BRIAN R. URLACHER

INTERNATIONAL RELATIONS AS NEGOTIATION

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ISI

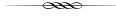**Mark A. Boyer and Shareen Hertel, Series Editors**

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INTERNATIONAL RELATIONS AS NEGOTIATION

Brian R. Urlacher

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Acknowledgments

This book is the product of relationships. The scholars I studied under, the coauthors I have worked with, and the friends I have made all shaped my worldview and my understanding of international politics as negotiation. My family, my wife, and my children have also taught me the value of negotiation in managing difference, in finding common ground, and in building a happy life.

On a more practical note, I would thank my wife, Angela Harrison-Urlacher, and my friend Carissa Green for their valuable feedback and suggestions. This book is better for their efforts, and I am grateful.

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Chapter 1
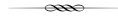
Negotiation and International Politics

INTRODUCTION

The very concept of international relations implies interconnections and interactions. These relationships tie us all together in a common global system. Scientific and artistic advances as well as economic and political developments can move through the international system and, in doing so, touch the lives of millions if not billions of people. We are interconnected, but interconnection does not mean harmony—quite the opposite! As humans we have goals and aspirations, ideas and ambitions. Disagreements are common and perhaps even healthy. As Robert Axelrod and Robert Keohane (1985, 226) point out, "Cooperation is not equivalent to harmony … cooperation can only take place in situations that contain a mixture of conflicting and complementary interests."

To understand how people work out their differences (or fail to do so), this book draws on a wide body of practical and academic work on negotiation and organizes it around some of the central issues of international politics: international security, the global economy, and global governance. This book is about global problems that involve conflicting and complementary interests, but more importantly, it is about how we solve global problems through

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negotiation. **Negotiation**, at its heart, is problem solving. It is getting people with different interests and goals to find a mutual solution to a problem that all involved can accept. Negotiation is a part of everyday life. We negotiate with friends and spouses, roommates and coworkers, clerks and car sales staff. Yet, problem solving in the international system operates under a different set of rules than we typically encounter in our daily lives.

THE INTERNATIONAL SYSTEM

International negotiations, unlike negotiations in other contexts, take place in an **anarchic system**. In other words, there is no world government with the authority to create law or the power to enforce international agreements. When negotiations break down in a domestic setting, a higher authority has a stake in seeing conflict resolved amicably. In most domestic settings, court systems function, and rules are enforced by a government.

By contrast, the international system contains many autonomous actors who must work out for themselves whatever rules will exist and find ways to enforce those rules. The treaties and conventions that govern nuclear technology, human rights, trade policy, and the management of the global environment all have been negotiated by states. When these agreements fail, states, acting alone, in unison, or through international organizations, attempt to enforce compliance or renegotiate the terms of the agreements. When these efforts fail, the consequences can range from a grumbling continuation of the status quo to the start of world war.

A great deal of effort goes into negotiating and renegotiating the international system. As you will see in Chapter 2, the alliances, treaties, and organizations negotiated by states set the tone for the international system, but no deal is permanent. Alliances can fail, international laws can wither, and international organizations can die. Anarchy inherent in the international system means a bizarre balance of chaos and order. In international politics, negotiation is a way of life, and failure to negotiate well can mean death.

Anarchy also increases people's vulnerability to social traps. A **social trap** is a situation in which individuals act in a way that they perceive to be good for themselves, but these individual actions have great negative collective consequences. One example of this is fishing in international waters. An individual fishing vessel may wish to take as many fish as it possibly can from

the world's oceans. More fish means greater prosperity. But if everyone seeks to take as many fish as possible, the result is overfishing and the destruction of fish populations, leaving everyone worse off in the long run. For example, a surge in demand for bluefin tuna in the 1970s and 1980s resulted in the near extinction of bluefin tuna in the South Pacific Ocean.

The solution to many social traps requires individuals to work cooperatively, even though cooperation may run against their immediate self-interest. **Collective action** is easy when there is a central authority that can impose a solution, mobilize resources, and enforce cooperation. In an anarchic environment, however, people must find ways to achieve collective action on their own. Sometimes, people are able to come together to change behavior and solve a problem. In the case of the southern bluefin tuna, Japan, New Zealand, and Australia came together to impose limits on their fishing industries. This has helped the recovery of the fish, but voluntary cooperation is no guarantee. For example, in the early years of the bluefin tuna agreement, Japan's fishing industry repeatedly took more than the agreed amount. To save the collective effort, New Zealand and Australia had to pressure Japan diplomatically and through international organizations to follow the agreed-upon rules for managing the tuna population (see Southern Bluefin Tuna 2000).

One of the challenges of collective action in the international system is the wide variety of actors. Different types of actors have different resources that can be brought to bear on a problem and different goals that they would like to achieve. Different types of actors are also able to participate in different arenas. States, intergovernmental organizations (IGOs), multinational corporations (MNCs), and nongovernmental organizations (NGOs) all have a role to play. In addition to the wide variety of actors that participate in the international system, the number of actors has grown greatly over the last hundred years. The end result is that problem solving in the international system is a patchwork of actors and relationships built up around various problems.

In international efforts to solve collective problems, states are in a somewhat unique position. States have the ability to field armies, control territory, and extract taxes, which give them unrivaled influence in the system. States have long dominated the international system, and their numbers have grown steadily over the past several hundred years. When the United States gained independence from Great Britain in the late eighteenth century, there were approximately twenty other states in the international system. Many areas of

the world were under colonial rule or were not organized around the hierarchical and professional bureaucracies that characterize modern states. In the wake of the First World War, the number of states had grown to fifty. In 1950, the international system contained approximately seventy-five states. Today, the United Nations has 193 member states. As the number of states has risen, states have increasingly linked themselves together through IGOs such as the United Nations, the European Union, the North Atlantic Treaty Organization (NATO), and the Arab League. The connections states have created through IGOs now outnumber states in the international system. The more than three hundred IGOs created in the last hundred years have become central to cooperation and problem solving between states.

The twentieth century has also witnessed a surge of nonstate actors, from international nonprofits and NGOs to MNCs to transnational networks of people. Some of these networks are formalized, such as professional and scholarly associations, but many are informal associations made possible by the Internet and social media. Nonstate actors are the most numerous actors in the system, and their numbers are rapidly expanding. The United Nations Conference on Trade and Development (2003, xvi) records 64,000 MNCs with more than 870,000 subsidiaries. Estimates of registered international NGOs run as high as 13,000 (Anheier et al. 2001), while the number of less formalized entities that have not applied for formal NGO status with the states in which they operate is uncountable.

These various types of actors often have different purposes, goals, and resources, but each has the potential to shape the international system, for better or for worse. Many of these nonstate actors are tolerated or even embraced by states and IGOs. Antipoverty and development programs paid for by states are often carried out in conjunction with NGOs. By contrast, some nonstate actors such as transnational criminal gangs, terrorist groups, soccer hooligans, drug cartels, and hacker groups are targeted by states as malicious entities that need to be controlled or destroyed. In 2010, the antisecrecy group known as Wikileaks published hundreds of thousands of classified U.S. documents. The response from the United States was a biting condemnation of Wikileaks. In the days that followed the documents' release, the Wikileaks website was pushed underground, the organization's funding was strangled, and the movement of the group's leadership was restricted. Yet, the retaliation leveled against Wikileaks pales in comparison to the decade-long global effort to stomp out the terrorist group al Qaeda and its affiliates.

THE NEGOTIATION FRAMEWORK

Negotiation in international politics clearly takes place in a context that is different than our everyday experiences with negotiations. Consequently, many problems that can be easily solved by a central government within a state (the provision of security, management of the environment, disaster relief, and infrastructure development) are more complicated internationally. Chapter 3 presents some of the scholarly work relevant to understanding international negotiations, but the core logic of negotiations as problem solving is the same for international negotiations and for negotiations in our daily lives.

Much of international politics centers on efforts to resolve problems through discussion, debate, and mutual agreement rather than through the direct use of force. Getting a deal often involves a back-and-forth process: sharing information, proposing solutions, offering concessions, searching for new ideas. As negotiations play out, the parties attempt to find common ground, but they also seek to gain advantage. Nobel Prize recipient Thomas Schelling (1960) describes negotiations as mixed-motive situations. In negotiations the different parties are both adversaries and friends. Each is trying to defeat the other but also needs the other to achieve shared goals.

The mixed-motive nature of negotiation can be seen in the 2005 peace process between the government of Sudan and separatist rebels in southern Sudan. Sudan had been torn by decades of civil war, which left the government isolated and the vast oil wealth in the south of the country underdeveloped. The peace deal that emerged from negotiations between the government of Sudan and rebels was a finely balanced set of compromises over the political fate of different areas of southern Sudan. These compromises were hard fought. In a very literal sense, the negotiations were war by other means, but the negotiations were also business. A peace deal meant that violence, death, and destruction would decline. A peace deal also meant that oil fields impossible to develop in the middle of a war could then be mined. The prospect of oil development was central to the negotiations, and the final peace agreement included a revenue sharing plan for the country's oil wealth. The shared interest in developing the oil wealth in southern Sudan helped make a peace deal possible between the government and rebels. The peace agreement that ended Sudan's long and brutal civil war demonstrates that, even in some of the most hostile circumstances, people must manage both overlapping and competing interests. Problems of security, economics, and global governance

all can be approached from the same mixed-motive perspective. All states seek to improve their situations, but oftentimes, the only viable path forward is to work with an adversary or even an enemy.

When the various parties in a dispute sit down to discuss an issue, they will each have an idea of how they would like to see the conflict resolved. The preferred outcome of a conflict participant is described in negotiation theory as a party's **ideal point**. In life, we rarely get exactly what we want, and international negotiations are no different. Conflict participants almost certainly will have to compromise, to move away from their ideal points to find a solution. Compromise may not be bad. Finding a solution to a problem may be desirable, even if the solution is not exactly what each party had in mind. Still, there will be a point at which parties in a negotiation process have compromised so much that an agreement would not be better than continuing with the status quo. For example, years of World Trade Organization negotiations broke down in 2008 over the details of trade policies and agriculture subsidies that would protect farmers from global competition. All the parties had made numerous concessions over the years, marching the talks forward, but changes to agricultural policy seemed to be too much for several of the key countries involved in the negotiations. The point where conflict participants no longer see a settlement as desirable is known as the **reservation point**. Given the willingness of parties to make concessions, a deal may or may not be possible. Figure 1.1 illustrates a hypothetical problem in which all possible solutions to the problem are arranged on a single continuum. The parties are willing to accept solutions on the continuum up to their reservation points. There is an area on the continuum that overlaps for both parties. This overlapping area is known as the **zone of possible agreement (ZOPA)**, and any point in the ZOPA is a workable solution to the problem for both parties.

In the zone of possible agreement, any deal would be acceptable, but each party would prefer to have a deal closer to his or her ideal point than further away. This is part of the dance of negotiation. As parties work through problems, they need to make concessions, but a party that makes too many concessions ends up with a deal that seems more favorable to an opponent. Knowing that too many concessions can produce a less-good deal, parties may try to pursue a hardline strategy: making few concessions while trying to maximize the concessions made by an adversary. This approach can work. North Korean negotiators tend to use these hardline strategies to great effect (Snyder 1999). But taking a hard line in negotiations is also risky. An adversary
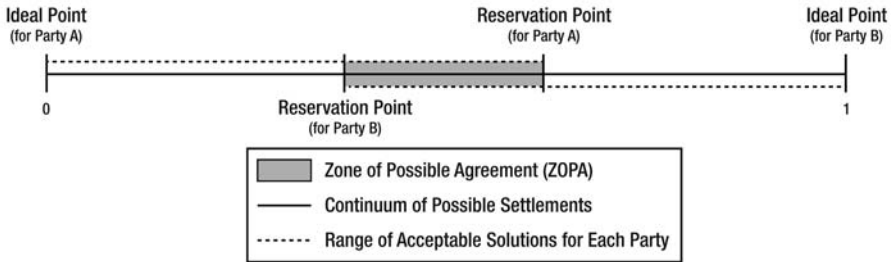
Figure 1.1 A negotiation continuum and the zone of possible agreement.

may simply walk away from the table believing that an acceptable deal cannot be reached. This outcome could be bad for all involved.

This balance between hardline tactics and concessions has been described as a "prisoner's dilemma" (Lax and Sebenius 1987). The **prisoner's dilemma** (see Table 1.1) is a game used to describe a common social trap that can undermine cooperation in international politics. In the classic version of the game, two criminals suspected of a major crime are arrested for a misdemeanor violation. The two criminals are separated and interrogated by the police. Each prisoner is offered a plea deal. The terms of the plea deal are contingent on what each player chooses. If both reject the deal and stay quiet (in effect cooperating with each other), the police cannot prove their case, and the prisoners are freed after serving a short sentence for the misdemeanor. If both prisoners confess, they split the jail term for the felony. Yet, if one confesses while the other stays silent, the prisoner who confesses gets released, and the prisoner who stayed silent serves the full sentence for the felony.

Table 1.1 The Negotiator's/Prisoner's Dilemma

		Player 2	
		Concessions (Cooperate)	*Hardline (Defect)*
Player 1	*Concessions (Cooperate)*	P1: 1 P2: 1	P1: –2 P2: 2
	Hardline (Defect)	P1: 2 P2: –2	P1: –1 P2: –1
		Values Gained in the Negotiator's (Prisoner's) Dilemma	

What makes the prisoner's dilemma such a vexing social trap is that the mutually good outcome results from working together (cooperating or staying silent), but the incentives of the game make it difficult to achieve the mutually good outcome. Players fear that if they cooperate, they will be taken advantage of by the other player. Fear prevents cooperation. Similarly, players may be tempted to betray their partner for freedom. Greed entices betrayal.

These dual forces of greed and fear show up time and again in international politics, complicating problem solving. In negotiations, the logic of the prisoner's dilemma can be toxic, leading negotiators to behave in a way that makes a deal harder to achieve. Parties might want a deal, but they don't want to take an overly conciliatory approach to negotiations for fear that they will be taken advantage of by an adversary. Similarly, parties might opt for a hardline strategy out of a desire to maximize their own benefit. Yet, having an open dialogue and making concessions may be absolutely essential to getting a deal. If all the parties in a negotiation take a hardline approach, they may succeed in protecting their interests but at the cost of longer, more painful negotiations and the risk that talks might break down.

While a mixed-motive perspective can be useful in thinking through problem solving in the international system, ultimately we need to answer some basic questions about the system and the actors that make it up. Who are the important actors in decision making? What are the goals and desires of the actors who inhabit the system? What rules and decision structures will shape the interactions of important actors? Two of the leading perspectives on international politics, realism and liberalism, can help us to answer these questions.

REALIST AND LIBERAL THEORIES

The study of international politics has long been shaped by two views of the international system. One view, **realism**, generally offers a pessimistic take on problem solving in international politics. This skepticism is not fully shared by the other perspective, **liberalism**, which sees greater space for mutually beneficial solutions to complex international problems. But this is not to suggest that realist theory has no space for thinking about negotiation and problem solving. Indeed, Mort Kaplan (2008 [1957]), whose rules of balance of a power system are central to realist understandings of state behavior, begins