



Dennis Ross

Getting Past “No”

Not many 800-page tomes can be described as page-turners. But the 848-page book that Dennis Ross published in 2004 does fit that description. Called *The Missing Peace*, it chronicles the dramatic efforts that he and others made over a twelve-year period to broker peace deals between Arabs and Israelis. Ross served as director of policy planning for the U.S. State Department under President George H. W. Bush. He was also a special envoy to the Middle East under President Bill Clinton, and a special assistant to President Barack Obama and the National Security Council. Currently, he is a full-time fellow at the Washington Institute for Near East Policy. In March, Ross spoke about his extraordinary experiences as a diplomat in an interview with *California Lawyer* contributing editor Martin Lasden. Here are edited excerpts from that videotaped discussion.

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Q: In *The Missing Peace*, you write about the cherished fantasies of both Palestinians and Israelis, which you call myths. So, as a mediator, did you feel it was your role to try and talk the two sides out of those myths?

My role was to take the emotional issues and see how we could begin to disaggregate them; how we could adopt a practical approach to them.

Sounds a little bit like therapy.

You know, it's funny, when I was doing the book tour for *The Missing Peace*, almost every time I did a talk I'd have a psychologist or psychiatrist come up to me afterwards and ask if I had a lot of psychological training. And I would say no. But as a mediator you are dealing with people, you're trying to figure out what drives them, and one of the hardest things to do in that situation is to

get each side to recognize that if they want their needs addressed, they have to address the other side's needs. So much of what I did I would describe as a kind of educational process.

Let me pose a hypothetical that I think will sound painfully familiar to you. Let's suppose you're in a room with two sides that have been at odds with each other for a very long time. They don't trust each other, and they probably don't like each other. But more important, neither side wants to be the first to propose any major concessions, out of a fear that the other side will simply pocket those concessions and then use them as a starting point for whatever negotiations follow. As a mediator, how do you break through that?

What you call painfully familiar I would say is endemic. It's the essence of what you're always dealing with. One technique is to suggest parallel or simultaneous moves. That's probably the best approach, because then neither side is making the first move. You say, "Look, what if we were to do the following?" And sometimes you do that as a way of testing to see what their reaction will be.

I once explained to a secretary of state that when you're in the Middle East, you don't take "no" for an answer. The first "no" you get is just a reflex; it doesn't matter what you're suggesting, the answer is always "no." The second "no" is to test you. "Do you really care about this? Is this important to you?" The third "no" is, "All right, now we're bargaining." And then the fourth "no," they'll still be bargaining.

You write: "Every negotiation is about manipulation, with each side trying to convince the other side that its red lines are truly red while the other's are simply pink." Does that mean that to be an effective negotiator you have to be deceitful?

I wouldn't say deceitful. But I would say that in negotiations you are constantly holding back. Nobody wants to look like they're too eager. Nobody wants to be the first to be making concessions. So you're hiding. Deceit is being dishonest. Hiding is protecting.

But you have to look like you're not hiding when you're hiding, right?

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Well, that's where the manipulation comes in.

You use the word manipulation, but then you also argue that there needs to be trust. How does manipulation live with trust?

It's really hard. First of all, when you make certain promises during a negotiation you always have to deliver on them. That's one of the ways you build on a relationship and show you can be counted on. Second thing is, you never bluff, because that's not real and what you're doing has to have a certain reality to it. And thirdly, be prepared at certain points to do things that the other side knows are hard for you.

In mediation, how effective would you say the "good cop, bad cop strategy" is? It is, after all, the oldest trick in the book.

If it feels like a manipulation, it's unlikely to work. But it can be effective if it's genuinely believable. After all, the people you're dealing with want to feel that there's always someone in their corner. And oftentimes there's a reason it's genuinely believable—not because it's an act, but because there's a dynamic there that's real.


In the stressful, high-stakes negotiations, how much swearing goes on?

(Laughs.) Remember the Nixon tapes?

That bad, huh?

It depends. At certain moments, absolutely. I would say that it's much more prevalent during the preparations on each side, and much less so when the two sides actually get together.

With all the extraordinary experiences you've had as a mediator and negotiator, how much of an edge would you say you have when you're at home with your wife?

I was once asked ... whether I bring my negotiating skills home with me, and my response was that with my wife, absolutely: I simply engage in preemptive surrender. 

Watch the full interview at www.callawyer.com.