

## DIPLOMACY AS A SKILL OF NEGOTIATIONS

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### **Abstract**

*Diplomacy in the XXI century is transformed and expanded from peaceful method of relations among states into a general tool of communication between globalized societies. At the beginning it was practiced only by professional diplomats as an art in leading affairs of state. Today, because of the growing number of participants in international relations (states, international organizations, non-governmental organizations, transnational companies, the media, academia, etc.), focus of traditional diplomacy is augmented, while the monopoly by traditional diplomacy is fading.*

*The policy and diplomacy have not lost their ability to actively modulate the decisions required by the state, but they need to justify their superior ability, and thus their legitimacy to solve community problems through modern means and methods such as negotiations.*

**Keywords:** *Diplomat, diplomacy, negotiations, strategy of negotiations, skill of negotiations, agreement, compromise.*

**Clasificare JEL :** *M40, M41*

### **1. Diplomacy**

Although diplomatic theory and practice is used with the methods of a number of different sciences (law, politics, economics, culture, philosophy, art), upon it there is still no exclusivity, and no one of these sciences has not supremacy over the diplomatic theory and practice. Contrary the multi-disciplinary nature of diplomacy, it has long remained disregarded field of academic study, even within the social science of international relations. There is no area of world politics does not reflect a larger gap between theory and experience as a diplomatic art in the running of state affairs. [1]

More recent and more sophisticated forms of crime in world frames, in addition to drug trade, human trafficking, cyber crime, trade in arms and corruption, are also trades with human organs, and environmental crimes. Characteristic feature of these types of crime, are their massiveness, dynamism, organization, constant expansion, with elements of internationalism and adaptation to new socio-political and economic relations.

Negotiation is one of the basic functions of diplomacy. Negotiation is a two-way communication aimed at reaching an agreement between the parties that are mutually conflicting.

### **2. Negotiations through history and today**

There are sources that indicate the existence of diplomacy, and thus negotiation which should be bound to the emergence of the earliest countries such as Assyria, India, the Greek cities - states, Rome. It is thought that the Tell el-Amarna Letters from the XV-XVI century BC is the oldest preserved source that confirms this. Since then diplomacy is changing constantly, in content and in form, having received various expressions. Origin of the negotiations as a means of communication among the nations, most authors dealing with the history of diplomacy bind to the time of old century. Antic Greek and Roman experience and the work of the contemporaries, who explained, are cornerstones of diplomacy. Although the negotiations is considered a trait of advanced civilized countries, one example of negotiations that took place in 425 AD, during the Attila's attack of Rome is an example that negotiations are the key to successfully running state and nations. Though the army of Attila was larger and stronger and could easily conquer Rome, after negotiations that were initiated from Rome, Attila spared Rome and went to the other side. There is no written evidence about agreement between Attila and Pope Leo I, but after those negotiations Attila spoke before his chieftains: "The ignorance of the principles of negotiation does not allow you to understand my conversations with the pope and later retreat of our troops from Italy. Therefore, I, Attila, gathered up at this meeting to tell you how to negotiate for the sake of your Huns and tribes, and perhaps the whole nation. Now all of you that are here I will give you my advice, hoping that will help you increase your wisdom and your skills when it comes to the essential skills of leader – negotiations." [2]

Despite the used force in relations between states in the Middle Ages, many conflicts are resolved through negotiations. In this period of development of diplomacy and negotiation, the church and church high dignitaries had a great influence. During that period, special attention was attached to the selection and training of individuals on behalf of their country who will become negotiators. According to the Manual for diplomats from the seventeenth and eighteenth centuries, the perfect negotiator would have to think very quickly and also has an unlimited patience, know how to bypass the truth, but in the same time not to be a liar, to inspire a sincerity, while not trusted to anyone, be modest and aggressive, to charm others, but alone is not susceptible to charm, to have enough money, not to remain completely indifferent to all the temptations of wealth and beautiful women. [3]

Contemporary art of negotiation, especially its theory, to a large extent is the outcome of experiences from past events, the result of the use of theoretical knowledge and practice acquired during many past crises and that is fully based on the experiences of those events. The development of awareness among people that the clashes could lead to nuclear annihilation of mankind increasingly influenced the development of methods and ways of peaceful settlement of crises and conflicts. In our day, diplomacy has made such progress that the cooperation of states cannot imagine working without a specially prepared and trained diplomatic network. Serious countries attach special attention to the selection and training of future diplomats.

Negotiation is the fundamental means of diplomacy and other means of peaceful settlement of conflicts and crises. Observed in a wider context negotiating is a process of communication, applicable in a number of official and unofficial occasions, mainly used for improvement of relations between the parties in the negotiations. With negotiations starts the process of ending of conflict and initiation of cooperation. As a rule, they represent the first mutual activities of the parties in conflict, and that is their first contact after the collision. Negotiation is a process which removes or at least mitigates the antagonism. Its features include confronting between the concerned parties with the opposing positions. Many of them are willing to name the negotiations as a technique which contributes to achieving a better quality of human relationships. Even so comprehended, or minimized as the skill, negotiation deserves full attention of researchers. Only through negotiations between parties seeking to arrive at a mutually acceptable real outcome on issues of shared concern. It can be said that negotiation is a process that fulfill certain requirements to get what we want from people who are looking for something from us. Actually, it is the process of resolving conflicts between two or more parties when both or all parties to the dispute adapt their demands to reach a mutually acceptable compromise. [4] We can still say that the negotiation process is a commonly agreement between parties seeking to arrive at an ideal outcome with the accessible result.

Negotiation can be defined as a two-way communication aimed at reaching agreement between the parties which have interests that are mutual or that contradict each other. [5] This is actually a process of common decision-making by means of agreement and is used as in international relations, and in other spheres of human society. A basic requirement for negotiation is the existence of communication. Negotiations are defined as a communication process between two or more participants which endeavor to establish a new relationship with each other, or entity whose interests they represent, in a peaceful way. [6]

Interactions with entities on international relations and public international law are so versatile that enables many types of impacts to act on them. Bargaining is one of the effective ways of communicating with each other in situations when they are already in conflict.

### 3. Strategy and skills for negotiation

The strategy of negotiating as a skill and the method can be used in different situations. Countries in the negotiations can be: a state with a state, organization with organization, individual by individual, organization with state, an individual organization with country, and any other combination of these categories. Negotiation is used for a variety of subjects: political, economic, legal, business-diplomacy and all other cases where there is a dispute that must be resolved. The strategy of negotiation is used in situations where there is a conflict, and at least two opposing sides which are ready to communicate with each other. The parties negotiate with the purpose of finding the best possible solution under the circumstances, in any case, is better than what can be achieved without negotiation. Diplomatic negotiation skills are developed at different levels depending on the needs of specific stakeholders. Different stakeholders sometimes have different views about method and significance of bargaining as a step towards resolving the conflicts.

Although every negotiation has its own specificities, there are certain common features of the negotiation process and some common principles and practices in terms of methods and techniques of negotiation and the necessary skills, which are applicable to all types of negotiation. There is a need to use methods of negotiation that contribute most to come to an agreement that would:

- acknowledgment of legitimate interests of the negotiating parties to a certain level;
- leads to justly and peaceful resolution of conflicts;
- realizes long-term action that will result in improvement of relationship (or maintains status quo) between the negotiating parties.

With the advancement of negotiating skills and using negotiation techniques and knowledge that have been developed in various fields, may be achieved greater success in resolving conflicts peacefully, without using force.

Nowadays negotiation skills are simultaneously developed in many areas. The most developed are the areas where most commonly comes to conflict - international relations. This kind of negotiation is named as a diplomatic negotiation. The models of negotiating are mostly built on a normal situation by the interaction of the two sides. When it comes to diplomatic negotiations, considering the complexity of international relations, negotiations often involve multiple parties in various combinations: the third participant as mediator to more countries in the same dispute, peace conferences of various multilateral negotiations within or outside the international organizations or regional groups etc.

As it increases the number of participants, so too does the complexity and dynamics of the negotiation process, so that the classic, limited models of joint negotiations between the two countries are not very helpful. Basically is, the existence of desire on both side for resolving the dispute through negotiations. If there is such a wish, the method will be found. Diplomatic negotiations are conducted due to the achievement of certain goals. The goals may be different and in order to be achieved it is necessary to used certain negotiation strategies.

It is important to understand that without communication there is no negotiation. The process of negotiation is a two-way communication in order to reach agreement. Communication may be aggravated by various obstacles. It happens that the negotiating parties may not communicate, not to talk with one another, but they give statements due to a third party participation or because public. Basically, in cases like that, the negotiators did not communicate directly with the other party, nor try to convince them that their arguments are righteousness, but they are seeking to gain the support of domestic public or observers for their views. When you did not listen the other side, although is addressing directly to you, then integrative bargaining take effect. Such a move certainly does not lead to better understanding and could jeopardize negotiations at the outset.

Negotiators should pay special attention to the syndrome "keep your cheek" Above all, the proposal to be acceptable to the other side, is not enough to be reasonable and fair. From the very beginning, both parties must be involved in the preparation of the draft proposal, so that they will consider as the proposal belong to them. Agreement is much easier to achieve if the parties are involved in the authorship. The entire negotiating process becomes affordable if the both sides contribute a little bit to shape the final decision. Any criticism of the proposed conditions, any suggestion, any change, each step - wearing a personal touch of the negotiators who set the final proposal. The most important part "image storage" is actually avoiding feeling in the public that succumb to the other side. In other words, is wise to save the image of each of the negotiating parties to come to a situation when makes concessions to be interpreted as "capitulating" in the domestic public. Achieving neutral solution for both sides is best solution, but if that is not possible, you can reach a solution where no party is completely satisfied, which is better than that one side to be satisfied while the other is not . It is important that all parties made some compromise on the initial views.

Emotions are an element that must not be forgotten or simply dismissed - they should always be taken into consideration. They are extremely limiting factor in the negotiations. An aggravating element in the decades-long negotiations between Palestine and Israel, with the help and pressure of international mediators, is that ongoing negotiations were suspended by publishing mutual accusations, creating relations worse than they were before the negotiation phase. Both sides claim to believe that the other side is a danger and that there is a threat to their national and human existence, and that only their view is profoundly fair. It is best to peacefully react on emotional outbursts of the negotiators from the other side. It is important to preserve self-control, to listen peacefully the other side, not responding to the attacks, and even sometimes to ask the interlocutor if he wanted to add something. Symbolic gestures could contribute to the deterioration of the atmosphere. Some of them speak more clearly and have a stronger effect than documents elaborated. Compassion by reason of loss on the other hand, a statement of regret on the occasion of any act or incident, visiting the grave and laying a wreath at the grave of a victim may be a valuable contribution to alleviating the emotional situation and expressing good will to start a new journey.

It is important to make efforts things to become more clarified, not mist up. It is better to have a proactive rather than reactive attitude. It must be realized that negotiation process is neither debate nor trial, so there is no need of any oratorical stunts, especially using the words for blaming the other side for the problem, or even using the offend. This does not keep national dignity; it only complicates the opening process for a basis for agreement. To avoid detrimental effect on domestic public opinion, and also on negotiations, it is sometimes useful to establish personal and confidential communication channel with the other side. In many books about diplomacy can be found the view that the publicity is the enemy of negotiation and that is essentially true. Confidentiality of negotiations is usually recommended until they reach serious progress. It is important that the negotiation process is kept in complete control. Any uncontrolled leakage of information can seriously jeopardize not only the success of that part of the negotiations but, negotiating in general.

The strategies and techniques of diplomatic negotiations are best displayed when communication is directly between the parties. Each kind of mediation or communication through other channels (media, systems of connection, written evidence, etc.) can only hinder understanding of the problem, and thus to hamper the adoption of the decision that is best for the stakeholders.

Many factors can influence on the diplomatic negotiations. Some of the factors can positively influence on negotiation process and contribute to finding an acceptable solution for all parties, while some of the factors may influence the interruption of communications. One important factor is time. The timing is very significant, it is important to understand the concept of ripe moment as major element in the processes of starting the negotiations. Studies show that determining a "ripe moment" indicate whether there will be a conflict and to what extent. If negotiations start at the beginning of the crisis, it is likely that the conflict will not escalate to level on which human lives will be endangering. [7]

The time factor may, depending on the situation, positively or negatively affect the negotiating and the positions of the negotiating parties. Deadlines are sometimes real or imposed by the situation (e.g. the deadline for acceptance of the conditions by reason of the release of prisoners or highlighting the importance of the international agreement) or may be part of negotiating tactics (for example to change the announced date of coming of the negotiators or mediators or rescheduling a meeting of important leaders). Researchers in the field of negotiation established a rule of thumb: 90% of actual negotiation happens in the last 10% of the total available time. [8] This shows that time is spent irrationally and that most of the time is used for positioning and for accusation on the other side, rather than for request of a real solution.

The Language on which the negotiations are lead is very significant. Language of the bargaining is very specific and must meet the varied and specific requirements: to express determination and willingness to compromise, to be very precise, and vice versa (if needed) nebulous, very formal or unconventional, focused or unkempt. Of course, the problem for communications between negotiators that mother tongue is distinct can be solved in different ways.

Negotiator is to communicate in different mother tongue, the tongue of the other negotiator. Apart from the question of prestige, it may cause other problems, especially if the mediator does not speak well enough the other language, which from the beginning gives an edge on the other side, but it can also lead to misunderstanding. When the two sides communicate on the third, neutral language, it is also possible to misunderstanding, depending on representatives' knowledge of understanding the language. Nevertheless, this method is frequently applied in international practice of negotiation, until it came to complicated formulations. Then is requested translator. This formula is especially used in multilateral diplomacy or bilateral talks at the highest level - not only because of full equality, but also because the very statesmen often do not speak (or not speak well enough) foreign languages. However, the statesmen are use the service of translators who speak good foreign languages because the translation gives them more time to reflect on their own response. On the other hand, the translators themselves, though they may be good linguists, sometimes they are not sufficiently familiar with the matter that can be very specific. Today, in diplomacy and international negotiations English language is mostly used.

#### 4. Conclusions

What would happen in the modern world if there is no diplomacy and diplomatic negotiation between the states? What kind of global and regional chaos would occur and what would become with international communication? States would be set aside and left alone. They would not conclude peace agreements and negotiate with the neighbors, would not exist a number of agreements in the field of military law, nor would exist numerous agreements which would regulate the issue of the use of certain types of weapons. In particular there would be no restriction of nuclear weapons and their use. In such an isolated world in which there would be no contacts between countries and which would essentially ruled international anarchy we could see way of life without diplomacy.

Following the world that can create without great exaggeration to conclude that the direction in which he moves shows the necessity of the existence of increased international cooperation, interlinking and common solution of the great problems of today or the future. The disarmament, terrorism, migration, hunger, environment, prevention of diseases, are only part of the great global challenges that require joint actions of states and where national borders are not a barrier.

Finally, we can conclude that diplomacy and diplomatic negotiations have passed the test of time and bad luck in the performance of international relations between states and other entities internationally. Diplomacy is here and it remains, the question is by whom, at what level and for what purposes she is launched. She has demonstrated its outstanding ability and flexibility to adapt on more changes than to die out. It is accepted and practiced by all forms of government, whether democratic or autocratic. Through experience and learning, she is transmitted to today's modern time. Diplomatic potential, with his skill and ingenuity in special circumstances, must be adapted to the political, military and economic changes of globalization.

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