

TALKING TO THE ENEMY: NEGOTIATIONS IN WARTIME

Joseph McMillan
National War College
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TALKING TO THE ENEMY: NEGOTIATIONS IN WARTIME

Joseph McMillan

In the aftermath of the 1990-91 war in Southwest Asia, the Bush Administration has been criticized for having rejected the possibility of a negotiated settlement in favor of going to war.¹ This criticism is misplaced, however, because it shows a misunderstanding--widely shared in government, academia, and the public--of the synergistic relationship between force and diplomacy in war.

The purpose of this paper is to outline a theoretical approach to the problem of negotiating with the enemy in wartime. Americans have historically eschewed such negotiations as a general rule. Even when they undertook them in the Korean and Vietnam wars, officials saw negotiations as merely a species of diplomacy in general or at most as a form of "coercive diplomacy." By examining history, however, and particularly the Korean and Vietnam negotiations, we see that wartime negotiations are different in kind from both normal and coercive diplomacy. The difference is that between the threat and prospect of force and the fact of it.

The Relationship of Battle and Diplomacy

Undoubtedly the most famous dictum of Carl von Clausewitz is that "war is merely the continuation of policy by other means."² War is one among many instruments of power available to the statesman; his principal responsibility in war as in peace is to apply these instruments as effectively and intelligently as possible.³ Thus, in place of the unsophisticated conception of

negotiations and force as diametric opposites (pen versus sword), we should see them as complementary tools (hammer and anvil, or, better yet, wrench and screwdriver) in the pursuit of policy objectives. Wartime diplomacy is not an alternative to war but an integral part of it.

Conceiving of diplomacy and force as partners is implicit in Clausewitz's having pointed out that:

War in itself does not suspend political intercourse or change it into something entirely different. In essentials that intercourse continues, irrespective of the means it employs Is war not just another expression of their thoughts, another form of speech or writing? Its grammar, indeed, may be its own, but not its logic.⁴

Thus combat itself is a form of bargaining. Even in unconditional surrenders, a bargain is being made: the losers will lay down their arms and the victors will not massacre them.⁵

The question, therefore, is not whether one will bargain during wartime, but in what forum and to what purpose. If talking at the conference table is to supplement the "talking" done by our arms on the battlefield, what should we seek to accomplish there? Should formal negotiations be aimed only at ending the war, or can they serve other objectives? Again, the answer is suggested by Clausewitz's central dictum. War is an extension of policy by other means and "the aim of policy is to unify and reconcile" the various facets of a government's activity.⁶ Surely, then, wartime negotiations with the enemy must be aimed at achieving the policy objectives for which the war is being fought.

Simply using negotiations and combat in parallel efforts toward the same objective, however, does not take full advantage of the potential synergy between them. For that, we turn to Sun Tzu's concept of normal and extraordinary forces. "Use the normal [cheng] force to engage," said Sun Tzu. "Use the extraordinary [ch'i] to win." To optimize the mutually reinforcing relationship of battle and properly conducted wartime negotiations one ought to conceive of them as alternately cheng and ch'i.

Negotiation may be the cheng and battle the ch'i if we seek at the conference table to induce our opponent to agree to conditions that will place our forces in position to gain a military victory. For instance, the North Koreans sought to persuade the UN Command at the beginning of truce talks in 1951 to return to the status quo ante and have all foreign troops withdrawn. On the other hand, the North Vietnamese at various stages in the Indochina war used battle as the cheng and negotiation as the ch'i, as reflected in a North Vietnamese document captured in March 1969:

We must positively affirm that the strong position in which we attack the enemy militarily and politically, and our actual military and political forces on the battlefield will determine the attitude of the enemy at the conference table and the issue of the negotiations.

The Nature of Wartime Diplomacy

How is Wartime Diplomacy Different? Having established that negotiation can be used as an instrument of war, is there any

reason why the conduct of such negotiations should not proceed according to the normal rules of peacetime diplomacy, or, failing that, coercive diplomacy? The answer once more is suggested by Clausewitz. War, besides being "an extension of policy by other means," is at the same time "an act of force to compel our enemy to do our will."¹ This fact--the fact of ongoing violence--has major implications for the conduct of wartime diplomacy.

Rosemary Foot, in her history of the Korean armistice talks, laments that "goodwill, trust, and confidence, long regarded as important assets in successful negotiations, were already in short supply" soon after the armistice talks began in the summer of 1951.² Foot thus unwittingly captures one of the ways that wartime diplomacy differs from peacetime or crisis diplomacy. It is scarcely surprising that two nations engaged in mass acts of organized violence against one another would find mutual "goodwill, trust, and confidence" scarce commodities.

A second key difference is the presence of overwhelming passion as an intrinsic component of war.³ The passion of war may lead one's adversary to respond "irrationally" to one's carefully calibrated coercive signals. Not the least of the passions that affect judgments in wartime is pride, the catalyst of, among other conflicts, the Peloponnesian War of the fifth century B.C. That war began when a Spartan attempt at coercive diplomacy was spurned by Athens, thanks to the arguments of Pericles:

If you [the Athenians] take a firm stand you will make it clear to them [the Spartans] that they have to treat

you properly as equals When one's equals, before resorting to arbitration, make claims on their neighbors and put those claims in the form of commands, it would still be slavish to give in to them, however big or however small such claims may be.¹¹

Such a reaction to an ultimatum is not always irrational; it may spring from cool-headed policy as well as from popular passion. Machiavelli argues, for instance, that is better for a ruler under pressure from a superior military adversary to make his opponent extract what he wants by force than to give in to the mere threat of force:

If you yield to a threat, you do so in order to avoid war, and more often than not, you do not avoid war. For those before whom you have thus openly demeaned yourself by yielding, will not stop there, but will seek to extort further concessions, and the less they esteem you the more incensed will they become against you.¹²

Thus one can assume in wartime with even less certainty than in crisis that an opponent will respond to threats and pressure on the basis of cool, dispassionate weighing of pain and gain. In fact, it is more likely than not that the enemy will refuse to be cowed by what appears to be unopposable force.¹³ After all, in wartime the opponent has already made the decision to oppose the use of force; otherwise there would be no war.

Passion also limits the efficacy of normal or coercive diplomacy in wartime through what might be called the Gettysburg factor. In his Gettysburg Address, Abraham Lincoln asked that his audience "here highly resolve that these dead shall not have died in vain." Similar appeals are a potent antidote to pressures for compromise; they were a major factor in the hard line

taken initially by US negotiators at Kaesong, Korea, in 1951.¹⁴ As Fred Iklé notes, the greater the effort and costs expended in the war, the more likely each party will insist on its own terms for ending it. Leaders will resist acceptance of peace on less than victorious terms, especially if their home territory has been invaded.¹⁵

Yet a third characteristic of war that makes wartime diplomacy different is what Clausewitz calls friction: "everything in war is very simple, but the simplest thing is difficult."¹⁶ Where the theory of coercive diplomacy calls for strict "Presidential control of military options,"¹⁷ friction ensures that national command authorities will not be able to manage everything that happens on the battlefield. Coercive diplomacy calls for the close coordination of military and political-diplomatic action and for "confidence in the . . . discriminating character of military options,"¹⁸ all of which are next to impossible when the forces carrying out those options are under enemy fire.¹⁹

Finally and perhaps most obviously, wartime diplomacy differs from normal diplomacy in the difficulty of finding compatibility in opposing interests and objectives. The purpose of normal diplomacy, as explicated by François de Callières in the eighteenth century, "is to harmonize the interests of the parties concerned."²⁰ Doing so, however, requires that the interests of the two countries be potentially compatible; the diplomats' task is to find the compatibility and present it persuasively to their respective governments. In war, however,

the interests of the two parties are, at least initially, not susceptible to harmonization. If they were, the belligerents would presumably not have gone to war in the first place. Wartime diplomacy, to a much greater degree than normal diplomacy, approximates a zero-sum game. One must therefore seek to gain either military or moral ascendancy over, before establishing reconciliation with, the adversary.

Why Negotiate? If wartime negotiations hold no greater opportunity than combat for harmonization of interests on the basis of rational discussion, why would a nation at war divert attention from the purely military struggle to negotiate at all? There are several reasons.

The most obvious is that the weaker side at any given moment may want to suspend military action if that seems to be the only way to stave off outright defeat. But the weaker side may also see a halt in the fighting as advantageous because it expects to become stronger or its opponent to become weaker through the passage of time. In that case, the side that expects to gain from delay will bargain not to achieve a settlement but only to buy time. Even the stronger side may bargain for time if it believes delay will further shift the odds in its favor and increase the chances of decisive victory at low cost.²¹

Occasionally both sides will conclude simultaneously that delay would be beneficial, either because of imperfect intelligence or because they are pursuing divergent strategies. For example, both Athens and Sparta expected to gain an advantage

from their truce in 423 B.C. Sparta wanted to use the truce as an indirect attack on the Athenians' will, believing that once democratic Athens got a taste of peace after more than a decade of war it would be impossible to return to fighting. Athens, by contrast, saw the truce simply as an opportunity to rebuild its defenses without Spartan harassment.¹²

In short, it is not only the side on the defensive at a given moment that may favor negotiations. The United States rejected allied and neutral calls for a negotiated settlement in Korea both in the fall of 1950, when UN forces seemed to be on the verge of unifying the peninsula under a democratic government, as well as a few months later, after China drove them back south of the 38th parallel. Settlement when things were going well might have caused the US to miss opportunities for further gain, while settlement under adversity was unacceptable because it implied defeat. In Korea, it was only when both sides found themselves unable to make military progress on the ground that armistice talks actually opened.¹³

Skillful negotiators can contribute to the attainment of a country's war aims in other ways besides buying time, as Callières and Le Duc Tho realized some 250 years apart. They can generate unrest within the enemy state, foment distrust between rival factions of the enemy government, and drive wedges into the opposing alliance.¹⁴ Such were the aims of the North Vietnamese approach that Douglas Pike labeled the regular force strategy, which saw negotiations as a means of diminishing the enemy's

military capabilities to set up an outright victory on the battlefield.¹⁵

Negotiations can also provide the path to tactically or strategically convenient de-escalation. For example, the North Vietnamese supporters of what Pike called the neorevolutionary guerrilla war strategy envisioned negotiations' ending conventional military activity on both sides, thereby permitting unconventional military, propaganda, and political activity to take precedence in attaining the ultimate victory.¹⁶

Conversely, negotiations can provide political cover from the public and one's allies for the pursuit of a predominantly military solution. When General Omar Bradley, the Chairman of the Joint Chiefs of Staff, and Charles Bohlen, the Counselor of the Department of State, visited Korea in early fall 1951 to examine the need for an armistice, they concluded that UN military prospects were excellent; there was no need to press for a quick settlement at the truce talks. Bohlen suggested, however, that the talks should not be broken off but rather strung out to keep the United States' allies happy.¹⁷

Finally, using negotiations rather than military force to achieve objectives where it is possible to do so is a classic application of the principle of economy of force. The waste of strength of any kind is as contrary to the fundamental principles of statecraft as it is to those of war.¹⁸ The statesman is bound to use the instrument to attain his objectives which will result in the least drain on resources that may later be required

to achieve other objectives. For example, if one can break apart an enemy alliance through negotiations, and thus put the remaining adversary in an untenable position, doing so is obviously preferable to trying to defeat the entire enemy alliance on the field.

A Doctrine of Wartime Negotiations

Sun Tzu said, "What is of supreme importance in war is to attack the enemy's strategy. Next best is to disrupt his alliances. The next best is to attack his army."¹³ Wartime negotiations offer us the possibility of achieving all three of these ends. Using them successfully, however, is an art that requires the development of doctrine every bit as much as combat does.

A doctrine of wartime negotiations should have two fundamental elements. First, as an extension of war, wartime negotiations should be governed in large measure by the principles of war. At the same time, as a form of diplomacy, wartime negotiations should also be governed by the principles of negotiations in general.

Negotiations and the Principles of War. US military doctrine recognizes nine principles of war: objective, offensive, mass, maneuver, economy of force, unity of command, security, surprise, and simplicity.¹⁴ While mass and maneuver are specifically concerned with the handling of combat forces on the battlefield, the other seven principles are applicable to wartime negotiations in some degree. To illustrate how the principles of war can be

applied to wartime negotiations, we shall examine three of them: objective, offensive, and security.

The Objective. "If we keep in mind that war springs from some political purpose," said Clausewitz, "it is natural that the prime cause of its existence will remain the supreme consideration in conducting it."¹¹ Thus the political object being pursued by a nation naturally determines both its battlefield and negotiating objectives, which should always be related even if they are not the same.¹²

Because of the nature of military force, military objectives are often several steps removed from the national policy objectives on which they are based. By comparison, negotiating objectives should be much closer to the national policy objectives, because the negotiator is free to address policy issues directly rather than, as the military commander often must, by proxy. In other words, the negotiator's aim should be the attainment of policy, not military, objectives. As a tactical matter, the best way to achieve policy objectives may indeed be an ostensibly "military" agreement if such an agreement puts one in a better position to seize the policy objective afterward. But the negotiator should not be trapped into seeking military agreements as a substitute for pursuing the nation's policy aims.

For example, communist negotiators at the Korean armistice talks at Kaesong and later at Panmunjom pursued permanent acceptance of the 38th parallel as the dividing line between the two Koreas and the withdrawal of foreign forces from the peninsula.

By contrast, the JCS guidance to General Matthew Ridgway was to address only military questions: the cessation of hostilities, assurances against the resumption of fighting, and the security of UN forces. He was not permitted to discuss political issues of any kind, and his proposal to have two State Department officers present as political advisers was vetoed by Washington on the grounds that doing so might prompt the enemy to try to introduce political questions into the talks.³³

The limitations placed on Ridgway and his negotiating team may have been understandable in light of the tradition that military officers do not negotiate political settlements. After all, when Robert E. Lee proposed that he and U. S. Grant meet at Appomattox Court House to discuss "the restoration of peace," Grant replied in accordance with prior guidance from the Secretary of War that he had "no authority to treat on the subject of peace."³⁴ But in the case of Vietnam, negotiations were conducted in political rather than military channels, yet US negotiators still insisted on addressing only military issues rather than pursuing an agenda of concrete policy objectives.

By contrast, North Vietnamese negotiators, following the North Korean example of the 1950s, directed their efforts toward realizing the Vietnamese Communist Party's long-standing political goals. The Vietnamese communists continued to insist until quite late in the negotiations that political issues be discussed before such "purely military" ones as cease-fires and exchanges of prisoners of war.³⁵ And when they finally agreed to a sup-

posedly military settlement, it was only because doing so would create conditions precedent to military conquest of the South.

The Offensive. Taking the offensive in the context of wartime negotiations means, even in a defensive war, that the negotiator in concert with the military commander-in-chief should "seize, retain, and exploit the initiative" as "the most effective and decisive way to attain a clearly defined common goal."³⁶ Just as "a defensive campaign can be fought with offensive battles,"³⁷ so a defensive war can be fought with an offensive negotiating strategy.

Controlling the initiative at the conference table is best accomplished by taking advantage of the interaction of diplomacy and combat, sometimes with combat as the cheng or ordinary force and diplomacy as the ch'i, and sometimes the opposite. The question, of course, is how military force can best be used to enable negotiators to exploit the diplomatic initiative and vice versa.

The essence of the application of force to set up negotiating initiatives is, of course, coercion. According to Clausewitz,

if the enemy is to be coerced you must put him in a situation that is even more unpleasant than the sacrifice you call on him to make. The hardships of that situation must not of course be merely transient--at least not in appearance."³⁸

Characteristically, Sun Tzu says much the same thing more concisely: "Seize something he cherishes and he will conform to your desires."³⁹ If the enemy thinks the pain you intend to in-

flict will be temporary, he may try to wait you out. The object is therefore to show him that continuing to fight will be less advantageous than accepting the offer you are making him."⁴³

Three possibilities present themselves to accomplish this task. First, one may use carefully calibrated military actions to signal one's interest in a peaceful settlement on the one hand but one's willingness actually to use force if a settlement is not forthcoming. Secondly, one may attempt by gradually mounting pressure to break the enemy's will to resist. Finally, one may negotiate while continuing to prepare and use decisive military force in an effort to make resistance militarily impossible if the proffered settlement is rejected. Only the last of these is dependably effective.

The idea of using military force as a way of sending subtle messages has been popular in the post-Nagasaki era of limited war. The concept is intertwined with academic strategists' theories of coercive diplomacy, but it is not confined to them. Thus the Joint Chiefs of Staff in spring 1964, while ostensibly deploring the sending of time- and resource-wasting messages, still justified their advocacy of stronger military measures not as a way to achieve a military decision or to set up a diplomatic decision, but as a way to "underscore our meaning that after more than two years of tolerating this North Vietnamese support we are now determined that it will stop."⁴⁴ In other words, the JCS did not object to sending a message; they just wanted it couched in stronger terms.

As we have already discussed, passion and friction make it unlikely that subtle signals will be perceived and acted upon by the adversary in time of war. An alternative approach tried in both Korea and Vietnam is to use force not as a signaling mechanism but as a means of inflicting such intense pain on the enemy population and government that the enemy will see the light and come to terms.

General Mark Clark, when he took command of UN forces in Korea in May 1952, believed that inflicting such pain by bombing North Korean utilities and factories was the way to get the communists to accept the compromise settlement proposed by the UN Command. The effort was without notable success. After President Truman authorized the strikes, the US Air Force and Navy bombed North Korean facilities vigorously throughout the summer, causing considerable damage and deprivation, yet in the fall the UN and the communists were no closer to a negotiated settlement than they had been in the spring.⁴²

Even the Christmas bombing of North Vietnam in 1972, often cited as an instance in which pain-causing pressure brought about an agreement, was of dubious effectiveness. Hanoi and Washington had already agreed on the terms of the agreement signed in January 1973 as early as October 1972. Not until the Thieu government in Saigon condemned the agreement as a thinly veiled sellout did President Nixon consider stepping up military pressure in hopes of driving a better bargain.⁴³ Even then, it was only when the North Vietnamese delayed in responding to Saigon's

recommended revisions--delays that seemed aimed at postponing agreement until a new dry season offensive could be undertaken--that LINEBACKER 2 was implemented. Yet the end result, despite the military effectiveness of the bombing campaign, was the same agreement that had been reached three months earlier."

Coercing someone to abandon his fundamental beliefs is never easy. History suggests that it is extraordinarily difficult to persuade a leader who has taken his nation to war to take it back out again without having gained the objectives for which he entered it. Cognitive dissonance makes it unlikely that an enemy decision-maker will perceive our pressures and signals other than as reinforcing the correctness of the policy decisions he has already made. This is especially the case in war, when the element of passion plays an increasing role vis-à-vis reason. Slowly increasing pressure, such as the United States attempted to exert in Vietnam, is especially unlikely to break this mindset. If pressure is to have any chance of working, it must be applied in the form of the sudden, unbalancing shock of decisive military action--the dropping of nuclear bombs on Hiroshima and Nagasaki, for instance."

If sustained pressure has historically not been effective, the coercive diplomacy theorists' notion of pressure interspersed with "pauses for peace" has been even less so. A policy of intermittent pressure, in which force is turned off and on at will, implicitly suggests to the enemy that one is not going to seize something he cherishes, that one is not going to seek

outright victory on the battlefield." If the enemy believes Clausewitz, he is likely to think despite what was said above that only the weaker side in a war has an interest in stopping the fighting. He will therefore conclude that a policy of intermittent pressure must reflect fundamental weakness, in which case his incentive is not to come to terms but to ride out the storm. Historically, the only contribution of such pauses has been to enable the party granted the reprieve to rearm and dig in for the eventual resumption of the battle. That was what the Athenians did in 423 B.C., what the North Koreans did when the UN forces gave them a 30-day "demonstration of good faith" in 1951," and what the North Vietnamese did during the 1968 bombing halt.

The key to successful wartime negotiations, then, is to put the enemy constantly at risk of military defeat, to ensure that his most palatable alternative is acceptance of one's current offer. This means, of course, that one cannot realistically make demands at the conference table that are clearly beyond one's military capabilities to extract by force. It also means refusing to rule out the use of decisive force to achieve the policy goals through military means. Only by leaving this option open and by continuing the military campaign as planned can one convince the adversary that failure to accept the current offer will result in a worse rather than a better situation.

Korea provides an excellent example of failure to abide by this principle. The United Nations Command agreed in principle

as early as July 22, 1951, that the cease-fire line would follow the line of contact between UN and communist forces, generally a little north of the 38th parallel. Because of this agreement, North Korea was never again at serious risk of a substantially worse outcome as the price for refusal to accept UN offers. In fact, the JCS instructions to Ridgway in the months leading up to the opening of truce talks in 1951 had explicitly rejected any general advance into North Korean territory; Ridgway was restricted to improving his defensive position and repelling attacks.⁴⁸

Thus, once the negotiations began, UN forces never seriously placed the communist forces at risk of losing ground. After early fall 1951, UN forces contented themselves with attacks on limited local objectives as opportunities arose--albeit at considerable cost.⁴⁹ By the time a 30-day time limit on resolution of issues other than the demarcation line expired in December 1951, it had become politically infeasible to launch a major ground offensive, regardless of the military desirability of doing so, as long as the communists were prepared to keep talking.⁵⁰

Security. It goes without saying that in attempting to manage the synergistic application of force and diplomacy, it is as important to prevent the enemy from gaining information on our negotiating plans as on our operational plans. The United States, however, faces a special challenge in this regard. Our ability to conduct wartime diplomacy in secret is weakened not

only by the existence of a free press and the constitutional tension between the Executive and Legislative branches, but by the inevitable presence in the Executive branch of a few senior officials who find it useful to promote their own political careers by excessive public explanation of diplomatic strategy.

When "spin doctors" insist on explaining the internal policy process or putting prolix glosses on carefully crafted policy statements, they undercut the effectiveness of wartime diplomacy, especially to the extent that the administration is seeking to use diplomacy and combat as Sun Tzu's cheng and ch'i. If the President threatens the use of military force, someone can usually be found who will tell the press that this is merely for psychological effect and that the President is not really going to do what he threatened. Officials, uniformed or civilian, who engage in this type of behavior are endangering lives as surely as the leaker of operational information, and they certainly deserve retribution equal to that meted out to Service chiefs who disclose targeting information to the newspapers.

War and the Principles of Negotiations

Knowing Your Opponent. Knowing the enemy is as important in negotiations as in combat, and even more in wartime than in normal diplomacy. "Determine the enemy's plans," said Sun Tzu, "and you will know which strategy will be successful and which will not."¹¹ It is through knowing the enemy that one can discern what Clausewitz called the "center of gravity . . . the hub of all power and movement, on which everything depends."¹²

Philosophers of diplomacy are equally insistent on having full knowledge of the enemy's intentions. "It frequently happens in negotiations as in war," François de Callières advised Louis XV, "that well-chosen spies contribute more than any other agency to the success of great plans."

Knowing the enemy's negotiating strategy is of special importance. In negotiating with North Vietnam, for instance, the United States tended to perceive North Vietnamese proposals as maximal demands that would be the starting point of accommodative negotiations. In fact, however, the North Vietnamese considered them the irreducible minimum acceptable settlement.⁵³ Because the US side did not understand the North Vietnamese negotiating strategy, it continually made concessions that were not reciprocated but once made became irreversible.

American policy-makers also had little idea how the North Vietnamese would react to US actions on the battlefield or at the conference table. Much of US strategy was consequently based on wishful thinking. American officials admitted after the war that, with the exceptions of Ho Chi Minh and Nguyen Vo Giap, they knew little about the leaders of North Vietnam. As Wallace Thies observes, "Surely this must stand as one of the more amazing aspects of an amazing war--an American Administration attempting to coerce a group of foreign leaders about which it knew 'virtually nothing.'"⁵⁴

Linkage. One advantage the negotiator has over the general is the ability to trade concessions in the immediate theater of war

for gains of greater importance to the national interest elsewhere. Thus Chinese negotiators in the spring of 1951 were prepared to make major concessions on their role in Korea, including the establishment of a demilitarized zone south of the Yalu River, provided the United States Seventh Fleet was withdrawn from the Taiwan Straits and Washington rescinded its recognition of the Nationalist government at Taipei.⁵⁵

Willingness to Walk Away. The fatal error in wartime negotiating is the pursuit of a negotiated settlement at all costs. The negotiator must not act hastily just to get the negotiations to an end but must finish them to his nation's advantage. He must "pursue with constancy a resolution once adopted till it is carried into effect."⁵⁶ A negotiated settlement should never be an end in itself, especially when the nation's leaders have by definition decided that the policy objectives being pursued are worth expending the lives of its young men and women.

Still worse is the bizarre practice of setting a negotiated settlement as the policy objective itself. This was a major mistake in Korea that was duplicated two decades later in Vietnam. This approach apparently stems from the belief that any settlement is preferable to continued fighting. But if that were true, the government should never have committed troops to combat in the first place, since it surely could have bought a "peaceful settlement" at some price.

Alternatively, if the political situation has so changed that the attainment of the original war objectives is no longer

worth the cost, a government that seeks a negotiated settlement above all else may as well simply withdraw from the war without an agreement, since the end result is likely to be the same in any case.

In Korea, the Truman Administration felt strong pressure as early as December 1951, from both the American public as well as from the United States's European allies, for a quick cease-fire based on a minimally acceptable settlement. Washington consequently instructed successive UN commanders to back away from tough negotiating positions on key issues (e.g., the repair of airfields and limitations on troop replacements) if standing fast might endanger the diplomatic process. In effect, Washington told its negotiators that nothing was worth walking away from the table over.⁴⁷

The Vietnamese case is, if anything, even more egregious. Whereas North Vietnamese leaders evaluated every proposal for negotiated settlements on the basis of whether it would move them "even in a small way, toward unification,"⁴⁸ the US government saw itself not as "negotiating while fighting" but as "fighting to negotiate." The United States was committed as a matter of principle to a negotiated settlement of the war, despite the realization that such devotion to negotiation for its own sake would leave the door open for Hanoi to extract extraordinary concessions.⁴⁹ If the North Vietnamese did not already understand the American attitude, surely it was made clear to them by Washington's eagerness to get talks going: between 1965 and

1968, the Johnson administration made 2,000 separate approaches to Hanoi--more than one a day--to initiate negotiations. Even at times when American officials were optimistic that US forces were making progress toward a battlefield victory, the administration continued to offer gratuitous concessions to get peace talks under way.⁶⁰

The eagerness for a negotiated settlement eventually led to an agreement that unnecessarily contradicted the United States' original reasons for entering the war. Although Richard Nixon remained committed to the concept of a lasting peace in Southeast Asia based on a strong South Vietnam, Henry Kissinger feared that a Republic of Vietnam capable of carrying on the war would undercut the objective of a negotiated settlement. At the same time, Kissinger realized that as more US troops withdrew without an agreement, the less likely it was that he would be able to obtain one at all. For negotiations to "succeed," they had to do so quickly. Kissinger therefore negotiated secretly to achieve an agreement that effectively foreclosed any chance of the survival of an independent South Vietnam.⁶¹

Coming to Closure. Statesmen must, throughout the negotiating process, keep in view the question of means and ends, and especially the concept of sunk costs. At some point, they must judge whether the combination of force and diplomacy has sufficiently attained the war aims to move on to war termination. In Korea, all major points between the two sides were agreed as early as spring 1952, with the exception of the forcible repatriation of

prisoners of war held by the United Nations. The fighting beyond that point was therefore solely over this one issue. Important as the principle was, one must question whether winning it justified the expenditure of lives and fortune made by the UN forces in the two years that it was debated.⁶²

Negotiations and the War in the Gulf

The United States' most recent experience with wartime diplomacy was during the 1990-91 war to liberate Kuwait from Iraq. Some may object that there was no negotiating during DESERT STORM, but as we saw at the beginning of this study, negotiations can take many forms. While there were no traditional face-to-face negotiations, communications through the public media and third parties, the two presidents' televised addresses to each other's publics, and direct discussions in a variety of venues were at least indirect negotiations.

Furthermore, it is a mistake to limit the period of the war to the phase known as DESERT STORM. At least one member of the coalition was at war with Iraq from August 2, 1990. More importantly from an American point of view, the US Navy began using force to guarantee compliance with the UN sanctions on August 17. This was a blockade in all but name and a blockade is an act of war. We were therefore at war in all but name from August on.

Thus there were ample instances of wartime diplomacy during the war with Iraq, the analysis of which offers a useful way of summarizing the doctrine of wartime negotiations.

It is clear that the United States and its allies learned from the Vietnam experience the importance of keeping the objective in view in both combat and diplomacy. In the first place, the policy objectives in the Gulf were tangible and substantive rather than procedural--e.g., Iraq would get out of Kuwait and allow the return of the rightful government. The Administration's clarity on these objectives was illustrated by Secretary of Defense Dick Cheney's insistence before Congress that the measure of the effectiveness of economic sanctions was not the devastation of the Iraqi economy but whether Iraq left Kuwait.⁵¹

Furthermore, when the US Government considered talking to the Iraqis, it insisted that any settlement satisfy its policy objectives. Washington's coalition partners (with the exception of President François Mitterand's abortive mediation attempt) followed suit. The United States and the rest of the coalition were adamant that they would not negotiate down from the terms of the UN Security Council (UNSC) resolutions.⁵²

In two areas, however, the United States remained tied to the legacy of coercive diplomacy theory. One was its obsession with the idea that the Iraqis simply did not understand that the United States was serious. US decision-makers including the President, Secretary of State, and Chairman of the Joint Chiefs of Staff continued to express the view until almost the start of DESERT STORM that the problem was a failure to communicate.⁵³ Among the top leadership, only Cheney seemed to appreciate that Saddam might gain politically merely from standing up to the

United States, as Machiavelli would have advised five centuries earlier.⁶⁶

The other legacy of coercive diplomacy theory was the eleventh-hour offer, after the UNSC vote on use of force, to send Secretary of State James Baker to Baghdad and receive Tariq Aziz in Washington. Although Baker blames Soviet insistence on this "pause for peace" as the price for its vote on the UNSC resolution, National Security Adviser Brent Scowcroft's explanation that the President wanted to leave "no stone unturned for peace" suggests that domestic political considerations were at work as well. In any case the Arab coalition partners were appalled at the decision, recognizing as Machiavelli and Clausewitz would have predicted that Saddam would see the swing from ultimata to conciliation as vacillation and weakness.⁶⁷

The saving graces, however, were the use throughout this period of the interplay of force and diplomacy to promote the attainment of the United States' policy objectives and the retention of the initiative on the part of the coalition. Doubling the force level in Southwest Asia may have sent a signal but it also set the stage for a realistic offensive military option. When the shooting started, the coalition wasted no effort on attempting through pressure--graduated or otherwise--to break the will of the Iraqi government. Instead, the air campaign was devoted to (a) destroying the Iraqi armed forces' ability to resist and (b) enhancing the likelihood that the

ground strategy chosen by the theater commander would achieve the surprise and disruption for which it was designed.

Last and perhaps most vital, the administration resisted the advice of many in Congress and the private sector to seek a peaceful solution for its own sake. When Iraq, speaking through the Soviet Union, finally "accepted" UNSC resolution 660, the administration did not jump on this "acceptance" as it would have done twenty years earlier as the excuse to stop shooting and start talking. Instead, it responded by preparing to use a diplomatic settlement on US terms as the ch'i to close out the victory set up by the air campaign's cheng.⁴

In the final analysis, despite minor shortcomings, US wartime diplomacy in the war with Iraq was a classic use of diplomacy and force as complementary instruments for the attainment of national objectives. The fact that it ultimately took the forcible ejection of Iraqi forces to achieve those objectives in no way detracts from the Bush administration's use of wartime diplomacy. Indeed, one of the enduring lessons of DESERT SHIELD and DESERT STORM may be that the sophistication of US wartime diplomacy had come as far from the Vietnam era as the quality of the US armed forces.

Can the US Use Wartime Negotiations Effectively?

In summary, then, negotiations can and should be a natural and effective complement to combat in pursuing the policy objectives of war. Wartime negotiations are used most effectively when they and combat are used in a synergistic cheng-ch'i combi-

nation--negotiations setting the stage for decisive military action and vice versa. Indeed, the ideal employment of wartime negotiations and combat would be a succession of applications in which the roles of cheng and ch'i alternate between diplomacy and force.

The mutually reinforcing relationship between talking and fighting is implicit in the teachings of the great philosophers of both war and statecraft. Yet the United States, when it has seriously pursued wartime negotiations at all, has rarely done so effectively. It behooves us to consider why, and whether there is something in the American culture or political system that militates against effective uses of this instrument of policy.

On the one hand, the American people will probably always perceive the skillful use of wartime diplomacy as unpleasantly cynical. As noted above, effective wartime diplomacy sometimes means negotiating in what appears to be bad faith, using the conference table to buy time, or delude allies, or set up a military knockout blow--all things that do not accord well with our conventional ideas of fair play.

Perhaps more fundamentally, an American ideology rooted in the eighteenth-century Enlightenment tends to reject the very notion of war as a purposive undertaking of state. Modern Westerners and particularly Americans are inclined to see war in general as the result of the flawed and irrational organization of international politics, a deviation from the natural order of the universe, and a nettlesome distraction from "life, liberty,

and the pursuit of happiness." Only in the case of an almost Manichean confrontation between good and evil--in effect, a war to end wars--can the rationalist Enlightenment world-view be reconciled to abandoning peace. It is obviously difficult for the layman to perceive a moral role for negotiations in a war against unmitigated evil, while in a war of any lesser consequence there will be strong pressure for a negotiated settlement on the grounds that almost any peace is preferable to war. In other words, it is difficult to harmonize the world of Clausewitz and Machiavelli with that of Locke and Rousseau, Thomas Jefferson and Woodrow Wilson.

On the other hand, the example of the Persian Gulf War of 1990-91 (in which the use of negotiations with the enemy was admittedly modest) indicates that it may be possible despite the impediments in our political culture for American statesmen to use wartime diplomacy successfully. There are two principal prerequisites to doing so consistently: (1) developing a sophisticated interagency doctrine of wartime diplomacy along the lines discussed above, and (2) building and strengthening the consensus that supports the policy objectives of the war to an extent that will sustain the use of diverse instruments of statecraft, military and diplomatic, to attain them.

The successful use of wartime diplomacy to complement and play off military strategy demands a great deal of political leaders. They must develop and articulate clear, realistic policy objectives and ensure that both military and diplomatic

officials direct their respective operations toward them. They must also explain these objectives to the public coherently and honestly. At the same time, considerable discipline is required within the government to ensure that the intended interplay of cheng and ch'i is not undermined by excessive public discussion of political-military strategy and tactics.

Most importantly, political leaders must constantly keep in view the reality that, in wartime, they are morally obliged to use the resources available to the nation prudently, economically, and effectively to achieve the objectives whose attainment they have already decided is worth sacrificing the lives and fortunes of the American people. Used properly, wartime negotiations can provide formidable economy of force and save countless lives; used improperly, as they were in Vietnam, they represent the betrayal of the men and women the statesman has sent to war.

NOTES

1. See Drew; Friedman and Tyler.
2. Clausewitz 87 (I.1.xxiv).
3. Clausewitz 76, 607 (I.1.iii; VIII.6.B).
4. Clausewitz 605 (VIII.6.B).
5. Schelling 126, 136.
6. Clausewitz 606 (VIII.6.B).
7. Quoted in Goodman 90. Emphasis in original.
8. Clausewitz 75 (I.1.ii).
9. Foot 73.
10. Clausewitz 76 (I.1.iii).
11. Thucydides 119 (I.140-141).
12. Machiavelli 313 (II.14).
13. Thies 9-10, 12-13.
14. Foot 31-38.
15. Iklé 59-60, 69.
16. Clausewitz 119 (I.7).
17. George, "Development" 9.
18. George, "Development" 10.
19. Thies 296-97.
20. Callières 110.
21. Clausewitz 82 (I.1.xiii).
22. Thucydides 334 (IV.117).
23. Foot 20-21, 39.
24. Callières 16.
25. Pike 141.

26. Pike 147.
27. Foot 51.
28. Clausewitz 78, 81, 92 (I.1.vi, I.1.xi, I.2).
29. Sun Tzu 77-78 (I.4-5).
30. JCS Pub 3-0 Appendix A.
31. Clausewitz 87 (I.1.xxiii).
32. Clausewitz 81 (I.1.xi)
33. Hermes 16, 20-25.
34. Robert E. Lee, letter to U. S. Grant, 8 Apr 1865, quoted in Foote 933; U. S. Grant, letter to Robert E. Lee, 9 Apr 1865, quoted in Foote 937.
35. Thies 183; Goodman 86.
36. JCS Pub 3-0 A-1.
37. Clausewitz 357 (VI.1).
38. Clausewitz 77 (I.1.xiv).
39. Sun Tzu 134 (XI.28).
40. The same basic point is made by contemporary theorists of coercion; see, e.g., George, "Development" 26-27 and Schelling 89.
41. Gravel edition of the Pentagon Papers III:172-73, quoted in Thies 35.
42. Hermes 320-25.
43. Recognition shared at the time by US officials at all levels in Washington and Saigon, including, presumably, Kissinger himself.
44. Goodman 130-35, 143-46, 158-63.
45. Thies 262-267.
46. Thies 4.
47. Hermes 181.
48. Hermes 13, 33-40; Iklé 89.
49. Hermes 86-87, 110-111.

50. Foot 53.
51. Sun Tzu 100 (VI.20).
52. Clausewitz 595-96 (VIII.4).
53. Goodman 26.
54. Thies 220.
55. Foot 28.
56. Callières 29, 36.
57. Hermes 130, 154, 160.
58. Pike 150.
59. Goodman 18-19.
60. Goodman 46-47.
61. Goodman 87-89.
62. Foot x.
63. Gulf Crisis episode 2.
64. Aspin 6-7.
65. See, for example, Woodward 261-62; comments of James Baker, Dennis Ross, Richard Haass, Colin Powell, and Paul Wolfowitz on Gulf Crisis; and remarks of William Webster cited in Aspin 8. Bush's televised address to the Iraqi people and the Baker mission to Baghdad were both characterized as attempts to make Saddam Hussein see the seriousness of American resolve; even the doubling of the American troop presence in Southwest Asia announced on November 8 had an element of signaling involved.
66. Woodward 274.
67. Gulf Crisis episode 2.
68. On February 22, President Bush gave Iraq one day to begin a complete and unconditional withdrawal from Kuwait. Iraqi forces were to be out of Kuwait City in 48 hours and completely out of Kuwaiti territory within a week. Coalition forces were to be given full control of Kuwaiti airspace and Iraqi combat flights over both Iraq and Kuwait were to be terminated. Other terms were laid down for the release of prisoners of war and civilian detainees, removal of mines and other explosives, and cessation of the destruction of Kuwaiti property. The only coalition concession was that coalition

forces would not fire on Iraqi troops departing Kuwait under the prescribed conditions. George Bush, Statement, 22 Feb 1991, Sifry and Cerf 345; Marlin Fitzwater, Statement on Behalf of George Bush, 22 Feb 1991, Sifry and Cerf 345.

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