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## **Diplomatic negotiation : essence and evolution**

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# CHAPTER XII

## Summary and Conclusions



## CHAPTER XII: SUMMARY AND CONCLUSIONS

This thesis has propagated a *holistic* view on negotiation as a means to understand and reform the subject, thereby strengthening its viability as the main tool of global governance and conflict resolution in the twenty-first century. The dissertation thus distinguishes itself from other studies of international/diplomatic negotiation processes, since most are focused on specific issues and problems in international negotiation processes. Furthermore, this thesis has attempted to explain some international political developments in the past, present and future by analyzing the negotiation processes shaping them. Ultimately, this dissertation is very much about the interconnectedness of process and context, in defining the diplomatic negotiation process as the essence of getting things done in world politics and governance.

International negotiations, in the sense of inter-state or diplomatic bargaining, are one of the tools to be used in conflict management – if they can be used at all, because, as we saw in the **first chapter**, a situation should be ripe for negotiation and the negotiation should be ripe for a result. In numerous cases, negotiation cannot be expected to work, and other phenomena such as avoidance (neglect), violence, or the threat of violence (domination) arise. As this thesis noted, there is also a stalemate that does not lead to solutions, but at least to putting an end to, or avoiding, the use of force, although the threat of force will remain: ‘peaceful coexistence’. Furthermore, there is a close interrelationship with other mechanisms, such as adjudication and warfare. These two latter instruments in conflict situations in international relations are both an alternative and a supplement to negotiation processes.

As a supplementary factor to the process of international negotiations, adjudication and warfare can be used to enhance assured outcomes in those negotiation processes. International negotiation has, by definition, a less assured outcome than national negotiations. In national negotiations, a third party can force an outcome, when needed, and this is indeed often required, because a state cannot start negotiations with other states if the internal process does not produce a mandate for that state’s negotiators. Transnational negotiations – for example in strong regimes such as the European Union – will produce less assured outcomes than in national negotiations, but more guaranteed results than in international negotiations, such as the WTO, the OSCE, or the Shanghai Cooperation Organization (SCO). In some cases, the use of force as a tool in an ongoing negotiation process can help to push the opponent to the table. Adjudication might have the same effect: villains might feel so anxious about the threat of a penalty by a court, in or outside The Hague, that they feel inclined to negotiate. However, as we have also seen, it can bring them to non-negotiation, as they prefer fighting over peace in case they might become the ‘victim’ of justice the moment when peace has been implemented.

As an alternative to negotiation, adjudication and warfare can be applied in situations where negotiations are not chosen, or are not seen as a workable tool, or are not desirable to the states involved in the conflict. There must be something to negotiate about, something to negotiate on, and something to be satisfied with. Adjudication can replace negotiations, as can arbitration or mediation, but so can warfare. At the same time, it should be noted that both adjudication and war will, as a rule, be supplemented by negotiation processes: adjudication, because we have to negotiate the (international) laws that judges will or will not apply; and warfare, because we have to negotiate its consequences. Negotiation stands at the beginning and at the end of these phenomena, but it can also be used as a tactical device within adjudication and warfare.

Peace, security and justice can be outcomes, as well as tools, and as well as sources of international negotiation processes. They are sources of negotiation because peace, security and justice cannot be decided in isolation from the context.

The moment that peace, security and justice are in place, negotiations are needed to create the framework for their effective implementation. The very instance when they are established, they need refinement through negotiation or by other means. Post-negotiation is needed in order to clarify perceptions, to decide on details, and to protect the subjects and objects of the negotiation outcomes. Negotiations are furthermore used as tools in unfolding processes of peace, security and justice. Once these are established, bargaining will take place in order to solve tactical issues, to ensure the success of the peace process, the security arrangements to protect it, and the judicial system to ensure it. Last but not least, the negotiation processes are the sources of peace, security and justice, which can be regarded as the outcomes of the processes of international bargaining.

The approaches to this in negotiation literature are quite different, although taken together they provide quite an accurate picture of the essence and evolution of the international or diplomatic negotiation process. Quantitative and qualitative methodologies supplement each other by counting what can be counted and arguing what cannot be quantified. In negotiation literature, two main schools can be identified: the European – that is, the predominantly qualitative French school from the sixteenth century onwards; and the more or less quantitative American – that is, the US school in the twentieth century. It seems that these two schools are converging in the twenty-first century.

This leaves us with an unbalanced academic community, which hardly ever considers Asian, African and Latin American approaches to negotiation. Scientists working on the question of why an outcome is the result of a specific negotiation process are influenced by their cultural background. The only solution for getting a balanced view will then be to pool many people's perspectives from many parts of the world. Apart from this global broadening, there will have to be a fundamental deepening. Research is limited to indirect observation through interviews, surveys, literature and sometimes through the participation of practitioners in academia. Direct observation is hardly possible as politicians, diplomats and other negotiators will not allow it. This problem is inherent to negotiation research, but this does not mean that it should not be tackled again and again.

*The conclusion of the first chapter is thus that negotiation research has to become more participative, inclusive and relevant. It brings to the fore the idea that researchers should participate in real-life negotiation processes, adopting as many practitioners as possible, and that the circle of researchers should be widened by including colleagues from non-*

*Western cultures. At the same time, more attention should be given to bridging the gap between research and training in order to modernize seminars and simulations, which too often are a repetition of well-known concepts and not enriched by new research findings.*

### The Nature of Diplomatic Negotiation

The next chapters in this thesis look into the characteristics of diplomatic negotiation and its development; the relationship between the process and its context; the relationship between the usage of words and weapons; and the relationship between the process and the applied strategies and tactics generating entrapment.

As discussed in the **second chapter**, the importance of good and effective relations between states is increasing. Diplomacy as a profession can no longer handle all this extra work, with the result that diplomats are being outflanked by politicians, fellow civil servants, journalists, businessmen, and even researchers. It has become common to speak of governmental (thus not only diplomatic) and non-governmental negotiations, which try to take on diplomatic allure as 'track-two diplomacy' or even 'multi-track diplomacy'. Diplomats must thus make themselves more competitive to survive. The result is a paradoxical situation. Diplomats have lost their monopoly of diplomacy, but at the same time are needed more urgently than ever. They have to function with greater effectiveness in a more limited area, increasingly acting as specialists and not as people who know everything and can do everything. The diplomats' speciality is, of course, communication, but the question remains in what areas? The constant factor is the necessity to use international negotiation as a means to regulate the increasing interdependency of states. With this in mind, diplomats should be used in negotiations that break new ground, thus leaving the usual inter-state negotiations to their fellow civil servants.

In this way, diplomats can function as specialists in negotiations that do not yet have clear confines. They would then have three tasks. First, they would engage in secret pre-negotiations to explore issues and positions, at a stage before the politicians can reveal their views. This requires resourcefulness, discretion, persistence, objectivity, organizational ability and tact, in addition to knowledge. Their second task is to assist the politicians who are conducting the negotiations. This requires strategic insight, political judgement, objectivity and organizational skills. The third task is that of a trouble-shooter, helping to handle all the problems that arise during the implementation of agreements reached during the negotiations. The diplomat needs to be able to take action, to be pragmatic, and to have patience and strong nerves. It would be best to have diplomatic negotiators who can be used in more specific and non-routine inter-state negotiation areas.

Diplomatic negotiation will increase in importance as a means for states to find peaceful solutions to differences, whereas the role of the diplomat in these negotiations will diminish. The question is whether the term 'diplomatic negotiation' will remain appropriate. For several reasons it will. Within the broad international negotiation areas (in which individuals, groups, organizations, companies, local and regional government, etc., are active over the borders), there is still a need for a distinct term for negotiations between states. It would be possible to use the term 'inter-state negotiations', which

is more specific than 'diplomatic negotiations'. As mentioned above, the diplomat will no longer be the dominant player, but diplomacy – with its rules that regulate activities and communication between sovereign states – remains important in regulating the negotiation processes between countries. The diplomatic guidelines give the limits and norms, the rules and modalities. The term 'diplomatic negotiation' will therefore remain valid. Its form and content will change, but that is hardly surprising in the continuing evolution of diplomacy.

*The conclusion of chapter two is thus that the differences in status and mechanics between diplomats and other public-sector negotiators should be diminished in order to create one – more or less homogeneous – workforce in order to facilitate the development of stronger and more effective negotiation processes. All public-sector negotiators working in the arena of external relations would basically become 'diplomats', and as issues become more global they would therefore be more effective in coordinating them and advising their decision-makers as to 'what should be done'.*

The **third chapter** discussed the linkage between context and process, stating that the boundaries or limits/limitations of the process have a restraining, but above all a useful, function in diplomatic negotiation processes. These limits or boundaries help to guide the process in the desired directions. Unbounded negotiation processes in a competitive and rather unstructured world – because of sovereignty – will have less assured outcomes and will therefore be less effective. Regimes have therefore been created to channel the flow of negotiations towards closure, as was illustrated in the second part of this dissertation.

Another important conclusion of this study is the insight that – looking at the coming decades – regime negotiations can only play an effective role in creating stability and progress in international relations if:

- Problems are negotiated at the appropriate level;
- Problems are negotiated within the appropriate regime;
- Relevant actors will be included;
- Actors deal with regimes within a broader framework of bilateral negotiations;
- Stimuli will have to be used in an effective way.

The last point is important. Sometimes, or perhaps quite often, internal and external drives and changes are not used to create more negotiated regime effectiveness. Yet there are always, of course, reasons for this. Thus, for example, the Cyprus issue – which has haunted the international community over recent decades – could have been resolved by using the external stimulus of EU enlargement. However, the position of one of the member states, in this case Greece, blocked this opportunity, although one can ask the question of whether Greek and Greek-Cypriot long-term interests would not be better served by having stability on Cyprus. Here, short-term considerations might have been an overriding reason for not using the external impetus.

Negotiation is one of the main tools – if not the most important – that enable states and other organizations to create order in today's world. Channelling negotiation processes through regimes will, as a rule, enhance their stability and effectiveness. In order to survive, negotiations need regimes and regimes need negotiations. Yet this will only manage to structure the cooperation between parties if those actors are in balance with themselves



and with their partners and opponents. It is a natural phenomenon to seek to restore imbalances. Negotiation within, between and around regimes can help this to materialize. Negotiations help to create the cradle that they need in order to grow and survive.

Political interests are slow to adapt to their environment. It is therefore feared that states' proactive negotiation policies will not be enough to create an international environment that can cope effectively with the problems ahead of us. Unavoidably, natural and man-made challenges will be required to move states forward in the direction of more need-integration and value creation. This is of course a paradox. Regimes are needed in order to deal with challenges, which are in turn the incentives of regime creation and adaptation. This is how mankind developed and there are no reasons to believe that it will be different in the future. Negotiation is its tool, but it must stand a chance. It must have an opportunity to be used and this can only be the case if disaster and development will go hand in hand in a negotiable way.

*The conclusion of chapter three is that context is decisive in understanding what kind of negotiation process is applicable in a given situation, while the creation of context through regime-building greatly helps to add value to negotiation as a device of decision-making and conflict management. Organizations are the bodies that channel negotiation processes in the direction of outcomes. They compensate for insecurity, which is one of the greatest threats to effective negotiation processes. While stabilizing the processes, they might also hamper their flow as a consequence of bureaucracy and concentration of power resources.*

**Chapter four** analyzed the role of entrapment in steering diplomatic negotiation processes in a – most of the time – undesired direction. Entrapment processes are characterized by factors such as choice, uncertainty, investment and repetition. They occur at different levels – for example, the intrapersonal, interpersonal, national and international dimensions. Factors that influence entrapment processes are planning, information, communication and control. On the basis of a case study, chapter five drew four lessons on how to avoid entrapment.

Entrapment is both a danger to watch out for and an opportunity to be seized. As with almost everything in international relations, it has both a darker and a positive side. Using entrapment on oneself is a very interesting phenomenon. People who are afraid of doing something may trigger a process that they know will lead to their own entrapment. They know that they need results in the long run, and they know that immediate decisions are psychologically unacceptable to them. A slice-by-slice 'salami process', however, would be something that they could deal with psychologically. They therefore deliberately force themselves into taking the right decisions by embarking on a process of entrapment.

The same is true of countries. Populations are often unwilling to accept tough measures. Their governments are therefore unwilling to direct their delegations to go in the preferred direction. The delegation leader, however, seeing that a particular course of action is required, but unable to convince his or her superiors of this fact, may very well lead the delegation into entrapment on purpose to let 'fate' decide. The 'salami' character of entrapment in international negotiations is therefore something of a two-edged sword, and can be wielded like that by the effective diplomatic negotiator. Even the EU can thus be used as a self-entrapment strategy: if a government has to do something that is unpopular with its people, it can simply point to 'Brussels' as a way to let itself off the hook.

For the negotiator to avoid entrapment, it is first essential to have a clear mandate connected to transparent and effective flows of information. Second, it is important to have a realistic estimate of the strength and the intentions of the other party. It is therefore vital to develop an encompassing strategy, combined with a clear time-frame. A third component is to check assumptions, including assumptions about the value and the character of the relationship with the other party. The final instrument for avoiding entrapment is to be well connected with your own constituency, especially with those who hold the power.

*The conclusion of chapter four is that entrapment processes can undermine and undo rational decisions, as well as the problem that different negotiators might have different rationalities that are often of a more emotional nature than they themselves are aware – in short: negotiation is sometimes a rational process for sometimes irrational reasons. New leaders can end the processes of entrapment by turning them upside down. This has to be done in a step-by-step way and patience is of the essence. ‘Disentrapment’ is an effective exit strategy, but it will take a lot of time. As entrapment is engagement, it can also have positive effects on conflict management through negotiation, as it might lead to ripeness and thereby to closure.*

**Chapter five** dealt with the interrelationship between warfare and negotiation, between war and words. It postulated that both are tools of conflict management and might thereby be seen as two sides of the same coin. War ends by negotiations, war is often accompanied by negotiations, and in many cases war is the outcome of a failed negotiation process. If wars end with an inclusive peace negotiation – that is, a process in which all warring parties are included – it might foster a relatively peaceful longer-term future (as did the Congress of Vienna in 1814–1815). However, if the peace settlement is exclusive, meaning that interested parties are excluded from the peace talks (as with Paris and Versailles in 1919), the chances of peace holding for more than a short period are slim.

A crisis is a risky situation and risks therefore have to be taken into account. Yet war is risky in situations where control will not be possible. A war will either be lost, or it will linger on in guerrilla warfare. Even if one is victorious and the opponent can be controlled, the damage done to oneself, one’s allies and the long-term relationship with opponents could overshadow the fruits of victory. The opponents should not be forgotten here, as the enemy of today could be needed as a friend in the future. Negotiation is risky if it provides the opponent with an opportunity to buy time and prepare for exactly the opposite outcome for which your own party is striving. An offer to negotiate can be seen as a sign of weakness, stiffening the enemy’s resolve and creating loss of face in one’s own coalition. Negotiations can legitimize the counterpart’s position, thereby undermining the credibility of their opponent. Yet overall, the consequences of war are so grave that words are often to be preferred. In the end, the risks of war are greater than those of words, so the best risk management is to use words and wars in a connected way, giving priority to the one that will most diminish risks in the context of the crisis that one faces.

The fact that more violent conflicts reach closure nowadays through negotiation and mediation might have to do with the build-up of regimes between the seventeenth and 21st centuries. While international organizations only came into being in the twentieth century, the attempts to create regimes and to stabilize international situations through

long-term agreements can clearly be seen as time passed. There is obviously a connection between this context and the diminishing of war between states, highlighting again the situational character of diplomatic negotiation processes, yet the ever-rising costs of war through modern technology, both in human suffering and material loss, are also a contributing factor. Another reason for the mounting damage that can be inflicted is the sheer fact that more national and international institutionalization and interdependency also enhances the vulnerability to destruction.

*The conclusion of chapter five is thus that negotiation is a more effective instrument of conflict resolution than warfare, and it should therefore be the preferred instrument in conflict situations. Yet in order to use it as a tool, it might first be necessary to change the context by other means, while understanding that under these conditions negotiation might be very unpleasant and difficult. In these circumstances, conflict negotiation can be regarded as war by peaceful means, which often has to call in mediators to bring the parties together and to steer them in the direction of a peaceful outcome. However, mediation and negotiation can also postpone the violence, which might recur in a more disastrous way.*

## The Conduct of Diplomatic Negotiation

The following five chapters – from chapter six to chapter ten – study cases in five different centuries from five different angles: long-term consequences of peace-settlements, the behaviour of negotiators on different levels of negotiation, the inclusion and exclusion of negotiation parties, the weight of personalities, and the institutional setting.

**Chapter six** focused on the question of conclusion, meaning the closure of the diplomatic negotiation process and the effect of the agreement on war and peace in the future. It distinguished between backward- and forward-looking outcomes. Backward-looking agreements settle a conflict; forward-looking negotiations might solve it. The negotiation case study used for the seventeenth century was that of the Peace of Westphalia, which put an end *inter alia* to the Thirty Years' War in Germany and the Eighty Years' War in the Netherlands, and constructed a new conception of sovereignty. The Westphalian conference can be seen as the first attempt to negotiate an international regime that enables countries to protect their inter-state negotiation processes, thereby enhancing their effectiveness as an alternative to warfare. The chapter looked at the parties and their positions, the procedures they used and the processes they launched, how the negotiators navigated these processes and the consequences for the future.

This was *de facto* an interconnected process of bilateral negotiations resulting in several treaties, of which the Treaties of Münster and Osnabrück were the most salient. The processes were running in parallel, some were running faster than others, and they were connected through informal meetings between negotiators of the different bilateral consultations. Most bilateral negotiations were mediated and the mediators had quite a decisive influence on the course of the negotiation processes. The question of ripeness is of interest here.

The most important initiator of the process was the Pope, although he might have been expected to be the one who would resist the most, as such a process would mean indirect recognition of the Protestant countries. As negotiation is a question of priorities,

the Pope initiated the talks out of fear that the Ottoman Empire would overrun Christianity, an early example of an external threat being a unifier. Besides, he wanted the Catholic states to stop annihilating each other. In order to deal with his constituency, the Pope declared afterwards that this peace was a peace of the devil, although one had to accept the current factual situation. This is an early example of dealing with the constituency in a two-level game, whereby the home front is more of a problem than the external adversary.

Another interesting phenomenon is that of today's enemy, who might be your friend tomorrow – and conversely, your ally of today could be your problem in the future. Understanding this, the Dutch not only negotiated a peace agreement with their enemy Spain, but also mediated a peace between their friend France and Spain. This was in order to leave the Southern Netherlands in the hands of their former and now weakened enemy, as they were afraid of a strong 'ally' (namely France) on their direct border.

The Peace of Westphalia also created an instrument for the future, a kind of regime in a nascent state, *in statu nascendi*. It gave Catholic France and Protestant Sweden the right to intervene in Germany if civil war broke out again.

*The conclusion of chapter six is that negotiating favourable outcomes can best be done in a pragmatic way, only referring and sticking to principles if these are instrumental, whereby it is of the utmost importance to foster positive longer-term consequences of the negotiated agreement: in such a case negotiation can forge a situation that allows for advantageous negotiations in the future. The forward-looking character of the Westphalia Peace Agreements had to do with the ripeness of the conflict after 30 and 80 years of warfare. Westphalia installed regimes, notably a new mode of sovereignty, that stabilized the situation in Europe, thereby creating room for diplomatic negotiation as an instrument of conflict resolution.*

**Chapter seven** dealt with navigating the negotiation process during the peace talks at Utrecht in the eighteenth century. These negotiations were seen as another turning point in the evolution of peace negotiations, as they terminated the first global war. As in the Peace of Westphalia negotiations, another attempt was made to secure future peace through agreements that would allow the countries to settle future conflicts within a more or less agreed framework of norms and values. Like Westphalia, the negotiations were connected in bilateral talks, or, as labelled in chapter six, translateral negotiations. And like in Münster and Osnabrück, the negotiators were members of the nobility, negotiating in French (in Westphalia both Latin and French were used as *lingua franca*). The negotiators had to defend different interests, but they had common values and, again like Westphalia, they possessed a lot of space to negotiate. Their rulers were far away and did not interfere in the *who* and *how* of the negotiation process; they only cared about the *what* and *where*.

An interesting aspect of this negotiation is the pre-negotiation phase, which set the context of the peace talks and actually decided on its outcome before the conference had even started. The major powers, France and Britain (a change of government in Britain appeared to be decisive for the start of pre-conference talks), made a separate pre-negotiation deal, thereby *de facto* excluding their allies from the most decisive part of the process. Unlike the Peace of Westphalia in the seventeenth and the Congress of Vienna in the nineteenth centuries, the majority of the countries were kept outside the core decision-making process, like in Paris in the twentieth century. However, Utrecht was

a pre-emptive strike and the other countries officially were present at the conference and officially did participate in the negotiation processes. Interestingly enough, the Dutch had the chance to conclude a separate peace with the French, but they let it pass. In the end, the Dutch appeared to be the biggest losers of the game.

Chapter seven also compared the Peace of Utrecht with two other peace conferences on Dutch soil, Nijmegen and Ryswick, and focused on the behaviour of the negotiators, comparing it with ideas about effective negotiators nowadays. Two sources were used for this: the perception of a high-ranking Dutch negotiator; and those of a high-standing Dutch trainer of negotiation techniques. In essence, little has changed in the last three centuries. Secrecy and manipulation were more valued than today, while precedence and protocol were extremely important. The main difference from conference diplomacy in the twenty-first century is, of course, the lack of technical means, such as information networks and fast transportation, as well as the lack of regimes and structures. In fact, it was a conference with hardly any multi-party decision-making. This created big problems for efficient and effective decision-making.

*The conclusion of chapter seven is thus the importance of the pre-negotiation stage as a determinant of negotiation outcomes before the conference starts, but also the effect of a game-changer, such as a new government because of parliamentarism. The two-level game thus appeared to have an enormous impact: negotiation keeps an eye on the constituencies of the parties. As in the previous and the following chapters, it was noted that the diplomatic negotiators shared a common language, values and norms, while they could work in seclusion, which helped enormously in reaching closure.*

**Chapter eight** was about participation in the negotiation process and the effects of inclusiveness and exclusiveness. The case study was the Congress of Vienna at the beginning of the nineteenth century – the first multilateral peace conference, though not all-inclusive. As a consequence of the Vienna negotiations, the so-called Concert of Europe emerged, a conference system seeking to ensure the stability of Europe. It was made up of all of the major European Powers (including defeated France). The Concert of Europe may be seen as the first international regime.

Managing complexity is the essence of multilateral diplomacy and this complexity was something relatively new to the participating countries. Knowing that they could not effectively negotiate with dozens of parties at the same time, and lacking the procedures and means to handle this, it was decided to deal with the main issues in a ‘pentacrat’ setting (that is, with five powers). Nevertheless, the Congress of Vienna showed all the signs of chaos and ineffectiveness. Notwithstanding several preparatory conferences, planning was lacking, negotiators distrusted each other, and on several occasions the peace conference threatened to deteriorate into war between the ‘allies’.

The tactic of keeping the middle and minor powers away from the table had the consequence that they had to be kept busy with balls, operas, and all kinds of other festivities and services. These recreational – and sometimes proactive – events had the important side-effect that Vienna could be regarded as a huge networking opportunity. Much more than in Münster and Utrecht, networks dominated at the Congress of Vienna. As a consequence, information streams came into being, leading to both misinformation and information-gathering. The Austrians used the opportunity to install a wide network

of spies in almost all of the residences, with Austrian Chancellor Metternich even spying on Austria's own emperor and empress. Negotiation and information went hand-in-hand, and a forerunner of twenty-first century spying networks like the US National Security Agency was born, although one should also not underestimate the role of spies and information-gathering and exchange during previous diplomatic negotiation gatherings.

The method of exclusion and inclusion worked well in the sense that substantial results were obtained, establishing a stronger framework for the future than in the two foregoing conferences that were dealt with in chapters six and seven. This framework of going back to pre-revolutionary times by postulating legitimacy as the central feature for the future can be regarded as the birth of the first viable regime regulating the relationships between the allied countries and their former opponents. The method of exclusiveness thus resulted in inclusiveness as the outcome of the congress, which secured a relatively peaceful nineteenth century.

*The conclusion of chapter eight is thus that a well-organized conference is of great value for effective negotiation. For negotiations to be successful it is advisable to have a group of strong countries taking the lead, using middle powers to control the small powers, while the presence of political leaders seemed to be an obstacle to efficiency. Diplomats need structure and space to be effective negotiators. On the negative side, the exclusion of certain constituencies – notably new social and political players such as liberals and nationalists – haunted the history after Vienna and undid many of the results that had been reached by the negotiators. As the outcome frustrated evolution, it became one of the incentives for revolution, and evolution is a more fitting context for diplomatic negotiation than revolution.*

**Chapter nine**, which discusses negotiations in the twentieth century, addressed the issue of political negotiators' reputations and the effect on the diplomatic negotiation process in six case studies, all of which were connected to warlike situations. In the aftermath of the First World War, the first global international regimes in the form of international organizations were established. These inter- and supranational organizations truly helped to protect and stabilize diplomatic negotiation processes, thereby greatly adding value to negotiation as an alternative to warfare. The first case was the Paris Peace Conference in 1919, which concluded with the Treaty of Versailles, thereby putting an end to the First World War. Already with the Congress of Vienna in 1814–1815, political negotiators had been entering the stage, but they were diplomats at the same time, not the ones who took the final decisions (with the exception of Russian Tsar Alexander I). During the twentieth century, however, politicians – as heads of state – were often the decision-makers at the highest level. On the one hand, this restrained the diplomats' freedom to be creative in finding compromise solutions; on the other hand it slowed down negotiations, as the political leaders had few incentives to give in to their equals, particularly as the most important political negotiators were representing democratic states and had to take their constituencies into account. The ever-growing importance of the constituencies created new complexities.

The chapter then analyzed the personalities of the political leaders negotiating before and after the Second World War with the cases of Munich and Yalta. The negotiation behaviour of Chamberlain and Hitler might have been rational in the face of their countries'

interests, but they themselves were under the influence of strong emotional considerations, although they might not always have been aware of it. Churchill, Roosevelt and Stalin were perhaps much less governed by their sentiments, but they all had a reputation to defend, thus influencing their negotiation behaviour to quite a large extent.

This chapter furthermore examined three case studies connected to the Cold War: negotiations between Kennedy and Khrushchev; those between Nixon and Brezhnev and Mao Zedong – including the back-channel talks between Kissinger and Dobrynin and Zhou Enlai, respectively; and finally, the negotiations between Reagan and Gorbachev. It concluded that these leaders' personalities, as well as the personal chemistry between them, had a decisive influence on the course and outcomes of the negotiations. Yet not only were the relationships between the leaders of importance, but a kind of two-level game also came to the fore here. The clashes between the leaders and their mandated chief negotiators had an impact on the processes as well.

*The conclusion of chapter nine is that negotiation is not only about interests, but also very much about the character and experiences of the negotiators. In fact, these factors play an even more important role if the negotiator is powerful. The more powerful the negotiator, the more often his or her personality will have an impact on the process and the outcome of the negotiation. The defence of the negotiator's reputation has both an emotional and a rational component, as a negotiator with a positive image will be able to exert more influence on the process, while his or her self-image will sustain the negotiation's effectiveness as well. 'Egotiation', however, the situation in which the actions of the negotiator override the interest of the country, will have a negative impact on the outcome of the negotiation process.*

**Chapter ten** analyzed the relationship between organization and negotiation in the European Union. The EU may be considered the most integrated international/supranational organization to date, the pinnacle of four centuries of attempts at regime construction. Looking at the constellation of the Union, an attempt was made to unravel the intricacies of the internal and external negotiation processes. Although much is known about the Union generally, and a host of literature has been written on its functioning and policies, little is available on the processes of negotiation. This is a paradox that might have to do with the complexity of this intergovernmental and supranational regime, but it could also be the consequence of a problem that was signalled in the first chapter of this study: the very limited possibilities for negotiation researchers to be part and parcel of the EU's negotiation process. Yet, there are opportunities for surveying, while some practitioners are willing to talk and to write. Still, discussing the negotiation issue with academic specialists, it is striking how little is known about what is happening within boardrooms and conference halls as far as processes are concerned.

It is clear that different rules within the different EU structures result in different kinds of intensity in the negotiation process. The status of the forum is also of great importance. At the highest level, that of the European Council, package-dealing is more frequent than at lower levels. Difficult issues are pushed from beneath up to the top echelons, which can oversee the possible trade-offs that cannot be made between lower-level officials. Although all EU member states are included, there is some tendency towards exclusion at the preparatory level. The most powerful member states can indeed dominate, notwithstanding their need to create pacts with the middle and minor countries.



Something of 'Utrecht', 'Vienna' and 'Paris' is thus still present in today's European negotiation processes. The President of the European Council, the High Representative, the Council Secretariat, and last but not least the European Commission help to limit the hegemonic tendencies of the major powers, thereby stabilizing and facilitating the negotiation process.

However, the day-to-day negotiation machinery is the Council of Ministers and its Working Groups, including COREPER, the Parliament as a co-legislator, the European Commission as the initiating, executing and controlling force, as well as the European Court as a guardian of the Union's legislation. Around this construction, there are myriads of networks, IGOs, NGOs, regional and local authorities, and many others, adding to the complexity and perhaps to gridlock. The whole of this body politic is too extensive to allow for much space for formal negotiation processes. Formal negotiation processes are, of course, vital and are a daily reality, but progress is made in the corridors, before and after the meetings, and in informal talks between the different formal and informal layers.

*The conclusion of chapter ten is thus that a strong regime enhances the effectiveness of diplomatic negotiation, while too much complexity might lead to gridlock, which can be avoided through informal negotiations. The more formal negotiation arenas abound, the more important informal negotiations will be; the more informal negotiations there are around, the less transparent the EU negotiation process will be. For the moment, the European Union is the last stage in attempts to enhance the effectiveness of diplomatic negotiation through regime-building. As the European Union deepens and stretches out, it has to cope with growing complexity, while it remains in need of more and more effective diplomatic negotiation processes as the life-blood of the Union.*

**Chapter eleven** dealt with three cases about the conduct of diplomatic negotiation processes, not through the ages, but through simulation. As already stated, it is difficult to observe the process of negotiation and the behaviour of the negotiators. Simulation might therefore be part of the solution to gain insight, as actors in the process tend to behave in a natural way, as if they were bargaining in reality. In principle, the negotiation will not be different, but some artificiality cannot be denied. This is probably not because of the 'players', but very much because of the 'game masters' who are setting the scene, which can come very close to reality.

The first case study concerned the chairperson as such. What do we know about the role of chairpersons and what kind of lessons can be drawn concerning their effectiveness? The main conclusion is that chairpersons have to act situationally, as negotiations are situational by nature. Depending on the phase of the process, the chairperson has to guard the procedure and the agenda, direct the negotiators towards a fruitful discussion, help them to select the issues to be decided upon later, facilitate informal discussions and negotiations, act as a mediator or even as an impartial negotiator in the decision-making round, while pushing things towards closure if negotiators have difficulties in reaching outcomes.

The second case study was a so-called 'table-top exercise' to understand negotiations 'on the ground'. In implementing agreements, it is often necessary to conduct post-agreement negotiations on the spot. By putting the negotiators in different situations, their ability either to negotiate entry to where they have to check on implementation, or



to ward off 'intruders' by skilfully using arguments and circumstances without breaking a treaty's rules and regulations, can be tested. While it is absolutely necessary to have negotiators who are experts in the field, it is not good enough to let them deal with the issues at hand without the help of generalists who see the bigger picture. Tunnel vision will make the whole endeavour ineffective.

The third case study was of a 'Pentagame' (a number-game with five parties), in which the overall context was given, but it was then up to the players to optimize or maximize their profits. This exercise brought several professionals together: politicians; diplomats; civil servants; consultants; scientists; and others. As they were not defending their real interests, they could wholeheartedly focus on the negotiation process, which produced interesting moments and outcomes, while they could converse without their usual burden. The exercise also provided insights into future available options, thereby helping negotiators to prepare effectively for the upcoming rounds of post-agreement negotiation processes.

*The conclusion of chapter eleven is thus that simulation can be a helpful surrogate in cases when researchers and others cannot be present at real-time negotiation processes, as simulation deepens insights, while it facilitates experiments to enhance the effectiveness of the process and the people. Negotiation is a reality game and can therefore be easily simulated in order to further the understanding of negotiation itself. Simulations will give diplomatic negotiators a chance to practise their skills in a safe laboratory context. Chairpersons who could not ask participants in real negotiations to assess them can now learn from their actions. Specialists who are unaware of the importance of networking in negotiation can now practise it. High-level specialists and ambassadors who have to be careful in exploring future situations with their colleagues will now be able to discuss them. Finally, simulations can be used by researchers to compensate for the problems that they encounter in being kept out of real diplomatic negotiation processes, as noted in the first chapter of this thesis. In short, simulation exercises provide an accessible and safe space for learning and experimentation.*

### Cross-Cutting Findings

In addition to the conclusions that are related to the specific chapters, some more general conclusions can be drawn from previous observations cutting through the selected case-studies.

This thesis sees the process of diplomatic negotiation as the most effective and efficient tool in inter-state and inter-organizational relations. Much evidence was collected to support this proposition. The dissertation asked the question of how to further the use and usefulness of diplomatic negotiation in order to limit destructive tendencies in international politics. It presents insights that will hopefully help to evaluate these processes as an instrument in dealing with contradictions among the parties that are shaping world affairs: parties with both individual and common interests sitting around tables that separate and connect them. However, as noted above, those who are not at the table will be on the menu.

Diplomatic negotiation is therefore between cooperation and competition. It is vital for the future to enhance the cooperative element in negotiation and to diminish the

competitive side. However, politics are characterized by strife and competition is not only there to stay, it has the healthy function of avoiding monopolization as well. Looking at diplomatic negotiation as a global system, as a pathway to govern the world and its inhabitants, it seems sensible to strengthen it without suffocation. Striving for balance between context and process through further regime-building, while keeping the arteries of the process as open as possible, might be of help in providing the world with reasonably good state and inter-state governance.

The proposition of this thesis, that international/diplomatic negotiation can only be a viable alternative for warfare if countries can exercise a certain amount of *control over their internal and external opponents through regime-building*, has been discussed and analyzed throughout this manuscript: first in Part I on Nature; and second in Part II on Conduct. The focal point in the first part was the connection between process and context, the balance between war and words, and the quite recent phenomenon of more violent conflicts being decided through negotiations than through victories. The second part focused on the question of to what extent the cases signalled a more stringent control through rules and regulations, networks and constructions.

'Münster' showed that rulers legitimized foreign intervention in order to keep the peace in the Holy Roman Empire of German nations. 'Utrecht' indicated the duty of the constituents to prevent future wars through unilateral or collective actions. 'Vienna' created a more or less permanent alliance of the greater powers collectively to hold the peace. 'Paris' tried to solve the problem of future threats of war by subduing the collective enemy for as long a time as possible. 'Brussels' managed to do away with internal wars by integrating a growing number of countries in one balanced construction through an international and supranational approach, thereby establishing a negotiation monopoly in the management of internal and external cooperation and competition.

Outside and between these regimes, violence remains a problem. There is no negotiation monopoly because of the relative weakness of global institutions like the United Nations Security Council, although negotiation has become a more important tool in conflict management and resolution over the centuries. On a regional scale, the progress of cooperation – and thereby of negotiation – has been uneven. There has been a growing hope for regional institutions to compensate for the lack of decisiveness on a global scale. For the moment, however, the European Union seems to be an enigma – an exception to the rule that regional organizations are hardly more effective than more encompassing regimes.

States remain the domain of negotiation, although they are enhancing their capacity for international negotiation as an alternative to warfare, because of growing economic interdependency, diplomatic institutionalization and the progress in international public law. The fabric of international cooperation, however, remains vulnerable and dependent on ripeness situations, as international regimes are often still too weak to create negotiated ripeness. Negotiation has become a viable instrument of decision-making, but in crisis situations it is still often more of an auxiliary instrument. The turning point where diplomatic negotiation will be strong enough to make wars redundant is still to be reached and might never come, notwithstanding the growing strength of diplomatic negotiation over the centuries.

As emphasized in this study, diplomatic negotiations start with the actors who initiate the process. *Actors* have three choices: to do nothing; to pull back; or to push forward. In other words, to freeze, to flee, or to fight. These movements are mainly determined by the factors inside and outside the context in which the actors operate. Inside or outside, three main *factors* play a role in the decision of actors to act: interests; values; and power. There are also three main phases in the negotiation *process* itself, as a consequence of these actions and factors: exploration; selection; and decision. These phases are embedded in pre- and post-negotiation processes. As diplomatic negotiation is an instrument in managing international relations in such a way that problems can be solved in peaceful ways, it will have to be effective as a tool in international governance and conflict resolution. By effectiveness, we mean managing actors, factors and processes in such a way that outcomes can be reached at the lowest possible costs. Managing sovereign countries is problematic, unless – as has been stated above – there is a certain measure of *control*. This control can be exerted through over-arching international regimes.

### Actors

Since the seventeenth century, the state has developed into an ever-stronger actor in diplomatic – that is, inter-state – negotiation processes. While in the seventeenth century the state was a tool in the hands of dynasties, with the exception of England and the republics, it progressed to become an instrument in the hands of the people, represented by their parliaments. However, in more than half of the world's nations today, the state is a *de facto* tool of oligarchic or authoritarian elites, while some – presidential – dynasties still govern. These internal differences have an impact on the two-level games in the negotiation process.

Public opinion plays a major role in democracies – and therefore parliament, the media, and public and private sectors – in the conduct and decision-making of negotiators. To sell negotiations to their own people is often a major – and unsolvable – problem. Negotiators from semi- and non-democratic countries will have to struggle less with their constituency, as they have more control over them. Control is thus a major element in dealing with internal pressure: the more control over the home front, the more effectively political negotiators and their agents can conduct their negotiation with external parties. This was dealt with in the chapter on negotiation and warfare.

One of the most important findings of this thesis is that the *creativity of the diplomatic negotiator is in danger*, and thereby his effectiveness. Although the rulers were absolute in the seventeenth, eighteenth and nineteenth centuries, and in some cases also in the twentieth and even now in the twenty-first century, the space for their agents – and thereby for their ability to reach outcomes in a creative and human way – has been shrinking. The ambassadors of the seventeenth and eighteenth century were thus in a way 'Brusselized' already. Nobles with common values using a *lingua franca* that they all understood, in an age when nationalism was not yet a serious issue, had more influence on the outcomes than their rulers, who mainly decided on the formulas, but hardly on the details.

During the nineteenth century, rulers begin to intervene more and more in the day-to-day negotiation processes, while in the twentieth century, politicians started to play a more and more dominant role in the actual negotiation process. This development was facilitated by increasingly effective means of transportation and communication.

Political negotiators can easily jump over the tables around which their agents try to fix the international problems of their countries, and these diplomats and civil servants can be scrutinized and controlled in a much more effective way than in the past. Furthermore, secrecy is an important element in successful negotiation, either direct or back-channel. In foregone ages, secrecy was much easier to uphold than either today or in the future. Bureaucracies and intelligence agencies can now penetrate the table. The media are much more effective than in the past, as democracy demands transparency, and transparency in turn is needed to establish and maintain legitimacy, at least in democratic countries. All this gives rise to a less effective diplomatic negotiation process, thereby weakening negotiation as a tool in the conduct of international relations.

### Factors

The assumption that *interests are the dominant driver* in international negotiation processes was borne out by the cases that were analyzed in this study. Thus, situations of diverging and common interests are suitable for negotiation processes. The more diverging the interests, the more competitive the actors will be. Conversely, the more common ground the actors share, the more cooperative behaviour we can expect. Intra-institutional negotiation will often provide a framework and a level playing-field where the clash of interests will be less harsh than in extra-institutional environments. The chances for assured and mutually beneficial outcomes will therefore be enhanced. As well as interests as such, the question of stakes and priorities will modify the weight of the interests.

One example of this can be found in a comparison of the negotiations in Münster, Utrecht, Vienna and Paris, as analyzed in this study. In Münster the parties were so exhausted that this ripeness facilitated much common ground and thereby substantial outcomes, which not only closed the past wars in an effective way, but also gave rise to new forward-looking regimes that are still relevant today. Utrecht, on the contrary, was a deal made by the victors and left many of the negotiating parties unsatisfied: the common ground was quite uncommon. As a consequence, new wars broke out and the conference was not much more than a pause between wars, although the peace agreement did settle issues and does have an effect that lingers on to the present day, albeit in a negative way. Issues remain painful for those that lost, such as Spain – Gibraltar remains a bone of contention. Meanwhile, Vienna showed common ground because of the existence of a common enemy: Napoleon Bonaparte and the French Revolution. The main reason why there was an agreement at all, and an agreement that more or less stabilized Europe, was a new regime that came shortly after Vienna: the Holy Alliance. Subsequently, Paris was the consequence of a victory by the allies, not of ripeness for all the parties. The victors were exhausted and this forged common ground among them, but Germany remained outside the efforts to create commonality between the parties. As a consequence, the excluded party took revenge 30 years later, something that had been foreseen by negotiators already towards the end of the Paris peace talks.

*Values* and norms are embedded in culture and culture's impact on negotiation is very diverse, but in general one can distinguish between societies in which negotiation is part of daily life and those where people tend to pay a fixed price. In the first type of society, the exploration phase will take much more time to conclude than in the second. However, in inter-state negotiation, negotiators from the latter type of negotiation culture

are often much more willing to start a negotiation process than those from the first type. This is because of the enormous importance of values and face-saving in the first type. The paradox is that while members of those cultures are more ready to bargain in the marketplace, they are at the same time much more hesitant to give in while operating at the diplomatic level.

Values play a decisive role in international negotiation. Values are often overshadowed by the role of interests, but they can be as meaningful. In Western negotiation research, the emotional dimension has been underestimated for decades. Nevertheless, values are present in both 'Western' and 'Eastern' negotiation arenas. In the West, they take the form of, for example, the defence of human rights principles, the advocacy of good governance, and the promotion of democracy. In the East, it is much more about reputation, pride and honour: face-saving. Negotiating about interests is more open to trading than bargaining about values. Values are non-negotiable (at least in principle) and can thereby be a major obstacle to effective negotiation, especially if they are connected to personal or group identity.

This was the topic of the chapter on reputation and 'egotiation'. This chapter illustrated the importance of 'face', even in Western culture and even with 'rational, purposeful politicians'. The point was made that issues of non-material interest could have very negative consequences for the negotiation processes, as with the cases of Chamberlain–Hitler and Krushchev–Kennedy. The character and posture of the negotiators had a positive effect in the Gorbachev–Reagan relationship. In the Stalin–Roosevelt–Churchill triangle, things were of a more mixed nature, as was also the case with Nixon–Brezhnev–Mao. The role of 'egotiation' was notable in the internal negotiating situations: the rivalry between Nixon and Kissinger; and between Mao and Zhou Enlai. These competitive relationships in a way posed more problems for reaching viable negotiation outcomes than the interactions with the external partners.

This thesis furthermore found that in diplomatic negotiation, *the role and impact of power differences are probably the most important criteria for distinguishing diplomatic negotiation from other kinds of negotiation processes*. It is, in other words, the political aspect of inter-state negotiation, as politics is about the use and distribution of power resources. Extra-institutional negotiations are more influenced by power differences than intra-institutional processes, and will therefore be much more risky than the latter. In other words, organizational structures around channels of negotiation will temper the impact of power, although power differences will not disappear completely and will materialize in the inclusion or exclusion of actors in the negotiation process.

An example can be found in the real-life case of Pacific Oil in the chapter on entrapment. The organizational setting and the change of context allowed the weaker party to be more successful than the stronger. The case also illustrated the importance of the hierarchical structure within the organizations that are negotiating with each other. Their internal organization and power distribution very much influenced their external power position, as did the relationships inside and outside the organizational context. The case also showed how the contextual factors influenced the direction of the negotiation processes in such a way that their flow influenced the power balance. This flow itself also had a huge impact on power symmetry. The entrapment process robbed the party with most structural power of its alternatives and weakened its position substantially, and, as

noted in the first part of this thesis, alternatives are an important ingredient of power. The situational power of the weaker party grew at the expense of the structural power of the other party. As a consequence, the weaker party became the stronger, for the moment. If the context changes again, however, the victor has to fear for its survival, as context change will allow its opponent to use the structural power that it still has at its disposal. The shadow of the past will influence the present and the future.

### Process

The phases in the process are very much influenced by their institutional and cultural context. The institutional environment has a huge impact on the way in which negotiations will develop. Bilateral and multilateral negotiations in international organizations provide for more security and thereby stability than ad-hoc bargaining. Outcomes will be more assured than in negotiations outside institutions, but the processes are normally quite time-consuming. The exploration phase can be short, as partners often know each other quite well, but the decision-making can be very painful, as actors are aware of the binding and often legal character of their decision. The consequences are enormous. The post-negotiation phase, moreover, is hardly problematic.

The real problem of extra-institutional negotiation often lies in the pre- and post-negotiation phases: how to get the actors around the table; and how to ensure compliance and enforcement. To pressure negotiators to come to the negotiation table remains the main problem. Context change is often needed, but it might only be the disaster that one wishes to avoid which can force parties to start the process. Mediators can be of great value, especially if they can be the source of a peaceful change of context through threats or diplomacy. As a consequence of insecurity and uncertainty, the exploration phase might become very time-consuming, while the selection and decision phases might be realized in a relatively speedy way.

### Control

An example of the role of control is the observations made in the chapter on simulated negotiation processes under the heading 'synergies', which discussed the problems that the chair will face in controlling negotiators in the meeting. Too much control will undermine the chair's position, as the participants might revolt. Not enough control will hinder the chair in the task of coming to closure in a meaningful way. The table-top exercises illustrated the problem of control from the perspective of the different situations of the inspection team and the inspected state-party. Both try to gain control over the other party in order to reach their goals of finding something or hiding something. The 'Pentagame' at the end of the chapter made clear that the institutional structure of the negotiation process can facilitate both parties to more or less equal control over the situation, thereby fostering predictability and safety for both process and participants.

Control over diplomatic negotiations with other parties is the nucleus of inter-state negotiations, as it determines their outcomes. No control means unassured outcomes. Even if an outcome will be reached, its implementation is insecure. Incentives for using negotiation as a tool in conflict management will thereby be weak. This enhances the chances for warfare as an alternative to a peaceful process of conflict resolution. The difficulty of reaching assured outcomes and implementation was one of the reasons for

strengthening inter-state regimes during the last four centuries. Through these regimes, which culminated in international organizations in the twentieth century and supranational constructions today, sovereign states are managing their relations in such a way that less costly (that is, negotiated) solutions will become a viable instrument in international relations. This opens opportunities for more international governance through negotiation in the future, with a growing importance for negotiation and how it will be conducted. Negotiation will therefore, in this vision, become an increasingly essential part of the conduct of internal and external negotiations.

As a downside, there is the danger of gridlock. While states are in need of increasing control over internal and external negotiation processes, they need more and more bureaucracy to exert control. Bureaucracy and control tend to enhance inflexibility, which in turn hampers the negotiation process and thereby its effectiveness as an instrument. Bureaucratic barriers will slow down the process, as we already see in the European Union. As discussed in the conclusion to the chapter on the European Union, such gridlock can be tempered by expanding the informal arena of EU negotiation. It has been noted before that progress in negotiations is often to be found 'in the corridors'. In that sense, more informal talks will not only guarantee some freedom from institutional obstacles, but will also enhance the chances for successful closure of the negotiation processes. There is the importance of informality in reaching deals: too much formality leads to mechanical processes, while negotiation is not only about procedures, but very much about creativity. Nevertheless, a strong link with the formal side of the process has to remain, as control will otherwise be lost and formalization of the outcomes will not be realized, thus making them redundant.

There are also other trends diminishing the impact of negotiation on desired outcomes. As well as the growing role of the often 'egotiating' politicians, there are multitudes of national and international civil servants, lobbyists and other non-governmental negotiators who are slowly but surely pushing aside the diplomat as an agent in negotiation. This obstructs the process in two ways: the sheer growth of actors creates more complexity; and although complexity might open new options, it also serves to suffocate the processes. More complexity means more formal rules to manage it, and more time to come to closure.

In the conclusions to the second chapter of this thesis, observations were made about the future role of the diplomat as a diplomatic negotiator in competition with negotiators of other governmental and non-governmental agencies. It was observed that the distinction between diplomatic and non-diplomatic negotiators will probably wither away, foremost in strong regimes like the European Union. This is an interesting paradox: *while the regimes allow for successful diplomatic negotiation processes, they will at the same time diminish the role and the importance of the diplomatic negotiators.*

As a result, miscommunication will also be on the rise because of the erosion of diplomatic culture, as fewer and fewer diplomats are allowed to conduct international negotiation processes. Professional cultures are bridges between societal cultures. It could thus indeed be helpful if negotiators from specialized ministries sit around the table, as they do understand each other, which would allow for a smoother negotiation process, but they will have to be hacked together for a final and balanced overall outcome. With a weakened role for the diplomatic services, whether EU or national, such harmonization will become increasingly difficult.

In sum, there are two trends for the future that will, depending on the situation, work against each other or strengthen each other. On the one hand, there is a growing *institutionalization* of the negotiation process, underpinned by a multitude of negotiators facilitating these processes and thereby enhancing the chances for effective outcomes. This institutionalization will result, on the other hand, in growing *complexity, formality and transparency*, thereby creating *inflexibility* in the negotiation process, which will obstruct it from reaching viable outcomes, as it is further complicated by complexities stemming from *the nationalization of international negotiations and the internationalization of national negotiations*. The processes will be more time-consuming, while in the modern world, timely closure is of the essence.

It is, of course, difficult to predict how much these two trends in diplomatic negotiation will neutralize each other. However, as warfare is so damaging in our globalizing world, there seems to be no realistic alternative to negotiation as a global tool in governance and conflict resolution. Negotiation is an essential component of the fabric of global governance. It is therefore of vital importance to manage the positive and negative trends in the effectiveness of negotiation processes in such a way that the positive trend will maintain the upper hand.

### Recommendations

In order to strengthen diplomatic negotiation as an instrument in international relations, a few recommendations might be of value. Diplomats and civil servants should continue to play different roles, whereby the diplomats' role would have the helicopter's view while specializing in certain niches such as conflict management. However, the formal difference between diplomats and other civil servants working internationally should be diminished and – if possible – disappear. It would be helpful to give both roles the same status and – more importantly – to forge a common culture. One of the tools to create such a common international negotiation culture is to provide diplomats and other civil servants with common education. With the teaching of international relations studies – whether political, legal, economical or otherwise – at universities all around the world, using English as the *lingua franca* in both education and negotiation, there seems to be no serious obstacle to the rise of an overarching new diplomatic culture in negotiation.

This trend can be further stimulated through early and mid-career training of international negotiators through diplomatic academies. Since the 1970s, and for Europe since the 1990s, diplomatic academies and schools of foreign service have met to discuss enhanced cooperation. However, notwithstanding several attempts to do better, little progress in cooperation has been made. The crux is the reform of the organization and the programme of these institutions themselves, which can only be done, of course, by their respective governments. Little investment is needed to make this materialize.

The organization of the forums facilitating negotiation processes could be made more efficient. Again, this would not demand serious investments in money and people, but there are serious constraints of a political nature. As long as countries feel that it is in their interests to cooperate, but that such cooperation diminishes their options to opt out, thereby reducing defence of their vital national interests, such reorganization and streamlining will remain a Utopia, at least as far as top-level negotiations like in the



United Nations Security Council are concerned. It is questionable, however, as to what extent these top institutions really count.

Perhaps the underlying negotiation platforms are of much more importance, as they prepare for the highest level strata. International negotiations will seldom start at the top. Day-to-day bargaining processes by low-ranking and middle-ranking negotiators will prepare the basis for negotiations at the higher bureaucratic and political levels. Without this preparatory work, the bureaucratic and political leaders would not be able to conclude their treaties. While it is difficult to reform the structures – and even more so the negotiation culture – at the highest levels, it seems to be possible at the working levels.

Finally, the issue of internal negotiation processes should not be overlooked, as internal processes are often more important and more difficult to manage than external. Just as international politics is the reflection of national politics, it might be said that international negotiation is the projection of the national negotiation processes on regional and world politics. In order to enhance the effectiveness of negotiation as an instrument in international politics, internal reforms are needed. On the one hand, this is easier than with external reforms, as there is more control over internal processes; on the other hand, however, these reforms will immediately affect the positions and interests of the bureaucracies and the political systems of a country or an international organization. Enhancing the efficiency of negotiation internally is therefore problematic.

As in the international arena, the bottom-up approach might create more chances for success than a top-down approximation. The problem remains, however, that the decisions to reform the institutions that facilitate the negotiation processes will have to be taken at the top, but they might be influenced in a positive way from the bottom. As crises are often helpful in changing a context, the current shortage of financial means might invoke more streamlining of – and cooperation between – the institutions of the state or international organization. This might in turn help to simplify the negotiation process in order to keep it manageable.

Diplomatic negotiation will remain a country's main instrument, both inside and outside international organizations, for representing its interests and dealing with the problems that it encounters. Diplomatic negotiation will become more important as globalization enhances interdependency and provokes regional and global conflicts. Interdependency is vital for negotiation. Without it, diplomatic negotiation processes could not function.

Government representatives navigate these processes in order to strengthen national interests and/or to manage and solve conflictual situations. Whether chosen or self-appointed, the negotiators and their superiors manage the power that is mandated to them. In that sense they are elite, which automatically distances them from those they represent.

Diplomatic negotiation is therefore an elitist affair and it is not easy for those who have been represented to be heard. As negotiation is about compromise and compensation, the interests of the constituency cannot, by definition, be fully materialized. Moreover, the representatives will push for their own interests, being those of their government, their international organization, or themselves and their caucus or clique.

Democratizing diplomatic negotiation is therefore hardly possible. Diplomatic negotiation is ultimately about an oligarchy deciding for those that it represents: about them, but only insufficiently on behalf of them. The negotiators are a '*negoarchy*' of mutual

understanding, with a more or less common '*negoculture*', as they could not be effective otherwise. By definition, their constituency will be unhappy with the processes and outcomes of diplomatic negotiation, while their governments might be suspicious of them in cases where they represent international regimes.

As a consequence, governments will keep the international regimes as weak as possible, while these regimes are needed to substitute trust for control in order to protect the diplomatic negotiation processes and their outcomes. The more diplomatic negotiation processes abound, the more complexity arises, the more regimes are needed to enhance their effectiveness, and the more governments will attempt to restrict the power of the regimes.

This is the *Diplomatic Negotiation Loop*, which will restrain mankind's efforts to solve its problems in a peaceful way at a time when conflicts are multiplying and the use of force is inadequate and harmful for international society. Construction and destruction go hand in hand. Diplomatic negotiation remains the most useful tool for dealing with it. Increasing our understanding of diplomatic negotiation processes will only serve to decrease misunderstandings and increase our effectiveness in settling future disputes successfully.