Meridiano 47 - Journal of Global Studies

REFERÊNCIA

MANZUR, Tânia Maria Pechir Gomes. Negociações internacionais: um conceito possível, eficácia e eficiência no processo. **Meridiano 47**, v. 11, n. 119, p. 3-8, jun. 2010. Disponível em: http://periodicos.unb.br/index.php/MED/article/view/453/404. Acesso em: 22 nov. 2017. doi: http://dx.doi.org/10.20889/453.

International negotiations: a possible concept, efficacy and efficiency in the process

Negociações internacionais: um conceito possível, eficácia e eficiência no processo

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Meridiano 47 vol. 11, n. 119, jun. 2010 [p. 3 a 8]

Introduction

International negotiations relate to many areas of study, among which are diplomacy, business, law, international trade and international cooperation, just to mention some. In each of these fields one specific and particular definition or approach can be applied to the term, as can be seen in the examples that follow.

Having in mind the diplomatic perspective, for instance, one can affirm that "International negotiation is as it says: inter-national. It is about negotiation between countries. International negotiation occurs all the time between governments (…)." (Available at: http://changingminds.org/disciplines/negotiation/styles/international_negotiation.htm. Accessed on February 15th, 2008). It is an activity related to foreign policy, foreign affairs, to the foreign offices of different countries, and preparing international negotiators means at times, fulfilling a checklist "to achieve and record a consensus in the discussion, rather than-as its form might imply-to contribute a chapter to a manual on government practice" (WINHAM, 1979: 111-135).

In business terms, on the other hand, negotiation is seen as connections between marketers of different nationalities, given that "Business negotiations occupy a prominent place in international trade because any transaction is in some way negotiated even though on a limited range of issues" (GHAURI & USUNIER, 2003: xi).

According to Berton et alii,

> "Negotiations take place at various levels – among individuals, groups and states. Negotiations are necessary not only among rivals, opponents and enemies – be they potential or actual – but even between close friends and allies. In other words, even among people whose objectives, tasks and interests are identical, negotiations are still necessary for the purpose of adjusting their differences in approach, method, division of labor, and burden – or cost-sharing. Naturally, negotiations are even more necessary among people, groups or states with conflicting interests" (BERTON; KIMURA & ZARTMAN, 1999: viii). "Negotiation (..) is a universal human behavior, whose origin can be traced back to the very beginning of history. Negotiation is also the main means for resolving conflicts, thereby serving as an important tool of diplomacy. With the end of the Cold War, the significance of negotiation in international politics has increased" (BERTON; KIMURA & ZARTMAN, 1999, p. viii).

International negotiation processes are ever more relevant, most clearly after the latest globalization waves of the 1990s, but literature on the area has been neglected, as state Ghauri and Usunier: "A considerable amount of literature is available on negotiations, some of it also on business negotiations but the field of international business negotiations is quite neglected" (GHAURI & USUNIER, 2003: xii) .

There is indeed a wide range of matters to which international negotiations are related, but one that has not yet produced enough literature on the subject is that of International Relations, even though negotiations are intrinsic to the work of any internationalist, on a daily basis. It is important to mention that we consider here as *internationalist* as a professional working in the international scenario, not only an expert on international law, but especially

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that individual who has an academic and professional background in the area of IR.

The main purpose of this article is to shed some light on the grey areas of conceptualization, as well as to incipiently theorize on international negotiation on the basis of an internationalist's perspective. The concepts to be presented here result from the work of many years of research and teaching on the field; nevertheless, doubts and comments, as well as positive criticism will be welcome as readers realize that this is a first effort to provide one more development within the international negotiations field of study.

International Negotiation – a possible concept

Let us analyze the following situations and imagine if they are classifiable as international negotiations:

A) a negotiation held within an International Organization;

B) a business negotiation between two Brazilians establishing a contract, each representing a multinational company;

C) a business negotiation between a Brazilian and a Chilean, each representing a Brazilian company, according to Brazilian law;

D) a negotiation between two Brazilian companies, both headquartered in Brazil, dealing with oil exploitation in Ecuador.

All cases must be thoroughly examined, in order to establish links between them which may lead to a solid conceptualization of international negotiations.

The first case may lead the reader to think of the example as an international negotiation because of the place where the process is held. However, what if the negotiators are of the same nationality, negotiating a private element? Let's imagine two Korean diplomats negotiating, within UN headquarters, where they are going to have lunch. It is definitely not an international negotiation. However, if the same two Koreans are representing their country in a negotiation about culture, with representatives of other countries as well, within the same UN headquarters, this negotiation can be classified as international. What is the difference? It will be explored later in this article.

In the second case, negotiators have the same nationality, but they represent companies that are multinational. The negotiation's legal framework is not mentioned, but regardless of where the contract will be negotiated, the result will be of a different nationality to at least one of the parties. In this case, it is clear that the negotiator's nationality alone is not our focus, since both negotiators share the same nationality – that could lead the reader to consider this as a national negotiation, which it is not.

In case C, the two negotiators have different nationalities, but they both represent Brazilian companies (same nationality), and the legal framework is national to both parties. What is not mentioned here is the objective, or the estimated result. One might assume that the result will also share the same nationality as the parties and the legal issues. In this case, a national, not an international negotiation occurs.

The last case shows two parties sharing the same nationality; however, the expected result and the legal framework refer to another country and another nationality. In this case, even though the parties share the same nationality, we find an international negotiation.

All cases above carry subtleties and demand attention to details, but it is exactly based on these details that a new concept for international negotiation is presented later in this article.

In order to attain a more complete conceptualization, let us discuss some of the concepts present in modern virtual literature that deals with negotiation, and then make an attempt to transfer these ideas to the international scene.

But what makes a communication process a negotiation? What makes a dialogue a negotiation? To what extent is a dispute resolution a negotiation? And what about international negotiations? What makes the entire process international?

Let us try to answer all the above questions and critiques to other concepts with a new perspective on international negotiations. Some terms are highlighted to emphasize the major components of the whole concept.

> International Negotiation is an **interactive process** serving as an **instrument** to prevent or end conflicts of interest, as well as to solve controversy. It may also serve as a means to **achieve common objectives** or agreements among **individuals or groups** (parties) in relation to a **specific object**, material or immaterial, within a framework of **pre-established rules**, known and accepted by the parties involved. These parties are directly or indirectly interested in the object and in the **objectives** of the negotiation. Additionally, in order to be **international**, a negotiation must **simultaneously** contemplate **two of the requisites** that follow: a) parties must have different nationalities, or be supranational entities (at least one of them); b) the object must be of different nationality to at least one of the parties, or have a supranational nature; c) the result (settlement, agreement, contract, treaty, among other examples) must be located at a different nation to at least one of the parties, or have a supranational nature; d) the regulatory framework must be of a different nationality to at least one of the parties, or have a supranational nature (MANZUR,2008).

Having in mind what an international negotiation is, some other developments are possible in this area. Further in this article, we will begin to discuss important requisites to build the international negotiator's efficiency and, as a probable outcome, the negotiation's efficacy. All the ideas are developed with a focus on the international area, even though some general assumptions on negotiation will generally previously occur.

International negotiations: efficacy and efficiency within the process

Dudley Weeks (1992) defends the idea that some steps are necessary in order to achieve the situation above – effective negotiation made by an efficient negotiator: a) Create an Effective Atmosphere; b) Clarify Perceptions; c) Focus on Individual and Shared Needs; d) Build Shared Positive Power; e) Look to the Future, then Learn from the Past; f) Generate Options; g) Develop "Doables" (feasible criteria and measures); h) Make Mutual Benefit Agreements. In this article, we are going to show different ideas to reach the same objectives.

Knowing what to do

The most important *first step* for a negotiator to be successful is to answer the following question: What is the negotiation about?

For that matter, it is relevant to subdivide the question above into many new ones: is this a conflict? Do the parties have common or conflicting objectives? Is the object of the negotiation material or immaterial, divisible or indivisible? Are the parties "friends or foes"? How many stages will the negotiation have – is it a simple or a complex one?

As the negotiator answers all these questions, they will be able to have a larger picture of the process before it starts. That means to have adequate preparation (MANZUR, 2008).

Knowing the purposes: why to negotiate?

Many negotiators begin a negotiation without having the real picture of it – sometimes because of their own incompetence, other times because they are caught up in the middle of the process and do not have the chance to prepare well. Nevertheless, being the first *Knowing what to do* step fulfilled or not, the negotiator must immediately search for *the purposes* of that specific negotiation. In this case, it is mandatory to answer the following questions: why am I negotiating this specific object? Why was negotiation the way to resolve this issue? Was negotiation our only option? What are my goals in this process? Am I directly interested in it, or am I negotiating it for someone else?

Answering these questions is important for the negotiator to be sure of how far he or she will be able to go. This simple measure will avoid many problems, especially in the event of an international negotiation. If the parties, the object, the result, or the legal framework indicate that one specific negotiating process is international, the negotiator must be aware of all the conditionalities on every party, and take into consideration the cultural aspects when trying to answer also why is the other part negotiating (MANZUR, 2008). The efficient negotiator must take all this into consideration, and more.

Clarity and objectivity

A negotiator is sometimes led by literature to have a direct approach in any situation. This will save time and money; however, one must be careful to behave directly, but not rudely. Clarity, then, in this case, means that your words will be understood as you want them to be. Otherwise stated, especially in some international negotiations, negotiators will not be able to go straight to the point in the beginning of conversations. For the Japanese, for instance, this might be considered a sign of impoliteness, or at least of lack of preparation.

To be clear, one needs to be objective, state what he or she means with no margins for doubt, making sure the message perfectly reaches the recipient. For that to happen, the negotiator must know how to express him or herself very well, in his/her native language or any other necessary to the process; it is also very important to understand the other party's native language, and if it is not possible, a third language must be chosen which all parties speak and understand well. A mandatory step beyond language is the knowledge of the other party's culture. In international negotiations, culture is a key element, so parties must avoid at all costs the occurrence of cross-cultural miscommunication (MANZUR, 2008).

Being aware of Cultural Intelligence is also pertinent. According to Thomas and Inkson, "the need to interact with people who are culturally different has never been greater and will only increase in the future". Cultural intelligence is the ability to interact effectively with individuals and groups of a different culture. It encompasses the Intelligence Quotient and Emotional Intelligence elements, but includes the ability to learn how to perform in a multicultural environment, which takes time, observance and openness to intercultural situations (THOMAS & INKSON, 2004:vii and viii).

Also apropos is the knowledge of Geert Hofstede's research on cultural differences. For those working the international area, it is necessary, as stated previously in this article, to acknowledge how different people in other cultures behave. Even though one might assume that 'deep inside' all people are the same, each individual is different from other individuals; if a comparison is made on the behavior of two individuals belonging to different cultures, the differences will possibly be even bigger. If a negotiator goes into another country and makes decisions based on how he or she decides in their own home country, the chances are some very flaw decisions will be made (HOFSTEDE,1991). It is not difficult to imagine the communication problems that may be caused when each party in a negotiation is operating under opposing or very distant rules or conventions.

Domain of Information

In order for a negotiator to build efficient argumentation, they need to follow some steps and have a thorough domain of the necessary information. It is the "Ranasprus" rule: Research, analysis, assimilation, processing, using – building an argumentation that will result in efficacy (MANZUR, 2008).

A good negotiator must use tools such as newspapers, official documents, literature, and any kind of means of communication which can bring information on the subject of the negotiation, on the other parties, on the circumstances in which the negotiation is being held, as well as on the object, and all possible characteristics of the process.

After doing the initial research, it is important to analyze it. How useful is that information? Which information is useful, among the loads of pieces collected? Can the useful information be unclassified? How far can one go with this piece of information? All these questions must be answered before going to the next level.

Then, it is important to assimilate the analyzed data. How can it be used? How to apply all the analyzed knowledge? Where and when to use it? Where and when not to use it at all? Is the information really "digested", or does the negotiator need more time to? How far can I go in this negotiation? Do I have a mandate? Am I a plenipotentiary? Or do I have a limited range of actions? When the negotiator has the answer to the previous questions, it is time to process the information.

Processing involves building scenarios, establishing possibilities to use the data previously researched,

analyzed and assimilated. It means elaborating over it – making it clear how to use it.

Finally, using the information, then, means applying all that was elaborated before, in the scenarios and situations previously thought of. Using is implementing, building up argumentation on solid ground. Once the negotiator follows the Ranasprus rule, chances of making significant mistakes are little.

Strategic approach

Even when negotiators do not consider a specific negotiation as a battle, they have to be prepared to establish scenarios both for the use of information and for the possible results of the process. In this stage, it is often appropriate to think of all the potentialities of the process – they may range from total loss to total win. Therefore, the negotiator must have in mind all possible arguments to all possible results, and to achieve this level, he or she must be aware of all variables and conditions in the process, and think beyond them. The efficient negotiator thinks of maybe losing the battle, but winning the war at the end (MANZUR, 2008).

Adequate posture

The negotiator, and with stronger emphasis, the international negotiator, is someone aware of his or her physical and psychological characteristics, as well as those of all parties involved in the negotiating process, in order to know exactly how to behave, address the parties and dress to the circumstances. Psychologically speaking, an individual may be relaxed or tense; fast or slow; aloof or attentive to detail; humble or arrogant; serious or humorous; in physical terms, he or she can be elegant or sloppy; energetic or slow; attractive or dull; simple or sophisticated; sober or flashy. These are some examples of how negotiators can describe themselves and others. It is advisable that the negotiator studies both the psychological and physical characteristics they possess, and also how to describe the other parties, so that they find the best attitudes and reactions for the best moment during the process. One reminder: the efficient negotiator must always beware of prejudice. A negotiator, as an individual, might have some kind of personal or cultural prejudice, especially when the other parties are people from different nationalities; stereotypes may be present, but he or she should never let prejudice bias their actions. The efficient negotiator is open to diversity.

General knowledge

Beyond specific knowledge on the basics of efficient negotiations, it is important for the negotiator to frequently update him/herself. General knowledge might "save" a negotiator at times. Let us imagine, for example, that one individual from Brazil and another from Argentina are negotiating. A topic to be avoided is soccer, since Brazil is five times the world champion, Argentina is three; Brazil has Pelé and Argentina has Maradona. But they always dispute which team is the best in the Americas. However, if previous conversations are about music, Argentines are proud of their tango maybe as much as Brazilians are proud of Bossa Nova. Knowing this might loosen up ties in a negotiation, just as having a wide-range knowledge on literature, gastronomy, geography (geopolitics, natural resources), history, and many other "encyclopedic" pieces will be good grounds for conversation during negotiations.

Creativity

It often occurs that a surprise element arises during negotiation processes. The efficient negotiator must then always have an ace up their sleeve, meaning that not all premises should be presented at the same time. There may be turns in the process, so it is important for the negotiator to have possibilities open. Sometimes, the negotiator is able to perform as an actor. They need to control their emotions, showing them when necessary, hiding them when they are not welcome. Being creative means all this and more: it indeed implies having the ability to create situations, events, arguments, solutions, definitions. But if all this leads one to think of creativity as a mere result of inspiration, let us remember that before sitting at the table to negotiate, the individual must have followed all the steps above. Thomas A. Edison

expressed this in other words: "Genius is one percent inspiration and ninety-nine percent perspiration". A good negotiator is an opportunity seeker and these quotes are definitely good mottos for any negotiator belonging to any culture.

Concluding Remarks

In conclusion, although one may think that international negotiation it is basic knowledge to be developed in academia and in the professional practices of IR people, it is still an incipient field of study. This article's scope was to offer a possible approach to negotiation on a different perspective than the ones already present in literature, usually lacking in solid concepts and theory in the area. A concept was developed; some steps were presented for the negotiator to follow in order to be efficient and have the results to his/her practices produce the desired effects.

When a negotiator knows what to do, is aware of the purposes of the process, expresses him/herself clearly and objectively, has a comprehensive domain of information, a strategic approach to the process, adequate posture, develops general knowledge and creativity, he/she is most likely to be successful. Of course, behaving ethically and honestly is also mandatory, since no hard work will pay off if in the end the other parties find out that one of them is not trustworthy. In international negotiations, trust must be built beyond cultural barriers, so it is always advisable for the negotiator to follow rules, but never to forget his/her sentiments and instincts. This is how human relations – and therefore negotiations too – develop.

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Recebido em 08/06/2010
Aprovado em 21/06/2010

Abstract: This article aims at shedding some light on the grey areas of conceptualization on international negotiation, as well as at tentatively theorizing on the topic, based on an internationalist's perspective. Its objective is also to present some steps for the negotiator to follow in order to be efficient and have the results to his/her practices produce the desired effects.

Resumo: Este artigo tem como objetivo lançar luzes em áreas cinzentas da conceituação em negociações internacionais, bem como teorizar, ainda que de forma incipiente, a partir de uma perspectiva internacionalista. Este artigo também tem como objetivo apresentar alguns passos para o negociador internacional construir negociações eficazes, atuando de modo eficiente.

Palavras-chave: negociação internacional; conceituação; eficiência e eficácia.
Key Words: international negotiation; conceptualization; efficiency and efficacy.