

Finding Common Ground: Negotiating Across Cultures on Peace and Security Issues

Gareth Evans

The Australian National University

Text of the Seventh Annual King Hussein Memorial Lecture at Durham University, 4 May 2016.

I feel very privileged to have been invited by Durham University to deliver this Seventh Annual Lecture honouring the memory of His late Majesty King Hussein of Jordan. Few statesmen have been as adept at navigating across cultural divides as King Hussein, a globally respected figure, universally acknowledged as the most able and committed of the region's peacemakers, who spent decades trying to find common ground with Israel, supporting the West without becoming captive to it, and resisting extremism and sectarianism within and between his Arab neighbours.

Australia and Australians are probably not most people's first choice as cross-cultural navigators. But we have been learning fast in recent decades, as it has become obvious that our Asian, or Indo-Pacific, geography is going to be far more relevant to our future than our European history. As I said in one of my first speeches after I became Foreign Minister in 1988: 'This region is where we must find a place and a role if we are to develop our full potential as a nation. This is where we live, and must learn the business of normal neighbourhood civility'.

We have had some hard lessons to learn in that respect. One that has become a textbook example of cross-cultural miscommunication occurred in 1993, when my then Prime Minister Paul Keating became unhappy, not unreasonably, about Malaysian Prime Minister Mahatir's deep reluctance, essentially on Asia-is-for-Asians grounds, to participate in a summit meeting of the Australia-initiated Asia Pacific Economic Cooperation (APEC) forum, and as was Keating's wont, he made his views known publicly, saying 'I couldn't care less, frankly, whether he comes or not. APEC is bigger than all of us – Australia, the US, and Malaysia, and Dr Mahatir and any other recalcitrant'.

This was met with full-throttle rage from Mahatir, with demands for a public apology, and threats of a complete breakdown in bilateral relations until one was forthcoming. Keating's initial response was to see this eruption as completely out of proportion, and not to back down: 'recalcitrant' may not exactly be a complimentary expression, but nor in English is it an especially abusive one, carrying with it as it does some flavour of grudging admiration for the wilfulness being demonstrated.

But we then became aware that, in translation into Malaysian, absolutely none of that moderating flavour is carried over: the roughly equivalent expressions, *kurang ajar* and

keras kepala, are completely denigratory, implying not only wilfulness, but lack of education and breeding, and behaviour calculated to bring discredit on one's family and community. Neighbourhood civility from us, we had to acknowledge, this was not. And so (after wrestling, I remember, for half a night with the PM to get our language right) we found a form of words which incorporated the word 'regret' – if not entirely that sentiment – in a way which ended up satisfying honour all round.¹

Cross-cultural miscommunication, when things get lost in translation, can sometimes have its pleasures as well as its tensions. I remember our former Prime Minister, Bob Hawke, whose expression often became idiomatic when he wanted to make a strong point, saying in a speech to a business audience in Tokyo on Australian industrial relations reform: 'We're just not interested in playing silly buggers on this issue'. This was greeted not just with ordinary common-and-garden incomprehension, but full Monty head-shaking and eye-rolling. It later transpired why. It seems that the interpreter – acting on the principle when in doubt, keep it literal – had rendered the PM's sally as 'We're just not interested in acting as laughing homosexuals'.

Where cross-cultural misunderstanding and miscommunication is no laughing matter is when it bears on issues of peace and security, of life or death. How behaviour is perceived and understood, how messages between governments are conveyed and interpreted, and how negotiations are conducted – whether they be aimed at preventing or ending or avoiding the recurrence of some particular deadly conflict, or crafting general new rules of the road on peace and security issues – are all very much affected by cultural difference.

The most familiar way of articulating and characterizing cultural difference in the academic literature – and certainly the approach that resonates most with me, with all the practical experience I have had as a foreign minister, international NGO head, and chair or member of a number of high-level international commissions – is to distinguish between 'low context' societies at one end of a spectrum, and 'high context' societies at the other.² The core of the difference (and what explains this terminology) is that in low-context society communications, the substance is in the message itself: what you hear, or read, is essentially what you get; whereas in high-context societies, most of the substantive meaning is implied and indirect, and has to be found in the surrounding context, or setting, within which the communication is made.

Starting from that basic dichotomy, a number of other distinguishing paradigms of the two kinds of societies can be drawn out. In a low-context society, directness and 'getting to the point' is prized; time counts and patience is limited; history is of minimal interest – what matters is solving the current problem; persuasion is all about the substantive merits of the argument; subtlety and allusiveness are irritating; so too are elaborate social rituals – in professional and business settings, results are more important than relationships; truth-telling is very highly valued – dissimulation is bound to undermine personal trust and professional confidence; no-nonsense refutation is not offensive; and 'face' is not especially important – it's not fear of shame, in the perception of others, that keeps one straight so much a sense of personal guilt. Above all, the prevailing ethic, or impulse, is individualist rather than communal or collective.

By contrast, in a high context society, the communal or group impulse – preserving harmony – is at the heart not only of social but business and professional interaction; face – one's standing in the eyes of the group, how one appears to others, avoiding their disapproval – is of overwhelming importance and must be preserved at all costs; direct language for rhetorical or public effect is one thing, but in any personal or business negotiation setting is fraught with peril; indirection, allusiveness, conveying meaning through hints and non-verbal gestures, are valued and understood; strict truth is not an imperative if dissimulation will avoid unpleasantness; direct rebuffs are embarrassing and to be avoided; elaborate courtesy is an absolutely necessary lubricant, and social foreplay not an optional extra; personal relationships matter enormously, and justify a great deal of time in building; and while time is not at all of the essence in conducting a negotiation, a sense of *past* time – how history impacts the present – is omnipresent.

It may be thought that, as the world becomes ever more global and interdependent, the kind of dichotomy I have described must be becoming less and less real. With so many of the elites in quintessentially high-context societies like China now being educated in the quintessentially low-context United States (and only marginally less low-context Australia and the UK) surely they must be bringing home quite different habits of discourse, which must be beginning to permeate the way diplomacy and business are conducted? In my observation, there is some truth in that, but not nearly as much as one might think, and fundamental change will be a long time coming. It is still domestic publics and home-grown political elites that set the tone, and that tone is still very much domestic culture-bound.

And that means that, when it comes to players whose cultural starting points are toward different ends of the low context – high context spectrum, there is still enormous potential for discordance, both in the kind of bilateral crisis

that erupted over Paul Keating's remark about Malaysian Prime Minister's 'recalcitrance', and above all when it comes to formal negotiation, not least in a peace and security context. In the case of cross-cultural negotiation, I cannot do better here than to quote the doyen of academic writers in this field, Raymond Cohen (2005, p. 217):

Putting the two paradigms together in the same room in an intercultural encounter produces some interesting reactions. American negotiators tend to be surprised by their interlocutors' preoccupation with history and hierarchy, preference for principle over nitty-gritty detail, personalized and repetitive style of argument, lack of enthusiasm for explicit and formal agreement, and willingness to sacrifice substance to form. They are frustrated by their partners' reluctance to put their cards on the table, intransigent bargaining, evasiveness, dilatoriness and readiness to walk away from the table without agreement.

Non-Western negotiators tend to be surprised by their interlocutors' ignorance of history, preoccupation with individual rights, obsession with the immediate problem while neglecting the overall relationship, excessive bluntness, impatience, disinterest in establishing a philosophical basis for agreement, extraordinary willingness to make soft concessions, constant generation of new propositions, and inability to leave a problem pending. They are frustrated by their American partners' occasional obtuseness and insensitivity; tendency to see things and present alternatives in black-or-white, either-or terms; appetite for crisis; habit of springing unpleasant surprises; intimidating readiness for confrontation; tendency to bypass established channels of authority; inability to take no for an answer; and obsession with tidying up loose ends and putting everything down on paper.

Of course one should not make too much of these typologies: if every one of these characteristics were in full flight on every occasion cross-cultural negotiators sat down together, it is difficult to imagine agreements ever being reached about anything. As Cohen himself acknowledges, the skill and experience of professional negotiators will more often than not prevent incipient misunderstanding from getting out of hand.

Moreover, and this is very important, one has to recognize that for all the salience of the cultural dimension to negotiations, in most cases failure to reach agreement, in cross-cultural just as in mono-cultural contexts, is more likely to be the result of irreconcilable interests than misreading

If this world of ours is to become safer and saner, as we all hope it will, we must continue to pay very close attention to as to how those differences play out – much more attention in fact, that many of our leaders have paid in the past. And we must make every possible attempt, in all our international dealings, to respect and accommodate them.

or understanding; the really crucial ingredient for a successful negotiation is the identification of shared interests (Cohen, 2005, pp 7–8). Power relativities also come into play, as I well recall from multiple encounters as Australian Foreign Minister with my US counterparts. When Washington wants something important, there is not much effort expended in softening up. You tend to hear it directly, and you hear it clearly: 'This is where we are at, and this is where you should be at. And if you didn't get the message the first time, here it is again. For the sake of good and loyal old friends, yes we can bend our preferred position a little (provided it doesn't involve any trade concessions on our part), but that's it'. Being, in Australia, of a similarly robust and direct cultural bent, we do some biting and scratching back: but at the end of the day, size and muscle prevails, and we withdraw to fight again another day.

And yet, whatever other dynamics may be in play, when it comes to cross-cultural exchanges, it is absolutely the case, in my experience, that the kind of cultural factors I have identified can hinder, complicate, prolong, and ultimately frustrate negotiations even where there is otherwise an identifiable basis for a cooperative solution. It is crucial that this reality be recognized – particularly the role played by face, by consciousness of history, and the willingness or otherwise of interlocutors to be direct and confrontational. And it is crucial, if negotiations are to succeed, that these differences be seriously addressed by negotiators on both sides of the divide. Let me now give some examples from my own experience as to how this can be done.

Cambodian peace process 1989–93

In the late 1980s, Cambodia was on its knees. Since 1970 the country had been ravaged successively by massive US bombing, by civil war, by a genocidal reign of terror exceeded only by the Nazis, by invasion and by civil war again, resulting overall in the deaths of some two million Cambodians and the destruction of the lives of many more. The Vietnamese invasion in November 1978 brought to an end the worst of the Khmer Rouge reign of terror, but it triggered a new civil war. Recurring bloody military engagements, the further displacement of large numbers of civilians, and the inability of life generally to return to any kind of pre-1970 normality, all took their further toll.

The continuing conflict was being played out at three distinct levels. Internally there were four warring factions – with Hun Sen's Government on the one side waged against a fragile coalition on the other of the non-communist group led by Prince Sihanouk, another non-communist group led by Son Sann, together with the communist Khmer Rouge, and each group was immensely distrustful of all the others. Regionally, Vietnam supported Hun Sen, and the six ASEAN members of the time supported his opponents. And at the great power level China supported both the Khmer Rouge and Prince Sihanouk; the Soviet Union supported Hun Sen; and the United States supported the two non-communist resistance groups. Things do not get much more complicated than that.

Previous diplomatic peace efforts had all failed, most notably and recently the Paris Conference on Cambodia (PICC) in July–August 1989, jointly chaired by France and Indonesia, which explored the idea of a transitional power-sharing arrangement involving all four internal groups: Hun Sen's government and its international backers refused to accept any role for the Khmer Rouge. But this in turn was unacceptable to China, which – even though it was gradually starting to feel its wings internationally and, under Western and other pressure, was feeling increasingly uneasy about its genocidal client – had continued to strongly support the Khmer Rouge politically, financially and with military material and, for reasons primarily of face, was unwilling to be seen to be responding to external pressure to force it to step aside.

It was to break this impasse that the Australian peace proposal was put forward. The idea, which as Foreign Minister I spelled out in our Parliament in November 1989, was that, to side-step the power-sharing issue which had bedevilled the Paris Conference, and constrain the role of the Khmer Rouge in the transitional arrangements, the United Nations itself should be involved in an unprecedentedly direct and extensive way in the civil administration of Cambodia during the transitional period. And at the heart of the idea of giving a central role to the UN, not just in peacekeeping or electoral monitoring, but in the actual governance of the country during a transitional period, was that this would give China a face-saving way of withdrawing its support from the Khmer Rouge, which would then wither on the vine.

And it was essentially this face-saving solution which unlocked the conflict and eventually brought long-awaited and desperately needed peace to the country, with the Khmer Rouge indeed ultimately withering away – although there was a long diplomatic road ahead with many twists and turns, the story of which has been told elsewhere and I will not burden you with it now (Berry 1997; Evans, 2012).

That said, there is one other way in which face was important in these negotiations which I think is worth mentioning here. Australia played a crucial role in not only coming up with the basic UN-centred formula, but in selling it diplomatically around the region and beyond, and above all in demonstrating that it was operationally deliverable. Our idea having captured the imagination of the Indonesian Foreign Minister, Ali Alatas – with whom I had developed a close personal relationship (particularly important in high context societies) as we worked together to resolve some rather acute bilateral tensions we had inherited – he decided in early 1990, in his capacity as Paris Conference co-chair, to explore the proposal by convening an informal meeting in Jakarta of the four Cambodian groups, and their ASEAN and other immediate neighbours, and asked Australia to assist him by attending as a 'resource delegation'.

Working frantically for a few weeks, sending a technical mission to the region and consulting behind the scenes with the UN, we produced a 155 page compilation of papers, dubbed the 'Red Book', which covered in detail all the necessary elements of a comprehensive settlement and

its implementation and laid the foundations for every subsequent stage of the negotiations. What made our work so influential, I believe, is that we stood back and let Alatas make the running with it, playing a supporting but not a visibly pushy leading role: we made it very clear that we were working to and through our Asian colleague. Certainly in a high-context diplomatic environment (although this is probably also generally true of life itself), you can get a lot done when you let others take the credit – and as often as not will get anyway whatever credit is due!

Iran nuclear negotiations 2003-15

In my view, though others here may not share it, there is nothing not to like in the nuclear deal finally reached last year between the P5+1 (Germany) and Iran whereby there is a complete end to a plutonium path to a bomb; there are very significant limitations, and inbuilt delays, into any enriched-uranium path to a bomb; any possible breakout timeline is extended from the previously assessed two-three months to at least a year; and there are highly intrusive international monitoring and verification measures to ensure that these strictures are observed. Particularly when the only alternatives the critics have ever been able to offer are either sanctions continuing to be applied, with no likely result other than Iran's nuclear programme, such as it might be, proceeding completely unhindered; or military action, which is almost universally acknowledged as not likely to delay any nuclear programme by more than three years or so, and would be certain to unleash a storm of retaliatory action by Iran in the region and beyond.

The only thing to lament about the agreement is that it was not signed and sealed, as it could have been, a decade earlier, when Iran had less than 200 centrifuges in its possession as compared with the 19,000 it had installed by 2015. In the years that it has taken for diplomatic sanity to prevail, the Middle East has endured myriad avoidable tensions and lost opportunities for security cooperation. And herein lies an important tale about cross-cultural bargaining.

From 2003 to 2006, Iran made clear to anyone willing to listen that it would agree to all the key elements of the recent deal, including measures to block both uranium and plutonium pathways to a bomb and obtrusive monitoring mechanisms to ensure ample advance notice of a likely breakout. All it needed in return – beyond, of course, the lifting of sanctions as implementation proceeded – was formal recognition of its 'right to enrich' uranium, language enshrined (as much as one wish otherwise in an ideal world) in the Nuclear Non-Proliferation Treaty, recognizing the right of all parties to the treaty to engage in all stages of the nuclear fuel cycle as part of a peaceful nuclear energy programme. In discussions with the European Union in 2003–04, Iran voluntarily froze its then-minimal enrichment programme, pending negotiation of a full accord. Iran also declared its willingness to apply the 'Additional Protocol', allowing for much more far-reaching and stringent monitoring by the International Atomic Energy Agency than is

called for under standard arrangements. But those commitments ended in 2005, owing to the continued insistence by the EU, backed by the US, that Iran abandon uranium enrichment absolutely and entirely.

If, at that time, the West had been prepared to settle for effectively containing Iran's nuclear programme, rather than destroying every last sensitive component of it, a deal would have been possible. I know that because I was very much involved at the fringes of the ongoing negotiations. In early 2006, the International Crisis Group (which I headed from 2000–09) published a comprehensive 'delayed limited enrichment' proposal that included all of the key features of the deal now reached in Vienna last year, the first time any such detailed proposal was put on the public record, and it generated a good deal of attention (International Crisis Group, 2006). I am confident, on the basis of many hours of productive dialogue with senior Iranian officials in Tehran, New York, and elsewhere, that this proposal could have broken the deadlock. It had all the right elements of an effective compromise. But with the US not talking to Iran at any level, and the EU talking but not listening, the effort went nowhere.

The Iranians were never going to accept what they perceived as second-class status under the NPT. It was only when President Barack Obama's administration acknowledged that, and commenced direct back-channel talks in 2011, that progress became possible. The key was the recognition that Iran's sense of honour, very much bound up with its history, had to be accommodated. While no one should be under any illusion that Iran has been a model international citizen, or is likely to become one any time soon, the perception that the country's ambition has always been to acquire nuclear weapons involves a fundamental misreading of the dynamics in play. My judgment, based on more dialogue with senior Iranian officials than has been managed by most of the critics, is that Iran – whatever engineering research it may have conducted in the past, and whatever fuel-making and missile-delivery capabilities it may have developed more recently – has never been close to deciding actually to build nuclear weapons, for a whole range of reasons both prudential and principled.

If that is right, the question of course becomes why did Iran walk the precipice for so long by building a visible breakout capability bound to spook the West, Israel, and its Arab neighbours? The answer, I believe, is overwhelmingly national pride – its peoples' desire to demonstrate that Iran is a power to be reckoned with, a country that has impressive technical prowess, and that there are limits to its willingness to suffer international humiliation. Iranians live and breathe their history, in a way that its Western interlocutors have found difficult to grasp. They vividly remember the overthrow, orchestrated by the CIA and British intelligence, of the elected government of Mohammad Mosaddegh in 1953. They remember the West's prolonged support for the hated Shah, and for Iraq in its brutal war with Iran in the 1980s, even after Iraqi leader Saddam Hussein employed chemical weapons. And they certainly remember when US President George W. Bush labelled their country part of an

'axis of evil', despite its cooperation with the US in Afghanistan.

It is understandable that, even after the agreement now reached, many will not readily be persuaded of Iranian sincerity. For quite a while I found that difficult myself, not least because Iran is a classic high-context society where the national negotiating style – among moderates and hardliners alike – tends to be anything but frank and direct. And private thoughtful moderation is often accompanied by public thunder that makes it hard, until you get used to it, to assess real intent.

In this respect I remember vividly one encounter in Tehran with a very senior foreign office official, who in private conversation with me explicitly acknowledged the force of my argument that Western acceptance of any deal would require Iranian acceptance of a monitoring and verification regime significantly more rigorous than the prevailing international norm. We then went together to address a public roundtable, in the course of which, at one point, glowering at me across the table, he said with great force: 'And some people are misguided enough to think that Iran could submit itself to a verification regime with burdens greater than those applied to any other state. Let me to say to them in words of one syllable – that is inconceivable'. Going up to him in the coffee break I said, 'So notwithstanding our conversation this morning, am I to take it that what I have just heard is your last word on this subject'. Smiling sweetly, he replied 'No – first word'.

Multilateral commissions: atrocity crimes and nuclear weapons

There is one other international negotiating arena in which I have had quite a deal of experience, and where cultural difference is both background and foreground, and has to be constantly navigated with a fair degree of dexterity. And that is the compilation of reports by blue ribbon panels and commissions, of which I have been member of several, and co-chair of two: the International Commission on Intervention and State Sovereignty (ICISS) in 2001, which I co-chaired with the Algerian diplomat Mohamed Sahnoun, and which gave birth to the new norm of the 'responsibility to protect' (R2P) populations against genocide and other mass atrocity crimes; and the International Commission on Nuclear Non-Proliferation and Disarmament (ICNND) in 2009, which I co-chaired with the former Japanese Foreign Minister Yoriko Kawaguchi, both of which had all-star casts of members drawn from all four corners of the globe.

There is much more to say about the absolutely fascinating dynamics of these panels than I now have time for – given that their members are invariably from countries spread right across the low context–high context spectrum. But let me give just two examples of the way in which cultural imperatives do intrude, and how differences can, for all the difficulty along the way, ultimately be managed if one works at it.

In the case of ICNND, the biggest problem I had was working with my personally-delightful but irremediably-high

context Japanese co-chair, who was as articulate as anyone could be about the horrors of Hiroshima and Nagasaki, and intellectually as committed as I was to achieving a nuclear weapon free world by the fastest possible route, but did not want to say so in a way which could possibly offend anybody – least of all, the commune of senior foreign office bureaucrats, past and present, watching over her like hawks, notionally sharing the national distaste for nuclear weapons, but at the same time totally committed to the theory of extended nuclear deterrence and loving the US nuclear umbrella under which they believed they should be permanently sheltering. We eventually got there, agreeing on a report with some quite sharp edges, mainly because the other group with which my co-chair had to live with, viz. the commission itself, was united in not wanting to settle for lowest common denominator fudge. But it was very, very hard work, involving multiple acknowledgments around the table of deep respect for those with different perspectives.

In the case of ICISS, its central task was to find a way out of the consensus-free zone of debate over 'the right of humanitarian intervention', which had divided and largely paralysed the international community throughout the 1990s, in the face of the most terrible atrocities perpetrated in Rwanda, the Balkans and elsewhere. The global North rather liked the idea of sending in the Marines in response to extreme human rights catastrophes, even if it did not deliver very much in practice; the global South, on the other hand, with so many of its members proud of their recently won independence, and deeply mindful of a long history of *missions civilisatrice* by the imperial powers, were totally resistant to the notion of the big guys having any acknowledged 'right' to throw their weight around.

The key to finding consensus in our very culturally diverse commission was linguistic: with 'humanitarian intervention' carrying so much historical baggage, and summoning up so many images of shame and humiliation, there was no way it could be redefined by rational persuasion – it had to go. Our answer was to replace 'the right to intervene' with 'the responsibility to protect', and this did succeed completely in shifting the terms of the debate: what was in issue now was not the 'right' of the major military powers to do anything they liked, but the 'responsibility' of everyone to protect their own and other civilians; with the emphasis no longer on top-down 'intervention' but the 'protection' of vulnerable men, women and children at risk. Of course there was a lot more to it than just these optics: the new approach emphasised prevention, not just reaction, and a whole spectrum of reaction options falling short of coercive military action. But the key to such acceptance as R2P has won was the way in which high context-based cultural objections were met.

May I conclude by repeating a point made earlier, that in finding common ground, in peace and security related negotiations or on anything else, cultural difference is by no means the be all and end all. Competing interests, and power relativities, also very much come into play and in particular situations may be much more decisive. But cultural difference certainly matters. And it matters a lot. If this

world of ours is to become safer and saner, as we all hope it will, we must continue to pay very close attention to as to how those differences play out – much more attention in fact, that many of our leaders have paid in the past. And we must make every possible attempt, in all our international dealings, to respect and accommodate them.

Notes

1. 'If my remarks were not intended to offend him, and he has taken offence, naturally one would regret that'. For a full account of the affair see Cohen (2005, pp. 38–43).
2. First articulated by Hall (1959, 1976); see also Avruch (1998). The fullest exploration and application of these concepts is in Cohen (2005), on which I have heavily drawn here.

References

- Avruch, K. (1998) *Culture and Conflict Resolution*. Washington DC: USIP.
- Berry, K. (1997) *Cambodia From Red to Blue: Australia's Initiative for Peace*. Sydney: Allen & Unwin.
- Cohen, R. (2005) *Negotiating Across Cultures*, revised edn. Washington DC: USIP.
- Evans, G. (2012) 'Cambodia: The Peace Process – and After', Address to Cambodia Roundtable, Monash University, 2 November 2012 [online]. Available from: <http://www.gevans.org/speeches/speech498.html> [Accessed 20 May 2016].
- Hall, E. T. (1959) *The Silent Language*. New York: Doubleday.
- Hall, E. T. (1976) *Beyond Culture*. New York: Doubleday.
- International Crisis Group (2006) *Iran: Is There a Way Out of the Nuclear Impasse?*, Middle East Report No 51, 23 February [online]. Available from: <http://www.crisisgroup.org/en/regions/middle-east-north-africa/iraq-iran-gulf/iran/051-iran-is-there-a-way-out-of-the-nuclear-impasse.aspx> [Accessed 20 May 2016].

Author Information

Professor the Hon Gareth Evans AC QC is Chancellor and Honorary Professorial Fellow at The Australian National University. President of the International Crisis Group from 2000-2009, he was Australia's Foreign Minister from 1988 to 1996, and co-chaired the International Commissions on Intervention and State Sovereignty in 2001 and on Nuclear Non-Proliferation and Disarmament in 2009.