

NEGOTIATION IN INTERNATIONAL RELATIONS

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Resumen

Este trabajo discute el concepto de negociación en Relaciones Internacionales. Basado en el estudio de dos obras clásicas sobre negociación, la autora argumenta que es poco probable que encontremos un teoría comprensiva sobre negociación dada la complejidad y particularidad que contiene este proceso. Negociación, comenta la autora, debe ser vista como un proceso que contiene algunas etapas definidas, pero que es determinado y moldeado por las realidades propias de cada situación.

Palabras clave: Relaciones internacionales, negociación.

Abstract

This work deals with the concept of negotiation in International Relations. Based on the review of two classic works on negotiation, the author posits that we are not likely to find a comprehensive theory of negotiation due to the complexity and particularities that this process entails. According to the author, negotiation should be seen as a process that contains certain stages but that it is shaped and determined by the realities of each specific situation.

Key words: International relations, negotiation.

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This paper discusses the notion of negotiation in International Relations. Extensive work has been done concerning war and violent confrontation, particularly on how to avoid or prevent it, but not as much has been done concerning negotiation as a way of preventing or ending war¹. Traditionally, negotiation is included as a parallel process that takes place during war, but it is seldom granted more than a mention. In international relations when we think of negotiation what comes to mind is diplomacy and treaty negotiation. However, a detailed examination of war, treaty negotiation, diplomatic activities, and in general the basic aspects of international relations, allows us to notice that negotiation between actors is always present. Even during war, at certain point while violent confrontation is taking place, officials of the different parties will attempt to find a negotiated solution to the confrontation.

Based on this, it is possible to explore several questions regarding negotiation in international relations. For example, is it possible to talk about a theory of negotiation? Is negotiation studied in a systematic way? Is negotiation in international relations different than internal negotiation, or negotiation in general?

In this paper, negotiation will be studied through two works that are well accepted within the discipline²: Fred C. Iklé (1964) *How Nations Negotiate*, and Zartman & Berman (1982) *The Practical Negotiator*. These two works are eighteen years apart which makes the comparison even more interesting allowing us to determine if there has been any variation in the study of the concept.

In order to answer these questions, I start by discussing each work independently and then offer comments regarding the study of negotiation in international relations.

How nations negotiate

Negotiation is a subject on which much has been said and written that seems self-evident until examined more closely. To resolve conflict and avoid the use of force, it is said, one must negotiate (Is this always the best way to settle

¹ For more on War and International Conflict see: Vásquez and Henehan (1982), Small and Singer (1982), Bueno de Mesquita (1981, 1985), Gilpin (1981), Levy (1987), and Huth et al. (1992). For Negotiation see: Fisher and William (1991), and Raiffa (1982).

² Palmer (1965) considered Iklé's work a classic, and Gould (1965) commends the brilliantness and appropriateness of Iklé's book. Fisher (1983) and Brady (1984) wrote favorable reviews concerning Zartman and Berman's work.

conflict?). Negotiation requires a willingness to compromise (Why?), and both sides must make concessions (According to which law?). Neither side can expect to win all it wants (Not even if its objectives are modest?). If both sides negotiate in good faith (Who judges «good faith»?), they can always find a fair solution (And what is «fair»?). If there is conflict about many issues, the less controversial ones should be solved first because agreement will lead to further agreement (Or will the postponed issues become harder to solve?). A negotiator should never make a threat he is not prepared to carry out (What is wrong with successful bluffing?). Each side has its minimum beyond which it cannot be moved (But how about moving the opponent's minimum?) (Iklé, 1964, 1-2).

Iklé's questions set the frame for discussing what should be understood as negotiation, when is it appropriate, and how should it be handled. It also makes the reader doubt about what he/she may have seen as proper characteristics of an adequate negotiation process.

This work is mostly centered on diplomatic and political aspects of the cold war, and on the many differences in negotiation style that may be identified between the Soviet Union and the United States. Iklé is focused on the study of the process and effects of negotiation between governments. His main interest is on how to relate the process of negotiation to the outcome (Iklé, 1964). The author defines negotiation as:

a process in which explicit proposal are put forward ostensibly for the purpose of reaching agreement on an exchange or on the realization of a common interest where conflicting interests are present.

From this definition we see that the author identifies two elements that need to be present in order for a negotiation to happen: common interest, and conflict over that interest. If one of the two is absent, we do not have what to negotiate for, or about. The author divides common interest in substantive common interest and complementary interest; the former indicates that the parties will share the same object, or want to benefit from the same arrangement. Complementary interest means that the parties want different things, and the only way to obtain them is through each other; they need each other's collaboration and agreement (Iklé, 1964).

In general, it could be said that the expected outcome of a negotiation is an agreement. However, this will be too simple of a statement. For the author it is important to realize that even though for certain type of agreement negotiation is necessary, it is also true that some outcomes are

not always agreements. For Iklé, explicit agreement is only part of the outcome of a negotiation. Other outcomes could be tacit understanding between parties, clarification of points of disagreement, reorientation of national objectives, new commitments to third parties, and propaganda effects.

According to Iklé, we are able to identify five objectives or purposes of negotiation:

1. Extension agreements - prolonging existing arrangements.
2. Normalization of agreements - to put an end to violent conflict, or to re-establish diplomatic relations.
3. Redistribution agreements - demand for change on one's own favor, at the expense of the other.
4. Innovation agreements - setting new relationships or obligations among the parties.
5. Effects not concerning agreements - propaganda, intelligence or dissuading the opponent.

This division, Iklé contends, is not always present in real life negotiations. Most parties have a mixture of objectives or purposes in mind, although one of the objectives may have priority. Moreover, it is also the case that parties may have different purposes even if they are in the same negotiation.

The author gives particular attention to the last objective - effects not concerning agreement - and calls them side effects. Sometimes parties will enter a negotiation process without having in mind to reach an agreement; their interest lays more on accomplishing other objectives like, maintaining contact, substituting for violent action, intelligence, deception, propaganda, and impact on third parties.

How the negotiation process leads to a particular term of an agreement? Parties have three basic choices: a) to accept agreement at the terms we may expect the opponent may settle for - available terms, b) to discontinue negotiations without agreement, and with no intention of resuming them, and c) to try to improve the «available» terms through further bargaining. Iklé posits that each party is able to induce or dissuade the opponent by the proper use of warnings, bluffs, threats, and commitments.

The bargaining reputation, the personality of the actors, domestic affair issues, and the certainty or uncertainty of the opponent's goals, all affect the way an actor may behave during a negotiation. In other words, these

four aspects have an impact on the way an actor may 'manipulate' the opponent's choices, and can also determine the actor's own choice of action.

In order to make negotiation more effective, the author offers a set of rules of accommodation that could also be seen as the '12 commandments of negotiation'. According to Iklé (1964, 87), negotiators need to follow these rules in order to stay in the negotiation and to be known as a respected actor. These rules are:

1. Never kill a negotiator
2. Avoid disputes about status
3. Adhere to agreed agenda
4. Honor partial agreements
5. Maintain flexibility
6. Reciprocate concessions
7. Return favors
8. Refrain from flagrant lies
9. Negotiate in Good Faith
10. Avoid emotionalism and rudeness
11. Expedite and rationalize negotiation process
12. The community spirit.

As stated at the beginning of this paper, Iklé (1964) attempts to discuss the link between process and outcome of negotiation. The author is able to make an argument about the different ways that actors may influence outcomes by using threats, bluffs, or commitments. However, it seems more an educated argument than a measurable one. The author offers no intention of measuring his arguments or even discussing how could we determine the extent to which bluffing or compromise could affect the outcome of a particular negotiation. Some structure would have helped the argument too; the author does not offer a view of the process of negotiation where the reader could know how the process develops, or which stages and outcomes are necessary or likely to be part of the process. This is a descriptive work, has a character of recommendation and advise for negotiators, and is helpful for the reader if he or she wants to have an overall idea of what it is involved in a negotiation process.

Concerning the questions presented by the author at the beginning of his book, it is fair to say that even by raising them, he contributed to the field by creating doubt. However, within his discussion I did not see all those questions answered. The author explores some of the rationale that might

serve as a response to his initial questions, but he does not organize his argument around them. Iklé works more along the lines of responding the tactical questions raised like, whether or not bluffing always works in detriment of the processor, if it is possible to change the opponents bottom line, and in general on how a negotiator may manipulate and control - to certain way - the outcome.

To be sure, this book is important to read in order to know the basic features that are part of a negotiation process, and it is a good source of advice. It also provides a framework of analysis that could be used by new scholars as a way of advancing on the theoretical study of the concept.

The Practical Negotiator³

The purpose of the authors in this work is not to theorize about negotiation, or to offer a set of 'commandments' or rules for negotiators. Their objective is to describe how the previous processes of negotiation have been, and to prescribe how to improve them in order to have better results. Zartman and Berman argue that negotiators need to be familiar with the essential nature of the subject (negotiation) in order to make their experience more valuable when participating in a negotiation process. In other words, experience is not enough; negotiators need to know about the process itself and the underlying aspects of negotiation. According to the authors, they intent to present to the reader not only the practical features of negotiation, but also an elaboration of the concept *per se*.

The authors define and characterize negotiation as

a process in which divergent values are combined into an agreed decision, and it is based on the idea that there are appropriate stages, sequences, behaviors, and tactics that can be identified and used to improve the conduct of negotiations and better the chances of success (1982, 2).

Negotiators, the authors argue, need to be aware that negotiation is a symmetrical process where every information, tactics, or advice is available to all the parties. It is not a finite process because either side may stop or change the process; besides, the issues and demands are not all know, and

³ ZARTMAN, I. W. and BERMAN, M.R. (1982), *The practical Negotiator*. New Haven, CT: Yale University Press.

if known they are not always fixed. According to the authors, all these characteristics of the process of negotiation serve as restraints for developing a theory of negotiation because there could be no theory that will encompass, and explain the entire process of negotiation. Several approaches and studies have been made that contributed to the understanding of a series of stages, concepts and aspects of negotiation, but none of them holds the entire process.

The authors contend that concerning the process of negotiation, it is not possible to tell anyone how to win, or how to do best; it is only feasible to say how to do better. Previous studies in international relations have explored the topic of negotiation and offer game theory or other methods as a possible theoretical approach. However, the authors contend, we need to be aware that those studies really refer to how to minimize losses and not how to win (Zartman and Berman, 1982, 8).

In order to offer some clarification of how the negotiation process works, Zartman and Berman introduce a model that identifies three stages, each with different problems and behaviors. These stages are: 1) diagnose the situation and decide to try negotiations 2) negotiate a formula or common definition of the conflict in terms amenable to a solution, and 3) negotiate the details to implement the formula on precise points of dispute. The authors advise that these stages are more conceptual than real, and that in true negotiations, these phases are not always isolated, they tend to overlap.

Anticipating some critique about how useful one model could be when faced with multiple types of negotiation, and different style of actors, the authors posit that they see their model not as one of many ways to arrive at an agreement, but rather as the general path or sequence through which those different ways flow. They provide a simple example: «There may be a number of air routes to Boston, but they all involve the phases of takeoff, cruising, and landing, and in that order!» (1982, 10).

The diagnostic phase is characterized by the definition of the situation and the decision to initiate negotiations. According to the authors, it appears that negotiation will be pertinent when a situation that is already painful will become more so in the future if negotiations are not initiated. This sense of need for negotiation has to be recognized by all the parties in order for the process to start; they also have to accept that it is only through a joint effort that a solution favorable to the interests of both could be reached. At the same time, during this phase both parties need to be willing

to end a situation and to admit the other parties' claims to participate in the solution. Consistent with their interest on identifying the problems and behaviors of each stage, the authors state that appropriate behavior during the diagnostic phase involve: to be knowledgeable of facts of the problem, to have thorough information concerning similar issues, particularly their precedents and referents, to be clear about the context and perceptions important for both parties, and to always be able to think alternative solutions.

The formula phase may only be initiated after the parties have agreed on exploring the possibility of negotiation and have reached what the authors call Turning Point of Seriousness (1982, 87). Been at this point means that each side recognizes that the other is serious about the idea of finding a common solution and that both sides are willing to 'give and take or concede and receive'. During this stage the parties are faced with deciding upon a general framework for solution or may also begin with a small agreement concerning initial details that will provide the steps for further progress. The recommended behavior for this stage includes: keep a flexible and comprehensive mind-set, focus the attention on the problem, not the opponent, as the enemy; do not be deterred by unfriendly behavior; maintain the conversation open, and keep thinking about the practical applications of the formulas.

In the detail phase both parties focus their attention on identifying and working out the details required to implement the formula. The authors argue that the best tactic negotiators should adopt is a mixed strategy that will allow them to maximize their ability to be 'tough to demand and soft to reward' (1982, 171). During this phase negotiators will be dealing with concessions, making this stage crucial for the negotiating process. One of the main points of the work of Zartman and Berman is the idea that negotiation involves high degrees of creativity, and this creativity will be translated on the way negotiators handle concession-making situations. This creativity should be reflected also on the appropriate behavior that should be present in this stage: do not lose the big picture, be clear from the beginning about objectives, and do not confuse means with ends, have a clear understanding of the sense of both sides' ability to do without an agreement.

Through the inclusion of a model of the process of negotiation Zartman and Berman help the reader acquire clarity and understanding of what negotiation is and how should it be handled. Diplomats, negotiators and scholars for sure will find interesting and valuable concepts, tactics, and

advise that will likely affect the way negotiation is carried out, but they will not find a formula for how to win the negotiation process.

In general, the study of negotiation found in these two works, is very similar. The concept is dealt in a matter of fact, or common sense manner; none of the books has a theoretical argument, or propose one. The focus of the authors is to discuss negotiation, its elements, possible outcomes, and to offer some recommendation of how to be a 'practical' successful negotiator. In this sense, it was interesting to note that even after almost eighteen years, the approach to the study of negotiation is focused on the same feature.

Another common feature of both works is the extensive reliance on historical examples to illustrate their concepts, or sometimes, even to substitute for more elaboration. Even though both works support their discussion with the use of diplomatic examples, Zartman & Berman (1982) include valuable information collected via interviews with diplomats, heads of state, and political actors in general.

On the surface, we could say that these works differ in that Iklé's (1964) intended to create a link between the process of negotiation and the outcome of negotiation, and Zartman and Berman (1982) were attempting to describe and prescribe how to negotiate and how negotiators could be more successful than previous negotiators. However, we could also say that both deal with the same issue: the process of negotiation and how the outcome is determined by the way the process is handle. Iklé talks about how negotiators may affect the outcome by using threats, bluffs, compromise, and other tactics. Zartman and Berman, on the other hand, talk about how certain behaviors are recommended or appropriate for each stage. Both set of authors are dealing with the same topic and underlying goal, but using different approaches.

One of the questions posed at the beginning of this paper was a concern with whether or not it was possible to have a theory of negotiation. If negotiation is a way of preventing or ending a violent confrontation / war, then it should be expected for us to have a clear understanding of the concept, and an explanation of how it works. More so, if we have theories that attempt to explain why war happen, why could not we have one that does the same with negotiation?

The books reviewed did not fully answer this question. They provided some indication concerning the absence of theory to explain negotiation, and none of them claimed to offer one. However, the discussion they

presented about the topic, serves as a starting point that allows us to venture an argument as to why there is no theory of international negotiation.

International negotiation is a process, a technique, a method of how to handle conflict or how to reach an agreement even in the absence of conflict. War or peace, on the other hand, is not a process, even though it follows one, it is a state, a condition, an event. Realists have explained war as a result of change in the power capabilities of the actors (Waltz, 1979). At the same time, peace is said to be more likely found among democratic states (Russett and Maoz, 1993). Concerning negotiation we are not able to say that we have negotiation when there is not enough power capabilities, or when there is not enough military power, or when states are or not democratic. If we see negotiation as a process and not as a condition, we do not need a theory of negotiation; we would need an accurate description and understanding of what the process entails. This is what both books try to do and both accomplish this goal.

At some point I criticized the authors because they were not offering adequate testing or measurement indicators for their argument. I realize that usually testing and measurement goes hand in hand with theory and that the purpose of the authors is not to develop a theory. However, within their argument they do attempt to explain certain relationships that could use some testing. When Iklé (1964) talks about the effect of bluffing, threats and compromise, he offers no proof but interpretations of diplomatic events in history. Zartman and Berman do a better job by using interviews together with historical and theoretical sources, but they do not use quantitative measures for any statement.

However, even after realizing that negotiation has no theory and as such it could be studied in different ways, it still gives me the feeling of a waste of time. With this statement I do not mean to imply that negotiation is futile or useless, what I mean is that if the process of negotiation is so determined by the characteristics of the problem, of the actor, of the political system of the country the actor represents, by the context, and by the interest at stake, then is it really possible to have a clear view of how each stage takes place? Using Zartman and Berman's example of takeoff, cruising and landing, it is true that those are necessary stages, but how each of them is done will depend on the type of plane, runway road, weather conditions, pilot, and cargo. We know there is an order and that order is important, but knowing the order does not give us the skills or knowledge needed to follow that order. In negotiation it is not enough to know that we are at the diagnostic stage, what is more important is to know how to

convey interest, empathy and willingness to the opponent, and this is more a matter of performance by the negotiator.

To be sure, it seems to me that the old saying 'negotiation is an art' is not that far away from the truth. However, it is important to clarify that I am not discarding the value of having information concerning how the process may develop. What I argue is that this is the minimal data that the negotiator uses, the rest lays on his/her ability to persuade and be persuaded, on the conditions available for each to negotiate, and in general on the context of each negotiation. This is why I contend that attempting to describe every particular aspect of negotiation is a waste of time, because there are many determinant elements within each process that prevents any scholar from actually being able to tackle all of them down.

In other words, negotiation is a topic that at a basic level seems simple, but once we start to study what is involved in it, we realize that besides being a complex process it seems also to be a relative one. Both Iklé (1964), and Zartman and Berman (1982) discuss the broad and particular aspects of negotiation using different structure, but they both include so many 'likely outcomes' for each possible behavior that the reader loses touch with reality. Even though both set of authors include historical examples and rely on documented testimonies that support their discussion, there was always the feeling that in other context, and with other actors, and other political ambience the end result may have been different. By not having a clear cut «formula» of how to negotiate, besides the intuitive phases offered by Zartman and Berman, negotiators are left with their own common sense, and dependence on past experiences as basic tools for negotiation.

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