

The Pragmatics of Negotiation in Peace Treaties

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دراسة تداولية للتفاوض في معاهدات السلام

المدرس الدكتور

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Abstract:-

It is proposed that negotiation is an interpersonal interaction in which the people involved try to arrive at an agreement to resolve a conflict. Negotiation is prevailing in the political field where politicians frequently appeal to it in order to resolve conflicts and get at the best outcomes. The present study investigates negotiation from a pragmatic point of view in peace treaties. It hypothesizes that negotiators employ a panorama of strategies in order to achieve their negotiation outcomes. Additionally, it aims at answering the following questions: What are the functions of negotiation produced in the data under study? What are the types of negotiation resorted to by the participants involved? What is the pragmatic structure of negotiation produced in the data under scrutiny? And what are the pragmatic strategies of negotiation utilized in peace treaties?

Keywords: Study, negotiate, peace treaties.

المخلص:-

التفاوض هو تواصل بين الأشخاص فيه يحاول الأفراد المعنيين التوصل إلى اتفاق لإنهاء خلاف ما. يكون التفاوض سائدا في ميدان السياسة حيث يلجأ اليه السياسيون باستمرار لإنهاء الخلافات والحصول على أفضل النتائج. تقوم الدراسة الحالية بتقصي التفاوض من وجهة نظر تداولية في معاهدات السلام. حيث تفترض استعمال المفاوضين طيف من الاستراتيجيات لتحقيق أهدافهم. تهدف الدراسة أيضا إلى الإجابة عن الأسئلة التالية: ما هي وظائف التفاوض في العينات قيد الدراسة؟ ما أنواع التفاوض التي يستخدمها المشتركون؟ ما هو التركيب التداولي للتفاوض المقدم في العينات قيد التدقيق؟ وما هي إستراتيجيات التفاوض التداولية المستخدمة في معاهدات السلام؟

الكلمات المفتاحية: دراسة، تفاوض، معاهدات السلام.

1. Introduction

Wallensteen and Eriksson (2009:11) propose that a negotiated peace between the fighting parties has been a normal procedure for the way the world has dealt with conflicts since the end of the Cold War.

According to Wertheim (2018:2) a negotiation situation is one in which there exists a conflict of interests between the parties specified. Resolving conflict is liable to be mentally exhausting and emotionally draining.

1.2 Definitions

According to Oxford Advanced Learner's Dictionary, negotiation refers to a formal discussion between people who are trying to reach an agreement.

Negotiation can be defined as an interaction between people to meet their requirements. In other words, every negotiation is a sort of trade where people obtain something at the expense of something else (Chatzki and Coffey, 1981: 180).

Mulholland (1991: xi) assumes that negotiation is a social activity which ranges from instances such as discussion of the daily distribution of work within an office to organizing a huge sales campaign intended for overseas market.

Additionally, it is also a process of conjoining diverse conflicting positions through interaction. It occurs in the main part of all interactional relations and foreign affairs (Zartman, 2008: 2).

It can be said that negotiation refers to an interpersonal process where the parties involved try to arrive at an agreement to resolve a conflict.

1. 3 Pragmatics, Context, and Intention

Due to the fact that the current study investigates negotiation from a pragmatic point of view, it is necessary to shed some light on the related notions of context and intention.

According to Yule (2000: 3), pragmatics explores how a great deal of what is unsaid is recognized as part of what is communicated.

It also involves the interpretation of what people mean in a certain context and how the latter affects what is stated. Hence, it is the study of contextual meaning.

Mey (2001: 36) believes that in order to comprehend an utterance, one needs to know the circumstances surrounding its being uttered. In isolation, utterances do not make sense or make the wrong one. In its broadest sense, context stands for the cultural, political, and economic conditions of people whose actions and words are attempted to describe or capture within the minutest context of language.

Allott (2010: 38) states that the context of an utterance represents a source of information that assists the hearer in finding out what the speaker intended to express. Without taking the context of words and phrases into consideration, it will not be likely to interpret the implicatures of an utterance. Moreover, in numerous cases, it will be impossible to calculate the proposition conveyed or the desired illocutionary force.

It is asserted that a central concept to any approach to a linguistic issue within pragmatics is that of intention. Bousfield (2008: 74) states that in order to pinpoint the actual intentions of speakers involved in an interaction, a number of factors need to be taken account of. These include discursal roles of the participants, the context, the co-text, the activity type, previous events, the power, and rights and obligations of the interactants.

2. Peace Treaties

Berridge (2010:1) suggests that in international politics negotiation is composed of dispute between officially appointed representatives intended to arrive at a formal agreement on a matter that is decisive to their governments relationship. Negotiation is the most important function of diplomacy.

Demarr and Suzanne (2014: 242) assert that global negotiations are indeed intricate and indeterminate. However, collecting clues about a country and its practices and customs is an essential step for capturing the way to approach the other partners. Appreciating differences, similarities, and the communicative style of the

negotiating parties assist to achieve the negotiations and enhance the possibility that the parties in question leave the with satisfactory outcomes.

According to Mills (2019: 400), countries negotiate free trade agreements, ceasefires, and military alliance treaties that make a difference to global economics and world peace.

According to Merriam Webster Online dictionary, a peace treaty is an agreement to stop fighting a war.

Kleffner (2011: 1) states that peace treaties are agreement between the parties to an armed conflict that ends the state of war or the armed conflict between them.

Similarly, it has been mentioned that a peace treaty refers to a legal agreement between two or more antagonistic parties, typically countries or governments, which previously terminates a state of war between the two parties involved. (Web Source 1)

Peace treaties are dissimilar to other international documents that govern conflicts in that they are often the culmination of international peace discussions, and look for long lasting resolutions via founding conditions for peace. A peace treaty is different from a surrender, where one party approves to give up weapons; or a cease fire, where parties decide to overlook aggressions momentarily; or an armistice agreement, in which parties approve to stop antagonisms, but do not agree to long term conditions for peace (Web Source 1).

Additionally, peace treaties are similar in the sense that they usually start with an introduction which states the aim of the peace treaty. These introductions often decline repeating any facts about the conflict, but merely affirm that peace will originate. (Web Source 2).

3. Negotiation

Lum (2012: xiv) states that negotiation signifies any discussion in order to reach an agreement which embraces almost any situation where people are trying to persuade and influence each other.

A good negotiator is marked by the ability to interact clearly, properly, and influentially. He/she is someone who is capable of

taking the right decisions, select the best alternatives, and make concessions where needed (Schoop, 2021: 164)

3.1 Characteristics of Negotiation

Demarr and Suzanne (2014: 5) mention that experts have identified six characteristics of negotiation. They are as follows:

1. Two or more parties
2. Conflict of interest
3. Expectation of a better outcome
4. Preference for a mutual agreement
5. Implied quid pro quo
6. Tangible and intangible components

As for the present study, the instances examined are regarded as negotiation according to occurrence of the characteristics above. That is, if one or more of these occur, the instance is to be taken as negotiation.

3.2 Means of Negotiation

Broadly speaking and as far as this study is concerned, there two means available to achieve negotiation. They include:

3.2.1. Argumentation

Walton (1998: 100) states that argument is often employed in negotiation. In negotiation, the main goal of initiating an argument is to attempt to obtain a good deal. Hence, the participant's commitment to the truth or falsity of propositions is much more peripheral.

According to Van Eemeren and Grootendorst (2004: 1), argumentation refers to a verbal, social, and rational activity directed at persuading an equitable critic of the acceptability of a stand point via presenting a collection of propositions justifying or refuting the proposition conveyed in the stand point.

It is mentioned that negotiation signifies a sequence of interactive activity kinds that are sometimes entirely and at other times partly

argumentative, ranging from bargaining to more particular communicative activity kinds such as peace talks. These kinds start from an initial situation that can be described as a conflict of interests. Among the means available for the parties involved to reach a decision in their own favour is argumentation (Van Eemeren, 2010-149).

3.2.2. Manipulation

It is said that manipulative discourse aims at convincing the hearer of a unreliable proposition with implied cognitive strategies. It is not a discourse type that can be recognized through formal linguistic constraints. Rather it refers a type of pragmatic usage of language (de Saussure, 2005: 120).

According to Zartman (2008: 41), in negotiation interactions information is often manipulated in order to alter the other party's appreciation of some of the values involved to lead to an agreement on an idea more preferable to one side than to the other.

Brown (2014: 2) states that negotiation demands an element of manipulation. Preparing a negotiation, setting the scene, choosing the words, selecting the data, presenting the data, supplying information in advance to influence the other party are all manipulative.

3.3 Types of Negotiation

According to Maiwald (2015: 5), negotiation can contain compatible and incompatible interests. In other words, it can include distributive and integrative elements.

Kolmackova (2011: 14) suggests that distributive negotiation, also referred to as slicing the pie or win-lose bargaining, is grounded on a competing style. It stresses the division of a negotiated thing between the parties involved in the process of negotiation. In this type, everyone attempts to product his benefits, and no one looks back to the other party's interests.

Demarr and Suzanne(2014: 50) assume that the aim of distributive negotiation is to maintain an effective compromise by concentrating on the distribution of consequences as opposed to

satisfying the needs of the parties in question. Viewing the issue or value in a negotiation as a pie, distributive negotiation is basically a competition to see who obtains the biggest share.

Contrary to distributive negotiation, integrative negotiation, also called win-win or expanding the pie negotiation, is founded on a collaborating style. It maintains some corporation to achieve the results that both parties can benefit from. In this type of negotiation, a high degree of trust and some sort of relationship are required (Kolmackova, 2011:14) .

Similarly, Demarr and Suzanne (2014: 50) mention that integrative negotiation is occasionally referred to as interest- based bargaining because it focuses on the interests of each party as opposed to the distribution of a fixed resource. It is collaborative approach employed when both the outcome and the relation with the other part are decisive. The assumption is that the resource is not fixed. The parties concentrate on finding ways to make the pie bigger so that everyone can get more.

3.4 Functions of Negotiation

As far as this study is concerned, the functions of negotiation include:

3.4.1 Persuasion

According to Nieuwmeijer (1988: 10), persuasion represents a vital component of negotiation. It is a communicative process that results in a shift of attitude or behaviour.

It is mentioned that persuasion requires offering information and engaging in a process of dialogue with the crucial aim of others embracing the behaviour, beliefs, or attitudes one desires. Therefore, employers, teammates, and lovers collaborates with an efficient persuader because they want to, not because they have to (De Marr and De Janasz, 2014: 178).

3.4.2 Conflict Resolution

Negotiation represents one way to resolve conflicts. However, other alternatives are also available such as the use of force or intercession via a certain level of authority. Negotiation depends on

the parties involved and their capacity to arrive at an agreement that is satisfactory to all of them. (Vetschera, 2013:135).

It is proposed that people negotiate something almost every day of their lives. They negotiate in order to resolve conflict whether at work or in their personal lives. The best likely results of negotiations are usually attained when all parties' interests are satisfied to some degree. (Demarr and Suzanne, 2014: 8-14).

3.5 The Eclectic Model

In fact, the model of analysis is grounded on the thoughts and aspects derived from what has already been discussed. Many scholars believe that negotiation, like other forms of social interaction proceeds through distinct phases or stages.

3.5.1 Phases of Negotiation

According to Kolmackova (2011: 16), the first thing to be realized is that negotiation is a process with some definite steps and phases that every successful negotiator should go through. Negotiators have to recognize at which stage to observe his actions and to be ready for what comes next. Moreover, an essential fact is to finish each phase appropriately in order to guarantee a better chance of success. Three phases have been distinguished: the *preparation*, the *bargaining* phase and *closing the deal*.

As regards this study, negotiation proceeds through the bargaining to closing the deal. The researcher follows Zartman (2008: 117) who proposes that negotiation begins when the parties involved sit down at the table. Hence, the preparation phase will not be taken into account in the analysis of data.

3.5.1.1 The bargaining Phase

Van Eemeren and Houtlosser (2002: 135) suggest that it is possible to mingle rhetorical intuitions with a dialectical structure of argumentation via the concept of *strategic maneuvering*. Hence, three inseparable aspects of strategic maneuvering have been identified: topical potential, audience demand, and presentational devices.

As for this study, only the pole of audience adaptation will be adopted in analyzing data. It is achieved via pragma-rhetorical strategies.

3.5.1.1.1 Pragma-rhetorical strategies

These include argumentative appeals and pragma-rhetorical tropes

3.5.1.2 Closing the deal.

This phase is distinguished via the utilization of diverse structural ingredients.

3.5.1.2.1 Macro strategies

According to Nieuwmeijer (1988: 1), negotiation refers to an exchange of information through communication. This information is formulated as strategies and these are originated from the negotiation relationship between the parties involved. The purpose of this interaction is to arrive at an agreement between the parties in question.

Thompson (2001:43) suggests that negotiators can increase the probability of obtaining a favourable slice of the pie if they apply ten basic strategies. These are: Assessing their BANTA before negotiation, determining their reservation point, researching the other party BANTA, setting high aspiration, making the first offer, immediately reanchoring if the other party opens first with an outrageous offer, planning their concessions, supporting their offer with facts, and appealing to norms of fairness.

3.5.1.2.2 Micro strategies

The Macro strategies mentioned above can be realized via the following Micro strategies.

3.5.1.2.2.1 Deixis

According to Levinson (1983: 54), the most noticeable way in which the relation between language and context revealed in the structures of languages themselves is through the phenomenon of deixis.

Hence, context, is vital to the use and comprehension of deictic expressions . For instance, it cannot be determined who the pronoun

I refers to in the utterance *I like the city of Nanjing* unless knowing the speaker. Similarly, only by identifying the relevant location of the speaker, it becomes possible to grasp where the *here* in *I like living here* refers to (Chen , 2020: 56)

3.5.1.2.2.2 Politeness Strategies

Brown and Levinson's politeness theory is constructed on Goffman's notion of face and on the Gricean model of the cooperative principle as well. Brown and Levinson (1987: 60) propose a set of five superstrategies ranging from the most direct to the less direct one. They are :Bold on record, positive politeness, negative politeness, off record, and withhold the FTA.

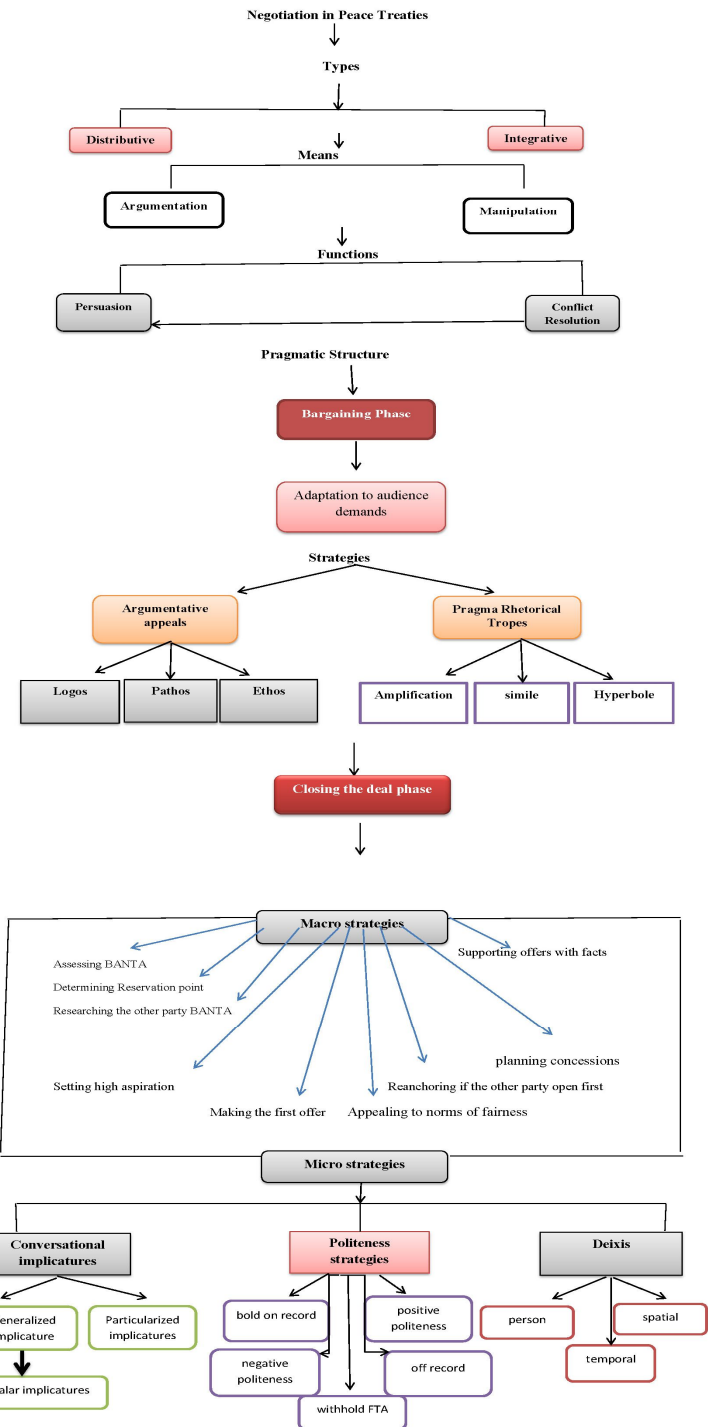
3.5.1.2. 2.3 Conversational implicatures

Grice (1989: 26-28) proposes four maxims elucidating how the co-operative principle of conversation functions. These maxims which language users should abide by are quality, quantity, relevance, and manner. When an interlocutor intentionally and bluntly infringes a maxim, a conversational implicature can be generated.

Moreover, a distinction is drawn between generalized and particularized conversational implicature. The former comprises those implicatures that arise regardless of the context.. Nevertheless, particularized implicatures are context-dependent. (ibid.: 37)

According to Yule (2000: 41), most generalized conversational implicatures are in fact scalar implicatures in which specific information is conveyed by selecting a word which implies a value from a scale

The model of negotiation designed in this section is illustrated in Figure (1) below:



Keys: FTA= Face Threatening Act

BANTA= Best Alternative To a Negotiated Agreement

Figure (1) the Eclectic Model for the Analysis of Negotiation

3.6 Testing the Workability of the Model

With regard to testing the workability of the abovementioned eclectic model, it seems reasonable to use it for analyzing an illustrative example first.

Example:

In connection with the “Framework for a Settlement in Sinai” to be signed tonight, I would like to reaffirm the position of the Arab Republic of Egypt with respect to the settlements:

1. All Israeli settlers must be withdrawn from Sinai according to a timetable within the period specified for the implementation of the peace treaty.
2. Agreement by the Israeli Government and its constitutional institutions to this basic principle is therefore a basic prerequisite to starting a peace negotiations for concluding a peace treaty.
3. If Israel fails to meet this commitment, the “framework” shall be void and invalid. (El Sadat, 1978)

1. Characteristics

The current example reveals six characteristics of negotiation. These are:

1. Two or more parties engaged in the negotiation process
2. Conflict of interest
3. Expectation of a better outcome
4. Preference for a mutual agreement
5. Implied quid pro quo
6. Tangible and intangible components

2. Types

In this example, the speaker also resorts to a distributive negotiation. Al Sadat attempts to achieve the best outcome regarding the issue of the settlement in Sinai.

3. Pragmatic structure

The bargaining phase

Adaptation to audience demands strategies

In order to increase rhetorical effectiveness, Al Sadat employs argumentative appeals. An appeal to ethos assumes the form of a depiction of Al Sadat as a protector of the rights of the Arabic Republic of Egypt to maintain peace. As regards pathos, the speaker tries to evoke the emotions of audience by showing concern about a topic with a vital consequences, peace in the Middle East. Concerning logos, Al Sadat tries to promote the thesis that the withdrawal of Israeli settlers from Sinai within a specified schedule is vital for the maintenance of peace in that region.

Closing the deal Phase

Macro Strategies

Setting high aspiration

In this example, Al Sadat sets the upper limit on what he can get in the negotiation. That is, the Israeli withdrawal from Sinai. Because negotiators usually never get more than their first offer, Al Sadat sets a high aspiration in the negotiation for peace between Egypt and Israel.

Micro strategies

It can be observed that two pragmatic strategies are resorted to in the present example. First, the speaker employs a negative politeness strategy where he issues an indirect request. He indirectly requests the Israeli government to agree on the withdrawal from Sinai within a specified schedule. Another politeness strategy used by the speaker is bold-on record where he performs a direct threat: If Israel fails to meet this commitment, the “framework” shall be void and invalid

Additionally, this phase is also marked by the utilization of spatial deixis. This is exemplified in this basic and this commitment

4.1 Data Collection

The Camp David Accords are composed of two separate agreements. “A Framework for Peace in the Middle East” and “A

Framework for the Conclusion of a Peace Treaty between Egypt and Israel.” The data are provided by the negotiation secessions prior to the signing of the two frameworks. Nine different instances are quoted so as to be analyzed according to the model developed by this study. Two instances have been selected as illustrative examples representing the analysis of the others.

4.2 Data Description

4.2.1 Camp David Accords

According to Telhami (1992: 1), With the mediation of the United States Egyptian President Anwar El Sadat and Israeli Prime Minister Menachem Begin signed the Camp David Accords on September 17, 1978.

They are composed of two separate agreements. “A Framework for Peace in the Middle East” and “A Framework for the Conclusion of a Peace Treaty between Egypt and Israel” The first deals with Palestinian territories while the second framework offers a base for the peace treaty on the future status of the Sinai Peninsula (Lee, 2018: 121).

4.3 Data Analysis

4.3.1 Model of Analysis

The eclectic model designed previously is employed for analyzing negotiation in the data under scrutiny.

4.3.2 Pragmatic Analysis

This section concentrates on the pragmatic analysis of negotiation.

Example 1

It will mean first of all an end to the relationship between the United States and Egypt. There is no way we can ever explain this to our people. It would mean an end to this peacekeeping effort, into which I have put so much investment. It would probably mean an end to my Presidency because this whole effort will be discredited. And last but not least, it will mean the end of something that is very precious to me: my friendship with you. (Carter, 1978)

1. Characteristics

1. Four negotiation characteristics are obviously included in this example:

1. Two parties involved
2. Conflict of interest
3. Expectation of a better outcome
4. Tangible in intangible components

2. Types

Carter resorts to employing distributive negotiation in order to maintain an effective compromise between Israel and Egypt. He is inclined to distribute the outcomes of negotiation between the parties involved.

3. Pragmatic Structure

The bargaining Phase

Adaptation to audience demands strategies

Carter tries to adapt to audience demands by means of argumentative appeals. First, He is portrayed as a peace guardian, someone who has exerted much effort to maintain peace between Israel and Egypt. This serves to create positive ethos. Concerning pathos, Carter appeals to audience desire to achieve peace in the Middle East. As for logos, this is also manifested in Carter's speech.

Moreover, Carter attempts to influence audience through the use of a pragma-rhetorical trop of amplification that requires a series construction. He lists the consequences of ending the relationship between the USA and Egypt in such a manner that they form an ascending series. Each consequence is worse than the previous.

Closing the deal phase

Macro strategies

Researching the other party BANTA

Carter knows that the what Egypt wants most is a close relationships with the United States at the expense of an agreement with Israel. It is believed that both Egypt and Israel can live with failure as long as a close relations with the United States is

preserved. Here, Carter reveals the reservation point because he has exhausted time to negotiate and Al Sadat is about to leave in frustration without a deal.

Micro strategies

The negotiation strategy above is accomplished via deixis, a politeness strategy and generalized scalar implicatures.

As for the former, the speaker employs person deixis exemplified by first and second person pronouns I, we and you to maintain reference to the parties involved in the negotiation process.

Additionally, the speaker utilizes a positive politeness strategy where he exaggerates his interest in being friend with Al Sadat. This is achieved through using an intensifying modifiers that is very precious to me: my friendship with you.

Furthermore, this stage is also marked by the occurrence of generalized scalar implicature, It would probably mean an end to my Presidency. Through selecting probably, Cater generates the implicature not certain as a higher value of the scale of likelihood.

Example 2

I am writing you to reaffirm the position of the Arab Republic of Egypt with respect to Jerusalem

1. Arab Jerusalem is an integral part of the West Bank. Legal and historical Arab rights in the city must be respected and restored.
2. Relevant Security Council Resolutions, particularly Resolutions 242 and 267 must be applied with regard to Jerusalem. All the measures taken by Israel to alter the status of the City are null and void and should be rescinded .
3. Essential functions in the City should be divided and a joint municipal council composed of an equal number of Arab and Israel members can supervise the carrying out of these functions (Al Sadat, 1978)

1. Characteristics

Three characteristics of negotiation are revealed in the example above. They are:

1. Two or more parties involved
2. Conflict of interest
3. Expectation of a better outcome
4. Implied quid pro quo

2. Types

Al Sadat appeals to distributive negotiation to attain an effective compromise between Israel, Egypt, and the Palestinians regarding the issue of Jerusalem.

3. Pragmatic Structure

The bargaining phase

Adaptation to audience demands strategies

To comply with audience needs and preferences, Al Sadat employs argumentative appeals. Regarding ethos, an appeal to authority assumes the form of a reference to the Security Council resolutions 242 and 267. Another appeal to ethos pertains to the depiction of Al Sadat as the protector of Arabs legal and historical rights in the City of Jerusalem. As for pathos, the speaker tries to provoke the feelings of audience by showing a concern about a subject with a great importance. He refers to Israel attempt to change the status of Arabic Jerusalem. Concerning logos, Al Sadat endeavours to promote the thesis that since Arabic Jerusalem is part of the West Bank, Arabs rights in that city must be appreciated and returned.

Closing the deal phase

Macro strategies

Setting high aspirations

Al Sadat knows that his assistance is needed in the negotiation between Israel and the Palestinians so he sets high aspirations. He insists on the protection and maintenance of the Arabs rights in the City of Jerusalem. This will have the effect of maximizing the outcomes he is likely to receive.

Appealing to norms of fairness

The negotiator believes that since the inhabitants of the Arabic part of Jerusalem are Palestinians, a public council consisting of an equivalent numbers of Arab and Israeli members are to control the implementation of the essential functions in the City.

Micro strategies

In this example, three micro strategies are utilized. First, the negotiator uses a person deixis represented by the first and second person pronouns I and You to maintain reference to the parties involved. Another deictic expression appears in the phrase these functions.

Moreover, Al Sadat issues a bold-on record face threatening act as he directly condemns the Israeli attempts to change the status of the Arabic City of Jerusalem asserting that such attempts are illegal and invalid.

Additionally, generalized scalar implicatures also occur in this stage. By choosing All people, the speaker generate the implicatures not some. Another scalar implicature appears in should be rescinded . Should implicates not must as a high value on the scale of obligation.

5. Conclusions

On the basis of the qualitative analysis conducted above, the following conclusions can be introduced:

1. The characteristics of negotiation delineated in the current research are ubiquitous in the negotiation examples under scrutiny.
2. The findings of the study have demonstrated that the negotiators involved achieve negotiation in the examples scrutinized by means of argumentation and manipulation. However, they employ manipulation more than argumentation. This can be attributed to their intention to make the other party agree on matters in their own interests.
3. As for types, most negotiation instances examined have demonstrated that the negotiators make use of distributive negotiation. This is due to the fact that each party is inclined to attain the best outcome of the negotiation process.

- 4 It has been revealed that negotiation strategies are utilized all over the pragmatic structure of negotiation. These include argumentative appeals, pragma-rhetorical tropes, macro and micro strategies. This validates the study hypothesis Negotiators employ a panorama of strategies in order to achieve their negotiation outcomes.
5. Negotiators have succeeded in employing negotiation strategies to resolve conflicts and to convince the other to accept their points of view. Nevertheless, they sometimes violate the ethics of negotiation by resorting to threatening each other.
6. The eclectic model of negotiation designed by the study has proven to be successfully workable in analyzing the data of this work.

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