

International negotiations in the context of the evolution of international relations: theoretical assumptions and observations

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Introduction

The history of international relations reveals that since ancient times they have evolved towards today's modern forms and dimensions. That evolution was charted not only by the great events of international resonance, but also the emergence of actors and international environment, which worked out its own methods of operation. As David Armstrong cites: "Early forms of diplomacy and treaties existed in the ancient Middle East. Relations among the city-states of ancient Greece were characterized by more developed societal characteristics, such as arbitration. Ancient China, India, and Rome all had their own distinctive international societies".¹ Based on the ancient achievements, a medieval world was built, in which there were tested various forms of foreign policy, international cooperation and competition, and structures of a supranational, transnational, national and subnational character.² Following these experiments there began to appear international orders such as the Westphalian order based on balance of power, diplomacy and law, 19th century hegemony based on great powers' club (in some concepts 19th century represents a multipolarity where there operated at least three strong superpowers)³ or collective security basing of the League of Nation.⁴

All of the above forms of international relations had been accompanied to varying degree by negotiations, whether in the form of secret bargaining or formalized rounds in the framework of international structures. While analyzing the history of international relations, one can argue that the changes in international relations had been forged in the fires of war and at the negotiation table.

Thierry de Montbrial considered negotiations as one of the four basic ways of resolving conflicts next to arbitration, international judicial proceeding and armed confrontation.⁵ The experience of the 20th century shows that the negotiations have become the dominant

1 ARMSTRONG, David: The evolution of international society, in: *The Globalization of World Politics. An introduction to international relations*, BAYLIS, John – SMITH, Steve – OWENS, Patricia (eds.), Oxford 2008, 42.

2 Ibidem, 44.

3 GRIFFITHS, Martin – O'CALLAGHAN, Terry – ROACH, Steven C.: *International Relations. The Key Concepts*, New York 2002, 19.

4 ARMSTRONG, 47.

5 MONTBRIAL, Thierry de: *Działanie i system świata*, Warszawa 2011, 95.

tool in conflict resolution, as even during the war parties seek solutions in negotiations.⁶ As a result, international scholars widely discussed and recognized the appearance of a system of international negotiations, which is evidenced by trends such as, among others:⁷

- development of conference diplomacy, manifested in the fact that countries want to solve problems in a broader international context and demand to determine the causes of conflict in the international forum;
- change in the perception of the importance of the problem: earlier a dispute was considered as an internal affair of stakeholders, nowadays it is assumed that even a two-sided conflict could have wider repercussions for the international environment;
- actors of international relations more likely to refer to the negotiations than other forms like arbitration or judicial proceedings, because their judgements are obliging, and the results of the negotiations provide a broader and more flexible maneuver;
- especially in the 20th century there can be seen an increase in the number of international actors, for example new countries and international organizations, and in this context, negotiations regulate relations between them and organize international order;
- along with new actors there emerged new problems and issues that needed to be regulated, what took place mostly through negotiations.

Along with the development of international relations, thus increasing number of international actors and ongoing process of growing interdependencies between them, there changes the view on negotiations. As a result of widening the scope of a need for international regulation of many new fields, bilateral negotiations are replaced gradually by multilateral negotiations⁸, and thus engaging the large group of partners, not only on the diplomatic level, but also central and local administration, social and professional organizations. Moreover, the subject of negotiations – the agreement or treaty – tends to play a role in shaping reality, not just of a narrow community, but usually of most countries on international scene.

Negotiations are usually referred to as a process of bilateral or multilateral communication, which aims to reach an agreement in a situation where a part of the sides' interests is consistent and another one is contradictory.⁹ Ronald P. Barston defines negotiations as "an attempt to explore and reconcile conflicting positions in order to reach an acceptable outcome".¹⁰ The essential purpose of the negotiations – an agreement – is worked out on

6 IRAGORRI, Alexandra García: Negotiation in International Relations, in: *Revista de Derecho, Universidad Del Norte*, vol. 19, 2003, 92.

7 BRYŁA, Jolanta: *Negocjacje międzynarodowe*, Poznań 1999, 11–13.

8 WORONIECKI, Jan: Negocjacje wielostronne – podstawowe źródło prawa międzynarodowego w dobie globalizacji, in: *Prawo, instytucje i polityka w dobie globalizacji*, HALIŻAK, Edward – KUŹNIAR, Roman (eds.), Warszawa 2003, 204–205.

9 CENKER, Małgorzata Ewa: *Negocjacje*, Poznań 2002, 12.

10 BARSTON, Ronald P.: *Modern Diplomacy*, New York 2014, 51.

the basis of partners' reciprocity or a specific number of bilateral concessions (although there may be asymmetry of concessions) and effort to bridge the differences between the parties arising from objective or subjective, but different interests.

In international relations, negotiations are considered to be an alternative to force or unilateral action, no internationally agreed and therefore risky in politics or international economy.¹¹ In this perspective, the essence of negotiations is to exchange information between autonomous but interdependent actors to agree on the distribution of wealth or coordinating actions in order to achieve mutual benefits.¹²

The purpose of this article is to demonstrate the importance of international negotiations in the context of changes that have been occurring in international relations, especially after the First World War. The article is divided into four sections that show qualitative changes in the international negotiations in the context of changes which indicate progress in the development and deepening of international relations. In the first chapter, I discuss international opportunities that favor the intensification of international negotiations. The second chapter discusses the actors of international negotiations, indicating that with the evolution of international relations, there expanded the circle of influential participants in negotiations. The fundamental assumption of the third chapter is that with the evolution of international relations, international negotiations have begun to provide a process consisting of several stages with different dynamics rather than limit themselves to a traditional single meeting at the negotiating table. The fourth chapter refers to the determinants of negotiating process, which are diagnosed in different dimensions: structural, institutional, strategic, cultural and psychological.

In order to avoid unnecessary ambiguity from the point of view of semantics, in this article the notions 'negotiations' and 'bargaining' are used interchangeably. Also by the notion 'agreement' I mean all kinds of international documents and contracts, like treaty, convention, etc.

Opportunities for negotiating in the context of evolution in international relations

Different actors of international politics refer to negotiations as a mean of resolving international conflicts and disputes with particular intensity in certain situations and international conjuncture. In other words, international negotiations intensify when there are adequate reasons and conditions that at any given time determine the international system.

One of the main determinants is the time treated as international conjuncture. Time can act both as a supporting stimulus and a retardant brake. As indicated by Jolanta Bryła: "The problem cannot see the solution at a particular time, but at other times there may be new facts that will make the problem negotiated".¹³ In the context of international negotiations in a particular subject, situation diagnosis must be based on the analysis of not only time

11 WORONIECKI, 211.

12 Ibidem, 211.

13 BRYŁA, 47.

factor acting on the international stage, but also on the domestic scene of a particular party in the dispute or conflict. In the history of international negotiations, there were repeatedly situations when favorable international conditions were squandered by reluctant internal political forces and vice versa, when internal actors willing to compromise were blocked by the network of international dependences. Moreover, along with reflections on the impact of the conjuncture on the frequency and intensity of negotiations, one must be aware of its immanent feature, which is its incredible volatility and a tendency to alternation. As a result, "the constantly occurring events make that the opportunity to negotiate may disappear just as suddenly as it appeared, if time will not be used".¹⁴

The evolution in international relations is determined by specific events, important in their course and consequences, which define international conjuncture. In this sense, the general phenomenon of evolution in international relations is linked to the category of a conjuncture, which determines the changes in international relations. The interface between evolution and conjuncture is the area where international negotiations intensify. The literature points out the special moments in international relations, which can be discussed both in the context of conjuncture and evolution of international relations, and which foster intensity and frequency of the negotiations as an instrument of solving international problems.¹⁵

First, there should be demonstrated an international situation, which is characterized by a high degree of innovation, understood in the sense that there is a new issue on the international stage, which requires regulation and arrangements of broader number of participants in international relations. This problem is mainly characterized by the fact that the scope of its influence exceeds the borders of one state, becoming a challenge for a wider group of potential recipients of its effects and consequences. In the history of international negotiations, the category of new international problems is powered primarily by new threats and new quality resulting from technological progress (for example, an innovative weapon), geographical discoveries (including newly discovered natural resources), etc. In this context, it should be pointed out that international law regulating new issues in international relations and thus supporting the process of the evolution of international relations is in great part the result of international negotiations.¹⁶

International negotiations follow intensively the qualitative changes in the system of international relations. These changes are usually the result of armed conflicts, which posed a question mark or completely overthrew the previous status quo and in the ashes of war arises a need to develop new international order. As William I. Zartman and Maureen R. Berman emphasize: "in the history there are known repeating eras of negotiations – periods of particular negotiation activities (...), for example conference marathons in Vienna, Versailles and San Francisco following after the Napoleonic Wars, I and II World War".¹⁷ It should be underlined that alterations of an international order may also be the result of actions, aims and aspirations of the international players, expressed not only in

14 Ibidem, 47.

15 Ibidem, 48–51.

16 ZAŁUCKI, Krzysztof: Traditional Methods of Resolving International Disputes vis-à-vis Contemporary International Relations, in: *Open Europe: Cultural Dialogue across Borders. New Diplomacy in Open Europe*, CURYŁO, Barbara et al (eds.), Opole 2014, 16–17.

17 Cite after: BRYŁA, 49.

the form of war and armed conflicts. In such situations, negotiations are also often used as a method of peaceful construction of a new international system. To illustrate this trend, one can refer to a situation when there are changes in the position of existing participants in international relations, for example when a superpower loses its strength and / or new major player emerges and demands a redefinition of order.

An important stage in the evolution of international relations, also exacerbating the scope of international negotiations is the emergence of new actors in the international system, for example new countries that won independence, and whose operating in the international environment demands a response and adjustment on the part of the other participants. Every sequence of a foreign policy of the newly established state, from logistic activities concerning the establishment of diplomatic representations to the strategic activities of building alliances and partnerships, require negotiations. In this context, it is crucial to emphasize also the new and important group of non-state actors whose impact on international relations especially after the First World War began growing dramatically (what will be discussed more thoroughly in the next section).

Fred Ch. Iklé in his fundamental work titled *How nations negotiate* diagnoses more situations that encourage or force the participants in international relations to enter into negotiations. These situations are constructed on the basis of the criterion of the objectives pursued by the participants of the negotiations and they are:¹⁸

1. Extension agreements
2. Normalization agreements
3. Redistribution agreements
4. Innovation agreements
5. Effects not concerning agreements

Characterizing these types of negotiation situations, Iklé stresses that: "In reality, the negotiating parties always pursue a mixture of several of these types of objectives, although one of them may predominate. Moreover, in one and the same negotiation, the dominant objective of one party is often of a different type from that of the other party".¹⁹

Parties in negotiations for the purpose of an extension agreement aim at extending the previous agreement, which so far has been satisfactory for them, of course, to varying degree for each party. A very important element of such a negotiating situation is the fact that the current agreement is the most determining factor of bargaining, because it sets the boundaries of both thematic and tactical maneuver of involved sides. Concluding, the negotiations in the objective of an extension are among the most common type of bargaining as they provide an extension of the status quo and functioning of international relations on the principles developed earlier. In a situation when the parties do not reach the agreement, there inevitably appears a confrontation leading to a change of the status quo. Examples of this type of negotiations are, among others, tariff agreements; renewal of rights is maintained an overseas military base, or the replacement of important officials

18 IKLÉ, Fred Ch.: *How nations negotiate*, New York 1985, 26.

19 Ibidem, 26.

in international organizations.²⁰

Negotiations in the area of normalization agreement are one of the most difficult and the most strategic in the relations between international actors. Reasons for starting negotiations result from problematic international situation that negotiations must normalize. As it is pointed out by Iklé, the importance and relevance of these negotiations stem from the fact that they "are meant to terminate the abnormal or to formalize arrangements tacitly arrived at, such as to stop fighting through cease-fire or truce, to re-establish diplomatic relations, or to end a temporary occupation in exchange for a military alliance and regularize other postwar uncertainties through a peace treaty".²¹ In case of failure of such negotiations, the tense situation extends which in turn, and at a certain point, forces the resumption of negotiations, mostly because of the pressure of the international environment.

Another negotiating situation is diagnosed in the area of a redistribution agreement. This type of negotiation is initiated by a stronger party, which calls for a new distribution of goods, such as territory, political influence, institutional powers, economic or military assets.²² An important aspect of these negotiations is that the stronger party gains at the expense of the weaker party, what in turn leads to changes in the status quo and introduces new quality into the existing international order. Negotiations for the purpose of redistribution are places among the most problematic ones, not only because of the obvious tension between the dominant and weak party, but mostly because of the consequences of such negotiations.

Negotiations for the purpose of an innovation agreement, as in the case of redistributive negotiations, concern new balance of power, distribution of wealth, mutual obligation, or the appointment of a new institution or organization. However, unlike the redistributive bargaining, their fundamental premise is a community of interests of all parties and benefits that should be shared by all interested actors, but of course not in the same dimension. Negotiations in this area belong to the group of constructive bargaining, which positively contribute to harmonizing and organizing international relations.

The specificity of international relations means that international negotiations do not always lead to reaching an agreement. Sometimes this is due to objective reasons and blocking factors (what will be broadly discussed later in the article), but often it is a result of conscious strategy of bargaining participants. In this context, bargaining is described as negotiating for side-effects. Referring to such negotiations, Iklé shows the following side-effects:

1. Maintaining contact
2. Substituting for violent action
3. Intelligence
4. Deception
5. Propaganda
6. Impact of third parties.²³

20 Ibidem, 26–27.

21 Ibidem, 26–27.

22 Ibidem, 27.

23 Ibidem, 43–58.

In case of serious international conflicts, mostly of an armed character, maintaining contact is regarded as one of the main tools to reach agreement, though at the start of such side-effects negotiations such an agreement seems to be impossible to achieve. In the opinion of Iklé: "There are two reasons why negotiation for the purpose of maintaining contact may be fund desirable. First, the talks of conference may be seen as providing a forum for the exchange of views, either continuously or sporadically, on the issues other than the ostensible topic of negotiation. Second, the meetings between the negotiators may be viewed as a potential channel for emergency communication and crisis bargaining".²⁴

The premise of a second kind of negotiations is a general belief that international negotiations are more beneficial and gratifying than military action. However, in order to introduce negotiations for the purpose of substituting for violent action, there must be certain conditions, for example the conviction of the opponent about larger benefits from bargaining than acts of war or entanglement of a party in a commitment of not breaking negotiations under the threat of force.²⁵

Negotiations in the purpose of intelligence serve the purposes of obtaining information about the opponent or enemy. In a situation when the parties remain in ongoing conflict and the contact does not exist or is difficult, the chances of resolving the conflict are deteriorating massively. Hence, the parties often sit down to the negotiating table to establish a contact and examine the opposing party. As indicated by Bryła: "Sometimes the knowledge acquired in this way may be more important than the final settlement on the issues discussed. By way of negotiating the party can expose its long-term goals, show differences from allies or internal problems and conflicts, reveal the point at which pressure of the enemy faces resistance".²⁶ Extremely often information obtained about the opponent do not increase the chances of a negotiated agreement, but are intended to provide parties of the conflict with the knowledge of how far they can go in their actions and demands without provoking further tension.

Negotiations in the purpose of deception serve foreign policy, mainly in terms of military strategy in a particular conflict. Through involvement in bargaining, a party gains time to strengthen its own armed forces, redeployment of troops or build new alliances. The second, often parallel aim is to prevent other parties from engaging into the conflict until the moment when their commitment ceases to make sense or is no longer possible.²⁷

Negotiation in the purpose of propaganda serves the purposes that parties believe to be extremely effective, even if the negotiations are not intended for consensus-building. The purposes refer to a broader resonance, raising one's international prestige and demonstration of one's honesty in contacts in the international environment.²⁸ All of these objectives are realized during the negotiations that usually take place at the forum of international conferences, which parties treat as a venue for the dissemination and justification of their own views to a wider audience. The literature emphasizes the fact

24 Ibidem, 44.

25 BRYŁA, 62–63.

26 Ibidem, 63.

27 IKLÉ, 51.

28 BRYŁA, 64.

that the presentation of views in the form of negotiating positions has a greater impact on other countries than the same views presented in official government documents. At the same time, participation in various international forums, even those that do not produce results in the form of concrete decisions, raises the profile and importance of a state. Such participation in international negotiations during major events like summits is a sign of keeping up appearances, when the party, through its presence, wants to confirm and demonstrate good will and dismiss accusations of prolonging conflicts or dispute.²⁹

Negotiations in the purpose of an impact on third parties are also specific game of appearances, which aim is to provoke a certain reaction from a third party which is not a formal participant in the negotiations, but which is in fact the real purpose of the aspirations of one of the parties. The most common objectives of negotiations in this kind concern the desire to convince the unconvinced party to enter into bargaining. As Iklé diagnoses: "Ongoing negotiations between two powers that belong to opposing alliances can have an impact on other allies who feel left out. Even though there is no agreement, the very fact that negotiations take place may be enough to stir up fears among some allies that a 'deal' might be made at their expense".³⁰ Causing concerns of a third party regarding the possibility of being excluded from the agreement is not the sole objective of party undertaking negotiations of this type. Very often another objective is to become more attractive in the eyes of a third party by talking to 'the other side'. In the eyes of a third party, bargaining between the parties may prove the power of a given party, which had been previously ignored or underestimated.

Concluding this part of article, it has to be underlined that: "No two negotiations are the same. Even when the same actors return to the negotiation table to discuss the very same issue for a second time, both the dynamics and the results may be quite different".³¹ For this reason, these types of negotiations typically occur in different embodiments and blend to a varying extent.

Actors of negotiations

In the evolution of international relations, there also evolved the types of actors involved in international negotiations.

Traditionally, the first to mention is a state which throughout the history has been considered the most important actor of international bargaining. Nicole Simonelli convinces that the states: "are the major players in the negotiation process, since it is states that have the voting power over which proposals are accepted, it is states that must sign and ratify the final agreement, and it is the behavior of states which the agreements will regulate".³²

As an alternative to war, negotiations are essential means of resolving disputes in international orders, where strong states with comparable potential, have no superior

29 Ibidem, 64.

30 IKLÉ, 56–57.

31 STARKEY, Brigid – BOYER, Mark A. – WILKENFELD, Jonathan: *International Negotiation in a Complex World*, New York 2010, 35.

32 SIMONELLI, Nicole: *International Negotiations: Multilateral Agreement Making*, Presentation prepared for the International Studies Association Annual Convention, 26–28 March, 2008, San Francisco, 3.

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authority, which would force them to accept certain terms and conditions. Similarly, the importance of bargaining is strategic when the state has a right of veto in the international decision-making process.³³

Priority importance of state actors in international negotiations interacts with realistic theories of international relations that place state in a central location of an international policy.³⁴ The realists define international relations in the terms of the anarchic system which generates a series of conflicts, and the role of the state in this system is to pursue such policies in order to maximize the realization of its own interests.³⁵ Realists suggest that states are simply obliged to implement vital interests, even by force and coercion. This does not preclude the role of negotiations that can bring beneficial agreements and contracts. In a realistic understanding of the world, the negotiations typically have the distributive nature of bargaining, which means competitive and value – claiming.³⁶

However, alongside state actors, the literature points to the role that in the international negotiations is performed by non-state actors, mainly international organizations. The importance of this type of international participants in negotiations is emphasized in liberal theories of international, which indicate that “international relations are not limited to relations between states, but also include transnational relations, which mean relations between people, groups and organizations (...)”.³⁷ An important premise of liberalism is the belief that participants in international relations do not operate in a vacuum, but in an order, within which they are interrelated and interdependent, what determines them to act in consensual and compromised way. International organizations create an environment for this type of action.

In the context of international negotiations Robert O. Koehane and Lisa L. Martin underline that international organizations gained importance and evolved as indispensable actors because they “can provide information, reduce transaction costs, make commitments more credible, establish focal points of coordination, and in general facilitate the operation of reciprocity”.³⁸ International organizations have objective information and expertise, which are a reliable source for the parties in the negotiations. High reliability of information contributes to the growth of trust between the parties, which cuts distrust and tension in the negotiations. At the same time, international organizations as an open and transparent forum of contacts and exchange of information contribute to the reduction of the level of conflict between the parties.³⁹ Quite often, international organizations take up the role of mediator between the conflicting parties, help in mitigating disputes and generally make their contribution to developing and strengthening the habit of joint action cooperation

33 BRYŁA, 48–50.

34 BURCHILL, Scott: Realizm i neorealizm, in: *Teorie Stosunków Międzynarodowych*, BURCHILL, Scott et al (eds.), Warszawa 2006, 97.

35 JACKSON, Robert – SØRENSEN, Georg: *Wprowadzenie do stosunków międzynarodowych. Teorie i kierunki badawcze*, Kraków 2006, 71.

36 ODELL, John S.: Three islands of knowledge about negotiation in international organizations, in: *Journal of European Public Policy*, 17, 2010, 5, 621.

37 JACKSON – SØRENSEN, 115.

38 Cite after: SIMONELLI, 3.

39 Ibidem, 3.

between countries.⁴⁰ In this context, it is pointed out that the activities of the international organizations promote the development of integrative bargaining, which is defined as a co-operative problem-solving and value-creating.⁴¹ The literature also indicates that the particular role and importance of international organizations in negotiations, including those of non-governmental ones, manifests itself in regulating new issues.⁴² Depending on the type of actor, its characteristics and interactions with other actors, there are distinguished four types of international negotiations:

1. Major power dominated process,
2. International conference process,
3. IGO working group process,
4. International bureaucrat process.⁴³

In the first case, the negotiations are dominated by major powers, which play a decisive role at each stage of the negotiation process (phases of negotiations will be described in the next section). Even in situations where negotiations are taking place within international organizations or international conferences, it is in the gesture of major powers to produce the draft of agreement and final arrangements, often conducted in the form of informal consultations. In the second case, the major powers continue to play an important role, which applies even to initiate negotiations, but international organization or conference becomes increasingly important because it becomes a negotiating forum, open to other members who, by this fact, gain decision-making power. The third type emphasizes the role of the working groups or preparatory committees, established by the conference or international organization, whose objective is to prepare the draft of a convention. As a result, in their hands there rests a key element of the negotiations – the initial proposals, which generally define the limits of the negotiating parties' maneuver. Finally, in the fourth type of negotiations, the role of the initiator shifts to the international officials who operate within the framework of a conference or an international organization, and which are seen rather as representatives of the organization rather than national experts (as it is the case of IGO working group process).⁴⁴

Negotiation process

In popular opinion, negotiations, due to historical experience, are seen as talks at the negotiating table, usually under the conditions of secrecy. With the development and deepening of international relations, the negotiations turned into a process in which the situation outlined above is the only one of its phases. Each phase is characterized by its specificity and dynamics as well as involves different actors (also within the one side).

40 MINGST, Karen: *Podstawy stosunków międzynarodowych*, Warszawa 2006, 169.

41 ODELL, 621.

42 See among others: BETSILL, Michele M. – CORELL, Elisabeth: NGO Influence in International Environmental Negotiations: A Framework for Analysis, in: *Global Environmental Politics*, 1, 2001, 4, 65–85.

43 SIMONELLI, 15.

44 Ibidem, 6–13.

Generally, in the context of international practice, there developed a model of negotiation process, which consists of the following phases: diagnostic phase, formula phase and detail phase. The characteristics of this model are offered by John S. Odell, who diagnoses that: "In the diagnostic phase, parties decide to explore the possibility of negotiating, conduct separate preparations and sound out other parties. In the second phase they search for some general principle or formula to guide the third phase (...). In the detail phase negotiators then work out the particulars of an agreement consistent with the formula".⁴⁵ The stages of this model are present in almost every negotiation process. However, due to the evolution of the international relations, and thus the intensity and complexity of the negotiations (partly because of the increasing integration of the internal actors into the bargaining process, what will be described in the last section), the model of negotiation process has been extended for a greater number of stages, reflecting almost all activities and events of the process. These stages are as follows: agenda setting, policy analysis, formulation, implementation and evaluation.⁴⁶

The first phase of negotiation process is vital, as it generates the decisions that determine the course of the whole process and define the limits of maneuver for its participants. In this phase, the parties determine the issues that appear on the negotiating table with the definition of their understanding. As pointed out by Tanya Alfredson and Azeta Congu: "Negotiations begin to take shape in agenda setting phase in as far as the choice of items placed on the table can set the tone and framework for the outcomes that are reached. Setting the agenda can help to either inform or restrict policy-makers thinking about a given area in accordance with the issues recognized as pertinent to discussion and parties selected for providing input and so on".⁴⁷

In the analysis phase, parties must analyze topics of negotiations in terms of their content, the consequences of adopting specific solutions and negotiation obligations. This analysis is in fact the result of interaction between decision-makers, affected bureaucracies, political parties and interest groups.⁴⁸

The phase of policy formulation is also considered vital, because its aim is to identify common and conflicting interests in the negotiation issues. During this phase, the parties are building forum for the exchange of information. On the basis of data collected during this phase, the parties choose the negotiating strategy.⁴⁹ Generally, in the theory of international negotiations, there are two basic strategies: distributive and integrative (mentioned briefly above). During this phase it comes to actual negotiations, which results and commitments must be then implemented by the parties.

In the implementation phase, negotiation results and commitments are legitimized, usually through the ratification process. This phase should not be ignored, as it reveals all gaps and shortcomings of the previous phases. In the first two phases, such a defect is the lack of agreement between the parties about a common understanding of the negotiation subject,

45 ODELL, 623.

46 ALFREDSON, Tanya – CONGU, Azeta: *Negotiation Theory and Practice. A Review of the Literature*, 2008, online: <http://fao.org/easypol> (visited: 12 September 2014), 4.

47 Ibidem, 4.

48 Ibidem, 5.

49 Ibidem, 5.

as well as the lack of harmonization of all actors interested in the result of negotiations (including internal actors). As a consequence, when the product of negotiations gets under consideration of internal decision-makers, it can be challenged, and negotiations are proving to be a failure. In this situation, as also in the case of a positive finalization of the negotiations, the negotiation process is entering the last, evaluation stage, during which parties draw conclusions from the process and define the factors which made final agreement possible or barriers that hampered or squandered it.

Determinants of negotiations

In the analysis of the theoretical foundations of international negotiations it is extremely important to identify the determinants that support the negotiation process in a positive and constructive manner. The specificity of international relations, however, means that certain factors may all the same act as barriers to negotiated agreement. Below there are distinguished several types of barriers that should be treated more generally, as a group of factors that can act both as motivating and disincentive ones. Michael Watkins and Susan Rosegrant list five groups of barriers: structural, institutional, strategic, cultural and psychological.⁵⁰

Structural barriers relate to very important issues of formal structure and logistic organization of negotiation process. In this context, the determinants are, among others, the place of negotiations, the integrity of negotiating teams with a clear division of roles and responsibilities to specific stages of negotiation process, style of the chair of the negotiations. The weaknesses in the logistic organization of negotiations may result in the fact the channels of communication between the parties will become occluded. Also a very important structural blockade is the lack of a clear definition of the bargaining topic by the negotiating parties, what may have consequences in the fact that the parties cannot agree, because they interpret the problems arising from the subject of negotiations differently or because into the particular topic there are included other issues or others additional participants who bring their own interests on the table.

The institutional barriers refer to "internal political and organizational dynamics (...) For example, a negotiating representative may be constrained by internal political differences to offer only lowest-common-denominator positions or one side may be so disorganized that it cannot negotiate effectively".⁵¹ Henry Kissinger once said that the most difficult negotiations are at home. The group of institutional barriers results from the political system and political practice of a state. The literature indicates that the negotiating style of a unitary state looks different from a federal state, that involves many decision-makers on central, regional and local level.⁵² The impact and importance of institutional factors interact with Robert D. Putnam's metaphor of two-level game, which assumes that foreign policy is a function of internal and external conditions. Two-level game theory assumes

50 WATKINS, Michael – ROSEGRANT, Susan: *Breakthrough International Negotiation. How Great Negotiators Transformed the World's Toughest Post-Cold War Conflicts*, Harvard 2001, 56–57.

51 Ibidem, 57.

52 KAARBO, Juliet: The domestic politics of international negotiations: The effects of state structures and policy making processes, in: *International Interactions*, 27, 2010, 2, 185–186.

that foreign policy is determined by the dynamics of international events and preferences, potential and strategies of other international actors, as well as the internal political scene conditions and fluctuations in political support for decision-making processes. For this reason, a party is faced with the need to balance between pressure coming from international environment and expectations generated at the national level.⁵³ As Ahmer Tarar concludes: "Because of the need for domestic ratification, the executives to some extent have their 'hands tied' during the bargaining (...) and have to take into account the preferences of domestic groups whose ratification is necessary, even if they do not play a direct role in the negotiation".⁵⁴

Among the determinants of stimulating or blocking character in the group of strategic barriers there is mainly the political will of stakeholders. Political will is determined by the national interests of participants in negotiations. By defining the national interest Ziemowit J. Pietras states that: "it is the relationship between the needs of the participant of international relations and the goods or values, relationships and states of affairs satisfying this need. Interest is the function of needs, which encourages participant in international relations to take action and to satisfy the needs".⁵⁵ The approach presented by Teresa Łoś-Nowak emphasizes the multifaceted category of national interest: "interest is the driving force of all activities of the state on the international stage, regardless of whether they are the interests of primary importance, known as the *raison d'état*, or others, important for its development, political satisfaction and social aspirations".⁵⁶ In the context of international negotiations, it is worthwhile to offer the classification of interests: the most important ones, which are implemented even against the wishes of the other participants in international relations, important ones that are under negotiation with other participants and secondary, which are usually used flexibly to achieve compromises with the other participants in international relations.⁵⁷ With regard to the international negotiations, the process of constructing national interest by the party is also an important determinant. Taking as a starting point Putnam's metaphor of two-level game, mentioned earlier, it should be noted that with the evolution of international relations the process of defining interest is no longer solely the responsibility of the internal decision-makers, but is also influenced by the incentives of the international environment. Cultural barriers also belong to the group of factors with a high degree of risk during the negotiation process because they result from cultural identity (consisting of ethnic, linguistic, religious belonging, etc.), which permanently and fundamentally determines the behavior of a negotiator as a person. For this reason, the negotiations do not take place in a vacuum, but between the parties which, through their own culture perceive all the essential elements of the negotiation process and build attitude to the opponent

53 PUTNAM, Robert D.: Diplomacy and domestic politics: the logic of two-level games, in: *International Organization*, 42, 1988, 3, 434.

54 TARAR, Ahmer: Constituencies and Preferences in International Bargaining, in: *Journal of Conflict Resolution*, 49, 2005, 3, 383.

55 PIETRAŚ, Ziemowit J.: *Podstawy teorii stosunków międzynarodowych*, Lublin 1986, 144.

56 ŁOŚ-NOWAK, Teresa: *Stosunki międzynarodowe. Teorie – systemy – uczestnicy*, Wrocław 2006, 264.

57 ŁOŚ-NOWAK, Teresa: Interesy narodowe i międzynarodowe, in: *Współczesne stosunki międzynarodowe*, ŁOŚ-NOWAK, Teresa (ed.), Wrocław 2006, 69.

and the expected results, what is reflected in the subsequent negotiation strategy. As reflected by Christopher W. Moore and Peter J. Woodrow: "Members of different cultures see negotiations differently. For instance, some cultures place great emphasis on building positive relationship among negotiator – perhaps greater than attention to any specific substantive decision or outcome. Many cultures also emphasize preexisting commonalities or areas of agreement or connections and procedures that develop consensus, as opposed to the exchange of positions or the use of threats (...) this difference in the basic conceptualization of negotiations can be considered a cultural frame".⁵⁸ The literature divides culture into a number of types of cultures diversified on the base of the relation to the time (synchronous and sequential culture), the construction of the relationship with the other party (partner and business culture), the relation to the individual and the method of resolving the dispute (individual and collectivist culture, and within these cultures, the dominant adversary or conciliatory approach), etc.⁵⁹ Many times it happens that the negotiations end in failure for unknown, non-objective reasons, and the explanation for this situation lies in the usual ignorance and incomprehension of partners.

Finally, in the negotiation process there cannot be overlooked psychological barriers that affect individual behavior, motivations and beliefs of negotiators. In particular, psychological factors strongly influence the negotiation process, which is run in a difficult crucial topic, during the tense international situation and / or between very conflicting parties. As a result of psychological factors, the level of conflict between the parties is increasing often disproportionately to the topic of the negotiations. Especially troublemaking are emotions that can turn the substantial discussions into the war of nerves and ambitions.

Conclusions

The basic premise of the article is to show the interdependency between the evolution of international relations and international negotiations. The significance of the latter reveals itself and gains importance in specific international conditions, when the scholars observe qualitative changes in the international order, for example when there emerge new international problems, or new actors who change the balance of power and challenge the existing status quo. Such events, being the evidence of the evolution of international relations, are usually accompanied by negotiations, what was mentioned in the first section of the article.

Along with the evolution of international relations, the negotiations themselves are evolving, as discussed in the following sections. Changes can be seen in several areas. Firstly, in the expanded range of actors in negotiations. Next to the traditionally influential states, there appear other influential non-state actors, like international organizations and conferences, whose impact results in the fact that multilateral negotiations have become more common than traditional bilateral ones. Secondly, in the course of changes in international politics, negotiations developed into a process consisting of several stages and involving different actors (including domestic policymakers). Thirdly, negotiation process is conditioned

58 MOORE, Christopher W. – WOODROW, Peter J.: *Handbook of Global and Multicultural Negotiation*, San Francisco 2010, 8–9.

59 See more: BIELEŃ, Stanisław: *Negocjacje w stosunkach międzynarodowych*, Warszawa 2013, 102–108.

by a number of determinants that operate in various dimensions, from institutional to psychological.

Consequently, each negotiation process is different, and the intensification of international negotiations, particularly visible after the First World War, confirms that in the 20th century there was born the system of international negotiations.

Abstract

The article considers the importance of international negotiations in the context of changes that have been occurring in international relations, especially after the First World War. The article is divided into four sections that show qualitative changes in the international negotiations in the context of changes which indicate progress in the development and deepening of international relations. In the first chapter, I discuss international opportunities that favor the intensification of international negotiations. The second chapter discusses the actors of international negotiations, indicating that with the evolution of international relations, there expanded the circle of influential participants in negotiations. The fundamental assumption of the third chapter is that with the evolution of international relations, international negotiations have begun to provide a process consisting of several stages with different dynamics rather than limit themselves to a traditional single meeting at the negotiating table. The fourth chapter refers to the determinants of negotiating process, which are diagnosed in different dimensions: structural, institutional, strategic, cultural and psychological.

Keywords

international relations, international negotiations, agreement, state, international organization, international conference, process, determinants

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