

NEGOTIATION

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Summary

International negotiation is a complex phenomenon. In recent years, an extraordinary number of issues have become the focus of international negotiations. Within the scholarly literature international negotiation is increasingly recognized as a crucial intervening variable between structural or market failures and governance outcomes; however, there is neither a universally utilized definition of what constitutes “negotiation”, nor any concerted opinion about which theoretical models are relevant or appropriate to studying international bargaining and negotiating behavior. Structural analysis provides a realist focus on the impact of power distribution and asymmetries between parties on the outcome of negotiations. While stressing the role of power and real resources in determining outcomes, structural analysts have come over the years to recognize that the strong do not necessarily hold an absolute advantage over the weak, who have at their disposal a number of methods to gain leverage from their inferior power position. Decisional analysis provides a set of strategy-based approaches that depict and prescribe the best course of action and best outcome for each party in a distributive bargaining relationship. A rational negotiator will be a utility maximizer by

implementing specific strategies to identify Pareto optimum bargaining outcomes. By contrast, process analysis recognizes a variety of cognitive and situational limitations to an actor's capacity to maximize his bargaining outcomes objectively. The bargaining process is at once a critical tool and a primary challenge to achieving a suitable outcome. This entry discusses the key tenets, strengths and weaknesses of each of these principal approaches to the study of international negotiation, and outlines a number of new issues for further research in this domain.

1. Introduction

In recent years, an extraordinary number of issues have become the focus of international negotiations. They include problems of peace and war, international trade and finance, human rights, the environment, renewable and nonrenewable resources, interstate borders, and even outer space. Within the scholarly literature international negotiation is increasingly recognized as a crucial intervening variable between structural or market failures and governance outcomes, such that even rational utility maximizers will regularly experience difficulties in realizing joint gains because of strategic behavior, intra-party bargaining, and issue-linkage. Within this extensive and growing body of literature, however, there is considerable methodological disquiet about which theoretical models are relevant or appropriate to studying international bargaining and negotiating behavior. In many ways, negotiation as a field of study is just as unruly as the phenomenon it seeks to analyze and explain. This essay is intended to provide an overview of the different approaches to the study of international negotiation and to offer some preliminary insights into some of the new problem-areas that are the subject of new and ongoing recent research.

Scholars have offered a number of different definitions of what constitutes "negotiation." Zartman and Berman define negotiation as "a process whereby 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" (Zartman and Berman, 1982: 1,2). Winham offers a different definition, describing negotiation as "the art of management" as practiced by "large bureaucracies." He suggests that the negotiation process can be understood as "a programmed set of operations that has evolved from considerable experience. It consists of tabling a position, decomposing and aggregating the relevant information wherever possible, and then setting about point by point to reconcile the different positions of the parties"(Winham, 1989: 510, 516). In contrast, Bercovitch offers a definition that stresses the conflict resolution aspects of negotiation. He suggests that "bargaining and negotiation is a conflict management mechanism rooted in all social systems (because it contributes to their continued existence) and involves at least two analytically distinct actors in conflict over resources or positions." He goes on to suggest that bargaining and negotiation is a conflict management mechanism that "operates within two parameters (1) expanding cooperation in the interests of the system or the environment; and (2) maximizing each actor's objectives and interests" (Bercovitch, 1984 : 125-127).

Each of these definitions is useful because it draws our attention to the different aspects or elements of negotiation. Negotiation is a value-creating process (Zartman and

Berman, 1982) marked by different stages or phases. It is also a highly bureaucratic and institutionalized process, especially in the international context of multilateral or large-scale diplomacy (Winham, 1989). But negotiation is also an instrument of conflict management involving a process whereby the parties to a conflict have in some sense chosen voluntarily to manage or resolve the distribution of values and resources between them (Bercovitch, 1984).

Even so, the threat or actual use of force may be a central element of international bargaining strategies (Schelling, 1960; Snyder and Diesing, 1977) although some scholars question whether threats should ever be used to extract concessions because the risks outweigh potential gains (Fisher, 1994; Lebow and Stein, 1994). Negotiations can also lead to suboptimal outcomes or outcomes that only satisfy the minimal interests of the parties concerned (Hopmann, 1995). We should not assume that the negotiation process itself is necessarily optimal or leads to outcomes that are utility-maximizing to any or all of the parties concerned.

Most international negotiations are informed by a pre-established set of rules and norms about bargaining behavior and how negotiations themselves are conducted. These rules and norms can exert a decisive influence on outcomes (Hampson, 1995; Zartman, 1994). Many large-scale international conferences such as those dealing with the environment operate under consensus-based rules of negotiation, giving everybody a potential veto. Consensus also gives small states considerable potential leverage over the negotiating process. Many international negotiations increasingly involve parties who are not at the negotiating table but whose interests are profoundly affected by the outcome of negotiations. In the case of negotiations over global warming, for example, the issue involves the fate of yet unborn generations and/or those who will be living in the mid twenty-first century when the effects of global warming are experienced.

2. Approaches to the Study of International Negotiation

International negotiation is a complex phenomenon. It takes place between collective groups (nations, states, bureaucracies, civil society) and not just between individuals—even though it may be individuals who do the bargaining. Each of the perspectives discussed below offers a different insight on how we should view the negotiation process and which set of variables is best suited to an analysis and understanding about how the negotiation process works. Each perspective is also rooted in a different set of assumptions about the sources of individual behavior. Some assume utility-maximizing behavior on the part of negotiators, such that negotiated outcomes are defined through instrumental goals. Others suggest that we need to pay much more attention to the psychological, relational, and even emotive aspects of negotiation and the process whereby attitudes, behaviors, and values are changed through negotiation. There are obviously different ways to classify the literature on negotiation and all schemes are somewhat arbitrary. For the purposes of simplification a threefold categorization of the different approaches to international negotiation is offered here: "structural analysis" defined as power-oriented explanations of international negotiation; "decisional analysis" or approaches which rely on formal, i.e., utility-maximization, models of decision-making; and "process analysis" which addresses the context of international negotiation and how it affects actors' choices and decision-making. Each approach, as

we see below, offers different insights into the nature of the bargaining process and the factors and forces which may promote (or conversely hinder) agreement.

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Biographical Sketch

Fen Osler Hampson is professor of international affairs at The Norman Paterson School of International Affairs, Carleton University, Ottawa, Canada. A Canadian citizen, he graduated from the University of Toronto where he was awarded the John Moss Scholarship for Outstanding Leadership on graduation. He also holds an M.Sc. (Econ) degree from the London School of Economics, and AM and Ph.D. degrees from Harvard University. He is the recipient of various awards and honors, including a Research & Writing Award from the John D. and Catherine T. MacArthur Foundation; a Jennings Randolph Senior Fellowship from the United States Institute of Peace; and a Research Achievement Award from Carleton University. He has served on advisory panels for the Social Science Research Council in New York City and the MacArthur Foundation. He was visiting professor at the School of Foreign Service, Georgetown University in 1995. He also serves as a member of the Senior Advisory Committee, Project on Global Issues, Carnegie Endowment for International Peace, and is a senior consultant to the United States Institute of Peace in Washington, D.C. Dr. Hampson is the author of six books and co-author/editor of some twenty other volumes. His books include: *Madness in the Multitude: Human Security and World Disorder* (Oxford University Press, 2002); *Turbulent Peace: The Challenges of Managing International Conflict* (United States Institute of Peace Press, 2001); *Herding Cats: Multiparty Mediation in a Complex World* (co-authored with Chester A. Crocker and Pamela Aall) (United States Institute of Peace Press, 2000), which was named one of the ten best books published in 2000 by USAID's *Humanitarian Times*; *Nurturing Peace: Why Peace Settlements Succeed or Fail* (United States Institute of Peace Press, 1996); and *Multilateral Negotiations: Lessons From Arms Control, Trade, and the Environment* (Johns Hopkins University Press, 1995 & 1999).