliency in turning around failed negotiations. Perhaps the research literature on psychological resiliency can bolster our understanding of how resiliency operates in negotiation settings.

Many issues are too critical to allow negotiations to fail; the costs of failed talks may be very high when the conflict revolves around nuclear proliferation, national security, ethnic warfare, genocide, terrorism and the like. In these situations, there is a need to find ways to rebound; ways to promote or activate resilience must be found. If negotiation resiliency is a characteristic, attribute or trait of negotiating parties that manifests itself as an innate ability to bounce back from negative situations, some research questions arise: Does resilience arise only as an innate capacity or can it be trained? Is resilience solely a personal attribute and can it be manifested as a group attribute as well? Can it be professionalized as a diplomatic approach? Can the state itself

be seen as a resilient actor? Are there strategies and actions that themselves are imbued with the resiliency? Are there situational factors that promote or inhibit a negotiator's resilience? These are the important questions that we attempt to address in this article, and some must be left to future research.

Psychological Resilience

The psychological resilience research is extensive; it has spawned over 1,000 psychology journal articles. Several longitudinal studies have concluded that humans have "self-righting capacities," inner strengths to overcome barriers, and "effectance motivation," a drive to engage the environment and make one's influence felt (Davis, 1999). Together, these drives yield resiliency – a competence to resist adversities through adaptation and development. It is a dynamic process that can change over time and under different contexts by which people bounce back and take charge of their lives, rather than giving in to fate or failure. Research shows that resilience is multidimensional and manifested by a number of competencies; within each competency, particular skills correlate with resilience (Benard, 2002). Some of them are highlighted below.

Competencies	Specific Skill Correlates
Social and relational competencies	Secure attachments, ability to recruit people who can help, ability to make and keep friends, empathy
Cognitive competencies	Strong language skills, capacity to plan, problem solving skills, positive expectations, initiative, belief that you can impact the world, adaptiveness
Moral competencies	Opportunities to contribute
Spiritual competencies	Basic trust, belief in fair play
Physical competencies	Good health, easy temperament

Most importantly, resilience has been found to be both an innate characteristic and a capacity that can be nurtured and promoted by close people, organizations, and the community (Benard and Marshall, 1997). Innate resilience allows those at risk to develop naturally; its elements include a capacity to act effectively in social situations, good problem-solving skills, a sense of autonomy and a sense of purpose (Benard, 1995). External factors, if present, can foster and strengthen these innate characteristics. They usually involve protective strategies -- providing caring relationships (mentoring, protection, serving as a buffer against risk), positive expectations, and opportunities to participate and contribute (Benard, 1996). For children in adverse conditions, for example, families provide supportive parent-child relationships, positive discipline methods, monitoring and supervision, family advocacy for the children, information to benefit the children, and stability. Schools provide many types of relationships and ways for students to feel empowered. Communities provide a context for positive influences, mentoring relationships, and conditions for people to contribute to the common good (Davis, 1999). The research concludes that at-risk populations need multiple external protective strategies to boost innate resilience and that these new resources are needed at multiple levels to counterbalance risks and adversity (Masten, 1997).

Implications for Negotiation Resilience

How can these findings on resilience at a personal level be applied to deal with international negotiation impasses? If people have the capacity to bounce back from adversity in their personal

lives, negotiators should also be able to mobilize this capacity to bounce back from impasses in their professional lives. The developmental psychology research shows that people generally have a strong competence for resilience when faced with extreme stress in their lives if they have positive self-images, a sense of efficacy, positive role models, and strong supportive relationships with others. By analogy, resilient negotiators who are faced with the prospect of impasses must summon their internal competencies and external resources to be able to bounce back from potential failure at the negotiating table.

What are these characteristics of the resilient negotiator and how are they manifested as competencies and skills? First, they must draw upon their inner capacity not to give up or give in when faced with deadlock. They must draw too upon the strengths of their negotiating team, their strong sense of control and mission, and their problem-solving skills. With these skills, they can bounce back with new offers, demands and formulas, always seeking out new opportunities to transform the adversity of impasse. Second, no matter how strong their inner resilience, the negotiator must always have an external support structure to boost confidence and a sense of authority. External support comes from domestic sources – public opinion; citizen trust; political, economic and social leaders; the media; and civil society organizations – and from regional/international sources – country allies, regional and international organizations, and transnational nongovernmental organizations. But negotiation resilience does not just happen; the negotiators and the support structures must be prepared and trained in advance to be effective if and when the time comes to mobilize them.

Several propositions are suggested by the literature.

> *Proposition 1.* Resilience is a basic human competence. It can be facilitated and applied not only to personal settings, but to professional circumstances as well, where stress and adversity also threaten the failure of human goals. Thus, negotiators in deadlocked talks ought to be able to rebound in many cases and avoid total breakdown. The question for research is how do they do this and what are the barriers to success?

> *Proposition 2.* The onset of resilience is sensitive to many contextual factors. One such factor is *cost*. On one hand, resilience may be more likely in threat situations where the costs have not been allowed to pile up and appear daunting and overwhelming. As well, resilience may be mobilized even in high threat cases if negotiators are motivated to recover their "sunk costs," where they are heavily invested and committed to particular interests. On the other hand, resilient responses may be less likely in situations where there are very high perceived threats and costs that appear to be entirely insurmountable, that is, there may be limits to resilience. Thus, excessive threat may be difficult to overcome even by the most resilient negotiators. However, piecemeal or lower levels of threat are more conducive to resilient responses.

> Another contextual factor is the nature of the threat. If the alternative to a negotiated agreement is war, resilient responses might be mobilized as the only alternative to ward off a seemingly unthinkable consequence.

Proposition 3. High resiliency by more than one party to a negotiation will likely result in the ability to overcome impasses. Resilience in even one party may be sufficient to destabilize the deadlock and drive the situation toward renewed negotiation. But the more parties that demonstrate resilience, the better to yield breakthrough.

Proposition 4. While the negotiation analogy to the psychological literature implies that resilience is embodied as an attribute or characteristic of *individual* negotiators, negotiation teams might also display resilient behaviors. It might also we possible to anthropomorphize the concept to say that whole states can demonstrate resilient traits as well.

Proposition 5. Resilience in international negotiation is subject to a nature versus nurture debate: are resilient negotiators recruited that way or can they be trained? Findings in the psychological literature indicate that resilience can be promoted actively through training and planning. It does not have to rely on the happenstance of innate highly resilient personalities among the negotiators. Training and planning needs to focus on (1) mobilizing the strengths of negotiators (such as seeking opportunities in adverse situations, being goal-oriented, pursuing creative problem-solving, developing supportive teamwork structures, etc.) and (2) helping them engage the environment for support (for example, public opinion, domestic supporters, regional allies, coalitions, regional/international organizations, etc). Thus, professional training and preparation in resilience can build negotiator capacity to successfully bounce back from deadlock.

Research Agenda

The research agenda to address these propositions is broad and challenging.

1. Knowledge Transfer

The psychological literature on resilience is large, but has been codified and summarized; now it needs to be related to the negotiation field. But there are additional bodies of literature that need to be examined – resilience in medical situations, in crises and emergencies, in wartime, and in natural disasters. Each of these will lend useful insights into negotiation resilience.

2. Case Analyses

Our resiliency propositions can be tested through a detailed and systematic analysis and comparison of selected international negotiation case studies that have experienced or faced deadlock and failed, and those that have rebounded to a successful outcome. In addition, it might be interesting to select several current impasse cases that have not yet reached resolution one way or the other. A decision tree analysis can be applied to these unresolved cases to play out "what if" assumptions to determine if there are possible entry points for resilient responses and if training or planning might make a difference in their ultimate outcome. Some illustrative cases in each category are presented below; many more can be added.

Illustrative Cases	Historical impasse	Current impasse
Rebounded to outcome	Bosnia Northern Ireland Mali Mozambique	Cyprus Israel-Palestinian Sri Lanka Colombia
Remained deadlocked or reverted to war	Nagorno-Karabakh Angola Rwanda	

The case analysis will examine in detail what resilient negotiators have done specifically to mobilize their inner resilience capacities – how they view the problem situation, how they re-strategize, and how they adapted. It will also reveal what happens in the absence of resilience and what happens if resilience fails. The analysis will also delve into the particular kinds of support that third parties can offer to boost negotiator resilience – through mediation, offering benefits or costs, moral support, etc.

In each case, the following indicators, among others, need to be understood to evaluate the potential for resilient responses:
- Extent and nature of threat and stress in the deadlocked situation
- Responses to delay
- Negotiator perceptions and strategies
- Opportunities sought to remain goal-oriented
- Manifestations of resilience in the negotiation teams (for example, creativity, supportive teamwork, adaptation, etc.)
- Availability of supportive/protective allies
  - Domestically (from constituency support, public confidence; leaders; stakeholder group support)
  - Regionally (from regional organizations, regional country allies)
  - Internationally (from international organizations; transnational NGOs).

3. Training Options

Based on the results of these analyses, training modules for negotiators can be designed to help them strengthen their inner resilience and engage resources from the environment effectively to promote their resilience if deadlock is perceived to be a possible outcome. The module can include the following elements:

Strengthen inner resilience to bounce back from impasse	- Developing ways to perceive the situation as an opportunity rather than a dead end - Developing problem-solving approaches to design innovative strategies - Remaining goal-oriented, despite setbacks and delay - Developing tight teamwork structures to maintain a sense of efficacy, despite adversity
Engage environment to provide supportive/protective assistance	- Plan for external resilience support during negotiation preparation phase - Seek out domestic supporters: public confidence, domestic civil society organizations, legislators and thought-leaders - Seek out external supporters: coalitions, regional allies, international/regional organizations

The development of this training module can draw upon the insights of past *International Negotiation* issues on the teaching of international negotiation (vol. 3, no. 1, 1998) and the practical training of conflict resolution techniques (vol. 2, no. 3, 1997). It will emphasize practical approaches, based on the research that can be used to ensure the highest levels of resiliency to impasse in negotiation teams. It involves building particular skills, relationships, and structures of support to establish a resilient-promoting community in the event of deadlock.

Outside of a traditional pedagogical approach, these resiliency principles and skills can be tested in a negotiation gaming situation to assess their practical value. Most university courses on international negotiation utilize interactive games. Games can be played and observed carefully to gather data that will be analyzed to determine the significance of resilience amidst other factors affecting outcomes.

Conclusions

Heightened insecurity in the world transforms the failure of negotiation – a potentially peaceful path to resolve disputes – into a likely crisis. When such negotiations deadlock, fragile states can fail, terrorists can gain legitimacy, pandemics can spread, and many can go hungry, and violent conflict can break out. Negotiation theorists need to delve deeper to the underlying dynamics that make success in negotiation feasible, even under the most difficult of circumstances. This is why negotiation resilience needs to be better understood and fostered if possible.

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