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ceive the Dutch negotiator? In general, as competent⁴. The NNN survey among some foreigners confirms this picture, but adds a few observations. The French among the interviewees see the Dutch as very much 'to the point', but also as rigid and lacking relevant social interaction. The Germans find the Dutch too informal, too inflexible, but often giving-in too much at the very end. The Brits were of the opinion that it was difficult to influence the Dutch negotiator, who, in general, approached the negotiation in a very rational way. The Americans thought the Dutch to be too much focused on facts and figures, ignoring the process of give and take. All of the interviewees saw the Dutch negotiator as somebody who did not enjoy the bargaining process and neglected it, stubborn in giving in, and being very goal oriented.

Observations from literature and newspapers confirm the overall picture of a Dutch negotiation style being direct and inflexible, focused on outcome and issue instead of process and people, while the question of being collaborative or cooperative remained quite undecided. However, most Dutch interviewees from the survey for this article thought that present Dutch negotiation behavior at present is predominantly confrontational. What will be the impact of the Dutch negotiation style on the future negotiation processes of the representatives of the Kingdom of the Netherlands in a more and more interdependent world? First of all, not much, as the Netherlands are no longer an important international or EU-player. Second of all, for the Dutch themselves it might mean more and more international isolation. For an open economy like the Dutch, that does not seem to make sense.

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THE CRISIS NEGOTIATOR: REFLECTIONS ON AN INTERVIEW WITH MICHEL MARIE

"Success in negotiation is often not a matter of chance, but the result of good planning and specialized skills" (Saner, 2008: 17). However paradoxical, this is true even for crisis negotiation. While the unexpected, uncertain, and urgent nature of crises might suggest that they cannot be prepared for, it is precisely these factors that make planning and skill crucial to successful crisis negotiation. In a recent interview, Michel Marie, a criminologist, crisis negotiator, and project manager at CIVIPOL, shed light on both of these vital issues, as well as on the difference in approach between Europe and the United States to crisis negotiation, and the influence of politics and the media on this practice. At the basis of Michel Marie's extraordinary insight in these matters lies a dynamic and impressive career in law enforcement.



MICHEL MARIE: A SHORT BIOGRAPHY

Michel Marie (58) began his career as a criminal investigator in the police force of a small French town at the

age of 21. A few years later, he joined the Criminal Investigation Service of the Parisian police force. At that time, France did not have a centralised approach to crisis situations; if one occurred, 'regular' police officers rather than experts would handle it at their own discretion. This changed in 1985 when the French National Police set up RAID², (no space) a special operations tactical unit comprising major crisis management experts. Mr Marie, who had expertise in the field of investigations and audio and video surveillance, became head of its Technical Support Unit. As such, he worked within the different crisis situations, gaining insight into both the core of each situation as well as its wider context.

After working in this position for approximately five years, Michel Marie was invited to the FBI Academy in Quantico, Virginia, by one of the FBI's chief negotiators, to take part in their exclusive training programme for crisis negotiators. Michel Marie soon discovered that the American mentality and their approach to crisis situations were very different from the European mentality. This realisation enhanced his desire to further study the field, prompting him to go back to university to study criminology, criminal psychology, and criminal psychiatry. This familiarised him with the academic concepts relating to the behaviour he had witnessed in practice, which he then used as a framework to analyse 67 crisis situations that had occurred in France in

¹ This article is a contribution by four Master students of Leiden University and the Clingendael Institute following their interview with Michel Marie, a criminologist, crisis negotiator, and project manager at CIVIPOL.

² RAID stands for Recherche, Assistance, Intervention, Dissuasion.

order to determine which variables influenced their progression. His conclusion: most of the time when a crisis situation resulted in serious injury or death, negotiators had been dealing with a mentally troubled person. This insight came to serve as the basis of a model for assessing future crises, which Mr Marie converted into software for negotiators after finishing his studies. Based on parameters relating to both circumstance and the psychological profile of the suspect, this software could accurately estimate the level of danger in a situation and provide an indication of the most suitable crisis management approach.

From the start the software was excellent in terms of results, and it took only a few adjustments for it to function almost perfectly – reflecting the extraordinary conversance Michel Marie had gained from his studies. His insights also gave new shape to his role as a crisis negotiator. In subsequent crises where the regional governor called for his help, Mr Marie would analyse the situation, using his software if necessary, and then engage in the management of the crisis. His task was to first properly understand or estimate the actual situation, before judging whether it could be managed through negotiation or if the intervention of a SWAT team would be required. He was involved globally in more than 250 crisis situations in fifteen years, which was a stressful but also very exciting and interesting period – and at times, extremely dangerous.

After fifteen years of success, Michel Marie considered himself to be “quite lucky” and he quit his team in 2000. However, given the intensity of his last job, Mr Marie wanted to continue his career with a similarly exciting occupation. Soon the possibility arose to work in presumed EU Member

States, assisting them in increasing the level of community spirit as they moved towards joining the EU. He spent four years in Poland, before moving to Bulgaria to help reform their police force. While in Bulgaria, he was told that there was a security, police, and terrorism advisor position available in Brussels. Taking up this job, he became a seconded expert for four years and travelled everywhere to help launch the Security System Reform (SSR). In April 2010 he retired from the French police force and after two weeks found a new job in the French CIVIPOL, where he works to this day.

PROFILING THE NEGOTIATOR: TRAITS, SKILLS, AND EXPERIENCE

Throughout his career, Michel Marie has been (and still is) a very successful negotiator. To gain such a status, one needs to possess certain specific character traits – traits that come as part of one’s nature rather than nurturing. Firstly, your natural response to crisis is an essential determinant of your potential success as a negotiator. As explained by Mr Marie, there are three different ways to react: 70 per cent of the people are shocked and unable to move²⁴; 15 per cent are excitable and move around without any real purpose, causing unnecessary agitation; and the other 15 per cent are capable of thinking clearly, while remaining calm and in control. Belonging to the latter category is a prerequisite if one wants to become a negotiator. This capacity to work well under pressure can be further enhanced by doing extreme sports, as your body will become accustomed to high levels of adrenaline and stress. A good negotiator is not paralysed by fear or affected by emotions; he or she rather excels when in

danger, as their capacity to make the right decisions increases. Indeed, the word ‘crisis’ comes from the Greek word κρίνω (krinō), which means ‘to decide’; the principal point of a crisis is to make decisions. As a negotiator, you must be willing to take spontaneous action which could potentially have enormous consequences. You therefore need to “have the ability to cope with uncertainty and be willing to accept responsibility with no authority” (Fusilier, 1981: 14).

A second requirement is a great interest in sociology and human behaviour, as understanding how people function is essential for dealing with them in a crisis situation. A negotiator must also possess excellent communication skills, the ability to use logical arguments to convince others that your viewpoint is rational and reasonable, and have the capacity to easily establish credibility with others (ibid). Analytical capacity is also important, as one must be able to read a situation and discover what the underlying goal or need of the subject is. As Michel Marie explained, “When we talk about negotiations, they are really like an iceberg. There is the part above the water which is obvious, but there is also a much larger part underwater. The goal is to know what exactly is underwater – what is the real motivation?”

Importantly, a proper analysis of a situation will often lead to the conclusion that the crisis cannot be negotiated. Indeed, taking into consideration the psychological profile of the hostage taker, his or her demands, and the political context they operate in, only one in three situations is negotiable. When the right conditions are absent the negotiator must accept that his or her capacity to act is limited, and

²⁴ This phenomenon is otherwise known as stuporous immobility or cataplexy.

be ready to step aside and assist in launching an assault (ibid). It is thus crucial to recognise the uniqueness of each situation, because as Michel Marie put it, "the fact that you did well today, or yesterday, or the last time, is no indication of how well you will do in the next case". Past success provides no guarantee for the future, and overconfidence may well become a costly pitfall.

The capability to avoid pitfalls like these comes in part with experience. The "bedrock of a negotiator's career is several years of working as a law-enforcement officer (whether with the police department, FBI or other law-enforcement group) or in the military and dealing with crisis situations on a regular basis" (Grabianowski, 2005: 9). Working in these fields namely allows one to hone their negotiating skills by talking to many people that are in some kind of crisis situation (ibid). Active listening to and interacting with these people will help one develop the necessary understanding of human behaviour, which in time will ensure the appropriate response.

Overall, whether one would make a successful negotiator thus depends on innate character traits, interest, skills, and experience. But how significant is the gender dimension in this context? According to Mr Marie, the field of crisis negotiation is dominated by men – but this does not imply male superiority. The male domination of the field is instead a result of the fact that perpetrators are also predominantly male. The relationship between men and women is very unbalanced: there is a perceived difference in power, as well as a sexual tension. With psychopaths, putting a female negotiator in front of them would therefore be catastrophic 90 per cent of the time. Women are just as likely to

possess the qualities a negotiator requires, however – in fact, "with traits like willingness, resistance and courage, women are often stronger than men".

TO THE TABLE OR HIS KNEES: COMPARING CRISIS NEGOTIATION IN EUROPE AND THE UNITED STATES

Another dimension to be taken into account is geography. As mentioned earlier, there are significant differences in the conduct of negotiations between Americans and Europeans. The existing literature in this field is rather limited, and focuses primarily on either cultural differences in multilateral and trade negotiations, differences between 'high-context' and 'low-context' cultures, or differences between negotiators of one nationality and hostage takers of another. This section will focus instead on the stylistic idiosyncrasies between American and European negotiators, several of which Michel Marie witnessed first-hand – and some of which became painfully clear to the Americans themselves with the events of 9/11.

According to Mr Marie, 9/11 came as a shock to American negotiators, who quickly understood that they "had not really taken the human dimension into consideration". They had focused instead on techniques and strategies, at the expense of developing their human relations skills. As Vecchi (2005: 535) and his co-authors argue, until 9/11, the Federal Bureau of Investigation (FBI) was solely focused on problem-solving strategies for its negotiators. It was only after this date that the FBI Crisis Negotiation Unit at the FBI Academy in Quantico, Virginia, conducted research that illustrated the need for change and modification of the curriculum for their training courses. Because the US had not had any real

experience of dealing with terrorism in the same way as many European countries had, for example with the ETA in Spain or the IRA in the United Kingdom, 9/11 was a "bad surprise for the Americans [that] changed their way of thinking", while all that needed to be done in Europe was "to reinforce the level of vigilance" and heighten the coordination between and harmonisation of the policies of different Member States.

Another difference in negotiating style as elucidated by Mr Marie was in the value placed on each individual in a crisis situation. There are three actors in hostage negotiations: the hostage, the hostage taker, and the law enforcement officers. For the Europeans, "the most important is the life of the hostage, then that of the law enforcement officers, and last the life of the hostage taker". For the Americans (and the Russians), this hierarchy is different; for them, protecting the life of the law enforcement officers is most important, followed by the life of the hostage, and then the hostage taker. Indeed, it is stated in an FBI publication that the concept of crisis negotiation "has helped save the lives of countless law enforcement officers, hostages, and suicidal subjects" (Regini, 2002: 1), confirming this order of importance.

A final difference between approaches to negotiation in the United States and Europe is their respective understanding of the purpose of negotiation. Mr Marie argued that in European crisis situations, negotiation is considered to be a weapon used to reverse the situation and reach a soft solution to the conflict. Indeed, "[t]hrough the skilful use of both the negotiation team and the tactical team, the goal is to "bring the subject to the table, not to his knees"" (McMains and Mullins, 2010 : xi). In the United States, however,

the opposite is true. The negotiator's role is only to "stall for time while the SWAT team arrives, rather than try and find a soft solution to the problem". With forceful resolution as its end goal, American law enforcement has been far more reliant on SWAT teams than its European counterparts. The SWAT approach, initially developed by the Los Angeles Police Department (LAPD) in 1967, entailed "the swift implementation of military style tactics to handle hostage incidents and barricades" (Hatcher et al, 1998: 457). However, the continued loss of life associated with this force-only approach led to the creation of a "verbal alternative approach" by the New York City Police Department in the 1970s (Hatcher et al, 1998: 458).

Although this alternative approach has been widely adopted and implemented, Mr Marie pointed out that there is an ongoing fight in the United States between the more powerful SWAT team and the negotiator, whereas in Europe the response to a crisis situation is far more coordinated and team-oriented, with everyone "on the same page". This disconnect in the American approach was exemplified by Gary Noesner (a personal friend of Michel Marie) who was part of the FBI negotiating team during the Waco, Texas 'Branch Davidians' Siege of 1993. He contended that "there was a fundamental strategy disagreement on what was the best way to proceed. The negotiation team wanted to have a lower-keyed approach and the tactical team's approach was to apply more pressure". The Justice Department decided to ignore Noesner's advice on how best to handle the situation, resulting in the failure to end the siege peacefully. 74 people, including 23 children, died in the fire that resulted from an FBI CS-gas and tank assault (Wessinger, 2004).

THE THIRD PARTY CATASTROPHE: POLITICS AND THE MEDIA

The Waco siege, bluntly codenamed Operation Showtime, seems to have started as a publicity stunt (ibid), illustrating one way in which the media can influence the decisions made by crisis management teams. In most other crisis situations the presence of the media is unwanted however – but the media nonetheless continue to play a significant role. In a majority of instances in both the US and Europe, negotiators' hands are tied because of their interference. According to Michel Marie, the presence of the media in crisis situations has been a "catastrophic" development. In the past, the European media was quite discrete when situations were occurring, but they have quickly become far more intrusive – often with disastrous effects. The recent case of Mohamed Merah in Toulouse provides one example. Mr Marie had a number of journalists contact him for his thoughts on the situation, but because he was not involved and did not have complete knowledge of the situation, he declined to comment. Other negotiators did comment however, either on what they believed the team was doing wrong, or what they would do in a similar situation. This is counterproductive to the effectiveness of the team members on the ground "who are pressured into acting in a different manner than they would otherwise have" because of media pressure or criticism.

This type of interference by the media is not the only external influence on negotiators during the negotiating process. Politicians may also get involved for a number of reasons, but oftentimes are motivated by the prospect of their own self-aggrandisement. To illustrate, in the aforementioned case of Mohamed Merah in Toulouse as well as an

earlier case in Neuilly in 1993, political concerns played an instrumental role. As stressed by Mr Marie, there are always two options in crisis situations: either 'rush-in' (meaning that the SWAT team is sent in), or negotiate. He argued that the fact that both these situations involved sending in the SWAT team and ended in the bloodshed of the hostage taker was because of political considerations.



In May 1993, just six weeks after being promoted to national budget minister, Nicolas Sarkozy was faced with a dramatic hostage drama in which a French citizen of Algerian descent, Erick Schmitt, walked into a kindergarten in Neuilly carrying a hunting rifle and a hand-held detonator wired to sixteen sticks of dynamite strapped around his waist. He took 21 children and their teacher hostage, demanding an \$18.5 million ransom. Mr Marie worked personally on the 1993 case, alongside Nicolas Sarkozy, also the then mayor of Neuilly. Although Sarkozy initially managed to secure the release of a number of children, making him a national hero (Carnegy, 2012), the situation continued for 46 hours and Schmitt began to appear suicidal and threatened to take at least one child with him as a human shield. When he fell asleep, a team of police entered the building, rescued the children and killed Schmitt. The episode "gave [Sarkozy] his first national profile, establishing his tough law and order reputation" (Wilson, 2012), and he used the situation to define himself as "a law and order



man" (ibid). Footage of the incident was screened in 2007 while he was running for president, in order to reinforce this image.

The more recent 33 hour siege in Toulouse had remarkable echoes of the 1993 case, ending in a French-Algerian being "shot in the head by the ruthlessly efficient RAID commandos" (ibid). It came as Sarkozy was falling behind in the French presidential race, and he benefitted from the incident as his strongest topic, law and order, replaced his weakest point, the economy, in the news. Since Mohamed Merah's death, Sarkozy has promised to clamp down on the radicalisation of young Muslims and has adopted an even tougher approach on law and order. The first opinion poll to be conducted since Merah's death showed a recovery in support for Sarkozy as he has painted himself as a leader during this time of crisis. Both of these cases are examples of how the purpose of political gain has led to a suboptimal outcome of a crisis situation; and they are just two among many examples in which either the media or politicians have left a negative mark on the course of a crisis.

This is a worrying phenomenon, and one that is extremely hard to counter.

CONCLUSION

While media and political influence further complicate the context of crisis negotiation, it also endorses the argument that a successful negotiator can be distinguished precisely by his or her capacity to function under difficult circumstances. Every crisis inherently involves high levels of pressure both from inside and outside the situation, but this enhances rather than deteriorates the negotiator's analytical, communicative, and decision making capacities. A successful negotiator is further characterized by a genuine interest in human behaviour and negotiating experience. Nevertheless, no matter how talented, skilled or experienced the negotiator, two thirds of all crises cannot be resolved through negotiation – in these cases, the psychological profile of the hostage taker simply does not allow for reasoned negotiation. The choice between negotiation and forceful intervention therefore is a crucial one. In the United States, even though negotiation is increasingly recognized as a viable solution, this

decision remains part of an ongoing fight between the negotiator and the more powerful SWAT team, in which the latter often gains the upper hand. In Europe, however, it is a choice made collectively, facilitated by analytical software as developed by Michel Marie. As such, Mr Marie not only provided us with valuable insights, but his contributions have also enriched the practice of crisis negotiation.

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