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Negotiating Agreements in International Relations

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Part 1. Introduction

International negotiation has been one of the most pervasive processes in world politics since the dawn of recorded history, yet it has been the subject of far less political science research than other aspects of international relations, such as war and international institutions. This chapter is designed to synthesize key insights and findings from available research on negotiating international agreements and to point to specific paths toward potential research. We hope more political scientists will decide to join the enterprise of illuminating this important process and the conditions under which international negotiations operate. We hope this research will ultimately prove useful in the practical world.

We conceptualize negotiation as a process in which actors take steps to agree on an outcome, and every actor seeks to make that outcome as good as possible from their own perspective. Some actors' perspectives may include making the outcome as good as possible for their community or a common institution[1]. Agreements may be explicit or tacit. We assume differing preferences will be present in all cases of international negotiation and thus will always be a possible obstacle to agreement. For instance, any joint gains created will need to be allocated between parties.[2] We do not assume that influence and coercion are absent from negotiation by definition, that parties always negotiate in good faith, or that negotiated agreements are all "win-win" relative to the status quo. This report, however, does concentrate on a subset of situations in

1   We follow the negotiation literature that treats the terms negotiation and bargaining as synonyms. The broad literature lacks consensus on the meanings of these central concepts. Some studies, including Chapter 5 titled "Deliberative Negotiation" in this report, instead use bargaining as a subtype of negotiation, referring to an exclusively distributive haggling process, and contrast bargaining with problem-solving negotiation (Elgström and Jönsson 2000). As an alternative, some prefer to use bargaining as the most encompassing category and restrict negotiation to mean diplomats at a table making explicit verbal offers to one another

2   Here, "gain" and "value" include intangibles; they do not mean only tangible values that can be expressed in numbers.

which the parties see some prospect for mutual gain. Thus, the negotiations of concern involve both integrative questions (How can the size of the pie be maximized?) and distributive questions (How much of the gain and the cost does each participant get?) This report identifies key obstacles that can impede joint-gain agreements, and it documents remedies and responses that have helped make agreement more likely and more successful.

Chapter 4, "Negotiation Myopia," defines a political negotiation as successful when it meets two criteria: (1) at a minimum, parties reach a mutual-gain deal (one that would benefit the set of parties as a whole and many if not all of them) when such a deal is feasible; and (2), a negotiation that does reach such a deal is more successful to the degree that it exhausts the potential for enhancing the parties' utilities. Some negotiations discover and realize greater gains than others, sometimes even creatively producing an integrative solution that costs neither party anything at all (Follett 1929). We add that negotiations are more successful to the extent that they are efficient by reducing process costs and also to the extent that the process and deal are just (Albin 2001).[3] The potential for joint gain could reside in a single common problem the regulation of which would make both states better off than without a deal, or in a set of issues on which the states express different preferences but which are linked for mutual benefit. Even parties fighting each other in a war can be said to have the potential to gain jointly from peace relative to incurring the costs of continued war, if terms acceptable to both can be found. Utility optimization, efficiency, and justice are ideals for which to strive, not ends that we expect to be reached completely in practice.

This chapter addresses only the subject of the larger report on Negotiating Agreement in Politics. It therefore focuses primarily on the question of reaching agreement and does not give priority to how one party gains at the expense of others or deters or defends against such value-claiming or threats. Much research on international relations has illuminated deterrence, coercion, and value-claiming and, except for the focus of the larger report, this chapter would say more about distributive bargaining. This chapter concentrates on negotiations that involve explicit communications and explicit agreements (and potentially tacit bargaining, in many cases). It does not concentrate on exclusively tacit bargaining, which IR research has also analyzed at length.

Please note another important caveat: privileging agreement over disagreement is not always a morally appropriate or even neutral stance from every standpoint. Agreement between one set of parties may involve losses for others not included in the negotiation. Agreement among Austria, Prussia, and Russia to partition Poland in the eighteenth century was not better than disagreement from the Polish perspective. Agreement between a set of countries to lower their tariff barriers in a free-trade area may harm exports from countries not included in the deal. Such a trade agreement also may harm some citizens, while helping others within the same country. The harm suffered by excluded parties and others may be judged unfortunate but justifiable, or it could be viewed as unjust or even illegal. Our premise nonetheless is that there are many contexts in which international agreement will be preferable to disagreement for many if not all players. Actors favoring disagreement in a given case may wish to use this research knowledge to exacerbate rather than reduce the obstacles it identifies, prior to and during negotiation.

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3   See also Chapter 5 (this report) for a discussion of justice in negotiation.

Negotiation and bargaining studies today present a variety of theories and supporting evidence and each theory comes with its own accomplishments and limitations[4]. Many such studies originate in disciplines other than political science—including psychology, law, economics, and business. Although this multidisciplinary field has established considerable knowledge, it lacks a single, integrated, grand theory that has been shown to be valid empirically in a wide range of issue areas, regions, and times. Negotiation theory today is more like a holding company with separate parts that are documented empirically, but the whole is not parsimonious or integrated tightly. It has many gaps—in empirical support as well as theoretical linkage. There is great need and opportunity for additional research, within both the subset devoted to international negotiation and negotiation studies generally.

Why and how, then, do states and other parties reach deals that improve the lot of both or many in some cases but not others? In Part 2, "Barriers and Enablers," we outline recurring conditions that have presented obstacles to agreement. Some of this literature also identifies conditions that have enabled successes and positively influenced the terms of agreement. Part 3, "Facilitating Successful Negotiation," documents key responses of states and their negotiators to these obstacles and conditions. Whereas each approach and answer has been or could be critiqued, this chapter does not attempt to develop those debates. Part 4 presents interesting opportunities for future research.

Part 2. Barriers and Enablers: Recurring Influences on Outcomes

This section presents arguments identifying key factors that either block international agreements or enable them and influence their terms. Conflicting preferences are part of every situation under consideration here and they are the most obvious barriers to agreement. Many responses documented in the literature and in Part 3 address conflicting preferences. Several bargaining and negotiation theories also work with the basic concept of the "bargaining range" or "zone of possible agreement." This conceptual zone is bounded by the parties' reservation values (also called security points and resistance points), which can be understood as the minimum deal each party would accept. These limiting values are determined by the parties' best alternatives to a negotiated agreement with the other party. If an offer is worse than a party's best outside option, the party will not accept that deal. All deals that fall within a positive zone of agreement are theoretically possible negotiation outcomes. Reservation values and zones of agreement are difficult to measure in historical international cases[5] but are nonetheless powerful analytical tools. Many negotiating moves are directed at attempting to influence how parties perceive their alternatives, for the sake of both creating joint gains and claiming shares.

This section moves beyond these negotiation primitives and has three major parts. The first two introduce classes of factors that can operate at the level of the individual negotiator. The third section zooms out to introduce important features of negotiators' situations that are mostly beyond their control in the short term but may decisively affect the process and outcome. One purpose of this structure is to bring related ideas from different traditions together—not to imply

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4   See recent reviews in Kydd (2010), Odell (2013), and Walter (2013).
5   In fact, reservation values probably do not even exist for some countries at some stages. One veteran negotiator of complex legal issues in the World Trade Organization (WTO) declared flatly: "Most negotiators don't know their own bottom lines" (Odell, confidential interview, Florence, Italy, July 3, 2004). Many ambassadors from developing countries have only vague instructions on these technical issues.

that we have a fully integrated theory but rather to facilitate future integration. Neither do we think that these factors operate exclusively at the individual or situational levels; however, this means of organization avoids long lists with no conceptual structure.

Section 2.1 discusses several concepts that are commonly associated with the rationalist or rational-choice tradition in international-relations theory. Specifically, we discuss the role of incomplete information, commitment problems (which can be generated by changes in power between the negotiating parties over time, for example), and related issues surrounding agreement enforcement. It has been argued that these factors have an underlying influence on negotiations, although–as we discuss–this claim is questioned by some analysts. Many rationalist studies productively assume that the state is the unit of analysis and they discuss information problems without reasoning explicitly at the level of the individual negotiator. Nonetheless, we group these rationalist considerations at the individual level because, for example, for information to make a difference to state decisions, it must ultimately pass through individual minds inside those government buildings, either directly or by transmission through other actors. Thus, if one of our goals is for international negotiation-bargaining theory eventually to be rooted to its micro-foundations and better unified, it could be productive for theory to recognize explicitly how rationalist explanations operate at the individual level.

Section 2.2 discusses influences that historically received less attention in the rationalist framework but more attention in the psychological branch of negotiation analysis. These include sociocultural and psychological arguments, such as the role of different types of biases. Presenting these two traditions in separate subsections is not meant to imply that researchers must choose one or the other. In fact, many researchers are blending insights from the two (Mintz 2007; Ostrom 1998; Hafner-Burton et al. 2012). The distinction points out that incomplete information and dynamic shifts in power are variables that individuals in a negotiation must deal with—variables that historically have been tied most closely to rational accounts of international relations—but that individuals and groups also arrive at the bargaining table with their own lenses, which color how they interpret and manage these variables.

Section 2.3 addresses the variable settings in which negotiation happens. It discusses the role played by factors such as the distribution of power at any given point in time and the institutional environment, which we take to include both domestic and international institutions.

2.1 Information, Commitment Problems, and the Rationalist View

Rationalist (sometimes called "rational choice") analysts have made contributions concerning information in bargaining, particularly asymmetrically held information, and concerning problems of assuring credible commitment.

2.1.1 Information

Information is central to any negotiation.[6] This section considers two types of influence. The first deals with information in a nonstrategic sense, in which information is about the way the world

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6   By information, we mean facts that are commonly understood worldwide. Facts are also interpreted and different cultures, states, and nonstate groups use different lenses. We introduce a discussion of these lenses and influences in subsequent sections.

works. The second treats information-sharing/revelation as a strategic problem, whereby parties may have greater or lesser incentives to share private information about themselves. A shortage of information sometimes has been a barrier to agreement (Kydd 2012a) and adding information has been a remedy. Conversely, withholding certain information from some participants or observers also has enabled agreements, as illustrated in Part 3.

Incomplete information could influence the process strategically, nonstrategically, or in both ways. In many situations, all parties to a negotiation share uncertainty about many features of the world in which the negotiation takes place.[7] This uncertainty includes not only forecasts of baseline scenarios but also the effects of alternative deals and what will happen if no deal is reached. We consider, for example, complex situations such as the multilateral talks on possible regulation of the world's chlorofluorocarbon (CFC) emissions. When governments began discussing the ozone-hole question in 1985, scientists were not certain that Earth's ozone layer was in fact being depleted, or that CFC emissions were a cause. Such uncertainty could have obscured any zone of agreement; yet, in this case, governments negotiated an initial agreement to curb CFC emissions as early as 1987 (Benedick 1991). Greenhouse-gas-emission negotiations have yet to produce a similarly effective agreement.

One of the most fundamental obstacles to success is that negotiators often do not know, in the absence of negotiations, whether any mutual-gain deal is feasible. The zone of agreement is not fully specified ex ante. Also, all are uncertain how governments will respond to rival proposals and whether coalitions will form to support or block each proposal. If the negotiating parties waited until they had complete information on all of these elements, no complex negotiations would ever occur. In practice, parties often form expectations, and they could make these expectations public in an effort to persuade other parties. However, these expectations— and knowledge about the expectations of other parties—reaches more into the strategic domain of negotiation.

Second, parties also have private information, and if they face distributive issues and have different preferences from the other negotiator(s), they will have incentives to distort or withhold their private information. Parties to a negotiation, which in the international context are often states, have incentives to exaggerate their bargaining strengths (e.g., how they perceive the alternatives to agreement and their internal pressures to reject concessions) and conceal their weaknesses. They may even have incentives to conceal elements of their strengths (Walter 2013). A clever negotiator may relentlessly disparage a proposal she knows is above her reservation value in the hope of gaining more in the final days, thereby sending false signals to other parties. State B may doubt state A's resolve to take tough steps such as walking away; knowing this, a deceptive negotiator A may take actual tough steps to establish her reputation for resolve, even when she knows she would settle for less if forced to do so. These tactics can exacerbate a conflict. Additionally, negotiators may attempt in private to feed false information to a mediator.[8]

An important manifestation of private information that enters into strategic interaction involves trust. When states are interacting, they are not certain whether other states can be trusted in the future to return cooperative gestures. In the rationalist view, this question basically

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7   Uncertainty could be structural, in the Knightian (Knight 1921) sense that it is impossible to form probabilistic expectations over well-defined outcomes, or it could be that known probabilities are assigned to every outcome.
8   Odell, personal interviews with former mediators.

reduces to what types of preferences the parties have: Do they have preferences that look more like Stag Hunt preferences (i.e., trustworthy types) or Prisoner's Dilemma preferences (i.e., nontrustworthy types)? The former will be willing to reciprocate cooperative gestures but the latter will not. Because states face incomplete information about the other's type, they may be unwilling to trust the other side.[9]

2.1.2 Credible Commitments

Negotiators need to think not only about what they are trying to obtain in a negotiation but also the likelihood that an agreement will be honored in the future, and whether an agreement might be overturned and replaced either by a new agreement or by another unilateral imposition. We begin with a more general discussion of commitment problems and then describe how shifting power over time can generate such commitment problems.

Committing to fulfill an agreement in the future is often crucial to the success of a negotiation. This focus on commitment in the dynamic nature of bargaining and negotiation grew out of Thomas Schelling's early refocusing of game theory toward more dynamic concepts. In Chapter 2 of his masterpiece, *The Strategy of Conflict*, Schelling (1960) focused on the credibility of threats and promises, arguing that for these threats and promises to be effective in influencing the behavior of other parties, they must be costly. Schelling's discussion stimulated a broad interest in the dynamic nature of making and keeping commitments between interacting states.

The credibility of honoring commitments in the future naturally gives rise to a focus on the mechanisms for enforcing such commitments, which often are not self-enforcing. Many proposed forms of international cooperation entail significant payoffs to a party that might be expected to defect after signing the agreement. One view is that concern over future defection could discourage parties from agreeing to such a deal. One barrier can be a lack of effective monitoring and enforcement mechanisms. In the absence of world government, uncertainty about enforcement often arises in interstate agreements (Koremenos et al. 2001).[10]

The early neoliberal tradition of international relations typically separated bargaining/negotiating from enforcing, and focused on enforcement (Axelrod and Keohane 1986). Another view introduces another possible barrier to agreement. If the parties believe that future enforcement will be strict, the expected deal will be more valuable than a deal with lax enforcement; with these expectations, parties will bargain harder over the terms, delaying agreement (Fearon 1998).[11]

A particularly salient form of commitment problem in the literature involves the distribution of power shifting over time. If one party is expected to grow stronger over time and

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9   See Kydd (2000). Rathbun (2011) developed an alternative approach to trust in international relations that differs from these information-based rationalist accounts. Psychologists add that distrust also can be due to stereotyped thinking and biased information processing.

10   Commitment problems differ across issue areas. For example, in the area of human rights, commitment problems are particularly acute due to the limited ability to monitor outcomes and the difficulty in making reciprocity effective (Simmons 2009, 123). For similar points about differences across issue areas and their impacts on monitoring and enforcement, see Copelovitch and Putnam (forthcoming) and Mitchell and Keilbach (2001).

11   Such enforcement considerations are central to the rationalist tradition, though of course often not conceptualized as operating at the individual level.

hence may not have the incentives to keep the same agreement in the future, the credibility of its commitments can be compromised (Fearon 1995; Tingley 2011; Powell 2006). This problem is especially acute in negotiations to end civil wars, wherein agreement means that the rebel parties must give up their armies and their control over territory, making them and the people they represent vulnerable to exploitation by the government during the transition and later (Walter 2013). A longer-term commitment problem can occur when an agreement will shift the balance of power decisively from one side to the other. We consider, for example, the consideration of an agreement to replace an autocracy with a democracy. In this case, the institutional change could enable the new democratic majority to abuse former elites (Przeworski 1991).

2.2 Cognitive and Cultural Influences on Individual Negotiators

Negotiators and their organizations must select and process information from the massive flow of facts and interpretations around them. Additional barriers to and enablers of agreement lie in the nature of human information processing. This section presents insights from this literature as well as from research on the effects of culture in negotiation.

2.2.1 Cognition

A large literature has explored cognitive insights specifically for negotiations, and this report has space to develop only a sample.[12] Most studies assume that these barriers and enablers are valid in all cultures, but more research is needed to determine the intensity of their effects outside North America.

Given private information and the incentives to conceal or distort it, the negotiator—to decide on a course of action—must make an inference about how compatible the sides' preferences are. Inferences about the possibility of a positive zone of agreement are often faulty. One reason is what has been called the "fixed-pie bias." Much experimental evidence shows that many negotiators assume that "what is good for them must be bad for us."[13] They do not expect or look for opportunities to make both sides better off. Research also shows that this assumption is resistant to change; it is still observed after efforts to warn negotiators of its existence, after negotiators learn though negotiating experience, and even after feedback about the other party's interests (Thompson 2001, 66). In a metadata analysis of two-party negotiation, Thompson and Hrebec (1996) found that negotiators failed to identify true instances of compatible interests 46% of the time, on average. Even after multiple rounds of talks and some learning, they still settled for suboptimal agreements 20% of the time.

This obstacle also was documented among professionals in business (Lax and Sebenius 2006, 80), politics, and international relations. During a dispute between a police union and a city administration, the union wanted to dismiss the popular police commissioner and did not know that the mayor, who had appointed the chief, privately had the same preference because the chief had become an administrative nightmare (Lax and Sebenius 1986, 107-108). The 1965–1975 war between North Vietnam and the United States provides other tragic examples. After the

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12   See Chapter 4 in this report for more depth on these points. There is a rich literature on affective influences on decision making.

13   Some research also questioned the universality of the fixed-pie bias. The great bulk of early research was conducted with North American subjects. Greek subjects manifest less of this bias, and East Asians tend to show different biases (Morris and Gelfand 2004).

war was over, during the 1990s, representatives of the two countries—including some who had participated in wartime decisions—studied formerly secret documents, met, and concluded that both governments had preferred a peaceful settlement during the late 1960s and that several of the negotiation initiatives of that period could have succeeded had it not been for repeated inaccurate beliefs about the other by one and often both sides (McNamara et al. 1999, 223f). Lack of trust and fixed-pie bias undoubtedly contributed to each side's failure to draw out the other to explore possible areas of compromise and trading.

An important set of findings concerns framing, which can change negotiators' perceptions of alternatives and either impede or enable agreement, depending on the reference point introduced. Even introducing simple reference points, such as making people think like a "seller" or a "buyer," changes behavior. One study using senior business leaders showed that even experts with long experience and identical information overvalue an item if framed as a seller and undervalue it if framed as a buyer (Lax and Sebenius 2006, 80).

Another frame is that of a partisan. In international relations, each state negotiator is a partisan for one side and sees the world through that frame. Negotiation experiments document effects of partisan framing. In experiments that give all subjects the same information, subjects framed as partisans—compared with neutral subjects—significantly overestimate the value of their own outside options (Lax and Sebenius 1986); underestimate the degree to which the other side's objectives are compatible with theirs (Bazerman et al. 1995); and use a self-serving definition of fairness, believing their own views to be impartial (Babcock and Loewenstein 1997). Partisan bias, therefore, narrows the zone of agreement from what would exist on objective grounds. Partisan biases may be especially forceful in international negotiations, wherein considerations of sovereignty, nationalism, and religion often exacerbate material conflicts of interest.

An illustration of some of these effects comes from 1977, when Jorge Díaz Serrano, head of the state oil firm Petróleos Mexicanos (PEMEX), negotiated for Mexico with the United States for approval of PEMEX's plan to export newly discovered natural gas to the United States through a large proposed pipeline from the south. Mexico had a gas surplus and the United States was having shortages, so investment bankers called this a "golden deal" and expected easy agreement. The price of the gas, however, was a critical distributive issue. Mexico's team reasoned that a fair price was the Organization of the Petroleum Exporting Countries (OPEC) world oil price converted to its gas equivalent. However, as they cognitively anchored on OPEC, these partisans misjudged the other side's outside option. The United States could import gas from Canada at a lower price, and Canada was the salient reference point in Washington's thinking. Favoring the self-serving OPEC reference point resulted in Mexico offering a price above the true zone of agreement. This could have been a normal starting point of a value-creating negotiation, but Díaz Serrano refused to fall back, evidently dismissing as bluffing the US arguments that it could not come up to Mexico's price. The US was not bluffing and it was no less self-serving, and the talks ended in acrimony with no deal, leaving serious money on the table (Vietor 1982).

It has long been known that individuals make decisions differently depending on whether they are framed as being in the domain of gains or losses. Such findings have important implications for international relations (McDermott 2001). When negotiators in experiments are randomly framed with instructions to "minimize your losses," they use strategies such as making

threats that run a higher risk of breakdown, and they reach significantly fewer agreements, than negotiators who have identical interests and information but are told to "maximize your gains" (Bazerman and Neale 1992, ch. 5). Outside the laboratory, in a matched pair of US bilateral trade negotiations, negotiators who perceived themselves in the domain of losses also engaged in more risky and aggressive strategies (Elms 2006).[14]

Education and professional experience do not necessarily eliminate these cognitive biases. According to Rabin (1998), "Experts who have rich models of the system in question" are actually more susceptible than lay people to overconfidence in judgments and confirmatory bias. Learning from experience often reinforces rather than offsetting biases (Babcock and Loewenstein 1997). A study the subjects of which were international trade officials attending a WTO course in Geneva confirmed some findings reached in university experiments (Dupont et al. 2006). These expert subjects also showed signs of self-serving bias, and they made tactical decisions by relying on rules-of-thumb rather than responding to clear new information from others' moves.

2.2.2 Culture

Of the large literature on national culture in negotiation, we have space to give only an introduction. We introduce cultural predispositions in this section on individual biases because such predispositions operate ultimately at the individual level, although they also can be seen as an exogenous element of the negotiator's setting (see other factors discussed in Section 2.3).

Experimenters have explored whether negotiators from different cultures behave differently when faced with the same situation. Much of this research compares cases in which two persons of one nationality negotiate with one another to cases in which two persons from a different nation negotiate with one another. Recent work has begun to show that individualistic and collectivistic orientations, the most-studied dimensions and those long thought to be mutually exclusive, can occur in the same culture. The same negotiator can act individualistically in some conditions and collectively in others (Weiss 2006). Brett et al. (1998) also found that some cultures achieve greater joint gains than others. Yet, they found that the key cultural variables are not individualism-collectivism but instead the ability to deal with multiple issues simultaneously, the motivation to continue working to improve an initial deal, and the value the culture places on information sharing.

Regarding cross-cultural negotiations, careful experiments have confirmed the conventional wisdom that ignorance of cultural differences impedes talks between states as well as firms. An American and a Japanese achieve significantly smaller joint gains when negotiating with one another, on average, than when either negotiates with a partner from the same culture (Brett et al. 1998).

Another enduring finding is that Asian cultures place a higher value on establishing personal relationships of respect and trust between negotiators and business partners than Western cultures (see, e.g., Miles [2000] on China and the West). In some cultures, a request to "put it in writing" is taken as a sign of disrespect that damages the relationship. Interstate cooperation in the Asia-Pacific region has revealed a historical preference in Asia for informal

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14   Chapter 4 discusses other forms of framing.

arrangements and a low incidence of highly legalized agreements with precise, binding obligations and enforcement measures (Kahler 2000).

Research has also begun to show with greater nuance that the influence of culture is not only direct but also interacts with other conditions and settings. Kahler (2000) argued that when Asia-Pacific countries have judged that a more legalized institution will be most effective for their current objectives, such as in the WTO and during the 1998 financial crisis, they have adopted it. A survey of Chinese and US managers of international joint ventures in China found that US managers privately favor "forcing" and "legalism" as negotiating approaches more than Chinese managers. Here, forcing means using management authority or expertise to make a decision, and legalism means citing the provisions of the joint-venture agreement to resolve a problem. However, in a joint venture, each firm has made an institutional commitment to the local enterprise. In that setting, both Chinese and US managers say their most preferred negotiation approach is "problem solving." In addition, in both cultures, the more committed to the relationship the manager feels, the less he or she favors legalism and the more he or she favors problem solving. This conditioning effect is stronger among the Chinese because they place a higher value on the relationship (Lin and Miller 2003).

2.3 The Negotiation Setting

This section considers what is known about the setting in which negotiations take place, focusing on the distribution of power among parties and the institutional environment. Both factors relate to several points in the preceding section. For example, the distribution of power among parties, when conceptualized dynamically, underlies our discussion of how commitment problems can lead to failed negotiations. In this section, however, we focus on the basic building blocks that structure a negotiation process and the influence that this structure has on outcomes. In many negotiations, these dimensions remain fixed, exogenous factors for the negotiator—for the most part and at least in the short term.

2.3.1 The Power Distribution among the Parties

A major part of the setting is the distribution of power across the negotiating parties. Political science famously lacks consensus on a single definition of this central concept. Power, in its pre-1950 definition in international relations, meant the distribution of assets, elements, or resources, material and symbolic, that can be used to achieve influence and effects. Some researchers argue that in negotiations, the distribution of outcomes derives relatively directly from the distribution of power in this first sense (Telhami 1990; Krasner 1991; Steinberg 2002). In the 1950s, an alternative relational meaning became popular, with power meaning that the behavior of A causes, at least in part, some change in the behavior of B (Baldwin 2013). Barnett and Duval (2005) offered a third definition, with power meaning "the production, in and through social relations, of effects that shape the capacities of actors to determine their circumstances and fate."

Bargaining and negotiation analysts make their own contribution to conceptualizing power: they compare the parties' best alternatives to negotiated agreement in the particular situation. The party with the better alternative to a negotiated agreement with the other, in that particular situation and time, will have the advantage in distributional issues. In general, having greater power assets permits better alternatives and, therefore, a greater share of the outcome.

However, this is not always the case. A state may have many assets but have committed some of those assets to other objectives. A state with many assets may claim a smaller share in a given case because its obligations under an international institution prevent it from claiming more and it values this institution. In some cases, weaker parties have been able to generate costs of deadlock that were greater than the needed concession would cost the stronger side in its view (e.g., Wriggins 1976). How parties perceive their alternatives at a given time also sometimes can be shaped by argument and framing, not just the material assets of the parties.

Clearly, this lack of consensus on the meaning of power remains a problem in political science as a whole, including the study of negotiation and bargaining. Nevertheless, many scholars agree that the power distribution, in some sense, is relevant for the distributions of benefits and costs embodied in negotiated agreements. We are less clear, however, about the effects of power structures on the likelihood of coming to agreement, which is the main subject of this report. Part 4 of the present chapter returns to this question when discussing needs for additional research.

2.3.2 International Institutions

International institutions can shape negotiations and either facilitate or hinder their success. The presence of a relevant institution has facilitated cooperation, compared with talks outside such an institution, by providing information to members and encouraging issue linkages, such as cooperation to impose economic sanctions (Keohane 1984; Martin 1992). Shared norms differ across organizations, and an organization's norms empower certain actors as legitimate in the negotiation, rule certain arguments out of order, and determine which discursive strategy will be effective (Deitelhoff and Müller 2005; Ulbert and Risse 2005). For example, in the European Union (EU), day-to-day internal negotiations are usually dominated by problem-solving behavior. The trend is toward institutionalizing this behavior. However, conflictual, distributive behavior also occurs under some circumstances (Elgström and Jönsson 2000; Niemann 2006). In contrast to the EU, United Nations (UN) rules and norms governing environmental talks discourage integrative behavior and encourage distributive behavior (Susskind 1994).

In some respects, international institutions can be thought of as being a standing influence on negotiations as well as a chosen response to a number of the barriers discussed previously in Part 2. For example, institutions can help provide information, thereby reducing information barriers. Parsing out the independent impact of institutions can be difficult, especially if states engage in "forum shopping"—that is, choosing which international institution to use as the venue for a negotiation.

Of course, international institutions do not form spontaneously out of a vacuum; they also are products of negotiations. An institution's structure and purpose can be a function of the previous institutional experiences of the negotiating parties (Copelovitch and Putnam, forthcoming). Moreover, once an institution is established, negotiation often continues about its shape and structure (Spector and Zartman 2003). Hence, it is perhaps best to think about international institutions as products of negotiation, recurring influences on negotiations, and—in some respects—remedies for obstacles to successful negotiation. We illustrate the remedial function in Part 3.

2.3.3 Domestic Institutions and Politics

Domestic institutions and politics are also key aspects of the international negotiator's context. Variation in regime type can be an important explanatory variable. Leaders of autocratic states, for example, are less constrained than leaders of democracies by domestic opposition in what they can accept. At first glance, this would seem to be an advantage in negotiation. Yet, for this reason, an autocracy's threats and promises may be less credible. The autocrat may be freer to renege later because he or she has less need to fear attacks from domestic rivals for doing so. It is perhaps because of this difference in credibility that autocracies reach fewer agreements that avoid or shorten wars than democracies (Schultz 1999; Lipson 2003). Recent research has also begun to unpack institutional variation among autocracies and the influence this variation has on interstate behavior (Weeks 2008). Past research found that democracies are more likely than autocracies to engage in peaceful conflict resolution before escalating their positions (Dixon 1993), but more recent research provides a more nuanced view (Leeds 1999). Institutional decision rules also have their effects, with unanimity rules favoring the status quo and majority voting favoring change (Jupille 1999).

Developing countries, particularly the least developed, often lack sufficient domestic institutional capacity to negotiate effectively on technical issues. WTO negotiations are a case in point. By the late 1990s, developing countries were becoming more vocal and active in WTO talks, but many had little of the expertise on trade law and economics needed to understand and defend their interests. Many also assign their ambassadors in Geneva to several international organizations simultaneously, and some countries give those ambassadors little support or attention in their home capitals. Not infrequently, after trade negotiators have been trained, their governments transfer this scarce talent to nontrade functions (Odell, personal interviews with ambassadors and IO officials, Geneva).

Many international and EU negotiations are deeply entangled in internal politics within the negotiating states, and these politics can change while institutions remain constant. Although leaders often have influence over their home politics, those home politics also can appear as an exogenous influence on the negotiation. Even in autocracies, for example, internal opposition often limits a party's negotiating position and the agreements that it can ratify (Putnam 1988; Milner 1997). Especially in highly salient cases, such as peace talks among Israel, the Palestinian Authority, and the United States, domestic voices are strong in all three countries. Leaders and negotiators must consider these voices. Businesses spend substantial resources on organizations that monitor their home governments and intervene with them regarding talks on financial, trade, and environmental issues, at least in high- and middle-income countries. In such situations, for example, negotiators from two states might favor a linkage between issues A and B, agreeing that such a linkage would create gain for the both nations. A common barrier arises when an organized special interest lobbies vigorously to block the concession on "their" issue that their home government must make to consummate the interstate linkage.

Occasionally, a domestic or transnational campaign has been decisive in launching an interstate negotiation (e.g., the UN ban on land mines) or stopping a negotiation that governments had begun (i.e., the Organization for Economic Cooperation and Development [OECD] Multilateral Agreement on Investment). Sometimes governments have negotiated and initialed an agreement and then failed to achieve ratification at home. The International Trade

Organization (1948), the European Defense Community (1952), and the EU's constitution (2005) are examples.

Part 3. Facilitating Successful Negotiations

Research accumulating in political science and elsewhere reports that remedies for the barriers discussed in Part 2 have been found and applied successfully in some cases but not all. This section presents examples of what practical negotiators have done to address these barriers and produce mutual-gain deals for the signatories, at least relative to the status quo. Following the overall structure of this report, we do not emphasize explaining the distribution of gains within agreements and we underrepresent failed negotiations. This format, limited to examples, also underrepresents formal work, comparative empirical studies, and case studies designed to contribute to theory development.

To illustrate connections between barriers and potential solutions, Table 7.1 lists the barriers mentioned in Part 2 and pairs each with responses discussed in the current section. The responses shown are only selected illustrations; others could have been chosen. Furthermore, the listed response was not necessarily the only factor that made a difference to the barrier with which it was paired, and the problem listed was not necessarily the response's only target.

Table 7.1. Barriers to Agreement and Successful Responses

BARRIER	SUCCESSFUL RESPONSES
2.0 Conflicting preferences on an issue or issues	3.1.6 During a confidential diagnostic phase, explored potential parties 3.2 Postponed details, agreed first on a formula 3.3.2 Linked issues with opposite distributional effects 3.3.5 Reframed the issue space itself
2.1.1 Shared uncertainty	3.1.8 During a diagnostic phase, parties studied the problem jointly or commissioned neutral third parties 3.2.4 Created specialized negotiating bodies
2.1.1 Unknown private information on preferences	3.1.5 Tacit "tit for tat" 3.3.1 Revealing, requesting private information
2.1.2 Commitments lack credibility	3.3.16 Established compliance mechanisms 3.3.17 Postagreement compliance bargaining
2.2.1 Partisan, national biases that narrow the perceived zone of agreement	3.1.5 "Tit for tat" to reward other parties for cooperative moves, to undermine hostility due to biases 3.3.4 Reframed a party 3.3.12 Appointed a mediator
2.2.2 Cultural difference	3.1.4 Informal Track II and workshops 3.3.1 Revealed and requested private information

Instead of following the analytical order in Part 2, Part 3 is organized according to a dynamic order that tracks more closely the practice as experienced by international negotiators. This framework, which reveals ways in which many joint-gain international agreements have been reached, divides the process conceptually into four phases: diagnosis, formula, detail, and ratification (Zartman and Berman 1982; Hampson and Hart 1995). Here, we do not discuss ratification separately. Some of the steps we describe in Part 3 are moves at the negotiating table and others are moves that take place away from the table, so to speak. Throughout this section, each historical response is also linked specifically back to a Part 2 hypothesis or concept that it addressed, tying the whole together.

We adopt this approach of linking the conceptual discussion in Part 2 with a more practical, dynamic discussion of negotiation in this section for two reasons. First, circumstances change during a single negotiation. Negotiators make early attempts, learn new information, and experience the reframing of alternatives by themselves or by others. Steps taken early in the process can shape the path followed later in the same negotiation. We try to represent these dynamics here. Second, the bargaining-negotiation literature has developed via different traditions that although accomplishing significant progress, have not, we feel, paid as much attention to one another as could be productive. We believe many political science scholars in international relations know relatively little either about how practical negotiations happen or about how negotiation scholars have conceptualized and studied the negotiation process.[15] In the same way, some of the negotiation literature has engaged less with recent conceptual and methodological developments in political science than could be valuable. The heuristic categories discussed in Part 2 may facilitate new theoretical understandings of practitioner behavior and its effects. We hope this fresh way of merging sub-literatures that often remain in separate silos might stimulate new productive research benefiting from two or more traditions. A possible tradeoff with this presentation is that some causal variables, such as information and institutions, appear in several sections rather than being collected in separate sections.

Just as conflicting preferences pose obvious barriers to agreement, an equally obvious possible response is attempting to persuade others to change their mind through arguments using new information and new framing. We assume in the following analysis that this remedy is always attempted when explicit communications are possible. We also have learned that much more than simple persuasion is involved in observed successes. To repeat our previous caveat, a success for participants can mean a loss for others outside the process.

Of course, this research has not found any "recipe" for success that is guaranteed to work in every situation. Indeed, some possible responses are inherently in tension with one another. Neither has the research identified many contingent propositions, specifying the conditions under which certain responses are more and less effective. In addition, few of the studies discussed herein provide definitive support for the causal relationships that they suggest. The concluding section points the way toward future analytical and empirical work needed to push this literature forward.

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15   This section, therefore, was a learning opportunity for a slightly younger co-author.

3.1 Diagnosis and Other Preparation

Parties contemplating a possible negotiation face a broad range of uncertainties, shared and strategic (see Section 2.1), as well as possible distrust and biased information processing (see Section 2.2). To deal with their information and other problems without taking high risks, the parties often begin with a modest diagnostic or preparatory or prenegotiation phase. At first, a party may not be certain that negotiation is the best available move; no agreement might seem preferable. Parties often are uncertain about how others would respond to a proposal for formal talks and do not want to make a public offer that will be rejected. In this phase, parties explore cautiously whether a zone of agreement seems possible and a mutual-gain deal could be negotiated (Stein 1989). An initial diagnosis may be revised throughout the negotiation.

3.1.1 (Away from the negotiation table.) During the diagnostic stage, the parties consider which setup for the prospective negotiation, if any, would be best for success. Which parties should be included and excluded? Which issues should be added or subtracted (Lax and Sebenius 2006)? Which international regime, if any, should be selected as the legal context (see Section 2.3.2)? Should domestic skeptics be added to the delegation to help with ratification (see Section 2.3.3)? In 1944, US Treasury Secretary Henry Morgenthau included an isolationist Midwestern banker on the delegation to Bretton Woods. After this isolationist received a voice in the delegation, he supported the campaign for ratification of the historic agreement to create the International Monetary Fund and World Bank over the opposition of the American Bankers' Association (Eckes 1975). Choosing an appropriate representative from the opposition can facilitate information transmission and credibility when ex ante the representative would have been expected to oppose the deal (Calvert 1985).

3.1.2 (Away from the negotiation table.) In some cases, planners have excluded parties with extreme preferences, at least until after an initial smaller agreement has been implemented. Arguably, the 1993 Arusha Agreement over Rwanda could not have been attained with the inclusion of the Akazu (i.e., future génocidaires), as the mediators had wanted (Jones 2001). The decision whether to include "spoilers" depends on the degree or type of spoilers and their ability to upset an agreement if excluded compared with their ability to prevent an agreement if included (Leeds 1999; Calvert 1985). This point comes with important caveats. Many international organizations negotiate under a consensus or unanimity rule, so that no party can be excluded. Of course, an agreement's value will diminish with the size and number of parties excluded.

3.1.3 In all cases, an early diagnostic question is whether the parties (once identified) face a positive zone of agreement or bargaining range (see Section 2.0). When attempting to settle a war in particular, an early question for a prospective negotiator or mediator is whether all parties to the conflict believe that they have reached a painful stalemate that is unlikely to change, or some believe they still can win by fighting. In some cases, in which this subjective appreciation of the situation was absent and there was no clear positive zone of agreement, mediators have taken steps to influence the parties' perceptions that opened a positive subjective bargaining range. Such steps are sometimes termed "making the situation ripe" for a negotiation to begin. Examples include US Secretary of State Henry Kissinger with Golda Meir in 1974 in the Sinai withdrawal negotiations and US Assistant Secretary of State Chester Crocker in 1986 with South Africa and Angola (Zartman 2000).

3.1.4 (Away from the negotiation table.) When severe distrust has prevailed between warring groups or societies (See Sections 2.1.1 and 2.2), especially in protracted conflicts, informal transnational links such as "Track II" contacts (e.g., between academic scholars and retired government officials) and problem-solving workshops (often mediated by an international party not directly involved in the conflict) reduced distrust, improved relationships, and permitted more flexible information processing and the formulating of new ideas. These early stages also prepared cadres of individuals ready to conduct productive negotiations when conditions were propitious (Kelman 1996), even if they do not move governments' reservation values in the short term.

3.1.5 (Away from the negotiation table.) With strongly opposing preferences and severe distrust, such as between Mao's China and the United States during the Cold War, explicit communication is unlikely to be believed. In such cases, a tacit "tit-for-tat" strategy has signaled openness to at least a tacit agreement to limit hostile acts and has enabled learning about the other's openness to negotiation, while protecting against exploitation (Schelling 1960; Axelrod 1984). In this strategy, one party initiates a cooperative move, then rewards the other for a cooperative response and punishes it for a hostile response. This strategy has sometimes finessed the challenges of uncertainty, distrust, bias, and cultural differences (see Sections 2.1 and 2.2). Tacit tit-for-tat also has been embedded in a nonviolent bargaining strategy that includes explicit communication and aims for explicit agreement. The PRC's invitation to the US ping pong team to visit Beijing in 1969 was a move in a tacit negotiation that ended with an explicit China–US agreement in 1972. In 2012, the Muslim Brotherhood in Egypt and the Supreme Council of the Armed Forces carried out repeated and successful occasions of tacit bargaining throughout the transition that resulted in the Brotherhood's Mohamed Morsi taking office as president.

3.1.6 In many successful cases of explicit bargaining, the preparatory and sometimes later phases were kept confidential. The parties have withheld information from their constituents and outside players at least temporarily. Electorally motivated leaders may fear that domestic constituencies will mobilize to prevent concessions and that domestic rivals will use the controversy against them for short-term gain before longer-term gains from negotiation can be developed (see Section 2.3.3). In 1950, the founders of the European Community thus finessed internal opposition temporarily by denying information to constituents until a provisional deal containing value for their countries could be announced. When national law requires a subsequent transparent ratification phase open to public participation, constituents have an opportunity to amend or reject the outcome of the negotiation, conferring legitimacy on the result. Knowing that ratification will be required gives the negotiator an incentive to resist a deal that could not be ratified.[16]

3.1.7. With some trust but substantive uncertainty (see Section 2.1.1), parties have engaged in joint research, collecting and discussing information to improve the knowledge base, either in parallel with sharing or in fully joint activity, without yet committing to seek a deeper agreement. When in 1982 governments that were parties to the General Agreement on Tariffs and Trade (GATT) began parallel research on what would happen if they reduced barriers to trade in services, they lacked adequate information to know their own interests. After learning

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16   Secrecy also rules out some steps that could increase the likelihood and magnitude of gains, such as those discussed in Section 3.3.11.

and subsequent negotiation over details, they signed a multilateral services deal in 1993 (Paemen and Bensch 1995).

3.1.8 (Away from the negotiating table.) When the process is not secret, parties have invited neutral institutions such as international agencies and research universities to provide better technical information (as in the law of the sea talks; Antrim and Sebenius 1992). This step not only improves the information base (see Section 2.1.1), it also adds third parties that in the course of the negotiation may be able to evaluate information more credibly in a manner that most consider unbiased (see Section 2.2.1).

3.1.9 (Away from the negotiating table.) When some nations lacked sufficient institutional capacity to participate meaningfully (see Section 2.3.3), technical assistance from wealthier parties and international organizations improved those capacities and, hence, the scope of the eventual agreement. In trade negotiations, the donor states, the United Nations Conference on Trade and Development (UNCTAD), WTO, and the development banks pursued such a program after 2000.

3.1.10 In some cases, states have responded to the substantive and collective-action problems described in Part 2 not with ad hoc agreements but by attempting from the outset to negotiate the creation of a new standing international organization or a new pact based on an established one. IR studies of international regime formation have analyzed many examples. Here, it could be added that a subset of those studies has used bargaining or negotiation concepts prominently to build their accounts. For example, Rothstein (1979) dissected the failed campaign to negotiate an agreement on an integrated commodity program in UNCTAD during the 1970s. To explain the failure, Rothstein pointed, among other reasons, to the South's misjudgment of the North's resistance point soon after OPEC's dramatic success (see Sections 2.1 and 2.2) and the choice of UNCTAD as the venue (see Section 2.3.2). The institutional block structure of UNCTAD was unfavorable for integrative bargaining. Young (1994) analyzed the negotiations to create environmental organizations. Singh (2008) showed how the recent diffusion in the global power structure (see Section 2.3.1) affected negotiations over institutions for the global-information economy.

3.2 Negotiating a Formula

A second phase begins with the agreement to negotiate toward an explicit deal. In some cases, when delegations began by trying immediately to reach agreement on specific details at issue, they faced too much shared uncertainty about the problem to know exactly how to proceed (see Section 2.1). In other cases, with plentiful information about the problem but conflicting initial preferences (see Section 2.0), distrust (see Section 2.1), and strong constituency pressures (see Section 2.3.3), negotiators have opened with exaggerated demands for concessions on the distributive issues. They then have defended their positions against others' demands, soon bogging down into deadlock and a shared sense of futility, in part due to perceived difficulties in enforcing an agreement or expectation about future shifts in relative power.

3.2.1 One approach that has succeeded is to delay haggling over details until after a prior search for an agreed general formula or set of principles that defines the negotiation process and the requirements of a final agreement (Zartman and Berman 1982). For a formula to play this

structuring role, it must be comprehensive and viewed as equitable (Young 1989).[17] Parties with serious differences and deep distrust have been able to agree first, at least, on such principles for talks. When agreeing on a formula helps, it does so because it reduces the sense of distrust and futility that derive from conflicting preferences and experience of conflict. Examples of joint-gain successes that resulted from the formula-first process include Bretton Woods 1944; the Panama–US Panama Canal Treaty 1977 (Kennedy School of Government 1979); the Law of the Sea Pact; the agreement on Namibia 1988; and the Dayton Accords ending war in Yugoslavia 1995 (Curran et al. 2004).

3.2.2 The formula often sets the agenda of issues to be negotiated, at least initially. Parties have sometimes moved forward by agreeing to exclude or postpone an issue they cared about but that would destroy a zone of agreement at the time (Sebenius 1984), such as Jerusalem in Israel–Palestine talks.

When parties have had conflicting preferences on issue A (see Section 2.0), such as whether OECD countries should continue to subsidize agriculture or whether Iran should continue its nuclear program, a standard response has been to add an issue B that has opposite distributional effects, expecting that the two could be linked for balance and mutual gain during the detail phase. In the 1980s, the formula for the GATT's talks in the Uruguay round deliberately included both services and agriculture as issues, in the hope that the EU and Japan could gain on services enough to "pay for" their concessions on agriculture.[18]

3.2.3 A key element of many formulas has been to set a deadline or, in a complex case, a sequence of intermediate deadlines, if natural ones do not present themselves (Zartman 1987). Negotiators thinking strategically of their distributive goals (see Section 2.0) tend to hold back costly concessions until just before the last possible moment in order to extract gains. Setting deadlines, in principle, could reduce the negative effects of uncertainties that negotiating parties have about "how long their opponents can last." George Mitchell, whose mediation of the protracted Northern Ireland religious conflict resulted in the historic 1998 Good Friday agreement, said that persuading all parties to agree to set a deadline was a critical step in that dynamic success (Curran et al. 2004; Mitchell 1998. Mediators packing their bags also can provide an effective deadline, as US Secretary of State Henry Kissinger did in Damascus in 1974 and as Secretary Warren Christopher and Assistant Secretary Richard Holbrooke showed at Dayton in 1994 (Holbrooke 1999).[19]

3.2.4 When uncertainties have been great (see Section 2.1), the issues complex, and dozens of states involved, negotiators have moved toward success by first creating a set of different subsidiary negotiating bodies with their own chairs to specialize on different issues (Hampson and Hart 1995). In such institutional arrangements, each state is usually eligible to send a delegate to each specialized body, and mechanisms are provided for linking the specialized talks during and at the end of the negotiation. Existing international institutions (see Section 2.3.2) can play an important role in setting up specialized bodies.

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17   Caveat: More than one possible set of principles may be conceivable, and parties may attempt to claim value by advancing rival formulas geared to their distributional objectives.
18   At the formula stage, however, negotiators often have not yet discovered enough information about the issues, private preferences, and domestic political reactions to forecast with certainty the consequences of selecting a particular set of issues.
19   An important risk of setting deadlines is that if parties commit publicly to meet a deadline and then fail to do so, they may damage the credibility of their process more than if they had not set a deadline.

3.3 Negotiating Details

Once parties agree to negotiate, which may involve agreeing on a formula, the process proceeds to negotiating over details of a provisional deal—the stage that is most familiar and is sometimes mistakenly thought to be the whole of negotiation.

3.3.1 In situations with possible compatibility of some objectives and some trust but where missing and distorted information are barriers (see Section 2.1), negotiators have produced successes by revealing selected private information to other negotiators and asking the others to reciprocate in private discussions. These negotiators have used a partially integrative strategy, which involves greater mutual openness with information than a purely distributive strategy allows. In 1985, US Secretary of the Treasury James Baker faced an ever-expanding deficit in US trade, rising protectionist pressure at home (see Section 2.3.3), and a rising value of the dollar abroad. He convinced President Reagan that the dollar was part of the problem and that the United States should do something to bring it down. Unilateral action in the foreign-exchange markets could have been highly disruptive. Baker revealed secretly to Japan's Finance Minister Noboru Takeshita that he was interested in negotiating an agreement that would lower the dollar (a change in US policy) and raise the yen, a move that was unpopular in Japan's export sector. Baker learned that Takeshita shared his concern about protectionist-trade legislation being submitted in Congress. Together, they timed the announcement of their agreement to ease the dollar down, joined by three European states, for maximum impact on Congress (Funabashi 1988).

Negotiation texts document many examples of professionals practicing what Malhotra and Bazerman (2007) called "investigative negotiation." In October 2000, US Ambassador to the UN Richard Holbrooke was dealing with a fixed-sum standoff. The US Congress had decided to stop paying its UN dues of nearly $1 billion by January 1, 2001, unless the other members agreed to lower the US assessment from 25% to 22%. Many countries refused this demand to increase their own assessments. Holbrooke and his team then asked every single country why they could not agree. By asking, the Americans learned that many countries were willing to increase their dues but could not do so by January 1, 2001; their budgets for the coming fiscal year had already been set. With this formerly private information in view, Holbrooke proposed a deal acceptable to all: the United States would reduce its assessment to 22% by Congress's legal deadline, and other nations would increase their contributions in 2002. To cover the one-year shortfall, Holbrooke (through a side negotiation) also persuaded billionaire Ted Turner to make a personal donation of $30 million (Malhotra and Bazerman 2007, 49-52). This example illustrates two concepts for understanding how other deadlocks also have been broken. Holbrooke's team perceived a way to split a seemingly fixed-sum issue into two issues—contribution amounts and their timing—then link them. He also changed the game by adding a new party.

3.3.2 A classic remedy for conflicting preferences (see Section 2.0) has dovetailed differences with issue linkage. Parties or mediators explore for new information about private priorities on two or more existing issues on which parties' preference orders appear to differ, and propose to link independent issues that will dovetail these differences into an exchange of concessions, giving each something it values more at the expense of something it values less. This remedy has resolved issues that separately had low integrative potential. During the Law of the Sea talks of the 1970s, when states were locked in a fruitless debate over incompatible positions,

a mediator learned that delegations' private priorities across the issues in dispute were shifting. He made a creative proposal that linked two issues that had been independent, which succeeded because it dovetailed the evolving private differences (Antrim and Sebenius 1992; see also Tollison and Willett 1979; Haas 1980; Poast 2012). In the Namibia negotiations of 1980–1988, parties found total achievement of their demands by pairing them as compensation—withdrawal of 50,000 Cuban troops in exchange for withdrawal of 50,000 South African troops (Zartman 1987).[20] The presence of international organizations (see Section 2.3.2) has facilitated mutual-gain linkages of issues that were otherwise unrelated, such as Great Britain's acceptance in 1982 of the current EU budget in exchange for its EU partners' support for sanctions against Argentina during the Falklands/Malvinas war (Martin 1992).

3.3.3 Another response has been to add an issue with greater integrative potential. For example, negotiating over a qualitative rule that sets parties' rights and obligations generally has greater potential to make both parties better off (without linkage to another issue) than negotiating over numbers like money (Walton and McKersie 1965; Winham 1986). This is because with rules, a "veil of uncertainty" about future application makes it less clear how much a party will lose or gain (Young 1989), which may reduce the anticipation of shifts in bargaining power that generate commitment problems. The more specialized and precise are the rules, however, the less is the uncertainty. Similarly, greater enforcement capacity might be seen as entailing more specific rules, in which case this can have implications at the bargaining stage (see Section 2.1.2 and Fearon 1998).

3.3.4 Negotiators and mediators have broken deadlocks by reframing a party to change its reservation value. They have provided information and interpretation to persuade a party that its alternative to agreement is worse than it believed it to be or that a proposal is better than it believed. IR research has documented cases in which the negotiation process, including reframing, successfully changed reservation values, even the precisely stated ones of the powerful United States (e.g., on Western wartime negotiations with Stalin, see Iklé [1964, 182-190]; on military base negotiations in the 1970s, see Wriggins [1976]; and on WTO negotiations between 1999 and 2001, see Odell [2009]).

3.3.5 Another creative response to deadlock due to opposing preferences has been to reframe the issue space itself—to replace a familiar set of difficult issues (see Section 3.2.2) with a fresh set. In the late 1940s, West European states subsumed the historic military conflict between France and Germany by embedding both in the regional European Coal and Steel Community and later the European Community. In 1998, Peru and Ecuador resolved a border dispute by focusing on development rather than legal lines. The Panama Canal formula of Panamanian ownership with US security, the Mideast formula of Egyptian territory and Israeli security, Aceh self-government, and Chiapas free-determination are additional instances of framing an agreement in new and specific terms that meet both sides' needs (Hampson and Zartman 2012).

3.3.6 Success is more likely and faster when simple solutions are salient. Negotiations on a ban of an undesired practice or an across-the-board percentage cut (e.g., the 1987 CFC agreement) are less likely to bog down in lengthy talks and yield disappointing results than

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20   Linking the wrong issues—such as adding one whose bargaining range is very small or zero—could destroy an agreement zone. Sometimes subtracting an issue from a negotiation can help the parties create value on other issues.

negotiations that require highly complex arrangements, such as in the Law of the Sea talks (Young 1989) and recent WTO rounds. Complex arrangements require more information, such as forecasts of the consequences of particular detailed proposals (see Section 2.1), and the time it takes to collect information and negotiate proposals allows the support of constituencies to dissipate as they shift to alternative courses of action and as other issues rise in public salience (see Section 2.3.3).

3.3.7 (At the negotiating table and away from it.) International negotiators often take steps to influence domestic politics at home and inside partner countries (see Section 2.3.3) as means of achieving agreements. In trade talks, governments have long striven to negotiate concessions abroad benefiting their exporters to induce them to advocate ratification at home to counter predictable opposition to concessions. A negotiator sometimes decides to grant a concession that still leaves his or her side above its resistance point in order to aid a counterpart in another state in achieving ratification in his or her country (Odell and Lang 1992; Odell 2000). In five bilateral trade episodes with Japan, US negotiators sometimes used two tactics—called participation expansion and alternative specification—to expand Japan's domestic political support for agreement; when the United States used them, it gained more than when it did not use them (Schoppa 1993).

3.3.8 More lasting changes in domestic political institutions have encouraged closer convergence between constituencies and their negotiators during the negotiation process (see Section 2.3.3). In its 1973 trade act, the United States established sectoral business advisory committees to meet privately with trade negotiators dealing with their industries during GATT talks. Not only did business representatives advise negotiators; simultaneously, negotiators explained constraints overseas and moderated extreme demands by playing one industry against another, preparing the way for ratification (Odell 2000, ch. 8; Winham 1980).

3.3.9 In multiparty talks, preference conflicts are often aggregated into two or more coalitions of states competing with one another. Another remedy for deadlocks has been a bridging coalition formed by states coming from both sides of the fault line that has helped find a path to agreement. Cross-cutting coalitions or "teams of rivals" have facilitated agreements in talks over trade, the environment (Hampson and Hart 1995), and security.

An example is the negotiation that finally ended the long civil war in Cambodia with the 1991 Paris Agreement. This war had roots in the 1960s with the Khmer Rouge insurrection and was exacerbated by the war in Vietnam. In the late 1980s, Phnom Penh was ruled by a communist government installed by Vietnam and supported by the Soviet Union. China wanted to contain Vietnam and supported the Khmer Rouge, which had been ousted in 1978 but was still fighting. Washington supported replacing the pro-Vietnam government with a coalition government led by Prince Sihanouk and including the Khmer Rouge. To simplify a complex story, the United States eventually moved peacemaking into the UN Security Council, whose five permanent members decided in 1990 to press the Cambodian parties to accept a compromise that ended the war. UN members jointly financed a subsequent peace-building mission to oversee the transition to a new government.

This approach worked in this case at this time for many reasons, as usual. An even longer war would have been costly, and peace avoided those costs, although this had been true for

years. Some years earlier, the Cambodian parties had fought to a stalemate (see Section 3.1.3) and thus depended on support from powerful outsiders. Then, by 1990, although they had been strong rivals in Cambodia and elsewhere, the Soviet Union under Gorbachev, China after the Tiananmen massacre, and Vietnam all changed their general foreign-policy preferences to place greater weight on improving relations with the United States. This might have opened a zone of potential agreement among the parties (see Section 2.0), although resistance points were generally unknown in the absence of a negotiation. By talking confidentially, these rivals discovered or created an overlap between their preferences, embodied in a formula of an all-faction National Council under UN trusteeship to organize elections and monitor a ceasefire and foreign troop withdrawal. The UN (see Section 2.3.3) was organized and ready to facilitate talks and administer the transition, easing parties' commitment problems (see Section 2.1). The Khmer Rouge, although party to the Agreement, was eventually a loser, as most great powers had intended (Hampson and Zartman 2012).

3.3.10 In multiparty talks when building a coalition, the sequence in which the negotiator approaches potential partners probably affects the likelihood of success. The choice of a particular path (party A, then B, then C) has had an effect, in different cases, by either exploiting influence relationships between partners, shaping outcome expectations, concealing information from potential blocking coalitions, or worsening the no-deal alternatives of those remaining outside (Sebenius 1996). Exemplifying the latter effect (see Section 2.3.1), US Federal Reserve chairman Paul Volcker in the 1980s wanted to build an international coalition in support of new rules requiring OECD banks to hold greater capital, to strengthen the system against a chain default. If one country added this requirement alone, it would impose a competitive disadvantage on its own banks. The European Commission (EC) was working on a plan, but Volcker disliked that approach. Therefore, while participating in the multilateral central bank negotiations in Basle, Volcker privately negotiated a deal with the Bank of England. US and UK preferences were close and together they were home to a major share of the world banking system. Next, he turned to Japan, a growing financial center that disagreed with US preferences but also was subject to US influence. Tokyo preferred to leave its banks free of this new costly requirement, but Japanese banks were expanding into the US market and vulnerable to being shut out if they did not cooperate with the Fed. Facing this implicit threat, Tokyo signed up, after significant modifications. Then, with the US, UK, and Japanese markets all committed to the same model, an EC model for European banks alone would have put European banks at a disadvantage. The previously implacable German Bundesbank then also fell into line. Volcker bootstrapped, moving progressively from the easiest to the most difficult, and thus progressively worsened the no-deal alternatives of outsiders (see Sebenius 1996 and works cited therein).

3.3.11 (Away from the negotiation table.) Advocates and opponents of negotiated agreements, including transnational nongovernmental networks, have attempted to generate public support by publicizing their ideas to mass media and cooperating with like-minded environmental, human-rights, labor, and business networks (Hampson and Hart 1995). Talks on the 1987 ozone treaty (Benedick 1991) and the UN treaty banning land mines (Price 1998) provide evidence of the effects of public engagement. Price argued that non-state norm entrepreneurs in the land-mines case stimulated a systemic change in the relevant international norms (see Section 2.3.2). Transnational networks have contributed regarding a number of obstacles discussed in Section 2. They provide state officials with information about the problem

and later about possible noncompliance with an agreement (see Section 2.1); they reframe issues with different reference points attempting to influence the terms of agreements as well as their creation (see Section 2.2.1); and they span multiple cultures (see Section 2.2.2), which may counter suspicions that the proposed agreement will impose alien norms on one's society. Non-governmental organizations (NGOs) opposition helped stop a 1998 draft OECD investment agreement (Kobrin 1998).

3.3.12 Mediators have helped address deadlocks due to problems of information, commitment credibility, conflicting preferences, distrust, and internal divisions (Kydd 2010; Crocker et al. 2002). Mediations have contributed both to achieving peacetime multilateral regime agreements and to ending wars. Mediators have used a variety of tactics depending on the obstacle. When the obstacle was the inability to communicate credibly, as with the Israelis and Palestinians in 1993, the Norwegians used the most passive tactics of facilitating communications. When parties were unable to provide ideas for a solution, as in the war in Bosnia, Richard Holbrooke played the more involved role of a mediator as a formulator in Dayton. George Mitchell, like many with little power, used communication and formulation tactics[21] and succeeded in Northern Ireland, as have leaders in the EU and the WTO (Odell 2005; Tallberg 2010). When available outcomes were not large enough to attract the parties, or a zone of agreement could not be opened with more gentle tactics, a mediator has played the most forceful role of manipulator. Kissinger in the second Sinai withdrawals (Mintz 2007), Lord Carrington in the war in Rhodesia (Rothchild 1996), and Holbrooke in Bosnia illustrate powerful manipulative tactics contributing to peace. In some 600 attempts at mediation during violent conflicts, the more manipulative strategies had a higher simple success rate than mediations limited to less forceful moves (Bercovitch 1996).

International mediators have varied in their degree of neutrality, the amount of power assets they wielded, and the strategies they chose. Whereas it is often assumed that neutrality is valuable, some research indicates instead that the more biased a mediator is toward one of the parties, the more successful is the mediation. The reasoning is that if M is biased toward party A, A is more likely to believe advice from M that it cannot expect greater concessions from B and should settle; bias also gives M greater capacity to extract concessions from A (Kydd 2003; Savun 2008).[22]

Today, more than one mediator often is involved in trying to assist peace negotiations in any given conflict, sometimes sequentially, sometimes simultaneously. Both benefits and liabilities come with multiparty mediation (Hafner-Burton et al. 2012; Kydd 2012b).

3.3.13 Mediators and others have succeeded by proposing an informal, single negotiating text (Buzan 1981; Raiffa et al. 2002). The text is informal in the sense that no party has accepted it. It covers all issues, chooses a single position on each issue, and attempts to achieve balance through the whole; it is not a cautious aggregation of all factions' positions. This relatively bold attempt to create a focal point contributes to agreement if the parties accept it as a basis for further negotiation. This move helps address several barriers. It has better established a sense

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21   The concept of formulation tactics here can include proposing a formula in the sense of Section 3.2 but is broader, also including a variety of other process moves such as chairing the talks, suggesting procedures, and suggesting concessions that a party could make.
22   The strategic analysis of mediation remains an active area of research, with varying views on when or whether it can be effective (Ramsay 2011; Fey and Ramsay 2010).

of common knowledge—for example, by laying out what is known or unknown about what is being negotiated. The text and the consultations leading to it have corrected self-serving biases, revealing to proponents that their proposals (omitted from the text) have gained little support. Such a text has also helped a negotiator overcome domestic opposition from a special interest by omitting its position from the text. This helps the negotiator argue to his or her prime minister that a neutral mediator reports the demand is not negotiable; hence, if the government insists on the minority's demand, it could lose the gains that the deal offers its majority. The obvious risk of the single text is that a party or faction will reject it even as a basis for future talks (Odell 2005), but mediators are willing to take greater risks as they get closer to a deadline (Odell interviews with WTO mediators). Such single negotiating texts contributed to the 1978 Camp David peace agreement between Egypt and Israel and the 2001 WTO agreement to launch the Doha round.

3.3.14 After parties have dug in behind public defensive positions, it is virtually impossible to break a significant deadlock by limiting talks to official meetings attended by 150 delegations and reported to all capitals. Domestic political constraints (see Section 2.3.3) make this difficult. To encourage delegations to consider changes in their public positions, some organization leaders and negotiators have held confidential informal meetings in which no official records are kept and reporting to capitals may not be required. They invite a small group including leading defenders of rival positions. There, delegates and mediators report information to correct biases; improve their evolving diagnosis of the blockage; test reactions to integrative steps, such as possible linkages in which delegations will have to fall back on an issue; reframe the issue space itself; and explore inventive solutions not yet considered by any party, or a combination of these steps.[23]

3.3.15 When the subject of the agreement entails greater uncertainty about the future (see Section 2.1)—subjects such as mutual security and monetary policy—agreement has been facilitated by designing pacts with greater flexibility. One form is shorter duration plus opportunity to renegotiate in the future. Group of 7 (G7) agreements for macroeconomic coordination during the 1970s and 1980s had very short durations for this reason (Koremenos 2005). Another form is the escape clause (Rosendorff and Milner 2001; Koremenos 2001). For example, the GATT 1947 authorized tariff increases inconsistent with the general rules, but only after following certain investigative procedures, only if the new barrier applied equally to all exporting countries, and only for a maximum of five years.

3.3.16 A common view is that bargaining success is more likely if the parties agree on a clear-cut mechanism to ensure compliance (Young 1989). States have responded to the problems of incentives for future defection and weak commitment credibility (see Section 2.1.2) with a variety of modalities. One has been to focus the negotiation on regulating actions that are easier to police (Fortna 2003; Young 1989; Hampson and Hart 1995). In other cases, when settling a civil war as in Cambodia and Rhodesia, parties have invited into the negotiation third parties (i.e., the UN, a regional organization, or a powerful state not participating in the war) that are willing on an ad hoc basis to enforce compliance using armed forces, protecting parties that would otherwise be vulnerable to exploitation (Rothchild 1996; Walter 2013).[24] In some

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23   If no agreed process assures the many excluded a genuine opportunity to study and change what is decided in the small meeting, the many may fear being coerced into accepting a fait accompli (as some did during the WTO's disappointing 1999 Seattle ministerial), and a backlash could result (Odell 2009).
24   Some have argued, however, that third-party interventions create a weak basis for long-term agreements due to artificial short-

peacetime negotiations, states have added a standing legal-dispute-settlement provision whereby an aggrieved party can seek redress through a common institution. The most highly legalized examples today are in the EU and the WTO.[25] Other remedies include using domestic political institutions (see Section 2.3.3) to bind governments to their international promises and requiring them to pay a domestic political cost if they deviate from a commitment in the future (Morrow 1999). Additionally, these problems have been avoided by linking the agreement to an established formal institution that a potential cheater values, or by activating domestic constituency groups that would suffer from a lack of compliance. NGOs that value the agreement have monitored and publicized compliance failures in light of international norms. States with sufficient power have issued bilateral threats or promises to influence others' compliance.

At the same time, we recall the arguments that stronger enforcement prospects may lead to more resolute strategies during the negotiation (see Section 2.1.2) and that some cultures prefer informal cooperation (see Section 2.2.2). Many other international institutions are less legalized: they lack tribunals independent of the member states, and their provisions are less precise and less binding (Goldstein et al. 2000). Soft law in many varieties is more widespread than hard law in international relations (Abbott and Snidal 2000).

3.3.17 Post-agreement negotiation among signatories often has had an important effect in practice on the behavior that is covered by "compliance." For example, the goal of even the WTO's highly legalized regime is to promote settlement of disputes directly between parties. After a state files suit against another in Geneva, the states negotiate and reach a settlement agreement before a final WTO ruling in more than half the cases. Little research has illuminated compliance bargaining as such, but some studies indicate paths (Jönsson and Tallberg 1998; Tallberg and Smith 2012; Spector and Zartman 2003).

3.4 Conclusion

Part 3 summarizes a sample of findings showing how negotiators have responded to the obstacles detailed in Part 2 to produce successful joint-gain agreements. The goal of these responses is not to avoid all distributive struggles but instead to manage them and move beyond them. We believe the responses that have evolved over the years should encourage those who hope for more negotiated agreements. As previously mentioned, this section underrepresents the findings in international relations on how parties have deterred, coerced, and imposed losses on one another. It also underrepresents how parties have shifted in their own direction the distribution of joint gains created in these agreements. A fuller summary would consider asymmetrical international negotiations, not only where the powerful dominate but also where more effective distributive claiming by the weak might enable agreements that cannot otherwise be reached—for example, in an international organization that requires consensus.

Part 4. Research Opportunities

The subject of international negotiation presents an immense number of fascinating

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term incentives provided by the third party (Beardsley 2008).
25   If the institution is not robust to future changes in the relative power of the involved parties, it may not succeed in overcoming commitment problems during the negotiation.

opportunities for new research by political scientists and others. These opportunities arise from several sources, some prompted by this chapter's previous sections and others from outside its scope. The world of international relations today is replete with negotiations. The resumption of direct talks between Israel and the Palestinian Authority in July 2013 is one recent example. Yet, political science has devoted far less attention to and has less to say about this ubiquitous process than about other important processes and subjects, despite lucid contributions by a number of scholars. The extant and developing literature on negotiation and bargaining, in and outside of political science, continually turns up new questions and problems that need more work. To look forward, we advance a selection of ideas clustered into four broad sets, addressing empirical, methodological, theoretical, and normative (or prescriptive) questions and problems. Many ideas could be placed in more than one of these categories, the exact boundaries of which are not important for this presentation.

4.1 Empirical Questions and Problems

The international negotiation and bargaining literature has several general empirical gaps. Whereas some findings from case studies have been confirmed beyond a handful of cases, many others need to be checked in cases from other issue domains, regions, and periods. Whereas some experimental findings have been documented in international history, more confirmation outside of the laboratory is needed. Negotiation research underrepresents the experiences of developing and transitional countries.

Moving from these cross-cutting gaps to more particular and substantive concerns, many problems deserve investigation. When negotiators add flexibility provisions to treaties, such as escape clauses in trade agreements, these provisions have welfare costs. However, we do not know whether and when these provisions cost more than they are worth. Likewise, what are the costs of treaty-monitoring provisions and in what circumstances, if any, are they worth the bargain? A larger question is how effective have international agreements been in mitigating the problems to which they were addressed? Although some research has estimated agreement effects, research on this major issue has been stymied by a serious methodological challenge. Effectiveness can be meaningful relative only to the counterfactual of the agreement not having been reached.

In addition, we do not fully understand the role of non-state actors in international negotiations. Thinking about negotiation as an activity exclusively between sovereign states forecloses the study of negotiations between states and NGOs, semi-sovereign/autonomous regions, and non-state actors that nevertheless hold a virtual monopoly on the use of force within a region. We might also ask why, today, are so many multilateral negotiations deadlocked at the same time? Are we at the end of an era in international organization?

Negotiations also are or will be taking place in emerging issue areas. Negotiations over territories, currently in areas like the South China Sea with competing territorial claims, are likely to remain common. However, areas including human rights practices and drug smuggling give rise not only to non-state actors but also potentially to less studied causal dynamics such as diffusion (Kydd 2000). Other areas such as negotiations on climate change generate new challenges, due to a range of technical uncertainties, long time horizons, and potentially massive

distributional consequences both across and within states.

4.2 Methodological Questions and Problems

Research on international negotiation also faces important methodological challenges. At the micro level, this subject is negotiator behavior—what do negotiators or delegations do in regard to other actors, what determines their behavior, and what difference does it make? Political science studies many forms of political behavior, from that of Supreme Court justices to legislators, voters, the media, interest groups, and acts of political violence. In this light, studying international negotiation at the micro level is only an extension of existing normal science (or normal history).

A fundamental challenge is that international negotiations are difficult to observe directly. These negotiations are confidential and do not allow participant observation except in rare cases. Much of the process, as we know from case studies, is informal and not always recorded in documents; hence, archives may be incomplete. However, social science has found ways to study other phenomena that are difficult to observe directly; this problem need not block productive new research.

Ultimately, familiar advice applies to this subject like others. Every known empirical or analytical research design and technique has limitations as well as strengths. For this reason, using multiple methods (over time if not simultaneously, by teams if not by individual researchers) offers the best chance for valid answers to our questions. Along the way, new case studies can take advantage of new and more rigorous qualitative methodology for causal analysis, which is being developed by APSA's section on qualitative methods and by other social scientists (for a recent introduction, see Mahoney 2010). Some past negotiation case studies have not used these methods as fully as possible, perhaps discouraging their integration into political science more widely.

Few large-n datasets on negotiation behavior have been created outside the laboratory (e.g., Hopmann 1974; Druckman 2001; Dür and Mateo 2010). This too could be an opportunity for future research. These data might be used to test propositions developed with case studies or formal models. Yet, creating valid data on international negotiation processes outside the laboratory involves some thorny problems. Hopmann (2002), a pioneer in such efforts, explained that he shifted to qualitative methods in part because the early quantitative measures failed to capture essential aspects of the process, casting doubt on the value of the conclusions. As a result, policy makers showed little interest in the results. He and others have nevertheless proposed ways in which better quantitative data on the process might be created today (see three issues of International Negotiation: Telhami 2002; Carnevale and De Dreu 2006).

Future experimental research also presents ample opportunities. One open line of inquiry concerns the universality of the cognitive factors discussed in Section 2.2.1. For example, the fixed-pie bias may not generalize across cultures (Morris and Gelfand 2004). Studies on this topic, and especially those that theorize about the source of any differences, would be especially welcome. Another empirical line of inquiry suited for laboratory investigation could help us better understand the role of affective variables. What types of emotions are triggered in negotiation, how are they triggered, and what are their physiological bases? Whereas studies like

this have been done in the bargaining literature (Przeworski 1991), we discuss below important work in negotiation and future opportunities. Other questions, such as the efficacy of having multiple mediators, are amenable to laboratory-based investigation. Finally, the use of field experiments has grown in recent years (Powell 2006) and these experiments have begun to be used in international relations (McDermott 2001). If the appropriate settings could be found or generated, these designs could help greatly in understanding negotiation.

4.3 Theoretical Questions and Problems

In addressing theoretical questions, one class of opportunities could investigate conditions under which remedies discussed in Section 3.0 are more and less effective. Although some research has been published, it would have expanded this report too far to address it. Much more along this line is needed. For example, under what conditions are attempts to change reservation values more effective? In addition, folk wisdom and scholarship often discuss using "carrots and sticks" at roughly the same time, but thinking of the target behaviorally, the two could have contradictory effects. How might the two moves or tactics interact? The present literature is inconsistent regarding when partial or small-scale agreements lead to larger ones, and when smaller agreements bleed off pressure for more resolution and undermine larger agreements. Can new scientific information discourage negotiated agreement as well as promote it, and can we generalize about conditions under which each occurs?

Useful formal work could be done to study how the order of issues discussed can affect the negotiation outcome. Formal and other research is needed to improve our knowledge of coalition formation, including the tradeoff between larger-size coalitions and shifting the median preference. Rationalism also has not explained mediation fully, including questions such as where the mediators obtain their information. Neither is there work in this tradition about multiple mediators, as far as we know.

Another important theoretical line of development is to investigate outside of the laboratory how and why emotions have an impact on international negotiations. Most negotiation and bargaining research has sidestepped this question. Although in IR this is a wide field of opportunity with little competition, there are serious methodological challenges. How, for example, can we find credible evidence of strong emotions in international negotiators or leaders and isolate the effects of emotions from those of other causal factors?

At the same time, pioneers in this field have suggested some paths that might prove exciting. Neuroscientists and psychologists are moving to the view that cognition and emotion are intertwined rather than competing processes in the human mind and that rationality itself depends on a type of prior emotional processing (McDermott 2004; Mercer 2005, 2010). If this is so, the simplifying distinction between rational and emotional thinking is breaking down.

For negotiation in particular, laboratory research on emotion has been underway since the late 1980s and has become progressively more complex (Barry 2008). Research shows that positive affect can lead to more integrative agreements. Some research specializes on the effects of negotiator A's emotions on A's behavior, whereas other studies focus on the effect of A's emotions on B's behavior. In an example of the former, Carnevale (2008) found that even mild positive affect reverses the familiar finding about loss aversion. Usually, a loss frame produces fewer

concessions than a gain frame. However, subjects exposed to the positive-affect manipulation made more concessions when their outcomes were framed as losses and fewer concessions when in the gain frame, both compared with controls. As an example of the latter type of research, Kopelman and Rosette (2008) studied how cultural difference may interact with A's emotions in determining B's response. They presented videos showing US negotiators displaying either positive or negative emotions to two sets of subjects from East Asia and Israel. The East Asians were more likely to accept an offer from the positive than the negative US negotiator. The Israelis were equally likely to accept an offer from either.

Section 2.3.1 noted that the role of power is relatively well understood in determining the distributional outcomes of negotiation, but there is less clarity about the effect of power on whether agreement is reached. One source of haziness is the literature's varying conceptions of power. If we think of the power structure as piles of assets each has to play with, it might seem that equality is more favorable to agreement than inequality. The weaker will avoid agreement fearing exploitation. However, if we conceive of power in terms of the parties' relative alternatives to agreement and of the parties as strategic thinkers, it is not clear why this conclusion should hold in general. Power asymmetry should not block agreement when the weak's preferences are close to those of the strong, or when the weak prefers not to make concessions but believes it has a terrible alternative to agreement.

Some empirical research has addressed this question. In the special case of civil wars, a particular asymmetry has impeded negotiated settlements. Agreement here normally means that one side, usually the rebels, must lay down its arms and cede territory to the central government. The concentration of power in the government's hands creates a commitment problem that explains bargaining failures (Walter 2013). Conversely, a set of nine case studies representing peacetime and wartime (but not civil war) negotiations concludes that perceived asymmetry is actually more favorable for agreement than symmetry (Zartman and Rubin 2000). This and other studies (e.g., Keohane 1971; Habeeb 1988) show that aggregate power-as-assets is not a sufficient predictor of outcomes, partly because weaker parties have used strategies during the process that generated acceptable outcomes. Paradoxically, small size actually confers some advantages (Odell 2010).

Of course, two variables—the outcome as agreement or no deal and the outcome as a particular distribution of gains and losses—are conceptually related: the proposed distribution of a resource is part of what an actor considers in deciding whether to accept an offer. However, this point also misses the fact that parties, in principle, could continue to negotiate. If there are disparities between large and small powers, how should we think about incentives to continue negotiation? Another line of inquiry involving power is to think through the impact of different types of changes in power. In the sphere of interstate economic negotiations, future changes in economic productivity could induce commitment problems just as shifts in military technology bear on security negotiations. Are these two types of change in power equally problematic for negotiation, and do certain institutions provide more buttressing than others? Finally, the role of domestic politics should be figured more centrally into thinking about power in negotiation. A classic tension exists theoretically: leaders might use domestic politics to constrain what they can "accept" in an international negotiation, but at the same time, the progress of international negotiations can reshape domestic politics. Hence, the source of bargaining power vis-à-vis

domestic politics also remains unclear and under-theorized.

In negotiation case studies, a large underexploited opportunity is to generate a new falsifiable general proposition that could explain observed variation, which could be tested in later research, while making clear that the case study itself was not designed to test any proposition. Whereas a few have expressed this type of theoretical contribution, many have not.

Generally lacking and needed in the long term is theorizing that will show how propositions at the different levels relate to one another. As we have seen, international negotiation and bargaining research includes diverse studies set, respectively, at the level of individuals, states, and coalitions of states as actors. For example, do particular international institutional designs encourage integrative negotiation behavior more than other designs? Is there any relation between domestic regime type and the behavior of the negotiators representing those regimes as defined in the individual-level literature? Do strategies found to facilitate agreement among states that have internal divisions have the same effects when the actors are coalitions of states whose members have divisions?

There is also great opportunity to advance further by blending elements from different analytical traditions to take advantage of cross-fertilization. For example, we might select cases in which leaders seemed not to act rationally according to theory in Section 2.1 and explain why not using ideas from Section 2.2. Lessons from case studies have been and might be used more to innovate in formal modeling. IR constructivists writing about negotiations might build some findings from psychological negotiation studies into their own work, and others outside of the field might take more advantage of constructivist insights.

Finally, the lack of parsimony in the negotiation-bargaining literature is a serious weakness for some readers. Another broad challenge is to find ways to increase negotiation theory's parsimony and leverage. If this can be accomplished without making great sacrifices of conceptual clarity, empirical validity, or utility, it would be a significant breakthrough. If actual proposals aiming for greater parsimony entail significant tradeoffs, scholars may reach different judgments about the best ways to strike this balance among legitimate objectives.

4.4 Normative or Prescriptive Questions and Problems

Finally, what is the meaning of justice with reference to international negotiation, and what difference does justice make? Research on this question is in its infancy, but some basic distinctions have been blocked out. Justice can have at least two meanings. We can consider value judgments about justice or fairness as part of the parties' mental maps or preference functions, or we can consider justice instead as an external standard with which to evaluate a negotiation. A second major distinction is between judging the outcome and judging the process that produced it—that is, distributive justice versus procedural justice.

In the first sense of justice as reflective of negotiators' values, many ultimatum-bargaining experiments confirm that bargainers are concerned about the fairness of their outcomes as well as how much money they receive. Mean offers by proposers fall between 40% and 50%; 50-50 is often the mode; and responders frequently reject offers smaller than 20%, even though they know that their rejection entails receiving zero instead. These results are robust to many manipulations, including varying the subjects' cultures and increasing the stakes (Camerer and

Thaler 1995)—even up to three times the monthly expenditure of the average Indonesian subject (Cameron 1999).

Outside of the laboratory, a few negotiation studies have begun to argue that another barrier to international agreement can arise when parties adhere to different principles of justice. For instance, the difficulties negotiators have experienced in dealing with the distributive aspects of global warming show that there is little consensus in the world about the principles that should be used to assign responsibility and share costs for adaptive or preventive responses (Victor 2011). A pioneering comparative study chose two cases in which the parties held conflicting principles of justice. It found that in a case in which power was highly asymmetrical, the strong forced the weak to abandon its principle and accept the best deal it could get; in a case in which power was more symmetrical, part of the negotiation dealt with reconciling the different principles (Albin 1999). Much more research is needed to confirm and extend this line of inquiry.[26]

Turning to justice in the second sense as an external standard, a few studies aimed at helping practitioners have deployed a variety of alternative ethical standards to evaluate the ethics of various negotiation tactics, including withholding or falsifying information (Reitz et al. 1998; Menkel-Meadow and Wheeler 2004). Chapter 5 makes a start on elaborating certain norms appropriate to negotiation. However, to our knowledge, little research has attempted to evaluate the degree of procedural justice in an international negotiation as a whole, to compare negotiations on this dimension, or to relate procedural justice to the likelihood of agreement and the duration and effectiveness of the resulting deals.

Not only negotiators but also external mediators and interveners in conflict sometimes face painful dilemmas. Consider the decisions that the British, French, and Dutch governments faced on whether to deploy their soldiers in the 1993 war in Bosnia to promote peace talks while war was underway; the decision of Dutch leaders about whether to withdraw from Srebrenica in 1995 just before its people were massacred; and the later decision of US leaders about whether to bomb and kill Bosnians fighting for one side to coerce their leaders into a negotiation to end the war.

We are less aware of systematic efforts to articulate independent standards of justice or fairness for evaluating the contents of international agreements or of efforts to apply such standards uniformly to different agreements. Such efforts may not even be feasible. Advances in this area will need the expertise of political theorists and philosophers.[27]

To conclude, social scientists in the fields of international negotiation and bargaining have made significant strides, working within different analytical and methodological traditions. Yet, political scientists are underrepresented and are missing many fascinating opportunities to improve understanding of this ubiquitous and vitally important process in international relations. We hope more will join this enterprise. This research faces challenges, as does all political research. However, if more resources were invested in addressing those challenges, this social science might ultimately prove relevant outside of as well as inside the academy. This chapter presents many ideas and findings that already have clear implications for practice.

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26   Of course, a particular expression of a feeling of injustice could be false, merely another tactic to gain more from an agreement. A methodological challenge here is to obtain evidence of justice beliefs independent of the negotiation behavior they are to explain, as usual with arguments from ideas and beliefs. Also see Barry and Robinson (2008).

27   For background, see Beitz (1979) and Kapstein (2006). See also Chapter 5 in this report.

Additional rigorous scholarship would surely make this knowledge better, including for practice.

References

Abbott, Kenneth W., and Duncan Snidal. 2000. "Hard and Soft Law in International Governance." *International Organization* 54 (3): 421-456.

Albin, Cecilia. 1999. "Justice, Fairness, and Negotiation: Theory and Reality." In *International Negotiation: Actors, Structure/Process, Values,* eds. P. Berton, H. Kimura, and I. W. Zartman. Basingstoke: Macmillan.

———. 2001. *Justice and Fairness in International Negotiation*. Cambridge: Cambridge University Press.

Antrim, Caitlyn Lance, and James K. Sebenius. 1992. "Formal Individual Mediation and the Negotiators' Dilemma: Tommy Koh at the Law of the Sea Conference." In *Mediation in International Relations: Multiple Approaches to Conflict Management*, eds. J. Bercovitch and J. Z. Rubin. London: Macmillan.

Axelrod, Robert. 1984. *The Evolution of Cooperation*. New York: Basic Books.

Axelrod, Robert, and Robert O. Keohane. 1986. "Achieving Cooperation under Anarchy: Strategies and Institutions." In *Cooperation under Anarchy*, ed. K. A. Oye. Princeton, NJ: Princeton University Press.

Babcock, Linda, and George Loewenstein. 1997. "Explaining Bargaining Impasse: The Role of Self-Serving Biases." *The Journal of Economic Perspectives* 11 (1): 109-126.

Baldwin, David. 2013. "Power and International Relations." In *Handbook of International Relations*, eds. W. Carlsnaes, T. Risse, and B. A. Simmons. Thousand Oaks, CA: Sage Publications.

Barnett, Michael N., and Raymond Duvall. 2005. *Power in Global Governance*. New York: Cambridge University Press.

Barry, Bruce. 2008. "Negotiator Affect: The State of the Art (and the Science)." *Group Decision and Negotiation* 17 (1): 97-105.

Barry, Bruce, and Robert J. Robinson. 2008. "Ethics in Conflict Resolution: The Ties that Bind, A Special Issue." *International Negotiation* 7 (2): 137-285.

Bazerman, Max H., Robert Gibbons, Leigh Thompson, and Kathleen L. Valley. 1995. "When and Why Do Negotiators Outperform Game Theory?" In *The Role of Nonrationality in Organizational Decision Making: Current Research into the Nature and Processes of the Informal Organization*, eds. R. Stern and J. Halpern. Ithaca, NY: Cornell University, ILR Press.

Bazerman, Max H. and Margaret Ann Neale. 1992. *Negotiating Rationally*. New York, Free Press.

Beardsley, Kyle. 2008. "Agreement without Peace? International Mediation and Time Inconsistency Problems." *American Journal of Political Science* 52 (4): 723-740.

Beitz, Charles R. 1979. *Political Theory and International Relations*. Princeton, NJ: Princeton University Press.

Benedick, Richard Elliot. 1991. *Ozone Diplomacy: New Directions in Safeguarding the Planet.* Cambridge, MA: Harvard University Press.

Bercovitch, Jacob. 1996. "Understanding Mediation's Role in Preventive Diplomacy." *Negotiation Journal* 12 (3): 241-258.

Brett, Jeanne M., Wendi Adair, Alain Lempereur, Tetsushi Okumura, Peter Shikhirev, Catherine Tinsley, and Ann Lytle. 1998. "Culture and Joint Gains in Negotiation." *Negotiation Journal* 14: 61-87.

Buzan, Barry. 1981. "Negotiating by Consensus: Developments in Technique at the United Nations Conference on the Law of the Sea." *American Journal of International Law* 75: 324-348.

Calvert, Randall L. 1985. "The Value of Biased Information: A Rational Choice Model of Political Advice." *The Journal of Politics* 47 (2): 530-555.

Camerer, Colin and Richard H. Thaler. 1995. "Anomalies: Ultimatums, Dictators and Manners." *The Journal of Economic Perspectives* 9 (2): 209-219.

Cameron, Lisa A. 1999. "Raising the Stakes in the Ultimatum Game: Experimental Evidence from Indonesia." *Economic Inquiry* 37 (1): 47-59.

Carnevale, Peter J. 2008. "Positive Affect and Decision Frame in Negotiation." *Group Decision and Negotiation* 17: 51-63.

Carnevale, Peter J., and Carsten K. W. De Dreu. 2006. *Methods of Negotiation Research*. Boston: Martinus Nijhoff Publishers/Brill Academic.

Copelovitch, Mark S., and Tonya L. Putnam. Forthcoming. "Design in Context: Existing International Agreements and New Cooperation." *International Organization.*

Crocker, Chester A., Fen O. Hampson, and Pamela Aall. 2002. *Taming Intractable Conflicts: Mediation in the Hardest Cases.* Washington, DC: United States Institute of Peace.

Curran, Daniel, James K. Sebenius, and Michael Watkins. 2004. "Two Paths to Peace: Contrasting George Mitchell in Northern Ireland with Richard Holbrooke in Bosnia-Herzegovina." *Negotiation Journal* 20 (4): 513-537.

Deitelhoff, Nicole, and Harald Müller. 2005. "Theoretical Paradise—Empirically Lost? Arguing with Habermas." *Review of International Studies* 31 (1): 167-179.

Dixon, William J. 1993. "Democracy and the Management of International Conflict." *Journal of Conflict Resolution* 34 (1): 42-68.

Druckman, Daniel. 2001. "Turning Points in International Negotiation—A Comparative Analysis." *Journal of Conflict Resolution* 45 (4): 519-544.

Dupont, Cédric, Cosimo Beverelli, and Stéphanie Pézard. 2006. "Learning in Multilateral Trade Negotiations: Some Results from Simulation for Developing Countries." In *Negotiating Trade: Developing Countries in the WTO and NAFTA*, ed. J. S. Odell. Cambridge: Cambridge University Press.

Dür, Andreas, and Gemma Mateo. 2010. "Bargaining Power and Negotiation Tactics: The Negotiations on the EU's Financial Perspective, 2007–13." *Journal of Common Market Studies* 48 (3): 557-578.

Eckes, Alfred E., Jr. 1975. A *Search for Solvency.* Austin: University of Texas Press.

Elgström, Ole, and Christer Jönsson. 2000. "Negotiation in the European Union: Bargaining or Problem-Solving?" *Journal of European Public Policy* 7 (5): 684-704.

Elms, Deborah. 2006. How Bargaining Alters Outcomes: Bilateral Trade Negotiations and Bargaining Strategies. *International Negotiation* 11 (3): 399-429.

Fearon, James D. 1995. "Rationalist Explanations for War." *International Organization* 49 (3): 379-414.

———. 1998. "Bargaining, Enforcement, and International Cooperation." *International Organization* 52 (2): 269-305.

Fey, Mark, and Kristopher W. Ramsay. 2010. "When Is Shuttle DIplomacy Worth the Commute? Information Sharing through Mediation." *World Politics* 62 (4): 529-560.

Follett, Mary Parker. 1995 [1929]. "Constructive Conflict." In *Mary Parker Follett: Prophet of Management*, ed. P. Graham. Cambridge, MA: Harvard Business School Press.

Fortna, Virginia Page. 2003. "Scraps of Paper? Agreements and the Durability of Peace." *International Organization* 57 (2): 337-372.

Funabashi, Yoichi. 1988. *Managing the Dollar: From the Plaza to the Louvre*. Washington, DC: Institute for International Economics.

Goldstein, Judith, Miles Kahler, Robert O. Keohane, and Anne-Marie Slaughter. 2000. "Introduction: Legalization and World Politics." *International Organization* 54 (3): 385-399.

Haas, Ernst B. 1980. "Why Collaborate? Issue-Linkage and International Regimes." *World Politics* 32: 357-405.

Habeeb, William Mark. 1988. *Power and Tactics in International Negotiations: How Weak Nations Bargain with Strong Nations*. Baltimore: Johns Hopkins University Press.

Hafner-Burton, Emilie, Brad LeVeck, David Victor, and James Fowler. 2012. "A Behavioral Approach to International Legal Cooperation." *Social Science Research Network* 1969905.

Hampson, Fen Osler, and Michael Hart. 1995. *Multilateral Negotiations: Lessons from Arms Control, Trade and the Environment.* Baltimore: Johns Hopkins University Press.

Hampson, Fen, and Bill Zartman. 2012. *The Global Power of Talk*. Boulder, CO: Paradigm.

Holbrooke, Richard. 1999. *To End a War.* New York: Modern Library.

Hopmann, P. T. 2002. "Negotiating Data: Reflections on the Qualitative and Quantitative Analysis of Negotiating Processes." *International Negotiation* 7 (1): 67-85.

Hopmann, P. Terrence. 1974. "Bargaining in Arms Control Negotiations: The Sea Beds Denuclearization Treaty." *International Organization* 28 (3): 313-443.

Iklé, Fred Charles. 1964. *How Nations Negotiate*. New York: Harper & Row.

Jones, Bruce D. 2001. *Peacemaking in Rwanda: The Dynamics of Failure*. Boulder, CO: Lynne Rienner Publishers.

Jönsson, Christer, and Jonas Tallberg. 1998. "Compliance and Post-Agreement Bargaining." *European Journal of International Relations* 4:371-408.

Jupille, Joseph. 1999. "The European Union and International Outcomes." *International Organization* 53 (2): 409-425.

Kahler, Miles. 2000. "Conclusion: The Causes and Consequences of Legalization." *International Organization* 54 (3): 661-683.

Kapstein, Ethan B. 2006. *Economic Justice in an Unfair World: Toward a Level Playing Field*. Princeton, NJ: Princeton University Press.

Kelman, Herbert C. 1996. "The Interactive Problem-Solving Approach." In *Managing Global Chaos: Sources of and Responses to International Conflict,* eds. C. A. Crocker, F. O. Hampson, and P. Aall. Washington, DC: United States Institute of Peace Press.

Kennedy School of Government. 1979. *Panama Canal Treaty Negotiations*, Part A and Part B. Cambridge, MA: Harvard University.

Keohane, Robert O. 1971. "The Big Influence of Small Allies." *Foreign Policy* 2: 161-182.

———. 1984. *After Hegemony: Cooperation and Discord in the World Political Economy*. Princeton, NJ: Princeton University Press.

Knight, Frank H. 1921. *Risk, Uncertainty and Profit*. Boston: Houghton.

Kobrin, Stephen J. 1998. "The MAI and the Clash of Globalizations." *Foreign Policy* 112: 97-109.

Kopelman, Shirli, and Ashleigh Shelby Rosette. 2008. "Cultural Variation in Response to Strategic Emotions in Negotiation." *Group Decision and Negotiation* 17 (1): 65-77.

Koremenos, Barbara. 2001. "Loosening the Ties that Bind: A Learning Model of Agreement Flexibility." *International Organization* 55 (2): 289-325.

———. 2005. "Contracting Around International Uncertainty." *American Political Science Review* 99 (4): 549-565.

Koremenos, Barbara, Charles Lipson, and Duncan Snidal. 2001. "The Rational Design of International Institutions." *International Organization* 55 (4): 761-799.

Krasner, Stephen D. 1991. "Global Communications and National Power: Life on the Pareto Frontier." *World Politics* 43 (3): 336-366.

Kydd, Andrew. 2000. "Trust, Reassurance, and Cooperation." *International Organization* 54 (2): 325-357.

———. 2003. "Which Side Are You On? Bias, Credibility, and Mediation." *American Journal of Political Science* 47 (4): 597-611.

———. 2010. "Rationalist Approaches to Conflict Prevention and Resolution." *Annual Review of Politial Science* 13: 101-121.

———. 2012a. "A Failure to Communicate: Uncertainty, Information, and Unsuccessful Negotiations." In *Unfinished Business: Why International Negotiations Fail*, ed. G. O. Faure. Athens, GA: University of Georgia Press.

Lax, David A., and James K. Sebenius. 1986. *The Manager as Negotiator: Bargaining for Cooperation and Competitive Gain*. New York: Free Press.

———. 2006. *3-D Negotiation: Powerful Tools to Change the Game in Your Most Important Negotiations*. Boston: Harvard Business School Press.

Leeds, Brett Ashley. 1999. "Domestic Political Institutions, Credible Commitments, and International Cooperation." *American Journal of Political Science* 43 (4): 979-1002.

Lin, Xiaohua, and Stephen J. Miller. 2003. "Negotiation Approaches: Direct and Indirect Effect of National Culture." *International Marketing Review* 20 (3): 286-303.

Lipson, Charles. 2003. *Reliable Partners: How Democracies Have Made a Separate Peace*. Princeton, NJ: Princeton University Press.

Mahoney, James. 2010. "After KKV: The new Methodology of Qualitative Research." *World Politics* 62 (1): 120-147.

Malhotra, Deepak, and Max H. Bazerman. 2007. *Negotiation Genius*. New York: Bantam Dell.

Martin, Lisa L. 1992. *Coercive Cooperation: Explaining Multilateral Economic Sanctions*. Princeton, NJ: Princeton University Press.

McDermott, Rose. 2001. *Risk-Taking in International Politics: Prospect Theory in American Foreign Policy*. Ann Arbor: University of Michigan Press.

———. 2004. "The Feeling of Rationality: The Meaning of Neuroscientific Advances for Political Science." *Perspectives on Politics* 2 (4): 691-706.

McNamara, Robert S., James Blight, and Robert Brigham. 1999. *Argument Without End: In Search of Answers to the Vietnam Tragedy*. New York: Public Affairs.

Menkel-Meadow, Carrie, and Michael Wheeler, eds. 2004. *What's Fair: Ethics for Negotiators*. San Francisco, CA: Program on Negotiation & Jossey-Bass.

Mercer, Jonathan. 2005. "Rationality and Psychology in International Politics." *International Organization.* 59: 77-106.

———. 2010. "Emotional Beliefs." *International Organization* 64 (1): 1-32.

Miles, Michael. 2000. "Power and Relationship: Two Elements of the Chinese/Western Divide." *Journal of Comparative International Management* 3 (1): 39-54.

Milner, Helen V. 1997. *Interests, Institutions, and Information: Domestic Politics and International Relations*. Princeton, NJ: Princeton University Press.

Mintz, Alex. 2007. "Why Behavioral IR?" *International Studies Review* 9 (1): 157-162.

Mitchell, George. 1998. Address at the University of Southern California. October 14.

Mitchell, Ronald B., and Patricia M. Keilbach. 2001. "Situation Structure and Institutional Design: Reciprocity, Coercion, and Exchange." *International Organization* 55 (4): 891-917.

Morris, Michael W., and Michele J. Gelfand. 2004. "Cultural Differences and Cognitive Dynamics: Expanding the Cognitive Perspective on Negotiation." In *The Handbook of Negotiation and Culture*, eds. M. J. Gelfand and J. M. Brett. Palo Alto, CA: Stanford University Press.

Morrow, James. 1999. "The Strategic Setting of Choices: Signaling, Commitment, and Negotiation in International Politics." In *Strategic Choice and International Relations*, eds. D. A. Lake and R. Powell. Princeton, NJ: Princeton University Press.

Niemann, Arne. 2006. "Beyond Problem-Solving and Bargaining: Genuine Debate in EU External Trade Negotiations." *International Negotiation* 11 (3): 467-497.

Odell, John S. 2000. *Negotiating the World Economy*. Ithaca, NY: Cornell University Press.

———. 2005. "Chairing a WTO Negotiation." *Journal of International Economic Law* 8 (2): 425-448.

———. 2009. "Breaking Deadlocks in International Institutional Negotiations: The WTO, Seattle and Doha." *International Studies Quarterly* 53 (2): 273-299.

———. 2010. "Negotiating from Weakness in International Trade Relations." *Journal of World Trade* 44 (3): 545-566.

———. 2013. "Negotiation and Bargaining." In *Handbook of International Relations*, eds. W. Carlsnaes, T. Risse, and B. A. Simmons. London: Sage Publications.

Odell, John, and David Lang. 1992. *Korean Joggers*. Washington, DC: Georgetown University, Institute for the Study of Diplomacy, School of Foreign Service.

Ostrom, Elinor. 1998. "A Behavioral Approach to the Rational Choice Theory of Collective Action: Presidential Address, American Political Science Association." *American Political Science Review* 92 (1): 1-22.

Paemen, Hugo, and Alexandra Bensch. 1995. *From the GATT to the WTO: The European Community in the Uruguay Round*. Belgium: Leuven University Press.

Poast, Paul. 2012. "Does Issue Linkage Work? Evidence from European Alliance Negotiations, 1860 to 1945." *International Organization* 66 (2): 277-310.

Powell, Robert. 2006. "War as a Commitment Problem." *International Organization* 60 (1): 169-203.

Price, Richard. 1998. "Reversing the Gun Sights: Transnational Civil Society Targets Land Mines." *International Organization* 52: 613-644.

Przeworski, Adam. 1991. *Democracy and the Market: Political and Economic Reforms in Eastern Europe and Latin America*. New York: Cambridge University Press.

Putnam, Robert D. 1988. "Diplomacy and Domestic Politics: The Logic of Two-Level Games." *International Organization* 42: 427-460.

Rabin, Matthew. 1998. "Psychology and Economics." *Journal of Economic Literature* 36 (1): 11-46.

Raiffa, Howard, John Richardson, and David Metcalfe. 2002. *Negotiation Analysis: The Science and Art of Collaborative Decision Making*. Cambridge, MA: Harvard University Press.

Ramsay, Kristopher W. 2011. "Cheap Talk Diplomacy, Voluntary Negotiations, and Variable Bargaining Power." *International Studies Quarterly* 55 (4): 1003-1023.

Rathbun, Brian C. 2011. "Before Hegemony: Generalized Trust, International Cooperation and the Design of International Organizations." *International Organization* 45 (2): 243-273.

Reitz, H. Joseph, James A. Wall, Jr., and Mary Sue Love. 1998. "Ethics in Negotiation: Oil and Water or Good Lubrication?" *Business Horizons* 41 (3): 5-15.

Rosendorff, B. Peter, and Helen V. Milner. 2001. "The Optimal Design of International Trade Institutions: Uncertainty and Escape." *International Organization* 55 (4): 829-857.

Rothchild, Donald. 1996. "Successful Mediation: Lord Carrington and the Rhodesian Settlement." In *Managing Global Chaos: Sources of and Responses to International Conflict*, eds. C. A. Crocker, F. O. Hampson, and P. Aall. Washington, DC: United States Institute of Peace.

Rothstein, Robert L. 1979. *Global Bargaining: UNCTAD and the Quest for a New International Economic Order*. Princeton, NJ: Princeton University Press.

Savun, Burcu. 2008. "Information, Bias, and Mediation Success." *International Studies Quarterly* 52 (1): 25-47.

Schelling, Thomas C. 1960. *The Strategy of Conflict*. Cambridge, MA: Harvard University Press.

Schoppa, Leonard J. 1993. "Two-Level Games and Bargaining Outcomes: Why Gaiatsu Succeeds in Japan in Some Cases but Not Others." *International Organization* 47 (3): 353-386.

Schultz, Kenneth A. 1999. "Do Democratic Institutions Constrain or Inform? Contrasting Two Institutional Perspectives on Democracy and War." *International Organization* 53 (2): 233-266.

Sebenius, James K. 1984. *Negotiating the Law of the Sea: Lessons in the Art and Science of Reaching Agreement*. Cambridge, MA: Harvard University Press.

———. 1996. "Sequencing to Build Coalitions: With Whom Should I Talk First?" In *Wise Choices: Decisions, Games, and Negotiations*, eds. R. J. Zeckhauser, R. L. Keeney, and J. K. Sebenius. Boston: Harvard Business School Press.

Simmons, Beth A. 2009. *Mobilizing for Human Rights: International Law in Domestic Politics*. Cambridge University Press.

Singh, J. P. 2008. *Negotiation and the Global Information Economy*. Cambridge University Press.

Spector, Bertram, and I. William Zartman. 2003. *Getting It Done: Post-Agreement Negotiation and International Regimes*. Washington, DC: United States Institute of Peace Press.

Stein, Janice Gross, ed. 1989. *Getting to the Table: The Processes of International Prenegotiation*. Baltimore: Johns Hopkins University Press.

Steinberg, Richard H. 2002. "In the Shadow of Law or Power? Consensus-Based Bargaining and Outcomes in the GATT/WTO." *International Organization* 56 (2): 339-374.

Susskind, Lawrence E. 1994. *Environmental Diplomacy: Negotiating More Effective Global Agreements*. New York: Oxford University Press.

Tallberg, Jonas. 2010. "The Power of the Chair: Formal Leadership in International Cooperation." *International Studies Quarterly* 54: 241-265.

Tallberg, Jonas, and James McCall Smith. 2012. "Dispute Settlement in World Politics: States, Supranational Prosecutors, and Compliance." *European Journal of International Relations Online. Available at SSRN: http://ssrn.com/abstract=2181027*

Telhami, Shibley. 1990. *Power and Leadership in International Bargaining: The Path to the Camp David Accords*. New York: Columbia University Press.

———. 2002. "Introductory Note." *International Negotiation* 7 (1): 1-3.

Thompson, Leigh L. 2001. *The Mind and Heart of the Negotiator*, 2nd edn. Upper Saddle River, NJ: Prentice Hall.

Thompson, Leigh, and Dennis Hrebec. 1996. "Lose-Lose Agreements in Interdependent Decision Making." *Psychological Bulletin* 120 (3): 396-409.

Tingley, Dustin H. 2011. "The Dark Side of the Future: An Experimental Test of Commitment Problems in Bargaining." *International Studies Quarterly* 55: 1-24.

Tollison, Robert, and Thomas D. Willett. 1979. "An Economic Theory of Mutually Advantageous Issue Linkages in International Negotiations." *International Organization* 33 (4): 425-449.

Ulbert, Cornelia, and Thomas Risse. 2005. "Deliberately Changing the Discourse: What Does Make Arguing Effective?" *Acta Politica* 40: 351-367.

Victor, David G. 2011. *Global Warming Gridlock: Creating More Effective Strategies for Protecting the Planet*. Cambridge: Cambridge University Press.

Vietor, Richard H. K. 1982. "Mexican Natural Gas." Series of case studies for teaching. Boston: Harvard Business School.

Walter, Barbara F. 2013. "Civil Wars, Conflict Resolution, and Bargaining Theory." In *Handbook of International Relations*, eds. W. Carlsnaes, T. Risse, and B. A. Simmons. London: Sage Publications.

Walton, Richard E., and Robert B. McKersie. 1965. *A Behavioral Theory of Labor Negotiations: An Analysis of a Social Interaction System*. New York: McGraw-Hill.

Weeks, Jessica. 2008. "Autocratic Audience Costs: Regime Type and Signaling Resolve." *International Organization* 62 (1). 35-64.

Weiss, Stephen E. 2006. "International Business Negotiation in a Globalizing World: Reflections on the Contributions and Future of a (Sub) Field." *International Negotiation* 11: 287-316.

Winham, Gilbert R. 1980. "Robert Strauss, the MTN, and the Control of Faction." *Journal of World Trade Law* 14 (5): 377-397.

———. 1986. *International Trade and the Tokyo Round Negotiation*. Princeton, NJ: Princeton University Press.

Wriggins, W. Howard. 1976. "Up for Auction: Malta Bargains with Great Britain, 1971." In *The 50% Solution*, ed. I. W. Zartman. Garden City, NY: Anchor Press/ Doubleday.

Young, Oran R. 1989. "The Politics of International Regime Formation: Managing Natural Resources and the Environment." *International Organization* 43 (3): 349-376.

———. 1994. *International Governance: Protecting the Environment in a Stateless Society*. Ithaca, NY: Cornell University Press.

Zartman, I. William. 1987. *Positive Sum: Improving North-South Negotiations*. New Brunswick, NJ: Transaction Books.

———. 2000. "Ripeness: The Hurting Stalemate and Beyond." In *International Conflict Resolution after the Cold War*, eds. P. C. Stern and D. Druckman. Washington, DC: National Academy Press.

Zartman, I. William, and Maureen R. Berman. 1982. *The Practical Negotiator*. New Haven, CT: Yale University Press.

Zartman, I. William, and Jeffrey Z. Rubin. 2000. *Power and Negotiation*. Ann Arbor: University of Michigan Press.