

ART OF NEGOTIATION AND CONFLICT MANAGEMENT STRATEGIES FOR SUCCESS

Dr. Dinesh Neelakanta Rao



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CHAPTER 1

DIPLOMACY AND NEGOTIATIONS: A QUEST FOR SYSTEMATIC UNDERSTANDING

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ABSTRACT:

The study of diplomacy and negotiations has seen a recent surge of interest, yet much of the current literature remains entrenched in traditional approaches. This paper argues for a shift towards a more systematic analysis of negotiations, distinct from the prescriptive study of diplomacy. Drawing on historical perspectives and contemporary observations, it critiques existing methods while proposing alternative frameworks for understanding negotiation dynamics. It highlights the limitations of traditional diplomatic principles and explores the potential of game theory and matrix methodology in negotiation analysis. Additionally, it examines various means of limiting alternatives in negotiations and discusses the concept of convergence from initial positions. Ultimately, the paper advocates for a more nuanced and comprehensive approach to studying diplomacy and negotiations, one that encompasses both prescriptive principles and systematic analysis to better understand the complexities of international relations.

KEYWORDS:

Conflict Resolution, Cultural Sensitivity, Diplomatic Immunity, Mediation, Negotiation Tactics, Power Dynamics.

INTRODUCTION

It is astonishing that there has been so little examination of the negotiation process given how long nations have been in negotiations with one another. But there has been a sharp increase in interest lately. However, the majority of the newly produced content either reinforces or overreacts to outdated perspectives on diplomacy. The lack of sufficient writing in the majority of recent works implies that the topic is very difficult to systematic investigation, supposing that purposefulness is a quality shared by both diplomats and students. The inclination of some authors to go in the same direction might also be seen as an indication that the conventional study of diplomacy meets a need, despite the fact that it does not fulfill the equally crucial requirement for negotiation analysis. However, some of the contemporary responses to the earlier diplomatic studies do make an effort to provide a methodical study of negotiations; still, they seem to be among the political science community's "huge missteps in the right direction [1], [2].

Bargaining and diplomacy

The exact usage of words is the first step in every methodical research endeavor. Despite the fact that in the past the terms "diplomacy" and "negotiations" were often used interchangeably and without much ambiguity, a distinction has been made between the two terms "study of diplomacy" and "analysis of negotiations." Still, it's critical to draw a difference. Here, the word "diplomacy" refers to the art or skill of pursuing national policy objectives via international communication. Studying diplomacy is fundamentally a prescriptive field of study. The major authors on diplomacy, like Nicolson, de Callières, Pecquet, de Felice, and Thucydides, compiled advice for diplomats on how to behave effectively. The goal of the diplomatic historians was to explain how these guidelines were used in certain situations. Neither

attempted to do an in-depth, rigorously comparative analysis of the mechanics of a negotiating process. More importantly, modern diplomacy scholars like Morgenthau, Aron, Lall, Ikle, and Fisher have worked to construct or confirm prescriptive guidelines for effective diplomacy using novel approaches. They may have discovered new circumstances and traits in the world of the cold war and the United Nations, or they may have benefited from new approach on certain issues, but they are still studying diplomacy and its principles [3], [4].

These kinds of investigations are useful and go well toward the boundaries of what is practically achievable. At best, the analysis might infer that behavioral principles were only partially followed and that different degrees of tactical errors or mistakes caused success or failure. This is especially true if the study begins with behavioral principles. Success or failure is *prima facie* proof of adherence or disregard of the correct link between aims and means if the analysis is conducted based on power principles. Though behavioral principles may only be as effective as Dale Carnegie in pinstripes, it is true that a state's diplomatic representatives might benefit greatly by warnings to use de Callières and Nicolson to the fullest extent possible. Additionally helpful are power principles, which serve as a reminder to governments to maintain bank balances large enough to fund their expenditures.

Analysis at this level is limited, therefore if both sorts of principles' approaches end in circular or at the very least cliched conclusions (one holding that failure is due to a lack of competence, the other that it is due to a lack of capacity), it is because of this limitation. The behavioral principles method does not allow for the study of confrontations or negotiation processes, but it does allow for the identification of national styles and maybe a balance sheet of strengths and weaknesses. Should concepts of power, capacity, means, and influence be examined in more detail to demonstrate how results were achieved, the power principles method would lose part of its tautology. This is not even allowed by the first method as it deals with noncomparable principles rather than unifying concepts, which are as sound but sometimes contradicting as the Book of Proverbs. If there is a success or failure criteria for analysis in any version of the principles method, it is this one. However, as a fundamental idea, it is deceptive since it doesn't aid in the creation of any analytical differences. Analyzing coalition behavior or legislative conduct based on enacted measures is not as enlightening as evaluating diplomacy based on its success or failure. Little is learnt because the individuals are so varied, the referents are so relative, and the relevant area of analysis is so much bigger than the research region. To sum up, the principles approach to studying diplomacy offers valuable insights for diplomats, but it offers few insights into the bargaining process itself [5], [6].

It follows that negotiation analysis provides an alternative. Even if analysis is not quite "scientific," it is methodical, comparative, and at least somewhat repeatable. The process of bringing disparate points of view together to create a consensus is known as negotiation. The issue with approach is that, while it is more accurate than "diplomacy," it is still wider than "bargaining." A new push to use game theory and matrix technique to examine negotiating is a response to the shortcomings of the diplomatic principles approach. This kind of study is useful inasmuch as it addresses methods for selecting precisely quantifiable options. According to several experts, this approach may be used in labor-management discussions over salary hikes, even while significant corollaries such strike costs and fringe benefits are acknowledged as quantifiable but less readily relatable. Game theory is also helpful inasmuch as it facilitates the development of theories and tenets that may then be examined via negotiation analysis. However, matrical analysis is often not applicable directly to international talks. Game theory, by its very accuracy, is too limited, while the study of diplomatic principles was too wide and too fluid to answer "how" and "why" problems. A closer look at this assessment may be obtained by going over the approach's underlying presumptions. One is that different positions

or results might have different quantitative utilities attached to them. It is difficult to see how the entire process of choice can be metrically expressed, let alone determined, when many positions in most negotiations cannot be expressed as a single quantifiable item or as several quantifiable and related items. This is because many subjects under negotiation cannot be reduced to quantifiable, related form.

DISCUSSION

Furthermore, even though alternatives might eventually be classified as utilities, the process of getting there is not included in the analysis because it is just as much, if not more, a part of the negotiations. Quantitative analysis is limited because it is difficult to establish general principles during negotiations and because even quantifiable utilities are frequently ultimately reconciled based on criteria that have contextual significance in addition to their inherent utility. It seems challenging to condense a negotiation set in this case to a series of matrices, much less a single matrix. While game theory may be helpful in examining the decision of whether or not to negotiate, it is not immediately relevant to studying the process, even in an idealized scenario, of reaching an agreement after talks have begun [7], [8].

There is another assumption that contradicts the "process nature" of negotiations. Strategies based on game theory are often predicated on no communicative bargaining, or conversely, on the idea that the main issue with communication is one of trust. The fact that "prisoners' dilemmas" are more prevalent in diplomacy than in negotiations may seem counterintuitive. Communication is a crucial component of negotiation, even though there may be dubious motivations, incomplete or inaccurate information, breaches of confidentiality, leaks, and indirect external pressures during the process. These factors all suggest that communication may be incomplete and always subject to interpretation and evaluation. However, the issues it raises in most negotiations have more to do with interpretation than with trust. The third presumption is that of conservatism and reason. This is not an attempt to resume the rambling discussion on the nature and application of rationality. In the event that the term is used to describe a logical, purposeful, and informed decision, it can be quickly established that, although deliberate, negotiators' decisions are not always logical or informed and that their purposes can differ or even combine.

Additionally, there is no assurance that a negotiator can favor one outcome over another, that he can choose such an outcome in any manner other than tautological, or that the analysis of negotiations requires him to be able to do so. Put differently, negotiators often fail to create a matrix for themselves and methodically arrange their options, sometimes even unintentionally. If this is the case, then game theory strategies are not useful for assessing what really occurred or will happen since they are a component of prescriptive analysis rather than descriptive analysis. Nor even what ought to occur, as not all negotiators are competent or willing to choose a single fixed strategy or to play the game enough times to select a combination of strategies. To be more precise, a negotiator may gamble that the other side will not see the matrix as they do, that they can change their options and even go back and change their decision at a later time, or simply that irrational factors, like an ideologically "pre-dic" historical wave, an eventual change in the situational realities or the game's rules, will protect them from the negative aspects of their chosen outcome. Although very valuable indirect insights may be obtained from idealized scenarios of pure strategy, their very idealization eliminates the component that makes them directly useful to negotiations. The systematic techniques being created for the study of pure strategy games have not shown to be beneficial in the analysis of actual negotiation scenarios, mostly due to these issues. To reiterate, this is not to say that analysis of this kind is worthless; rather, its applicability is restricted.

Options

The first response to the query "How? Argues that restricting options is a way to unite diverse perspectives. Given that a decision is "a choice among alternative modes of action," negotiation is the process of defining and narrowing down alternative viewpoints until a special combination is found that is acceptable to all parties. This conceptual approach has relevance since it approximates the actual process that the participants followed by concentrating on options and methods of reaching a conclusion. Its drawback is that, although providing a response to the question "How," this method leaves out the reason why a certain method of narrowing the options is selected over another [9], [10].

Alternatives may be limited in four different ways. One is to make one choice seem more desirable than others, maybe by indicating benefits that come with the preferred option or by threatening greater negative effects. One way to make one option seem less appealing than others is to warn of potential consequences or inherent or associated deprivations, or to threaten punishments if a certain alternative is selected. The third involves using responsibilities and commitments to provide the impression that one option has already been selected. The last method is to present certain options as having already been rejected, either due to a fait accompli or just plain inability.

Promise and prediction are the first two strategies for restricting options. Both include providing future gratitude; yet, whilst prediction offers gratitude via the agreement itself, promise refers to a voluntary addition to agreement. Here, the words are employed more precisely than they are generally understood in order to highlight analytical differences. Each Association Convention concluded with a number of ancillary engagements or promises from both sides, even though the European Six used promises more frequently than the Africans. The Africans pledged not to recognize East Germany, the Six promised the African Eighteen to research ways to increase consumption of tropical products, and the French promised to continue supporting and supplement aid on a bilateral basis when feasible. The US has manipulated the opposite party to accept its requirements in military base agreements with Libya and Spain by offering help in exchange for additional demands. The governments of North Africa have consistently forecasted results that serve the interests of the Six by illustrating how the Maghreb's growth and unification will follow the EEC Association.

Threat and warning make up the second pair. Both entail future hardships, but a warning alludes to uncontrollable future outcomes, whereas a threat is voluntary. Throughout the two Yaoundé discussions, the African governments repeatedly threatened to withdraw from a new association if their demands were not met, citing political instability as the result of European failure to support their economic growth. However, their threats proved unconvincing. In fact, the parties were sure to clarify that they were not threatening to split apart, even in the cases when negotiations momentarily collapsed in the Yaoundé, Maghreb, and East African groups. In dealing with the Six, Africa, notably the Maghreb and Commonwealth countries, used warnings more often than threats since their signature was essentially the only valuable thing they could choose to withhold freely. Threatening the Eighteen that rejecting European packages would damage the allies of the Africans in the Six and lead to a worse offer was a critical application of force by the Europeans.

Obligation and commitment make up the third pair. Both include one party publicly binding the other's hands; a committed party binds its own hands, while an obliged party has another tie its hands. Both represent an assumed preselection that is placed on the decision-maker. As talks progress, a framework of duties and commitments is established by the process itself. The Europeans' pledge to unity was by far the most significant of the promises made during the

Eurafrican discussions, some of which were made before the talks even started. Once discussions began, the Six were tacitly or expressly committed to "success" via the Rome Treaty and the Declarations of Intention from 1957 and 1963. Additionally, Gatt and Unctad were obligations, albeit it was unclear exactly what those obligations were. Once again, as Europe was unable to provide Nigeria greater terms than it had offered the Eighteen or allow the Eighteen's conditions to significantly decline, the parameters of the Yaoundé agreement served as a pledge for the Six in the Lagos and second Yaoundé discussions [11], [12].

A more nuanced issue is obligation. Although the Six had made a broad commitment to come to an agreement with different African groups, the Africans attempted to twist this commitment into a duty to reach a specific agreement by claiming that a compromise would not meet the original pledge's requirements. Additionally, they attempted to make an obligation out of the economic circumstances they inherited. The former French colonies attempted to hold the metropole responsible for starting their price support system, and the Commonwealth and other nondiscriminatory states attempted to compel the Six to refrain from requesting greater concessions than their previous metropolises had. Although it wasn't used much during the Yaoundé discussions, the concept of *richesse oblige* became more significant in the institutional gap that existed between the 1962 and 1968 sessions.

The last two strategies for restricting options are basic incapacity and *fait accompli*. These methods force their preselection on the object, in contrast to the preceding pair. First by outright removing the possibilities, and second by subtly demonstrating their impossibility, both eliminate the prospect of achieving the alternatives. Algeria would perhaps attempt to reestablish the status quo by ultimately choosing to negotiate a *de jure* relationship, but in reality, the Six were restricting it when they progressively withdrew the advantages of Algeria's *de facto* position. Algeria is an extreme but typical example of the use of nationalization as a *fait accompli* in its bilateral postcolonial ties. One choice that the Eighteen may have liked was removed by a *fait accompli* when the French decided to abolish subsidies as part of the EEC internal accord. Instead of intentional state action, a *fait accompli* may also be forced by external factors; in the latter case, the sole component is the choice to do nothing but wait for the results. As a result, by waiting, the EEC let Nigerian and East African sentiments against the Association to change due to shifting business conditions. Therefore, *faits accomplis* might be classified as having been carried out voluntarily by one party, as carried out by a third party, or as the consequence of external forces, but the end result is always the same: options are eliminated.

The same result can also be obtained via simple inability. In 1962, the Six informed Africa that they "could not" provide a billion dollars in help, and the Africans in turn informed Europe that they "could not" survive without assistance. The Africans "could not" instantly align their tariffs and provide favors because of administrative and economic constraints. Economic and political factors prevented the Six from providing help to wealthy nations. The line separating "could not" from "would not" is not very thick; much like many other methods of restricting options, basic incapacity mostly relies on one party's power to persuade the other of its shortcomings.

These "four pairs" may all be thought of as substantive criteria for choices since they are all connected to interests in some manner. Often, at some point throughout the discussions, enough ground has been covered and enough options removed to eliminate any lingering discrepancies pertaining to interests, substantive criteria, and different kinds of authority. Rather, choice justifications that are procedural or mechanical are used, including midpoints, first offers, round figures, prior agreements, and other reference points, whose justification is based more on their presence than on their intrinsic worth or substance. The Eurafrican negotiations

contained a number of reference points, such as midpoints and round figures; in the Nigerian negotiations, initial offers limited the available options; in the FED negotiations, previous agreements on the Fedom and price support figures were consulted; and in the second round of FED negotiations, round figures were crucial. Procedural reference points are often used only when substantive criteria have reduced the pool of options to the point where differences may be "split," but only in cases where the original gap cannot be closed by the criteria alone. In theory, talks start with a finite set of options available for selection. The choice of issues and a wide range of options really define the "terrain" of the discussions, which is then narrowed down by a number of important questions and guiding principles. After then, as previously said, the process of reducing the number of options starts by communicating potential future benefits and deprivations as well as current opportunities, continuing until any residual differences may be divided by formal procedures. Every party attempts to demonstrate that its opportunities and related rewards are more advantageous to the other than their suggestions, and are unquestionably more advantageous than having no agreement at all.

The convergence

The second method for resolving conflicting opinions is structural and involves the convergence of ideas. The second method starts with the initial positions and asks how they are brought into convergence, as opposed to concentrating on an infinite field of substantive options and examining how they are reduced to a singular combination. An analytical model would display broken lines traced from the starting locations to the point of convergence rather than a wide contracting field, and then look into what caused these lines to progressively approach final coincidence. This conceptual method has the benefit of being able to clearly illustrate the link between one party's movements and those of the other, as well as whose side gave in the most or went the farthest from its initial position. This method focuses more on the tactical process—which the prior method previously shown to be significant—than the actual content of the argument. The inverse of the benefits of this strategy contributes to its drawbacks. Convergence analysis alone, however, plays down the substantive arguments in order to bring out procedure and may thus give a false impression of the negotiation process. Convergence analysis can be combined with an analysis of alternative limitation to bring out substantive and power considerations.

Still, there is one more operational drawback. Analysis of the FED discussions has shown that even financial issues are not easily reduced to quantitative terms, if ever this method should be most obviously relevant. The FED deliberations started on a split level of quantitative and nonquantitative viewpoints, where principles and figures were intermingled, even if they were rather arbitrarily segregated from other factors. When the negotiation process narrowed down to just mathematical elements, there was constant back-and-forth between mathematical and nonmathematical criteria, and even within the framework of figures, there were significant attentional changes. Genuine insight into the true determinants could never be obtained from a basic study that focused just on total figures. After an explanation of the procedural model's mechanics, these issues will be considered.

There are five different methods to go from starting positions to convergence; as the original idea suggests, differences mostly relate to how motions relate to one another. The first, which is often seen at the start and finish of discussions, is known as the simple coincidence of starting positions. One side may accept the other's suggestion, or both parties may find that their original offers are the same. Some of the final articles to both Conventions that were reached after the "crest" of the discussions had been ended are examples in point, as are the agreements made in Yaoundé on benefits "at least equivalent" to the Rome Treaty or in Lagos on not include assistance.

Concession is the term for a second method of reaching convergence in which one side yields to the other. There are instances of complete surrender as well, even if the history of negotiation may provide more instances of partial concession, in which one side makes unilateral progress toward the other's position without really attaining it. At one point, the Six acknowledged that reciprocal preferences would not be necessary from the nondiscriminatory nations among the Eighteen, while the Eighteen acquiesced to the Six on the grounds of market guarantees and co-management.

Concessions are often combined with a third kind known as counter concessions or compensation, in which the party receiving the concession expressly offers its own in exchange, but on a different issue. As a result, the Europeans essentially gave in to the demands of Morocco and Tunisia for industrial privileges during negotiations with North Africa. Before a complete free-trade area would be established at the conclusion of the agreement, they in turn requested and were granted some sort of temporary preferential treatment for their industrial goods on the North African market; it is likely that these exchanges of concession and counter concession will recur in discussions regarding agricultural goods. France accepted the Nigerian mandate in intra-European discussions in exchange for the other six members agreeing to the Maghreb mandate.

Compromise or joint concession is a fourth strategy for reaching convergence, in which both sides give up some territory in order to reach a middle ground between their starting positions. Africans and Europeans shifted from their most recent positions of \$810 million and \$780 million, respectively, to compromise on a round figure of \$800 million for the final convergence on the FED figure. This seems to be an example of compromise. Upon analysis, the process reveals itself as a negotiation of concession and counter concession, with the Six agreeing to an African figure of \$230 million for the supplement while demanding an African figure of \$570 million for the base. Therefore, the earlier convergence of the Europeans on the additional figure of \$200 million and on the total of \$780 million is a superior example of compromise. Generally speaking, however, reference points work best in compromises.

Ironically, the best approach to get convergence is to prevent it via a process that may be called understanding. Explicit convergence is avoided in this procedure, and an ambiguity is introduced into the discussion. This article should be made clear with a few images. Prior to the start of the Yaoundé negotiations, France and the Netherlands couldn't agree on the continued Association's legal foundation. France claimed that the new Association was simply a continuation of the previous one, as stipulated by Rome IV, while the Netherlands insisted that a new Association needed to be negotiated in accordance with Article 238 of the Rome Treaty. The Association would continue "jusqu'à nouvel ordre," according to the communiqué, which suggested that it would go on for as long as it wanted to go on without mentioning the legal foundation. Later, when talks started, the issue came up once again, and each time, the communiqué said that it would continue "in accordance with the principles of the Treaty," without mentioning the Article. An agreement had been achieved, allowing both sides to declare victory before their own parliaments and go on with the talks and eventual Association. In contrast to the opposite process used in the Lagos talks, many such understandings occurred over principles during the Yaoundé discussions, allowing principles to flow from specifics.

The effectiveness of the Eurasian discussions may also be assessed using these five methods of convergence. During the Yaoundé discussions, the Eighteen made a lot of concessions early on and only started to compromise and acquiesce at the end. The frequent use of understanding, coincidence, and inferring principles from specifics contributed to the discussions' seeming complexity. Concessions and counterconcessions were more evenly balanced, coincidences occurred more often, compromise was required less frequently, and the discussions in Lagos

were mostly deductive in character up other words, the Nigerians gave up less and received less, whereas the Eighteen gave in more and received more. This contradiction presents a crucial caution about the use of the convergence technique. The negotiating process is covered by convergence, but the final agreement's worth is not. The Nigerians performed better than the Eighteen in terms of deviations from their initial positions; however, their initial package was smaller, consisting of restricted preferences and no help. Because they were requesting so little in contrast to the Eighteen, it's possible that the Nigerians were able to negotiate more successfully. Even though this result must be tentative, it is significant because it challenges the widely accepted belief that the side with the most extreme starting point has the most influence on the course of events. Since the package was the outcome of a strong convergence among the Six, many of the radical demands made by the Eighteen were simply extraneous to the bargaining process. Rather than fully resolving Panama's demands—which were required to initiate discussions and ultimately determine the American stance—the 1967 Panama Canal Zone Treaty more closely mirrored the American position of 1964–5. More information about the negotiation process may be gleaned from the degree and mechanics of movement from starting positions to convergence than from a straightforward assessment of the final outcomes.

However, it would be risky to too mathematically interpret the trend toward convergence. First of all, starting positions are emotional statements, whether they are made in a close or reckless manner, and they may not always reflect the inherent worth that their statements imply. Nigeria moved little, played close, and its unwillingness to let up served as an unbreakable dedication and incapacity. The Eighteen gambled and were presumably less devoted to their original stance; as they approached convergence, the value of their position grew. Values fluctuate with movement, but this does not mean that they rise at a constant pace toward convergence. Furthermore, it is impossible to assign any beginning or subsequent location a finite, much less a comparative, value. As previously said, there is a difficulty in merging quantitative and nonquantitative positions; yet, even quantitative positions are only indices and not fixed utilities. This is accurate even in the case of a "purely quantitative" matter like the Federal Emergency Drug Program (FED), where financial amounts are useful not only in terms of their exchange rate but also in terms of a state's capacity to pay its fair share, in terms of its past expenditures, in terms of its anticipated - albeit at least partially unquantifiable - outcomes, and likely other factors as well. This is particularly true for business-related issues. It might be difficult to accurately assess tariff reductions, however. There is currently no acceptable technique for measuring concessions; in fact, it was determined after thorough research that it is almost impossible to get quantitative estimates of concessions. Measurement of gains and losses is not possible with convergence analysis, but it does allow for a deeper knowledge of a process.

What use does the convergence technique still have when all of these warnings are taken into account, along with the issue of the changing levels of analysis that was previously mentioned? It seems that the usefulness is in pinpointing the locations where positions changed and in highlighting the significant alterations that happened for both tactics and analysis en route to convergence. The method outlines the crucial procedural component of the negotiating process as well as what to search for and where to seek. Instead than concentrating on conflicts that happen in a single session or only the final product, it acknowledges the "process" aspect of negotiations.

CONCLUSION

There is an urgent need for a more methodical comprehension of the negotiating process, as shown by the investigation of diplomacy and negotiations. Conventional methods are useful for understanding diplomatic concepts, but they are not sufficient for giving a thorough

understanding of the dynamics of negotiations. A potential direction for advancement in negotiation analysis is the current upsurge in interest, especially when seen through the prisms of game theory and matrix methods. But it's critical to acknowledge the shortcomings of these strategies and keep looking for more complicated frameworks that adequately represent the intricacies of international relations. Scholars can more effectively confront the shifting difficulties of diplomacy in a world that is changing quickly by making a distinction between the methodical analysis of negotiations and the prescriptive study of diplomacy. Researchers may provide policymakers and diplomats with useful insights by developing a greater knowledge of the mechanics of alternative limitation and the convergence of initial views in talks. In the end, systematic understanding in negotiations and diplomacy is a continuous process. Scholars may improve international collaboration and contribute to more successful diplomatic tactics in the pursuit of peace, security, and prosperity by adopting interdisciplinary viewpoints and linking theory and practice.

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CHAPTER 2

TOWARD A THEORY OF NEGOTIATIONS: ANALYZING SYSTEMATIC APPROACHES AND DEVELOPING PROPOSITIONS

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ABSTRACT:

The exploration of systematic approaches to negotiations and the development of propositions towards a theory of negotiations. The discussion delves into the intricacies of negotiation theory, emphasizing the need for explanatory hypotheses with dynamic elements. Various systematic approaches, including limitation and convergence, are analyzed in the quest for theoretical frameworks. While attempts at theorizing based on these approaches appear inconclusive, they offer valuable insights into negotiation dynamics. Propositions emerge, shedding light on factors influencing negotiation outcomes, such as the effective use of power, tactics, and the estimation of costs and gains. The abstract highlights the importance of understanding negotiation processes amidst changing conditions and varying parties' skills. Ultimately, it underscores the ongoing relevance of systematic analysis and theoretical exploration in the study of diplomacy and negotiations.

KEYWORDS:

Power Dynamics, Public Diplomacy, Strategic Communication, Treaty Negotiation. Trust-Building, Verbal Diplomacy.

INTRODUCTION

The conversation that came before it focused on analyzing the bargaining process analytically. Is it possible to advance this strategy in the direction of creating a negotiating theory? There are several interpretations of theory. For the time being, it will be applied quite strictly to an explanatory hypothesis that has a projective or dynamic component. A theory should be able to show why, given certain circumstances, a given result is probably going to happen for a given set of reasons. A theory should demonstrate, by use of the limitation and convergence techniques that a certain convergence point would arise under circumstances that are recognizable, such as the application of specific power uses at specific junctures. For reasons that need to be clarified, efforts at theorizing based on the described systemic techniques now seem to be inconclusive, notwithstanding their importance for analysis [1], [2].

Still, there is some instructive value to such comments. It becomes clear that much relies on the skillful use of tactics, the readiness to make concessions, or the capacity to persuade the other side to accept one's inflexible position when one tries to sharpen them by laying out the circumstances. All of these components of "success" ultimately go back to the fundamentals of successful negotiation and the reality that negotiators are fallible human beings with both fortunate and unlucky circumstances working in their favor or against them. The incapacity to hypothesize at this level supports the principles approaches continued, if restricted, utility. However, there is more that can be done with these claims. "Applicable uses of power" is a crucial term in the first formula, implying that in order to undermine the other side, each side must determine what grounds their position. The Europeans were strong in the Yaoundé group because of their unity-building efforts and their command over things like market guarantees and disposable financial help. The Africans were unable to get the type of authority necessary to displace the European options, thus they were unable to significantly modify the European

viewpoint on these issues. Separating apart these components in a specific set of negotiations reveals information about the proceedings and the result. It also instructs negotiators on where to point their weapons and, as the discussions in the next institutional dispute demonstrate, maybe even what sort of ammo to deploy. But developing a theory of negotiations is not really aided by separating out these components [3], [4].

Proposition negotiation is a process of restricting possibilities until agreement is obtained on a single position; the process continues as long as there is hope of convergence at a point acceptable to both parties. This is another component of the convergence and limitation technique that may be articulated. Acceptability is a result of the parties' estimation of the cost and benefit applied at any given time to the predicted convergence point as opposed to no agreement, not of their starting positions. Despite its veracity as a summary, this phrase brings to mind some interpretive constraints that were previously discussed. Since there is little evidence that parties actually add up a mathematical balance sheet and a lot of evidence that such a balance sheet, which involves many non-quantitative and non-comparable items, cannot be precisely drawn, concepts like cost and gain estimates cannot be taken strictly or quantitatively. Among other reasons, this makes a broad explanation of the negotiating process better than concepts that are purely quantitative, such as contract areas and curves. Furthermore, it is important to keep in mind that various parties will typically assign varying weights to the same points and positions, and that these weights may change during the negotiation process due to shifting assessments or shifting circumstances, to the point where it is typically useless to think in terms of fixed minimum points or resistance points. The shifting economic conditions in the Maghreb and the diminishing benefits of Algeria's "status," the reevaluation by East Africa of its objective and of its cost/gain, the highly desirable outcomes of the Yaoundé Eighteen, their assessment of benefits within and outside of Association, and their decision to continue negotiations are all examples of shifting estimates that can be observed in the various sets of Eurafrikan negotiations. In summary, the second proposition substitutes the somewhat "harder" elements that relate to perception "acceptability" and "estimate" for the "soft" ones of the first formula "success" and "applicable." This kind of theoretical statement has a dynamic component but no predictive component as the gaps cannot be filled in beforehand. The topic of "success" was less important in the majority of the negotiation sets that were being examined than it was to determine the point of convergence. Is it possible to reword the following theoretical statement, which mostly discusses final agreement, to clarify where the agreement will lie? Put differently, is it possible to make a theoretical claim about how power is used in talks that would predict how convergence will take shape?

DISCUSSION

It is possible that the discussions among Europeans in all Eurafrikan sets should also be taken into account. If so, this would create a third category in which there is considerable flexibility in the range of options available, but the final balance sheet of convergence points ends up in the middle of the starting positions. These examples therefore imply that the sheer variety of options available does not matter in identifying the convergence point, but rather that two distinct convergence patterns can be identified: a symmetrical pattern where all parties make concessions, and an asymmetrical pattern where one party makes conspicuously more than the other. These two archetypes clearly reflect the extremes of a continuum, with mixed examples ranging in severity in between [5], [6].

Based on the discussion so far, an additional claim can be made: convergence will be asymmetrical in favor of one party's viewpoint if the other party views it as better to no agreement and if the one party demonstrates that their actual alternatives are worse for the other party. If one party adheres to views that the other party does not find preferable to no

agreement, there will be no convergence. When the perspectives of the two sides are complimentary, coincident, or both would rather reach an agreement than hold out for opposing viewpoints, convergence will often be symmetrical.

Another argument would add that there is a higher probability of benefit but a larger danger of rupture the closer one side stays to its own ideas. When there is little chance of a rupture, that is, when the other side values an agreement more than a particular stance, or when the value of agreement relative to no agreement is negligible, the party might strive for convergence asymmetrical to its side. Therefore, it appears that eliminating alternatives—that is, demonstrating why the other party's positions are unacceptable or why one's own actual alternatives are worse than the other party's positions—is more crucial in negotiations than defending one's own position. To put it another way, this means demonstrating that better alternatives are unachievable and that potential alternatives would be worse for the other party. Threats and warnings are employed to illustrate what is less favorable; commitments and responsibilities, pledges and projections, facts accomplished and incapacities are invoked to demonstrate what is feasible. The concepts of "alternatives," "convergence," and "symmetry/asymmetry" have allowed for the advancement of a few propositions. While it is evident that they have not gone far in the direction of a complete theory of negotiations, they have hopefully cleared the way for something more beneficial and promising. These statements nonetheless have some resemblance to the concept of "success," which makes them relevant to the "principles" school of diplomacy. A systematic theory of negotiations may be developed, but for the foreseeable future, the principles approach to negotiations will remain crucial, just as developments in the physical study of impact on objects and the biochemical study of muscles have not superseded tennis instruction. However, it is hoped that the convergence/alternative method to studying negotiations and the theoretical ideas that come from it would help us comprehend the conflict between diplomatic talents [7], [8].

Both feeble and powerful

Given that the strong are both strong and wealthy, and the weak are both weak and needy, the first query was how the weak might bargain with the powerful. The argument that the weak may, in fact, find strength in negotiations or at the very least, can use their vulnerability to their advantage was added to the question. The outcomes of their negotiations, as summarized here, confirm that the weak can prevail to a considerable extent perhaps not in relation to their insatiable demands, but rather in more pertinent comparisons with what other wealthy states were accomplishing, with what the weak states had previously, or with different starting points in the negotiations. In addition, an examination of these conversations has produced approaches for assessing discussions generally, which may be replayed and used to provide some clarification on the original query.

A massive matrix including all these characteristics and examining how they correlate with different kinds of behavior would be preferable. However, this still wouldn't provide a suitable response to the question of power since it depends on the context and the relationship between the parties involved. The situations examined here are sufficiently distinct and comparable to allow for comparison, although they do not represent all weak-strong confrontations in negotiations. The parties had cordial relations, the discussions were mostly of an extension-innovation nature since the stakes were largely positive-sum, there was a commitment to success, little military pressure was there, and there was hardly any "East-West" component. However, the discussions were representative of a wide range of postcolonial and developmental connections; the concerns were primarily "North-South" in character and included both political and economic aspects.

With one exception, the eight paired methods of limiting choices fit rather cleanly into columns for strong and weak states. While weak states depended on nonvolitional methods like prediction and warning, strong states tended to utilize more volitional means like promise and threat to satisfy and deprive. The reason for this is clear: weak nations could only appeal to newly generated benefits from the agreement or deprivations that would result from force majeure, whereas strong states, practically in a circle, had the commodities to give. Likewise, the strong nations committed themselves less often and with more success than the weak states, which focused more of their efforts on obliging others. The direction of demands, rather than the balance of power, determined its usage; the strong nations were providers and could afford to hide behind commitments, while the weak states were askers and were more concerned about tying down the others. The last pair is the surprise. It is reasonable to assume that, by their very nature, powerful nations use *fait accompli*, whereas weak ones would argue basic incompetence. Conversely, the weak nations both practiced *fait accompli*, a symbol of new sovereignty that would have been politically untenable to fight, and suffered from it, while the strong governments often attempted to claim simple inability since they were the ones being expected to make an effort for the others.

Some of these methods will be more easily recognized with a somewhat more detailed explanation. Moral strength was shown by the duties that the weak governments strove to force on the strong. Naturally, the standard of comparison determines how much power is involved; arguably the powerful governments "should" do more, but at least they take action. Though such a circumstance is exceptional, France was able to commit to inactivity that resisted any effort at obligation with respect to Guinea. While it is true that one can never be certain whether moral obligations are driven by "real" motivations after all, humans frequently disguise more base motivations behind moral pretexts such behavior does not, by itself, prove that the latter are any more "real" or that soul-saving is not the most "real" of all. A more thorough level of examination shows that weak governments indeed attempted to impose moral responsibilities on the strong, while the strong acted on the same justifications. In a similar vein, the strong used threats in the shape of packages that offered the weak options take it or leave it. The package emerged from the dynamics of the three-dimensional discussions, in which the strong had to reach an agreement among themselves before confronting the weak. The strong governments most definitely had no intention of giving the weak ultimatums. "When Europe is divided, Africa pays; when it is united as it is now, Africa also pays," is attributed to a Senegalese speaker. There were several factors putting tremendous demand on African unity, such as poverty, competition, and the need to join at first over "more" while the powerful nations were uniting around "less." As a result, the weak were compelled to continually reverse and water down as they were pulled into the strong's convergence point, where agreement was inevitable. The pledge of the strong was matched by their unwavering dedication.

In an odd manner, options were also connected to unity. It is no accident that the biggest group had the fewest options and the lone weak state had the most freedom of choice. Unity may increase devotion to a single option, but it also decreases other options. Any weak state may follow a strong state and find security for itself. However, no powerful state could assume additional responsibilities for a whole society, since this would result in more requirements than resources. Based on the four cases, the rule seems nearly mathematical. In two of the three groups of states, there was likely more latitude than the Eighteen and less than the one; the other group lost flexibility and time due to its need to agree with its members. One of the three groups maintained a high degree of latitude due to disunity [9], [10].

Although understandings and coincidences were both used throughout the convergence process, concessions and counter concessions constituted the majority of the agreement pattern.

Typically, this pattern started with a weak state demand, which was then addressed by a strong state offer that included a little amount of concession from the component members' publicly stated starting positions. Subsequently, the strong state moved to slightly increase the offer without altering the fundamental terms of reference, while the weak states counter conceded by accepting the offer under protest or after several denials. In the other pattern, weak and strong whittled at the common position in a series of coincidences. However, in this instance, weak and strong were more nearly equal since the weak side thought it required agreement less than the strong side did. Negotiations also go through many stages throughout this process, often starting with concepts and moving via questions and replies to specifics. The powerful states were in charge throughout this level shift as well. The weak nations could always end discussions, but it was a rather minor exercise of power if it did not compel the other side to concede. If there was no coincidence or convergence on the principles, they reversed the sequence and moved to details until the principles fell into place. Not only were the weak unable to subtly influence the strong by leaving, but they also felt the burden of time passing more keenly than the strong did. The weak were thus forced to increase the weight of their demands by pressing for both substantive benefits and procedural speed rather than being able to boycott strategically. So where does weak nations' power lie? In one context and three procedurally related regions. The negotiation is a positive-sum game. The weak are inevitably going to lose when there is a fixed pie to be shared. They should always aim for a non-zero-sum bargaining environment where, even if they don't obtain all they deserve, they have at least gained something from the start. The three domains of strength imply that weak nations do, in fact, have the authority to choose their terrain, however procedurally.

First, encounters might be sparked by feeble states. They have the ability to influence agendas just by virtue of their presence and affiliation with international organizations. They may bring up whatever issue they choose, whether it decolonization and independence, fair trade policies, or agreement negotiations. Second, they have the ability to express their wants along with all the self-generating pressures that come with them in a society that believes it has a responsibility to solve problems. Needs, unlike the humanitarian heartburn of the previous century, seem to have an almost self-negotiating force; they constitute a challenge, a moral agony of practical proportions. Naturally, one should not overstate such a quality, but it does hold a crucial reality. Thirdly, weak states possess the ability to consent, which entails the capacity to satisfy on a psychological level as well as the ability to create the newly allotted pie. Both the tangible benefits and the joy that comes from solving problems cannot be attained without their symbolism. Such power is genuine toward powerful nations, toward which they see both an opportunity and a role, and which have committed themselves first to success. Ultimately, it is the sole investment that the weak nations made throughout the examined discussions. They provided no assistance, lost no money, and most likely even passed up genuine chances for economic development. They forced an interaction for the cost of a diplomatic staff in Brussels, stated their demands, and took what was given to them, eliminating any hint of mendacity by adamantly declaring that it was insufficient, figures in hand. That is an example of the weak using their power over the powerful [11], [12].

We live in a negotiation-age. It seems that the rigid roles and ideals of the past are eroding, necessitating the development of new norms, roles, and interpersonal relationships. The Cold War's rigid boundaries and simple cognitive recognition schemes have first increased, then dissolved, making it clear that dialogue is both necessary and feasible. Even smaller conflicts, like those between split countries, Indians and Pakistanis, or even Arabs and Israelis, whose problems were formerly unavoidable and in which friend and enemy were clearly identifiable, are revealing themselves to be amenable to dialogue. It has been said that ideology is fading, which implies that rigid formulations, intense moral convictions, binary viewpoints,

convictions in the inevitable course of history, and resistance to compromise are all softening. Instead, individuals and nations that were once thought to know their place are now questioning that notion, and those that were once inclined to put others in their place are no longer sure of their power or of the correct order of things. People also realize that they share problems and goals, and that discussion and bargaining are useful means of achieving both separate and joint ends. Thus, new orders need to be defined.

This age group falls under two categories of scenarios. One entails changing the sequence in which things are done. It is necessary to design, develop, find, or create alternatives when current systems are shown to be inadequate for the demands of the present. Either relationships must be restructured to reflect actual changes that have actually occurred, or they must be restructured to conform to an idealized future state of things. From a conceptual standpoint, these endeavors are influenced by justice, which serves as the foundation for the ideal future, and power, which determines reality historically. Consequently, these aspects are fundamental to the negotiating process that defines the transition. There is no denying that we live in a transitional period, although one toward what isn't always evident. The world has changed over the last century and a half. Bipolarity and polycentrism, colonialism and independence, nuclear stalemate and disarmament, single gold standard and floating currencies are just a few examples of the many changes that are still in progress as we enter the first quarter of the new millennium. In every situation, the transition calls for discussion.

The second kind of circumstance is one in which roles and regulations are replaced with flexible ones. If the current order is found to be insufficient, there may be no replacement rather, there may be a "transition" of such length that it seems permanent instead of a new order. Many of the current advancements are characterized by the transition from a static to a dynamic system. This kind of shift is recognized by those who see a permanent revolution in the American, Russian, or Chinese cultural systems. If political or social development may be seen as a parallel process, then it also entails a move from defined to continuously redefined relations. Economic development, with its takeoff and self-sustaining expansion, comprises such a dynamic equilibrium. Research on the World Bank, the World Court, and the US foreign policy process have shown that negotiation and accommodation are often the prevailing modes of operation, even inside well-established institutions. In these situations, bargaining turns into a way of life with an ongoing function for justice and power rather than a transition.

As many of the examples show, these traits and the negotiation process that goes along with them are often linked with diplomacy and international affairs; yet, the era of negotiation extends farther into domestic life. The most notable example is seen in labor relations, where collective bargaining has supplanted the use of force to set pay and working conditions unilaterally, such as by decree or strike. However, negotiation has taken the place of other methods of reaching decisions in domestic administration besides labor relations. Plea bargains in court and out-of-court settlements have joined and largely replaced adjudication and adversarial pleading. Demonstrations and sit-ins have even infiltrated the governmental sphere, necessitating explanation and collective decision-making. Legislation and elections are still crucial components of government, but they are both the result of obviously negotiable processes of horse trading and bargaining. In fact, President Gerald Ford said that "communication, conciliation, compromise, and cooperation" would be his new slogan after the Watergate scandal, calling negotiation politics more suitable for the modern period than politics of triumph and loss.

What is more unexpected is the increasing prevalence of negotiation over other forms of decision-making in nonpolitical domains where other hierarchies have historically held sway. At every level of American society, "rapping" has become ingrained. Whether decision-making

was delegated by command in the hospital, school, family, or even the Army, new approaches have introduced more collaborative and participatory methods. In a clear reflection of a change in norms and acceptable practices, workers, followers, obeyers, contestants, and discussants have given way to demanders, discussants, contestants, and participants in many roles and processes. In fact, some people believe that these developments are unique to all of America. In an article published in the *New York Times Magazine*, Herbert Gans observed that although the gap between expectations and achievement has grown, aspirations and expectations in America are becoming closer.

Consequently, issues that were previously resolved through consensus, force, or the application of traditional values now require negotiation, and America has essentially transformed into a negotiating society. Politicization and the need for negotiation not only make decision-making more difficult for those in positions of power, but they also fuel the current crisis. They increase public awareness of political conflict and the discontent of those who are losing by bringing it into the open. According to this perspective, the present focus on conflict-solving techniques actually makes matters worse.

Still, the era of bargaining endures. On a "typical" day like March 27, 1973, when the newspaper's main story was about the Four-party Joint Military Commission in Saigon reaching a final agreement to free the prisoners from Vietnam, other front-page news items included the Vietcong and Saigon delegations' inability to reach a consensus on a negotiation agenda leading to a national election, the formation of the Twenty-State Ministerial Commission in Geneva to discuss global military reform, and the agreement of striking students to start grievance negotiations with Athens university authorities.

At the end of the year, on the eve of the world's preparations to commemorate the Armistice that ended World War I, the French newspaper *Le Monde* published articles about the acceptance of the Kissinger plan by Egypt and Israel, the periodic summit meetings of the European Community, a negotiation session between President Sadat and Chancellor Brandt, the Nixon Round tariff negotiations schedule, the collapse of collective bargaining in the Netherlands, and attempts in France by professional unions to bargain with government representatives, trade unions and left-wing parties to agree on priority goals, and Renault factory strikers to demand a raise. It would be possible to choose other such average days at random to demonstrate how global the age of bargaining is. Given how commonplace negotiation is in today's world, it is critical to comprehend the steps involved, the associated traits, and the methods by which results are decided. As the procedure is not a recent development, a great lot of research and knowledge have been amassed on the topic, and this is the case. However, since negotiation's ubiquitous feature is a relatively new phenomena, more modern techniques of study in the analysis of negotiation have only just started to reach their full potential. Thus, it is appropriate to focus on this significant political process, first gaining an understanding of its nature and then exploring the several approaches that analysis has taken. As opposed to other political processes or methods of decision-making, our ultimate goal is to comprehend how the political process works and how negotiators get at their conclusions. Or, at the very least, we want to discover what more we need to know in order to arrive at these conclusions.

In order to facilitate future work by others for the more beneficial study of the range of negotiation experiences, we are also interested in offering analytical tools and examples. The scarcity of research on the topic and the significant communication gap between researchers and practitioners of negotiation are the two most startling aspects of the field. There is a connection between the two elements. Nowadays, the majority of works may be divided into two categories: abstract conceptual studies or experiments on theoretical phenomena, and

descriptive accounts of actual encounters. The academic typically finds the first boring, while the negotiator finds the second unintelligible. What's maybe even more startling is how little has been done to connect the two as individuals or as research subjects. There have been very few studies of real-life encounters that apply or test concepts generated from theoretical or experimental investigations, perhaps because the theoretical, conceptual, and methodological work has just begun to establish itself with some confidence in the 1950s and 1960s. The aim of compiling this collection is to stimulate or provoke more research in this area. It would be consoling to know that labor relations and diplomacy, the two classic fields of study in negotiation, provide sufficient groundwork for students to go to more advanced courses. However, not enough research has been done on diplomatic contacts, and there are surprisingly few in-depth reports of labor-management negotiation situations. Both conceptual complexity and information access continue to be issues in both domains.

CONCLUSION

The process of developing a theory of negotiations via methodical study and proposal building has provided important new understandings of the intricacies involved in negotiating procedures. The investigation of systematic methodologies has given rise to a richer knowledge of negotiation dynamics, even if efforts to develop a complete theory are still continuing. The examination has emphasized the need of explanatory theories with dynamic components, highlighting how strategies, power, and the assessment of benefits and costs influence the course of negotiations. Systematic approach-derived propositions provide helpful suggestions for comprehending the variables affecting successful and unsuccessful negotiations. Even if current thinking isn't very clear-cut, systematic techniques have been shown to be enduringly relevant in providing insight into negotiation processes. Systematic study is still necessary to improve our knowledge of diplomacy and negotiations since they continue to change due to shifting circumstances and differing skill levels among negotiators.

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CHAPTER 3

COMPONENTS AND DYNAMICS OF NEGOTIATION PROCESSES

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ABSTRACT:

The intricate components of negotiation, elucidating its essence as a dynamic decision-making process involving multiple parties. It delineates negotiation as a sociopolitical event where actors engage in interactions to select values for implementation, underscoring the importance of parties, values, outcomes, and mutual movement. Additionally, it addresses the mixed-motive nature of negotiations, highlighting the presence of common, conflicting, and complementary goals among parties. The discussion extends to the non-zero-sum nature of negotiations, emphasizing the mutual benefit derived from successful outcomes. Furthermore, it explores the manipulation of information and power dynamics inherent in negotiations, shedding light on the causal relationship between bargaining behaviors and outcomes. Ultimately, the paragraph underscores the significance of understanding negotiation as a complex interplay of variables and behaviors, calling for further exploration into the role of political persuasion in shaping negotiation outcomes.

KEYWORDS:

Communication, Conflict Resolution, Creativity, Decision-Making, Multi-Party Negotiations, Power Dynamics.

INTRODUCTION

Although there are many different definitions of negotiation, most of them have certain characteristics. First of all, along with legislation and adjudication, among other procedures, negotiation is regarded as one of the fundamental methods of decision-making. In other words, it's not just a static condition; rather, it's a dynamic or moving occurrence including the choice of one value to be implemented and pursued. This is not just one person making a choice; rather, it is a sociopolitical process involving several stakeholders. However, three more elements of this process-event have recently come to light. One is the parties or sides that participate as players in the process. Although each party—individuals or groups—may be thought of as having their own internal dynamics, the negotiation analyst is primarily interested in the interactions between the parties. The second component is the set of values, desires, or interests put out by the parties in order to facilitate collaborative decision-making. Values that are significant to both parties might be positive or negative, such as expenses and benefits. The third is the result, which is conceptually a little harder to understand. Whether or not a single agreed value is reached at the end of the process determines whether or not negotiations are successful. Since it is presumed that no party would accept a value they believed to be worse than the value of nonagreement, an agreement is accepted as prima facie evidence of "success." Nevertheless, whether a negotiation is successful or not, it always has a result in the sense of a mutually agreed upon value, even if that result is only the agreement to disagree and end the discussion. Although this interpretation of the results presents additional issues that will be addressed later, it is a useful and rational part of the current definition [1], [2].

Mutual movement is a fundamental logical component, the starting point of the process and one that is only theoretically required to distinguish the event from a circumstance. It is general knowledge that just declaring viewpoints does not constitute negotiation, much as it may lead

to it, hence it will be presumed that negotiation starts when there has been some movement from the parties' original positions. Once acknowledged, however, this assumption produces additional definitional constraints that are helpful for analysis. It indicates that even when other aspects of the definition seem to fit, dictat rather than negotiation has occurred if one party does not yield at all and compels the other side to make all the compromises. As few real-world confrontations exist when one party does not give in a bit even when the other gives up a lot, this assumption is really less limiting than it would seem [3], [4].

Parties, values, results, and movement are the four aspects that make up a negotiation, but they do not set it apart from other fundamental political processes. Legislation and adjudication are the other two types of decision-making that share all four, although they vary in significant ways. Since there are two options in legislation or voting, it is a zero-sum game where values remain constant and decisions are made by adding up more supporters of one side than of the other. As a result, the number of parties and their ranking within the party hierarchy are the primary sources of power. There is only one party engaged in the selecting process, therefore the dispute is limited to values rather than parties when it comes to adjudication or choosing, which entails a single decision out of a multiple or infinite field. It should be evident that these phrases are conceptual names for distinct theoretical modes of decision-making rather than descriptive descriptions of all the activities that take place in a parliament or court, since these entities in the actual world participate in mixed procedures, as has previously been stated. The extra elements that are unique to negotiation must be found, as well as the assumptions that both operationally and definitionally supply the required and sufficient circumstances for its occurrence, in order to pursue the differentiation.

The process's diverse motivations are the first presumption. The majority of research on negotiations, ranging from the implicit understanding of de Callières and De Felice to the formal analysis of Nash and Rapoport, observe that negotiations occur when there are shared and opposing objectives between the parties. It would be difficult for the process to start and, hence, impossible to examine if there were just conflicting aims. As soon as it is decided to negotiate, at least one shared objective is presumed to exist. But, it would be dull if there were only shared objectives in the scenario. Agreement would, at most, be a question of discovery; yet, although discovery is often a part of the process of exchanging viewpoints during negotiations, it is by no means the sole one. A third class of values exists as well, which may be referred to as complimentary; these are values that are important to one party or the other but not to both, and they can be used as counterarguments to one another during the negotiation process. Although some game theorists refer to some of these values as side payments, they have received much too little consideration throughout the negotiating process [5], [6].

DISCUSSION

The previous assumption on satisfying outcomes made clear, there would be no motivation to negotiate or accept the result if the anticipated value of the outcome to each party, and hence the overall value of the outcome, was negative. Unlike in a referendum, when both sides compete for an unshakeable triumph, in discussions both parties win or they would not reach an agreement. Not because they care for one another in and of themselves, but rather so that the other will create and uphold the agreement that grants the first party its share, each party wants the other to be happy as well. Because of this, the encounter's nonzero-sum character serves as the second premise.

Either the parties' respective values of the items must vary, or there must be side payments that become available as a result of the agreement, for the yield to be non-zero. Depending on whether complementary or contradictory values are at issue, each participant in the first

scenario apparently gives up its less valued objects in exchange for those it values more, or gives up a portion of the single value it treasures in order to get the remainder. According to Homans' maxim, the likelihood of a successful resolution increases with the degree to which the commodities at risk may be classified as goods valued more highly by one party than they cost the other, and products valued higher by the other party than they cost the first. In the second scenario, as the effective conclusion establishes the conditions for the realization of the other positive values, the agreement itself has to be considered a good. In numerous instances, the "opportunity benefit" of the agreement is the most important value because more war would result from the absence of a peace treaty or cease-fire, according to Gruder, who states that "the goal of the participants in a mixed-motive or bargaining situation is to reach some agreement as to how to divide between themselves the total outcome available from their relationship [7], [8]."

Using a few instances might make it simpler to illustrate this idea. The most ideal scenario for negotiation is when two parties are given access to a certain amount of things, as long as they can agree on an equitable distribution of those assets between themselves. The issue might be with the handful of candies that were supplied to John and Mary or with the iron resources in Tindouf, Algeria, which are only profitable to extract if they can be transported via Morocco, a neighboring country. Using John and Mary as a schematic example, we could initially imagine that every candy piece that Mary won would be a piece of candy that John lost, creating a situation that is typically zero-sum. However, it is not the whole tale. It is more likely that both John and Mary would believe that any deviation from an equal standard—like a fifty-to-thirty division of the candy pile—that benefits the other party would call for some additional compensation for the party with the smaller pile. This additional compensation could come in the form of non-material additions to the values at stake, like appeals to reason and rights, or it could come in the form of side payments, like marbles. A nonzero-sum scenario results from the need for additional side payments the farther the divergence from the justice solution. A contested-value encounter will thus probably result in a concave bargaining front. The complementary values encounter is a more difficult circumstance, if only because there are more values at play. Bill and Jack will only opt to trade their valuables if and when doing so would make them both happier in the end. Because Jack and Bill have differing values for the products involved, they may be better off than John and Mary in this scenario. Jack may purchase items that he values highly with goods that he values less than those he gets, and vice versa.

The process's verbal exchange is not intended to disclose a predetermined reality—in this example, a fixed hierarchy of utilities. Rather, it is intended to mold a new reality since the values involved are both partly known and at least somewhat modifiable. Even while many parties have a very clear idea of what they want and under what circumstances when they start talks, it is doubtful that they will emerge from the process with all of these ideals intact. More accurately, it is utterly impossible for both parties to leave having completed their shopping lists and budgets. If they do, then straightforward discovery will have occurred rather than negotiations. If the core of negotiation is controlled communication, then the fourth negotiation assumption—variable values—is the essence of that communication. Consequently, the process becomes very challenging to represent analytically as a straightforward matter of scales and curves. Similar to the matrix, another often used tool, the single-function negotiation curve, frontier, or set is, at most, a misleading example rather than a real tool. This is because it presents value choices as unchangeable givens. Although these visual aids are useful and easy to use, they should be utilized with caution to avoid distorting the analysis by being taken too literally. John may thus successfully persuade Mary that she dislikes red-wrapped chocolates or that, in the past, he needed or deserved more chocolates than she did, while Bill could attempt

to convince Jack that a person can read a book without a whip or play baseball without a bat. Kissinger has said that the inability to reach a consensus on how to balance missile vs. warhead totals was the primary barrier to agreement at the 1974 Nixon-Brezhnev summit conference on permanent constraints for offensive nuclear arsenal. Assuming it is feasible to accurately convey assessments in the first place, such challenges need to be represented via new value diagrams since they indicate attempts to modify rather than operate within the specified negotiation set. Even with the provided assessments, however, Mary may determine that John should not have more chocolates than a certain amount because they are unhealthy for him, and Bill may come to the conclusion that he would be better off keeping his ball in addition to the pen, toy, and knife, just as Jack would be better off keeping his knife in addition to the book, whip, ball, and bat. The most crucial and misinterpreted component of the negotiating process is introduced by these new issues: the power issue [9], [10].

Information is managed in verbal and nonverbal interactions during negotiations in attempt to influence the opposing party's assessment of the values at stake and achieve convergence or agreement at a point that is more advantageous to one side than the other. Power is defined as one party's intentionally controlled capacity to induce such a movement or reevaluation on the part of the other party; more broadly, power is defined as one party's capacity to influence another party's conduct in a desired manner. Such a definition just designates a causal connection, a region for investigation rather than a notion of inquiry, and neither identifies an object nor a variable, nor even an object signifying a relationship, but rather a "ability." Therefore, in the first round, the identification of power as a negotiating premise has merely resulted in the pursuit of a causal explanation for the movement that generates results. Still, more should be done to investigate the situation. The notion that results are not only the result of chance events may be handled in at least two ways. One approach is to reword the query as follows: Find a causal hypothesis and determine which variable best explains the results. While there isn't an abundance of these ideas, several have been developed, most notably those concerning utilities and concession rates. They will be discussed further in the sections that follow, but in general, they have the paradoxical quality of having no room for the will and skill that linger around the term "power." In fact, all of the causal theories and explanatory variables that have been developed up to this point are "cataclysmic," in Codington's words; once a process is started, it takes its course and determines its outcomes without regard to human intervention. However, since one set of theories depends only on choosing methods, it is not immune to human manipulation in the same way. However, since game theory explanations of outcomes have nothing to do with process—they merely explain why a given choice is made among predetermined values, not the process of changing behavior by altering those values—they are also unable to address the original question about the cause of outcomes. Since the decision is based on a range of possible consequences, they are also cataclysmic.

Finding the kinds of human behavior, the environments in which they work well, and the resources they use to influence other human behavior is another method to address the causation issue in a manner that is more in line with the commonsense definition of "power." This approach's operational premise is that one bargaining action both causes and is caused by another, which leads to the identification of the primary variable. The three qualities—type, setting, and source—are significant because they dissect the idea of power into its constituent analytical parts, enabling the refinement and testing of the overarching hypothesis that particular actions, using particular resources in particular circumstances, have particular effects on the other party [11], [12].

The main conceptual disagreement between power as a relation and power as a possession is also resolved by this restatement of the issue. As was previously seen, power is neither an

object nor a variable. Since one may linguistically "have" a capability, the original definition is inaccurate in that power is not something that one "has," despite general belief. In fact, far too many of the common definitions of power such as those offered by Dahl, March, or Harsanyi state that power is something that "A has over B." Nevertheless, a negotiator can also possess resources, which they can employ in a specific way to establish a causal relationship. Therefore, it would be more accurate to state that power is a connection. Even with that knowledge, however, the analyst's true interest is in determining the origin of the relationship or the impact of one party on the other. An explanation has to explain in precise words what it is about one factor that causes another in order to be comprehensive. It cannot only link effects or state a causal relationship. Therefore, recognizing "power" as a causal relationship returns attention to the need to find elements and factors, including resources, how they are used, and the environment. More than anything else, the source of this cyclical misunderstanding is the conflict between the term's analytical and common sense meanings. It is rare for what is scientific to be idiomatic, and vice versa.

The setup of process vs. results is the last component of the power misunderstanding. In a negotiation, "power is present" when one party moves the other away from its starting positions and toward the first party's positions as a result of the first party's actions. This idea enables the analyst to evaluate the degree of movement that each party makes as a measure of their power that is, their capacity to influence the other to change. However, effect is only a sign of causation. One may deduce a driving force from movement, but one cannot identify the specific "ability" that generates the movement. The analyst has to investigate the process in addition to the results in order to achieve this.

Furthermore, it has previously been shown that certain theories ignore power in favor of a catastrophic explanation for "natural" results. Since of this, an analysis of results alone is a poor gauge of power since some of the movement is already partially explained. Therefore, rather than only explaining change from beginning positions, it would be more helpful to analyze divergence from apocalyptic processes and outcomes in the context of agent causation. To summarize, the acknowledgement of a volitional causal relationship between parties engaging in value negotiation that explains movement from start to finish prompts an exploration for explanatory components in the nature, foundation, and context of associated behaviours. The only way to understand negotiated results is to examine the conduct of the negotiators. The remaining operational challenge is how to convert disparate behavioral patterns that use widely disparate resources into elements that are similar enough for analysis.

Students have been fascinated by the issue of understanding negotiation results for ages, but until recently, there has been little progress made in finding a solution. Most likely, this is because analysts were forced to return to situational and historical accounts of basically singular occurrences for a considerable amount of time when they posed questions and looked for solutions in terms of individual situations. The focus on theoretical solutions and negotiation analysis rather than the examination of specific agreements has only recently shifted due to the attention economists paid to more abstract analysis of general circumstances in symbolic or mathematical language. These endeavors represent a positive stride, nevertheless, they provide two additional inquiries: which variable is most suitable for process analysis? How do you put theoretical variables into real-world terms? Modern analysts have developed many distinct methods to analysis and theory in their quest for the right variable to describe the process. This quest goes on because, in spite of all the claims made, there is still no satisfactory theory of negotiation, and perhaps more importantly for the sake of this discussion—there is still no completely operationalized variable explanation that can be used to analyze actual situations. The intriguing questions are rather straightforward. What led to a

certain result? This is the fundamental problem with any description of negotiations. When expanded into a more theoretical and abstract investigation, the issue is what leads to certain results? Once a comprehensive response to this query has been developed, the results may be considered determined inside a hypothesis or causative explanation. Within a stochastic theory, the results may be said to be partly determinate if the solution can be computed in probabilities.

Like any theory, determinate models have the drawback that explanations have to be provided in terms of pertinent variables, which are variables that are independent, significant, applicable, and evaluable. There are perfectly valid reasons for winning negotiations, such as "because the winner is stronger" or "because the winner is more skilled." However, even if these explanations weren't circular, they wouldn't tell us much because it hasn't been possible to operationalize "strength" or "skill" in a way that makes sense up until now. Consequently, the Letters of Cardinal Arnaud d'Ossat are recommended reading for all students of negotiation by de Callières, one of the greatest early analyzers of bargaining abilities of the best reads I've found for this purpose. He will see how everything supported Monseigneur d'Ossat, how he could be as flexible as a willow at one moment and as firm as a rock in times of need, and how he had the ultimate skill of persuading every man to give him what it was his main goal to get. Regretfully, we still don't know what makes that arguably important work of art, or whether need calls for will owiness or rockiness. It is possible to impose a sharper differentiation on commonsense conceptions by using comparison or the use of parallel situations. The analyst may connect the variations in result to the remaining variations in "input" into the cases by undertaking many case studies that were selected for their similarity in a number of significant features. These control attempts are only steps toward the scientific experiment, giving up some science in favor of realism but not the other way around. Studies like Zartman's on five rounds of Eurafrikan talks, Randle's on terminating hostilities, Young's on a series of international crises, and George et al.'s on coercive diplomacy enable focus on a few factors while keeping others constant or under control. They do more than just allow the encounter's most remarkable aspects speak for itself instinctively; instead, they attempt to prevent becoming dominated by the experience rather than the analysis. They operate within the explanatory chronology of the historical event, but they pay selective attention to factors that have already been identified. As a result, they are efforts to provide a selected response to the causative inquiry.

Reaching of results

Ultimately, understanding the result requires looking at how the bargaining positions are influenced. Both the strategic and processual models overlook the fact that the parties involved in negotiations are individuals who are choosing how to influence the positions of others and bearing the consequences of those actions in order to achieve their own goals. The process is tied to both decision and mechanism rather than being solely determined by inexorable mechanics or autonomous choices. To do this, more research is required in political persuasion, the area of power that is most pertinent to negotiations.

Deprivation and dependent gratitude are key components of persuasion. Delay in delivering an obligation for future benefits is more prevalent in negotiation than immediate gratification or deprivation, which are mostly employed to alter reality or establish credibility as a supplementary tactic. The element of contingency is provided even in cases when previous occurrences are utilized to persuade, by the underlying notion of gratitude or deprivation involved in redoing them. Because of this ambiguity, persuasion becomes a question of commitment or responsibility rather than just general knowledge.

There are two sorts of contingent punishments that are utilized in persuasion: those that relate to voluntary actions and those that relate to nonvolitional circumstances. More analysis has

been done on the distinction between nonvolitional warnings and volitional threats than on the distinction between promises and forecasts. The promises and threats listed here may be used to bind the other party as well as ourselves. They can be utilized as responsibilities. It's interesting to note that while warnings and forecasts are often mandatory and impose constraints on the other party, they can also be characterized as obligations; the former is known as coercive deficiency and the latter is not.

This kind of typological practice has several benefits. Through the process of isolating the persuasive exercise within the power issue, it becomes possible to differentiate between the use of particular tactical devices and the broader pursuit of causal explanations. However, identifying these persuasion styles allows for further research into their characteristics, as that done by Schelling, Fisher, Lockhart, Deutsch, and Baldwin.

An important implication of the original distinction is the idea that "promises tend to cost more when they succeed, while threats tend to cost more when they fail." This idea then reveals further, often paradoxical implications, such as the following: bigger threats are cheaper than bigger promises; overpromising devalues currency but over threatening devalues credibility; bluffing is an element of threat, not promise; gratitude tends to imply hostility, avoidance, and blackmail, while deprivation tends to imply hostility, exploitation, and blackmail. It is possible to generate more claims about the applicability of the different persuasive techniques and their consequences. This kind of study is a step closer to theory since theory entails the identification of regular links among ideas.

Additionally, these ideas play a significant role in understanding the negotiating process in its whole. The many methods of persuasion may be represented as positive or negative values to be put onto the assessments of the stakes under discussion if negotiation is seen as a process of mutually altering cost/benefit conditions or of interpreting utility curves. They include the persuasion-related side payments that were originally tied to the stakes. This formula is neither a theory, nor is it a guide for putting an orange and an apple together in numerical terms. However, it is a conceptual way of managing interest and power on the same level, and it is a crucial stage in the study of the negotiating process.

The idea of contingency also makes it possible to think conceptually more deeply about initial offers, responses, and countermoves. Any offer, on the one hand, might elicit a counter offer that is an assault or a defense. Increasing the element of uncertainty or contingency about execution would be the defense. This might manifest as physical barriers at the destination or moral barriers at the origins.

The assault would come in the shape of an attempt to reverse the first step via a new kind of persuasion. Under some circumstances, specific persuasion techniques may elicit specific types of responses, resulting in theoretical relationships that can be tested via study.

By more precisely defining the value forms or "pressure points" to which the techniques of persuasion are applied, another avenue for study may be opened up. Every negotiator has three "points" in mind: the amount available at no agreement, his threat point or security point, and his acceptance point, which is the point of his current public plea for agreement and the least point that he would accept. However, they also know that the other side is thinking about these three things as well. As a result, each side is balancing their own offer, acceptance, and security points with their estimation of the three points made by the other. These arguments are also theoretically moveable, making them defensible. Many representations of negotiation have made the grave mistake of treating one or more of these points as fixed, which leaves out important details about the opportunity and nature of the process.

CONCLUSION

Investigating negotiating processes shows a complex interaction between different elements and dynamics. When parties engage in negotiation, a complex sociopolitical event driven by the pursuit of complementary, competing, and shared objectives is revealed. The realization that negotiations are not zero-sum games emphasizes the advantages that all parties get from favorable results, underscoring the significance of power dynamics and information manipulation in forming agreements. But even with advances in theoretical knowledge, operationalizing variables and putting theoretical understanding into practice continue to be difficult tasks. In order to improve our capacity to manage and maximize negotiation processes, more study is required to fully understand the complex mechanics of negotiation, especially in the area of political persuasion.

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CHAPTER 4

DILEMMA OF JUSTICE IN NEGOTIATION PROCESSES: A MULTIFACETED ANALYSIS

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ABSTRACT:

The intricate dynamics of justice within negotiation processes, exploring the complexities of power, interests, and outcomes. Drawing upon Morgenthalian concepts of power and interest, it scrutinizes negotiations through the lenses of substantive and procedural justice. While substantive justice legitimizes inputs, procedural justice underscores the importance of impartiality and structural equality among negotiating parties. The analysis reveals a paradoxical relationship between various forms of justice, highlighting the inherent tension between cooperation and conflict within negotiation contexts. Furthermore, the paper evaluates different theoretical approaches to negotiation, including psychological, economic, strategic, and process analysis perspectives. Ultimately, it argues for a nuanced understanding of negotiation as a joint decision-making process shaped by evolving values, power dynamics, and strategic interactions.

KEYWORDS:

Equity, Fairness, Justice, Moral principles, Restorative Justice, Rule of law.

INTRODUCTION

Thus far, the conversation has focused on power and interest in the terms of Morgenthalianism, examining players and their interactions and seeking to explain results in terms of party and process, structure, and communication. However, it hasn't offered a broad standard for evaluating talks, negotiators, or reached agreements. Is justice lacking in any way? There may be, as previously said in the debate, and it functions as a limit to bargaining together with power. Although it will become clear that this very plurality reflects and expresses the fundamental impossibility of any overarching criterion, equivalent on its level to the absence of any underlying determinacy, there are, in fact, several types of justice, each with a unique type of limiting relationship to the process. Substantive or partial justice is the term used to describe one kind of justice, the one that is most often discussed. Each party in a negotiation feels that it is the only reasonable course of action, that adopting its position would be the best result in an ideal world, and that the only reason negotiation and compromise are required in the first place is because the forces of error, if not evil, are strong enough to prevent the implementation of true justice.

This is not a caricature, and too enthusiastic a supporter of negotiation should be reminded that negotiation is necessary because both parties believe they are correct and the other is incorrect, from de Callières' gentlemen to Nicolson's shopkeepers to Morton Deutsch's cooperative personalities. These emotions often obstruct analysis as well, as students of the process may become too sympathetic to one side and find it difficult to acknowledge that the "bad" side has used abilities, plans, or advantages that have allowed it to surpass the "good guys." In terms of analysis, the argument ventures into the outdated and superfluous area of value-free research. Like any other political process, there is a time and place for impartial examination of the bargaining process to gain insight into its mechanics. There's a time and place for adopting a stance on important matters and using newly acquired analytical skills. Even if "good purpose"

could seem evident in certain circumstances, there are a great deal of other issues about which there is never consensus or where agreement varies depending on the age and setting. Because of the uneven structure of the world, both good and evil parties will have access to information regarding the best ways to reach negotiated agreements, and sometimes the "bad" people will have "better" procedural abilities than the good guys. It would appear that this is even more motivation to determine the how and why. While it legitimizes inputs, substantive justice does not explain results. If it were put out as an explanation, it would negate process, eliminate authority, and render negotiation worthless. But as one component of the process, it mobilizes power and filters the use of persuasive techniques. As a source of power, it therefore becomes crucial for both practitioners and analysts. Justice has a separate procedure known as adjudication that is an alternative to negotiation and has its own presumptions and analysis. It functions as a single explanatory or evaluative referent external to decision-making [1], [2].

However, there is also another kind of justice that is impartial or procedural in nature. Procedural justice differs greatly from substantive justice. The conciliator's justice, or structural justice derived from the fundamental equality of the parties found in democratic and Enlightenment ideas, is more crucial to the negotiation process than substantive justice. Procedural justice is incompatible with any notion of inherent or substantive justice in the position of any party. While procedural justice acknowledges the claims of both parties and maintains that a middle ground is where the fair solution rests, substantive justice maintains that one side, or both, are correct and should get the complete conclusion. Split-the-difference or its variations have been shown in many studies to be a "natural" solution that works best in response to calls for a consensus or a point of reference when all other options have been explored and an equitable solution is desired. But in addition to being a substitute for dialogue, the impartial justice of the midway is also a point of pure collaboration as opposed to the purely conflictual resolutions of partial justice, the resolution of Good Guys and Shopkeepers in a society devoid of Bad Guys and Warriors. Therefore, it may be used as an ideal or baseline solution for analysis, much like the pure solution of partial justice. It is even more helpful in this regard since it represents a position of high legitimacy, from which any divergence can be explained by the use of power [3], [4].

Justice's ultimate characteristic is that it symbolizes its own downfall. It is brought up in an attempt to find a general standard for evaluating agreements, and it eventually takes the analyst to the same contradictions, predicaments, and elements as the study of interest and power. It has been observed that the study of justice must start with an acknowledgment of the claims to partial justice made by each party, move forward in response to these claims' substantive incompatibilities, and end with an acknowledgment of impartial justice in the center. However, the search for a solution to the internal incompatibility of partial justice and impartial justice continues, as the latter cannot be enforced simultaneously with the former, any more than the former can be enforced concurrently with both elements of partial justice. The quest for a consensus Olympian solution has made matters more complex. The solution then appears in three and four different forms, starting with distributive justice.

This statement combines procedural and substantive aspects to suggest that the distribution of the result should be based on need rather than equality. The results of distributive justice are less evident than those of partial and impartial justice, and it is antithetical to both. It is the tactic of the weak and aims to utilize weakness as the foundation for power as a reference point for the methods of persuasion—because need is vulnerability and weakness. Now that the true solution has been identified, it should be clear that it is the exact opposite of distributive justice. It states that the parties should be compensated according to their power or ability to withstand loss, rather than equally or based on necessity. It is clear at this point that the debate has fully

circled back around. The pursuit of an unbreakable standard for the ideal resolution has brought us full circle to the examination of negotiation as a power dynamic where legitimacy and procedure, necessity and power, are all crucial components [5], [6].

Consequently, asserting that there is no right solution justifies negotiation in and of itself, but it also resembles asserting that there is no certain result. In fact, without prior agreement on the presumptions of power and/or fairness, it is essentially impossible or at least not yet possible to indicate that, given X, a certain result will or should be obtained. However, reaching such an understanding would just entail shifting the negotiating issue to its analytical elements, which would neither define nor justify anything. Currently, the notions of power, justice, and the process itself continue to be the two boundaries within which the negotiation process operates, barring any new breakthroughs in analysis. On the one hand, in order to extend the scope of agreement to include the contentious issue, negotiators work to strengthen shared interests and foster collaboration. To increase the value of the agreement to themselves, each party, on the other hand, aims to maximize his own interest and win the dispute. Analysis, no matter how it approaches the problem, is unable to remove the fundamental conflict between cooperation and conflict that underpins negotiation dynamics.

DISCUSSION

One of the few decision-making processes that has features that, when considered as givens, conflict with the majority of the theoretical research on negotiation that has been done up to this point. That mode is negotiation. The concession/convergence strategy has issues with power, determinism, and symmetry, but it most importantly misrepresents the nature of actual negotiation. In the beginning, negotiators search for a mutually acceptable formula that will act as a point of reference, provide a definition of justice, and establish a shared understanding upon which implementing specifics may be built. Power holds the values in the package together, and time is crucial to the formula's success. Examples from experiments and situations are given in the article, along with the findings of a recent Mini scenario poll conducted among UN ambassadors. Lastly, an evaluation of the formula/detail approach's advantages and disadvantages is made [7], [8].

Understanding the nature of a thing is just as essential as developing hypotheses to describe how it functions when trying to improve scientific grasp of it. Though novel and counterintuitive explanations may be produced by many theoretical techniques created outside from the topic, these explanations are not applicable unless they are related to the real nature of the subject. Over time, this insight becomes self-reinforcing and may appear so clear as to be perplexing. Over time, ideas that misinterpret reality ultimately fail to provide an explanation or forecast and are abandoned. However, they could show resilience in the short term as students argue about whether the idea is useless or just needs more work. The idea gains momentum and appeal on its own, and those who support it start to invest in the suggested course of action. Thus, it is crucial to keep raising the issue of how theory and reality relate to one another while also debating the coherence and internal advancement of existing theory. Even using a "as if" strategy just makes an assumption; it does not establish that specific relationship and might even be very deceptive. Instead, "as if" should be connected to "as is."

This endeavor has two facets. One is an independent investigation to ascertain the nature, characteristics, and mechanisms of the topic, which forms the foundation of a reality test for theory. In order to enable the operationalization of the theory, the other is a formulation of the theory in terms that can be recognized, implemented, and tested by observation and experimentation. The link between operationalization to theory and reality has been written about extensively; it need not be reiterated here. The current conversation will go on to a study

of these two standards with reference to a specific theoretical field. This article argues that there are only a few different ways to make decisions, and negotiating is one of them. As a result, it has a unique set of traits that set it apart from the other modes and, when considered as givens, are incompatible with the majority of the theoretical research on negotiation that has been done up to this point. Rather, there are unique patterns that show up in real-world negotiating situations and might serve as a foundation for fresh approaches to theoretical study [9], [10].

All political science is essentially the study of systemic decision-making processes. Though unevenly, the study of politics as choice or decision has made significant strides recently, with few scholars focusing specifically on negotiation in this context. By classifying decision-making processes into four categories based on leader-nonleader relationships and satisfying two conceptual requirements—namely, that "categories should actually not be incompatible with one another"—Robert Dahl took an intriguing turn twenty years ago. The four categories were negotiation, pricing, hierarchical, and democratic. Regretfully, he did not develop the typology further and it is not included in *Modern Political Analysis*. In addition, Kenneth Arrow identifies many decision-making systems according to the degree of centralization and the coincidence of interests and information. His typology consists of three elements: consensus, bargaining, and authority; however, the ramifications of these categories are not explored. Three conflict modes—fights, games, and debates—that may also be thought of as decision-making modes are more thoroughly examined by Anatol Rapoport. In each case, the choice is made by outwitting, eliminating, or persuading the opponent. EH Carr discovered three peaceful transformation processes in international relations, two of which required a political system and one of which did not. These include the legislative process, which involves parties with power but subject to legislative authority, the judicial process, which involves parties with equal status but no power, and the bargaining process, which involves parties with both equality and power and requires unanimous decision-making. These typologies all have qualities that, when combined with additional factors, may provide the necessary features for examining the fundamental decision-making processes. At least three distinct ways may be identified in social decision-making. The first might be referred to as coalition; it is a decision-making process based on numerical aggregation, voting majorities, collective choice criteria, and dry legislation. Coalition decisions are made in a zero-sum game where one side wins and the other loses. The winners are those who outnumber the losers in a given proposal with many participants, fixed values, and two options. Outside of the actual decision-making process, neither side has any authority over the other, if only because each side is only constituted in order to make the choice. Therefore, if the choice is significant enough, either side may make it alone; power is correlated with size and its implications.

It goes without saying that coalition is the fundamental element of actual events like voting and legislation, even if the actual occurrences are much less tidy and clean than their abstract core. However, their conceptual understanding remains unaffected by this intricacy. In actuality, coalition and legislating are two distinct processes; nonetheless, the usefulness of coalition theory in elucidating many aspects of the latter stems not only from its strength and logic, but also from its alignment with the fundamental principles of legislation. One might expound upon any of these components; together, they establish the presumptions that characterize coalition as a process of decision-making and the classifications within which further presumptions are required to differentiate other approaches to decision-making.

Unlike the other processes, adjudication is hierarchical in nature, involving parties pleading before a single judge or executive who aggregates conflicting values and interests into a single decision that may or may not favor one party over the other. It is difficult to imagine a single

judging person making decisions based solely on sums of money; there is only one party making the decision, variable values that are combined into a decision, and a single choice on any given subject. They don't even vote for the party that represents them, which results in a majority since they are free to create their own viewpoint, which is then decided by their vote alone. Due to the hierarchical nature of the procedure, the parties before the judicator are limited to using persuasion, reasoning, pleading, and making promises in an attempt to influence the judgment. It should be noted that judication relates to social or group decision-making, much like the other procedures covered here. Being an individual, non-collective process, it is the only way to make decisions since each person must decide for themselves, regardless of whether they are in a coalition, a negotiation, or a court case. However, in this case, the social unit included the disputing parties before the judicator in addition to the judge-executive [11], [12].

Negotiation is the third social decision-making mode, and it is distinct from the other two in most respects. Through negotiation, two parties may resolve their disagreements and come to a mutually agreeable solution. It is a positive-sum endeavor because, by definition, both sides favor the agreed-upon result above the current situation or any alternative result that may be reached with mutual consent. If there were no agreement, they would not agree since both parties seem better off with it. A decision is reached by persuading, coercing, or using force to alter the parties' assessment of their values in order to be able to integrate them into a single package. There are fixed parties and flexible values. The parties exercise three choices throughout the procedure. Option is neither hierarchical nor numerical. There is power between the two sides. This latter quality is demonstrated in two key ways: first, negotiation occurs when there is a deadlock, or, to put it another way, when a decision cannot be reached through other channels, and for this reason, when the parties have an equal amount of stalemating power; second, negotiation is a collaborative process of decision-making in which each party has the power to veto the outcome. Furthermore, the parties have conflicting interests, making it hard to describe a victor and a loser as in coalition or a pleader and a decider as in judication. Instead, both sides have grounds for cooperation and conflict, agreement and disagreement, concession and compulsion. Under these conditions, the key theoretical questions to be answered are: Are there special outcomes that are the predictable outcome of the process defined in certain terms? How are decisions made through negotiation, that is, how are values combined to produce a single, joint, agreeable outcome? Note that the questions ask for two responses: one on the method used and the other about the conceptual justification of the method.

It is evident from these summary features that the three modes lend themselves to theorization in distinct ways. It is evident that coalition is the process most amenable to theoretical explanation, which does not diminish the efforts of the creative academics who have tackled the issue. It addresses zero-sums, twofold choice, and numerical aggregation. Research on judicial decision-making indicates that the process of adjudication is much more complex. While it could be feasible to predict a person's choices based on their prior behavior, no theoretical technique has been shown to be able to handle the actual judication process because of its peculiarities, which make it difficult to explain. In the midst is the bargaining procedure. A growing body of theory has been created, focusing on the parts of the process that seem best suited for theoretical explanation. Despite the identification of eight distinct methods to the study of negotiation, four merit special attention due to their theoretical advancement. The goal of the next paragraphs is to provide background information for the conversation that follows, rather than to provide a comprehensive analysis.

The psychological or personality approach that prioritizes the decision makers above the method should be discussed first. It aims to explain the success of bargaining in resolving disputes by taking into account factors like the negotiators' behavioral traits and their perceived and real use of interpersonal techniques. It is true that, in certain ways, this method is more suited for analyzing negotiation than others—for instance, it is more suitable to coalitions. It centers on the parties the fixed aspect of the process and their capacity or inclination to alter the values at stake, the variable element. Regarding the previously specified requirements, the psychological method performs well. It uses ideas that are feasible to operationalize, albeit not necessarily simple, to address actual issues of negotiation. On the other hand, whether the process is negotiation or adjudication, analyzing the agent instead of the process means concentrating on the supporting rather than the essential component of decision-making. To use a clumsy metaphor, the mechanic, the marksman, and the chef are crucial components in their own processes, but they are incidental or supporting to the mechanic, the ballist, and the recipe. In any event, a comprehensive assessment of the psychological approach is now unattainable due to the fact that its conclusions have not yet been condensed into a single, overarching theory of negotiation or even down to the identification of a small number of crucial components.

The second approach is the economic one, which differs greatly from the psychological one in many ways. While there are theoretical frameworks within the economic approach, their validity is mostly dependent on artificial structures and non-operational ideas like paretooptimality, negotiation fronts, and indifference curves. Bilateral monopoly theories aim to elucidate a jointly determined result by analyzing the parties' rational inclinations to arrive at an ideal intersection on their lists of mutually exclusive preferences. The issue isn't with figuring out which procedures are incorrect; rather, it's with taking all the intriguing components that contribute to the process' functionality and comprehension and leaving them out. The approach is neither closer to reality nor to operationalization when new aspects of preference, like ophelimity or reciprocal demand intensities, are added. Component assumptions, such as interchangeable preferences, a particular kind of rationality, and power-free democracy, are neither real nor operationalizable.

The determinant outcomes of economic theories have little to no predictive value since, by definition, they classify as irrational everything that involves compulsion, power, or persuasion and might lead to a departure from the expected conclusion. These objections focus on the theories' applicability in comprehending reality rather than their internal coherence, which has previously been the topic of much discussion. Economic theories of negotiation have, predictably, mostly been associated with using labor bargaining as an example. However, they have not been any more successful in explaining such results than they have in enhancing comprehension of other negotiation kinds.

Similar issues arise with the third strategy, known as the strategic one. The goal of game theory is to use rational decision behavior toward a predetermined set of values to explain negotiated outcomes. The method is a crucial component of coalition theory and may provide significant insights into the process. It is especially well-suited to examine the choice of whether or not to negotiate, especially in scenarios similar to Prisoners' and Chicken-Dilemma types. But it is not appropriate for analyzing the bargaining process. The justifications are shown by reference to the features of the decision-making modes. Game theory deals with fixed values, where the result is predetermined by their very nature, while negotiation is the process of altering values. As a result, it can depict the range of values and decision-making results at any given time, but it is unable to depict the fundamental aspect of negotiation, which is the process by which values change. Game theory misinterprets interactive strategy, which involves parties using a

variety of persuasion techniques to change one other's values, for repeated strategy. Its deterrence ultimately shows to be ineffective in forecasting outcomes, since many strong theories exist that produce varying decisive outcomes based on certain assumptions.

Process analysis, which was primarily created in the study of concession/convergence, is the method that has come the closest to understanding the nature of negotiation. According to this method, negotiation is a process of learning where parties respond to one another's concession-seeking actions. The method addresses the long-standing worries of authors on negotiations, such as how to negotiate most effectively, and it is especially appealing since it suits an intuitive grasp of various negotiation scenarios, including salary negotiating, rug purchasing, and territorial concessions. The method has produced some of the most creative, exacting, and practical work on the topics of negotiations in terms of theory and experimentation.

However, there are issues. First, the method is unable to solve the symmetry issue on several fronts. The convergence/concession approach's findings are known to all parties, so there is no advise on how to effectively negotiate that is not also available to the other side. This puts the parties back in the impasse that defines the situation that is ideal for negotiation! The approach's sheer design prevents it from providing a solution to the issue it poses. There have been initiatives to address this issue by acknowledging the potential for tactical or short-term imbalances. To put it another way, one should be harsh against a likely to be soft opponent and soft against a likely to be strong opponent. However, this conclusion—which is backed by reason and empirical data rests on a fundamental supposition: that agreement is preferable than non-agreement. Therefore, one may be difficult and win more when dealing with a "softie," but one can only be soft while dealing with a "toughie" if an agreement is to be achieved at all. Although this advise is derived directly from the convergence/concession approach's presumptions, it is hardly useful as counsel at all and only marginally helpful in comprehending negotiations.

Second, the method is unable to solve the determinacy issues, nor has it done so. A determinant theory called convergence/concession has been created to get rid of several advice-related issues. However, as a crucial component of the study of negotiation, the learning process also presents additional application-related issues, the resolution of which may be found in the overall framework. First of all, finding concession rates in the actual world is just as challenging as finding indifference curves. The ability to predict or post-predict an event based on a known behavior described mathematically as a concession rate is dependent on the questionable presumptions that this rate can be accurately calculated from the past and will remain constant in the future. The theory thus violates the fundamental elements of the negotiating process as, as with other determinant theories, it does not account for power, talent, or tactics. The method has been aptly dubbed "cataclysmic" as it operates like a machine once it is started and goes to a predetermined destination.

There is a way to get around this issue with the approach itself, and that is to transform learning theory into teaching theory, that is, to acknowledge that behavior can be used to elicit responsive behavior in addition to responding to behavior itself—an error-activated case of infinite regression in the extreme, as has been noted. Since the goal of negotiation is for the parties to alter one another's values in order to reach a mutually acceptable outcome, learning theory might be applied in this manner to include the essential component of power. However, in the process, the determinacy is lost while the determinant theory's insights are used. It is still a difficulty for teach theorists to overcome.

However, there is also another issue with the convergence/concession analysis. It has been said that it correlates to identifiable negotiation scenarios both intuitively and empirically. But does

it convey the main ideas of the procedure? Does it reflect the kind of bargaining that is present in most actual cases? To put it simply, is negotiation, in its many forms, just a process where two parties progressively get to a mutually agreed-upon conclusion by stumbling toward one another from certain starting points? If handling the issue theoretically requires making certain unrealistic assumptions, are these assumptions in line with the process's nature or do they deviate from it altogether?

The issue is already known to exist. A phenomena known as mixed rates, or endgame, has been identified by writers. In this scenario, both parties first act harsh to test one another before rushing toward a suggested deal that is designed to satisfy both sides. By jumping ahead of the other side, they may negotiate the conditions of the agreement and take the upper hand between favorable and agreeable. Although it may also occur in situations without a stated deadline, this kind of conduct is particularly indicative of dead-line bargaining. Such conduct has been examined in the frameworks of concession/convergence and strategic models, but it is unclear whether this behavior really reflects gradual inching toward agreement or something else better characterized as leaping.

CONCLUSION

Examining justice in the context of negotiation processes reveals a nuanced interaction between interests, power, and results. The analysis of procedural and substantive justice draws attention to the contradictions and tensions that are a natural part of the dynamics of negotiation. Since procedural justice places more emphasis on equality and impartiality while potentially ignoring power relations, substantive justice, which is based on the idea that each participant is correct, legitimizes inputs but is less effective in explaining results.

The complex balance between cooperation and conflict that exists in negotiation circumstances is highlighted by the multidimensional analysis. Additionally, the analysis of various theoretical perspectives highlights the advantages and disadvantages of each in terms of effectively summarizing negotiation processes. While views from psychology, economics, strategy, and process analysis are useful, they often fall short of capturing the complexity of negotiations. While individual behavior is the main emphasis of psychological techniques, complex interconnections may be oversimplified by economic ideas. While strategic viewpoints provide valuable insights, they may fail to acknowledge the transformational power of negotiation. Although it presents difficulties in addressing power dynamics and forecasting results, process analysis provides a deeper insight. The necessity for a comprehensive knowledge of negotiation as a collaborative decision-making process impacted by shifting values, power dynamics, and strategic exchanges is highlighted by this broad examination overall.

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CHAPTER 5

NEGOTIATION AS A SEARCH FOR JUSTICE: A REVIEW STUDY

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ABSTRACT:

Negotiation, as a fundamental aspect of human interaction, is often viewed as a quest for justice, wherein conflicting parties strive to reconcile their divergent interests and values. This paper explores the multifaceted nature of negotiation as a process intertwined with notions of justice. Drawing on various theoretical perspectives, including psychological, economic, and strategic analyses, it examines how different conceptions of justice shape negotiation dynamics. Substantive justice, rooted in the belief of each party's rightness, legitimizes inputs but falls short in explaining outcomes, while procedural justice emphasizes equality and impartiality. The exploration also delves into the challenges posed by power differentials, asymmetrical information, and strategic behavior within negotiation contexts. By elucidating the complex interplay between justice and negotiation, this paper aims to provide insights for practitioners and scholars seeking to navigate ethical dilemmas and promote fairness in negotiation processes.

KEYWORDS:

Distributive Justice, Equality, Equity, Impartiality, Justice, Restorative Justice.

INTRODUCTION

Conversely, as mentioned before, concession/convergence analysis is dependent on the identification of certain viewpoints. Therefore, its applicability is restricted to quantifiable examples of the aforementioned categories (wages, carpets, and borders). It's also possible that, even in those circumstances, there are other topographical factors that influence the inching process but are not disclosed by the theories and studies. All of the existing schools of analysis that address process structure and value-based decision-making—that is, all but the psychological school among the previously discussed schools—have the drawback of requiring them to assume a fixed array of objects with explicit and fundamental values under discussion, similar to Bill and Jack's treasures in Nash's example. There are two unrealistic assumptions in this assumption. First of all, it fails to acknowledge that the list of topics being discussed is itself a subject of negotiation; in many cases, reaching a consensus on certain topics may require grouping some topics together while excluding others. The second mistake is to see the modifications made to the way these things are evaluated as only a tactical decision that are made without taking into account any further underlying principles that provide the original items their value. Put differently, it views the negotiating stakes as "inch-able" values made up of discrete increments in which a little amount more or less may be decided upon separately and has no effect on the character of the object itself. Deviation from reality would not matter if these two components of the finite value assumption were incidental to a fundamental process of decision-making via negotiation, at least not for the first iteration of the theory. However, these are issues that are fundamental to the nature of the procedure itself. This is why, despite all the clichés about the parties "coming closer together," talks in the actual world often involve something other than gradual convergence. Put differently, the issue with concession/convergence theory, which is its incapacity to account for actual occurrences, is not related to its theoretical evolution but rather to its inconsistency with reality [1], [2].

Given that this claim serves as the main argument for the remainder, it requires substantial backing. Three methods will be used to build this: first, the sorts of negotiation processes will be identified; second, real-world case examples will be used; and third, data from ongoing research will be consulted. Negotiation is about finding the right formula and carrying it out in detail, not about convergence via incremental concessions from certain baseline positions. Above all, negotiators look for a broad definition of the topics being discussed, one that is thought out and arranged so that it can be agreed upon by all parties under a shared understanding of fairness.¹⁴ After a formula has been agreed upon, suggestions, compromises, and agreements may be made about the specifics of each item. Even then, rather than being resolved in terms of their inherent values, details are often resolved in terms of the referents that validate and give them meaning. This indicates that rather than gradually moving from fixed places toward the center, convergence occurs via the establishment of a referent principle, from which the value of the particular item will be determined [3], [4].

It is still unclear if the formula/detail pattern of negotiation is the only one that exists or whether it is just the most common. It is true that there are situations in which the issues being discussed are sufficiently settled by previous agreement to allow for convergence or concession negotiating. Furthermore, when parties want to treat issues individually rather than collectively or when negotiations on a wide range of topics are seen as a long-term process, such as in disarmament, a third kind of negotiation known as progressive construction may also occur. However, since progressive construction negotiation often operates within a formula or, over an extended period of time, contains a succession of formulae, and because the convergence/concession types that do exist typically occur only after a formula has been adopted, this paper will focus on formula and detail as the most common and significant type of negotiations. Long diplomatic history are not appropriate here. However, a quick rundown and a few citations will assist highlight the fact that the formula/detail method is the most useful for analyzing the three main recent negotiations: the Middle East, Vietnam, and Cuba.

Cuba has been the focus of several assessments from two perspectives. One includes opposing theories that claim to provide the most accurate account of what happened, while the other comprises opposing interpretations of the appropriate scope of topics that should be addressed by a settlement over the 1962 missile crisis. There is no communication between the two analyses or regard for shared issues. The first makes the assumption that what occurred was exceptionally effective and reasonable, which makes it an almost ideal case study for inductively generated models. Revisionists, on the other hand, debate or, more usually, dispute, whether the right things were swapped [5], [6].

Since none of the theoretical methods was proven to be useful in explaining results, one study of the encounter has attempted to apply one of the aforementioned theories. It's interesting to note that a concession/convergence model might have been used to demonstrate how options were reduced to a final result that, although potentially a good wager, was by no means a given. This would have complemented Holsti's and Forward's communications models. To try to make it fit such an uneven sequence of events as a strategic choice of ends and means, a quarantine announcement, the retraction of a naval perimeter, and acceptance of a specific exchange of continuous actions, to mention only the concessions on the American side, would be stretching the concession/convergence approach from a precise model to a literary allusion.

Examining the Cuban crisis in the context of formula/detail is more applicable. The two sorts of studies may be combined using this method; the challenge was to find a formula that might include elements that would be significant enough to both parties to be agreed upon. Though they did not meet the definition's standards, the different revisionist formulas were taken into consideration at the time and may be taken into account in the analysis. The definition of an

acceptance formula, which ultimately surfaced in the letter exchange of October 26–27, 1962, included the ideas of including missiles only and excluding Castro, of accepting no counterpart such as Turkey or Berlin, and of extracting a counterpart promise on the invasion of Cuba, on the Soviet side. The detail phase included the event that followed involving the use of Ilyushin bombers as offensive weapons. However, seeing the Cuban missile crisis as a means of trying to come up with a solution that all sides can agree on provides a significant space for the study of power—that is, the capacity of each party to influence the other's assessment of the issues at hand. While this process is similar to Zeuthen's in that it involves comparing the expected values of conflict and settlement over time, it does not result in successive concession exchanges but rather in the search for a suitable formula and accurate detail implementation [7], [8].

Alternative models have previously been used to analyze the Paris talks to end the Vietnam War, demonstrating that the concession/convergence model is neither realistic in reflecting the real sequence of events nor effective in analysis. Once again, the model could be extended to a situation in which there was a standoff because both parties demanded a negotiated outcome on their own terms, and compromises on both sides produced a middle ground that was mutually acceptable. This does not reflect the method if it correctly represents the result. The American efforts to suggest different formulas over the two years of the Paris negotiations were followed by a collaborative search for specifics, during which time propositions were either approved or rejected instead of being gradually modified. When compromises were reached, they were often complete compromises rather than the customary partial compromises to a middle ground. Once again, power played a significant and contentious role in the proceedings. Even in the example of the Hanoi bombing in December 1972, a concession/convergence method, if it could be adjusted to account for the many types of power used, would not demonstrate a clear correlation between the use of force and the making of concessions. However, force, coercion, and persuasion did play a role in the process by altering or supporting elements like territorial referents, credibility, deadlines, and the weights assigned to the agreement's component parts in order to maintain the formula during the search for details.

The last instance that should be mentioned in passing is the Middle East Kissinger rounds case. Upon first observation, it may seem that these types of territorial talks, where two opposing ideas of a new boundary were progressively brought together, would be ideal examples of concession and convergence. However, the impression of inching is deceptive even in this case. Rather of incrementally shifting the placement of a withdrawal line in response to particular tactics of persuasion, the parties searched for a formula for an agreement that would include both the specific location of the line and the guiding principles that supported that location. Here, formula and detail were intimately linked both conceptually and historically, and eventually some locations, like Quneitra or the three hills in the Golan region, became features within the already-adopted formula rather than formulaic parts. A senior official's recent remarks on how to restart talks on the Palestine issue provide further evidence of the effectiveness of the formula/detail approach.

DISCUSSION

Ultimately, a cursory examination of the three major recent negotiations reveals that they were centered around the pursuit of a single, mutually-satisfying formula, which was then put into practice by specifying the specific details that would have an impact on the agreement. Under no circumstances was the procedure one of making little compromises to adjust competing viewpoints until they coincide. The causes are evident. The most probable result of concession/convergence would be an incoherent agreement, like a mosaic with little parts that have been whittled down to fit but lack a larger design. Concession/convergence suggests that

the concession rate, not the things at issue, is the variable value in question, that the item has no inherent worth, and that altering the concession rate slightly won't change the nature of the item. This assumption may not be entirely wrong when it comes to negotiating for a better deal on a used vehicle or purchasing a rug, but it is not even true when it comes to other conversations that seem comparable, like aid determination or wage bargaining, and it is much less accurate when it comes to less straightforward, quantifiable stakes [9], [10].

The trials intended to verify the concession/convergence strategy also demonstrate its substantial incoherence. There is no substance to the negotiations to impose a more realistic pattern; the reports of caucus and negotiating sessions show an absence of coherence and reasons for action. When players are called upon to bargain an agreement in which it is a simple aggregate payoff and not the substance of the agreement that matters, their actions reflect these conditions, and the results lend themselves to a concession/convergence interpretation. However, when given the opportunity to define their own stakes and control their value instead of accepting fixed, externally determined values, experimental subjects are more likely to create a formula that first supports their own positions before serving as the foundation for a mutually agreeable agreement. This formula also increases the subjects' satisfaction with the results to the extent that it is created. Preliminary findings from team runs of Spector's Camp Game, in which two teams divide up seven amenities at a summer camp they jointly own, clearly demonstrate this.

The Fermeda Workshop is a prime illustration of an experimental negotiation scenario that sheds insight on various interpretative stances. Accounts of this ultimately futile simulated endeavor make it evident that there were many fruitless attempts to find a formula rather than any inching, capitulation, or convergence.

Currently, a survey-research project examining the significance of formula/detail to the negotiation process is being conducted. The project aims to compare the theoretical conclusions drawn by students of negotiation with the practical experience of seasoned diplomats while also utilizing the diplomats' instincts to provide their experience in an easily digestible form to others. The project's overarching goal is to close the gap between theory and practice [11], [12].

Miniscenarios are brief, two-person narrative games that are used in one set of surveys for the study project. In these games, the interviewer responds to the interviewee's responses by revealing preprogrammed movements one after the other. The scenarios are designed to have several theoretical statements or inquiries that are converted into narrative language. Whether negotiators use a formula/detail or a concession/convergence strategy is the first thing to ask. The second is whether whatever compromises they could make are motivated by other referents or whether they follow a regular, inherent pattern.

The third aspect is to the relationship between the concession rates of the two negotiating parties. A range of theoretical frameworks posits that this relationship is reciprocal, wherein concessions made by one party would elicit equivalent concessions from the other. According to a different set of beliefs, there is an exploitative relationship between the parties and any concessions made by one will result in equal concessions from the other. According to a third set of statements, the relationship is unresponsive, and the negotiators plan to hold out until a deadline approaches in an attempt to coerce the other side into making a beneficial compromise. According to a fourth set of arguments, the relationship is projective, and both sides will inevitably want to reach a goal point halfway between their two starting positions. They will also give in in a manner that will allow them to get there simultaneously.

These ideas are put to the test in two situations, among others. The degree to which certain stake increases may be identified varies between them. In one example, the negotiator

represents a school board discussing a teachers' pay rise with the union; in this scenario, the stakes are exact monetary values, and concessions are stated as either regular percentage increases or increments of money. The alternative situation is a portion of land that is left in dispute between two nations due to a fluctuating river border; in this case, the stakes are distinct areas within the disputed region, but it is less clear whether the increments are absolute or relative. First, the interviewees are asked how they would tackle the issue. They are then asked for a response, a projected reaction, and an anticipated result after receiving the other side's initial offer. They get a fresh bid after these actions, and the game continues. At the ambassadorial level, UN officials conducted mini-scenarios. The three study questions may be answered in short form, however the full findings are provided elsewhere.

First, the 50 interviews reveal that rather than gradually settling on a position via compromises, the majority of respondents saw negotiations as a question of identifying a suitable formula and its implementation details. Nonetheless, the proposition's support is relative rather than absolute. Concession/convergence behavior is rare in territorial talks when the nature of the conflict has already been determined and the increments are less obvious, but it is far more common in salary disputes. In contrast, formula/detail behavior in the latter scenario is linked to an active quest for a solution, while concession/convergence conduct in the former is often connected with passive negotiation in which the side passively responds from frame to frame. Therefore, as shown by the previously mentioned Camp Game, formula/detail is linked to higher satisfaction with the result. This is understandable given that the strategy places more emphasis on substance and content and aims to find a solution that, to the greatest extent feasible, respects the interests of all parties.

Second, rather than being a simple reaction to the concession rate of the other party, even the concession/convergence behavior is largely determined by external referents. The vast majority of diplomats who reacted gradually to territorial concessions were attempting to find an equilibrium point in terms of referents that would hold an agreement in place; this behavior was more akin to a successive submission of formulae than it was to pure concession behavior. Consequently, most diplomats who responded gradually to the other party's wage concessions continued to do so with reference to a cost-of-living figure.

Third, the respondents usually responded in a same way to the opposing party's initial offer and concession-making conduct, regardless of how the negotiating situations were approached. When the programming party constantly conceded, there was a consistent pattern of the interviewee returning hardness for toughness and gentleness for softness. The interviewee likewise made concessions, but more slowly. In a different pattern, albeit not proportionately, a higher opening yielded a greater outcome. The "outlandishly high" openers in the pay and territory conflicts resulted in a greater rate of breakdown in addition to raising the respondent's anticipated outcome and negotiated outcome in their conduct.

In the end, many respondents thought that an agreement was approaching and that the other side would accept their offer, so they made a compromise at the end, usually only a symbolic one. This conduct occurred regardless of whether the applicant had been consistently compromising or, as was more common, had been sticking to their initial offer until the very end. However, this final compromise was not just that. As previously mentioned in the theoretical literature, it was a component of a motion to leap to an agreement, but it was often not just one figure but rather one that linked down all the issues at play in a whole justification. To put it another way, the last concession usually came up as a minor element in a formula that was winning or at least likely to win. Thus, formula/detail is a superior way to understand even what seemed to be concession/convergence behavior.

Using negotiation to seek justice

Despite the fact that negotiation is one of the fundamental forms of social decision-making and is essential to law, business, diplomacy, and daily international interactions, a theory explaining how individuals bargain is still shockingly far off. The combined and cooperative efforts of parties with originally opposing perspectives result in negotiated results. However, they are more than just the outcomes of a struggle between opposing forces and wills, or between abilities and strategies. Rather, fundamental ideas of justice or fairness heavily influence the spectrum of possible agreements and the final product.

Justice and fairness play a significant role in human decision-making, including negotiating; in fact, research suggests that obtaining a fair bargain is often more significant than obtaining the best one. "It appears that the various aspects of justice—fairness, rights, deserving, etc.—appear to be the predominant factor in the decision-making process wherever one finds people who want something and whenever there are desired resources to distribute." "Efforts that do not represent a genuine ideal of distributive justice will not succeed."

The issue of justice stems from early conceptions of negotiation, which current research—as is often the case with scientific investigation—revives in a fresh way. The early authors on negotiation saw bargaining as a way to get a decision grounded on the fairness principle. Subsequently, the capacity to balance the interests of the parties was considered as the key to negotiation; justice was not mentioned at all, and labor, sociological, and economic analysis followed suit. A determination of an applicable principle of justice, taking into account the nature of the conflict, the ideas and interests of the parties, and their ability to present favorable terms of trade, will provide the framework for an agreement, as demonstrated by the renewed concern for justice.

Prior theoretical frameworks from political science, economics, mathematics, and philosophy have been used to explain negotiated results. Power is the explanatory variable used by political scientists to explain countries. The allocation of power among the parties results in the distribution of shares in negotiated outcomes, which is explained by the structural power model. In actuality, however, power disparities are less about explaining agreement and more about sabotage. Contrasting the most reasonable notions of fairness with the allocation of power is a common and fundamental reason why talks fail, as shown by Ethiopian instances. Panama and the experimental display. In these situations, negotiation is the process of working from several beginning points to arrive at a justice distribution norm. Contrary to what some people say, this is about each side's estimation of acceptability, not only about power.

The stalemate that occurs when negotiations reach a standstill is often the focus of the countervailing power model. This is because the more tough one is, the less likely they are to reach a favorable agreement, and the more softer one is, the more likely they are to reach an agreement, but the less likely they are to get one at all. The main challenge for negotiators is really to find a mutually agreeable beneficial solution rather than to maximize their own gains. This is where the idea of fairness enters the picture; it helps to align the expectations of the negotiators as they go from impasse to agreement.

The grounds of contending power are finally referred to as the determinant of the point of convergence in classical economic models of bargaining in bilateral monopolies, which describe the convergence process along a single parameter. Results are described as the result of the conflict, based on efficiency criteria, rather of the process of collaboration, based on equity criteria; when that process is considered, it is predicated on an assumed criterion for agreement rather than a negotiated one. While justice removes that inequality, economic research often identifies a variety of potential outcomes that leave parties better off.

Decisions based on predetermined outcomes may be analyzed using game theoretic techniques, such as those that use repeated plays as a foundation for cooperation, but they cannot study the process of defining or molding those outcomes. The parties try to maximize their payoffs by weighing the cost of giving in to the other party against the cost of a standstill, supposing that they are fully aware of the repercussions of both their own and the other's actions. Their measure of acceptability is rational choice, but they are unable to examine the factors that influence preferences or the method by which competing parties' desires are combined—two essential components of reaching a resolution via negotiation. Such an examination must include, or be augmented by, descriptions of the processes involved in coordinating standards for results that are fair or palatable.

Philosophy has recently focused on discussing some of these issues in an effort to come up with a definition of justice that serves as a general standard for all behavior. This effort, which deviates from Rawls' fundamental work, aims to come up with a solution that is just because parties would reach it through negotiation that takes into account each party's security point and all parties' interests in equal treatment. Economic and game theoretic reasoning plays a significant role in this effort. The several permutations of this philosophical approach see a standard as just since it is negotiated, based on some external norm, whether they are contractualists or idealists. The pluralism that permeates disciplinary debates makes it challenging to accept any of the competing claims that there is a single definition of justice that can be used as that criterion. At the very least, this approach makes it difficult to use justice as an external criterion for evaluating negotiations. On the other hand, the pursuit of meaning and the identification of many interpretations of justice represent a significant undertaking that is pertinent to the suggested line of reasoning. These many methods and frameworks are incomplete rather than useless. They miss the mark on the substance of the negotiation process; they take away the most crucial dynamic, which is figuring out the foundation for reaching an agreement, and they fail to highlight the crucial distinctions that determine whether negotiations succeed or fail.

CONCLUSION

The dynamic process of negotiation is intricately linked to the complex idea of justice. We have examined the many facets of justice, such as procedural and substantive justice, and how they relate to negotiation dynamics throughout this examination. Though it is not sufficient to explain the results of negotiations, substantive justice which is based on the conviction that each side is correct acts as a legitimizing factor. Conversely, procedural justice places a strong emphasis on impartiality and equality, offering a framework for reasonable decisions made during discussions. However, power disparities, knowledge asymmetry, and strategic conduct often provide difficulties for the parties engaged in negotiations. These elements make the pursuit of justice more difficult during negotiating processes, emphasizing the need of giving moral quandaries and fairness issues serious thought. Notwithstanding these difficulties, negotiation is still an essential instrument for resolving disputes and reaching decisions because it allows parties to balance their beliefs and interests. Practitioners and academics may better negotiate these difficulties and work toward promoting fairness and equality in the pursuit of mutually beneficial solutions by seeing negotiation as a quest for justice.

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CHAPTER 6

DILEMMA OF JUSTICE IN NEGOTIATION: PRINCIPLES, PROCESSES, AND PREFERENCES

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ABSTRACT:

A fundamental aspect of human interaction, often grapples with the complex notion of justice. This abstract explores the multifaceted analysis of justice within negotiation processes, considering various principles, processes, and preferences that shape the outcome. It delves into the distinctions between distributive and procedural justice, highlighting the challenges posed by reconciling outcomes and conduct. Furthermore, it discusses the importance of establishing common principles of justice as the basis for negotiation, touching upon concepts such as priority justice, equal justice, and unequal justice. The abstract also emphasizes the significance of process fairness and the norm of reciprocity in negotiation dynamics. Moreover, it examines how preferences among different principles of justice are influenced by factors such as group dynamics, culture, and age. By navigating these intricate aspects of justice, negotiators can better address the dilemma of justice in negotiation processes, ultimately striving towards equitable and mutually beneficial agreements.

KEYWORDS:

Legal Norms, Moral Principles, Restorative Justice, Social Justice, Transparency, Truth and Reconciliation.

INTRODUCTION

It is helpful to divide the concept of justice into smaller categories. The first difference is between distributive justice, which controls results, and procedural justice, which controls how the process is carried out. Three general subtypes or result justice principles exist. Priority justice is when a winner is determined by some external, non-quantitative rule or precedent; equal justice is when each party has an equal share, or equal access to or chances at a share; and unequal justice is when results are distributed unevenly in relation to some criterion, typically either by equity, which gives the greatest weight to those who have or contribute the most; or by compensation, which gives the least weight to those who have. One of the issues with the philosophical and mathematical discussions around the idea of justice is that these concepts are clear-cut and straightforward, more so than most aspects of reality. Although an apparently intricate arrangement may sometimes be supported by a single principle, allocations in the actual world often deal with issues that are sufficiently complex to defy covering by a simple concept. In situations when a straightforward principle proves insufficient, negotiators may resort to compound justice, which entails combining principles to provide one side the right to fairness in one matter provided the other receives compensation in another. However, the fundamental idea that progress cannot be made until principles of fairness are established remains valid. The participants to the talks must thus choose which of the following two justice principles—priority, equality, or inequality—will guide the discussions and why. What is the priority, what is the equality or inequality of, and why should that principle be interpreted? The terms "principle question" and "referent question" allude to these [1], [2].

Every side has a tendency to choose the principle that best serves their own interests, unless there is a clear exception to the rule. It will be difficult to go toward settlement and the negotiation is likely to fail if these basic attitudes are not addressed [3], [4].

The shared justice idea that will form the cornerstone of further negotiations may be established in two ways. One is reverting to a long-standing judicial process, largely without dialogue. Therefore, a dispute between two kids over sweets may easily lead to agreement on the well-known process in which one cuts and the other chooses a procedural as well as a substantive assurance of the equality principle.

If two diplomats are unable to persuade one another that their stance is sound based on priority principles, they may develop a habit of making about equal compromises to one another until they reach a halfway point, which would result in yet another double realization of equality both substantive and procedural. Alternatively, two nations may decide to submit their issue to the International Court of Justice or to third-party arbitration after reaching a deadlock in their dispute resolution process. Negotiation and arbitration are not to be mistaken with each other, since the former transfer the decision-making authority from the parties to a third-party tribunal.

The dispute's substance is resolved via these transitions from contentious openings to common processes, which include cut-and-choose, reciprocal concessions, arbitration, and adjudication [5], [6].

One alternative approach to establishing a principle of justice is to engage in preliminary conversations over a formula that would serve as a guide for further negotiations. Evidence demonstrates that before or during the negotiation of the specific outcome, the parties work to establish a common principle or a combination of principles of fairness drawn from the aforementioned list. Additionally, the acceptability of the specific outcome depends on prior agreement on a shared understanding of the justice or acceptability criterion. Such preliminary understandings are a crucial component of the formula that must be completed before the specifics of a negotiated agreement are included. Since negotiation is a messy process involving human contact, it may be difficult to draw a clear difference between the resolution of justice-related issues and more in-depth bargaining, but practitioners do understand this distinction, and it is important for analysis.

The referent issue, which has even more room for interpretation, lies beyond the principle question. Reaching a consensus about equality or inequality is contingent upon determining what constitutes equality or inequality. As the two dominant superpowers at the time, the US and the Soviet Union could agree that equality was the guiding principle of justice in disarmament negotiations, but it took much longer to determine the "equality of what" in terms of throw-weight, missile numbers, missile types, and defense sites. Examine the discussions that resulted in the 1987 Montreal Protocol and the 1990 London Revisions, which limited the amount of ozone-depleting compounds that may be released into the atmosphere, to demonstrate the importance of fairness in negotiation in a real-world scenario. Saying that the atmosphere is our shared inheritance and that everyone has an equal right to utilize it is one approach to frame the issue. This implies that everyone should be entitled to release an equivalent quantity of substances that deplete the ozone layer into space. Starting with the existing quo, which has higher emissions from the industrialized world as a consequence of decisions made before anybody was aware that there may be damage, and having everyone give up the same amount of emissions deducted from their current baseline is a rather different approach to frame the problem. However, a third perspective holds that everyone should give up the same proportion of their current baseline since the status quo provides a gauge of their

respective claims to the shared resource. Though the third also illustrates an inequality principle in an application of compound justice, each is an illustration of the equality principle applied to a different referent by a different reasoning [7], [8].

The subsequent negotiation is more concentrated and controllable when an acceptable justice principle, or set of principles, is sought for. As a first response to the fundamental question, the Geneva ozone discussions really started in December 1986 with a tacit agreement on equality. This was followed by a discussion about output cutbacks vs. caps. Cuts were widely acknowledged as the start of the response to the referent question by the third session, five months later; in the subsequent meetings, the focus of negotiation shifted to the specifics of figures, dates, and expectations.

A ten-year moratorium on compliance coupled with financial and technical help for poor nations, a fixed percentage decrease in CFCs for industrialized countries, and an eventual ban on all CFC manufacturing by a target year were all included in the final agreement on ozone. Therefore, it may be referred to as compound justice—a negotiated agreement that strikes a balance between the concepts of fairness and disparity for industrialized and developing nations, while upholding the idea of equality for everyone.

DISCUSSION

Process fairness is always crucial, but it becomes much more crucial when parties cannot agree on how fair the results should be. In contrast to result fairness, process fairness consists of maxims that, at best, may be grouped under the title of "full and equal opportunity." It has not been further classified into a finite number of subtypes. Process fairness may serve as a stand-in for outcome fairness in some social interactions, although these are often restricted to circumstances in which winning—as in adjudication—rather than reconciliation is the desired result and when justice is inalienably guaranteed by authority and the process itself [9], [10].

However, in negotiations, the reciprocity of equal or matching concessions is a predominate criterion of procedural fairness. Reciprocity has evolved to stand alone as the accepted norm of negotiation, a dynamic equal justice, even if the underlying theory may be that it leads to equality. One fundamental component of the renegotiation process of aligning expectations and setting standards is requisition, or the knowledge that concessions will be returned.

Similar to result equality, reciprocity is a concept that may be applied to a wide range of referents, including concessions that are proportionately and financially equivalent in addition to numerically equal concessions. Even while equal concessions are popular, mismatching or unequal concessions are equally common, acceptable, and even required occurrences if an agreement is to be achieved. Because of this, uneven concessions are not seen as unjust; reciprocity seems to entail only paid concessions, without the need for a reasonable repayment to have an equal worth.

It is clear that this is a very flexible scenario that is typical in negotiations, and parties have often reacted unfairly to "too little" or no compromise. "Political bias" or "reactive devaluation," or the propensity to see the other person's concession as less significant than one's own, is one of the contributing factors and is especially significant in reciprocal concessions. Experiments and real-world applications have been used to evaluate strategies to lessen these biases. These strategies include group discussions aimed at easing the "enemy image" during negotiations and mutually agreed-upon definitions of reciprocity. The issue can only be resolved with ease if the available possibilities can be quantified in a manner that makes an evident equal-split result, albeit in practical contexts this still leaves the referent question unanswered. There are several possible approaches to reframe the problems and ultimately

come to an agreement between divergent ideas of justice, including negotiation, interpretation, and circumvention, alternatives, and principle conciliation. Another option is to use group sessions to examine positive emotions and value orientations.

Preferences between different principles

Several elements, such as age, culture, and group, have been shown via experimental study to influence choices among principles and how they are interpreted. The universal state of equality is often cited as a standard of justice in experimental research, which frequently implies an underlying principle of justice as a distribution rule. Social organizations that are cohesive prioritize equality, whereas groups that are economically oriented prioritize disparity, but they differ more on how it should be applied. Cultural factors also play a part. American, Asian, Russian, and Egyptian students were more likely to be egalitarian, while Indian students preferred compensating inequality, presumably because they saw the world as consisting of finite resources; justice as equality was more of an objective than an operational norm. It remains to be seen to what degree these disparities apply to seasoned diplomats [11], [12].

In negotiation, age also affects perceptions of fairness. According to Piaget's theory which several investigations have supported fairness develops in a stepwise manner, starting with early input-based "mechanistic balancing," also known as for malistic reciprocity, and moving from rigid equality to "mature equity," which takes into account unique circumstances. It is currently unknown if these conclusions apply to other cultural contexts or, put another way, which factor is dominant. Furthermore, the majority of foreign negotiators are much older than these, so the broad information that is now accessible does not really apply to their circumstances.

When the parties gather to negotiate, however, they must put aside their divergent perspectives and come to a shared understanding of justice that benefits each and applies to both. As François de Callières long ago noted, the issue for negotiation analysis is not what defines each party's concept of justice, but rather how they reconcile their disparate views of just interests. Because of its prominence as a unilateral value, its usefulness as a "fair" meeting point or compromise solution between the parties' positions, and the ease with which the referent question can be addressed in relation to this principle, equality and its variants offer the most obvious solution. According to experimental research, conceptions of justice as equality that are widely held are more likely to result in agreements than those that are more diverse or varied.

When parties believe they are comparable, have equal status, or vary but their differences cannot be objectively quantified, they are more inclined to accept the equality principle. However, when the parties believe they are equal but contest this belief or believe it is in doubt, they put more effort into maintaining their symmetry than they do into achieving an equal distribution of results. On the other hand, when the parties disagree in terms of some objective metric or contribution, such the quantity of hours put in on a shared project, inequality is more likely to be accepted by both of them.

However, equality is not always a suitable premise for a contract and is not always relevant. Combining several justice tenets is the next strategy for resolving the dispute. When the straightforward application of a single principle is impractical, compound justice might be accomplished by matching principles or exchanging concessions. To create an equality principle, for instance, one may balance out the claims of the two sides if they understand inequity differently for various parts of the problem. In order for such a concession exchange to appear just, each party must feel that it has lost or gained roughly the same amount as the other party, or that the other party has gained roughly no more than the first party; in other

words, the two parties must feel that their losses and gains are roughly equal, or at the very least not clearly unequal. Lastly, the parties have to come to an understanding on an inequality principle or a previous principle of justice if they are unable to reach a consensus on a basic equality principle or an equalizing formula for compound justice. There are few experimental results that give hypotheses for testing in reality because it is difficult to design studies reflecting such settings and because experimental thought has not matured in this direction.

Equitable distribution of power in weapons control

A major component of negotiating weapons limits is centered on a deciding justice concept. The pre-World War I and II armaments limitation discussions were predicated on the concept of inequity from the outset, which allowed the focus of the negotiations to move to the challenge of implementing that principle in concrete terms. Following World War II, the adversaries' bipolar and nuclear tendencies made equity and equality synonymous with treating the superpowers equally and the rest unequally. Protracted negotiations were centered on determining the exact translations of justice as equality, or, to put it another way, addressing the referent question. In order to preserve force structure equilibrium and uphold justice as equitable, disarmament by percentage reductions would have been required. This would have made it imperative to create capacity before discussions, a course of action that was also evident in previous nuclear testing experiences.

In the end, real weapons control discussions were made possible by consensus on justice as equality. However, this did not happen until the Soviet Union and the US achieved about equal ground in terms of strategic systems in the 1970s. The fact that equality under one set of conditions automatically translated into inequality under another hampered the procedure. Negotiations were then stalled at the referent question level as each side attempted to enforce the referent of equality that supported its stance. Determining equality became challenging since each superpower established its own force structures due to differing geopolitical, technical, political, and strategic needs.

In the SALT I discussions, the issue of defining equality in terms of certain weaponry systems quickly emerged. The process of determining "the parameters of May 20" involved responding to the referent question by restricting the weaponry covered by the treaty to those that could be included in an equality formula; the majority of the remaining negotiations were devoted to defending the equality principle against attempts to substitute other weapons systems that were unacceptable due to their inequality. Equal numbers within a single weapons system may sometimes be unequal in practice; this was seen in the instance of submarine-launched ballistic missiles (SLBMs), where the US was able to maintain 50% of its SLBMs at sea while the Soviet Union was only able to maintain 11%. It was also shown that limited limitations or reductions to certain weapon systems might provide the impression of inequity, which is hard to defend to the general public. In the 1972 Interim Offensive Weapons Agreement, it seemed that the Soviet Union would be permitted to possess far more strategic weapons than the United States.

Justice as equality in SALT II manifested itself as equal aggregates that served as the treaty's foundation. This approach enabled the US and the Soviet Union to maintain their unequal force structure under the pretext of equality by counting each component of the defensive triad as a single unit, with the US stressing bombers and SLBMs and the Soviet Union depending more on ICBMs. Throughout the in-depth process of determining numbers and referents, the concept was often brought up in both and other disarmament scenarios.

Efforts to preserve equality in the face of uneven power structures prompted efforts to develop a compensating justice formula, but the idea of equality's power served to constrain the idea of

inequality. The Soviet Union demanded compensation for the imbalance that British and French nuclear forces, which were not included in the bilateral negotiations, gave to the West and which threatened Soviet security as much as American nuclear forces, prior to the significant concessions made by Gorbachev on intermediate range nuclear forces. For its side, the US often demanded reimbursement from the Soviet Union for specific military advantages, such as superiority in conventional troops or Soviet encroachment on European territory.

Disarmament talks have returned to the basic concept of fairness after the fall of the Soviet Union. Both the START II Treaty of 1992 and the Conventional Forces in Europe Treaty of 1991 required the former Soviet republics to make significantly larger reductions than did the United States and other Western powers. This could have been due to a reduction in their need for financial support or a decrease in their capacity to bear the costs of armament a balanced formula representing compound equality is presented in arms control talks as a need for both parties to cooperate in order to establish a consensus on specifics. There were insufficiently balanced payoffs for both sides in the unilateral departure of South Africa from Namibia, therefore no conclusive progress could be made as long as the formula remained the paramount justice statement, "One person, and one vote in Namibia."

However, when the equation—which was founded on the equality principle—became the "linked withdrawal of South African troops from Namibia and of Cuban troops from Angola," all parties stood to gain, and fruitful negotiations were made feasible. When the formula was changed to express justice as a rough equality or equivalency, each element was seen as the necessary and fair price to be paid for the corresponding element on the other side. Previously, the other side could object to the formula's unfairness as a basis for a settlement and block negotiations. On July 24, 1986, Angolan President Eduardo Dos Santos said, "We believe the time is right for negotiation of a just political solution," embracing the equivalency formula.

The protracted talks over the Israeli-Palestinian conflict provide more evidence. For twenty years, both sides clung to the idea that justice should come first. One demanded complete security, while the other sought the restoration of all seized land. The United Nations Security Council established the "Territory for Security" formula in 1967 (resolution 242). This formula has since been recognized as the quintessential justice concept that serves as a foundation for negotiations. Acknowledging the validity of both assertions, it asserted that neither could exist independently of the other and that justice resided in both components as well as the reciprocity of their exchange—a glaring example of compound equality. Negotiations after 1967 would have been limited to a zero-sum dispute over a single disembodied good or a unilateral withdrawal without the use of such a formula. Both the referent and the principle concerns were addressed by the equality formula. It set the conditions of trade for a just exchange, leaving it up to the negotiating parties to decide how much needs to be traded.

By establishing this principle, the parties were able to negotiate the negotiated translation of the formula "Territory for security" into specific implementing details, which led to the parties' partial withdrawal from occupied territories in Sinai and the Golan Heights in 1974–5, as well as their full withdrawal from Sinai and the signing of a peace treaty with Egypt in 1979. The process stalled there because, in the eyes of both sides, the framing principle of justice was insufficient to the current circumstances; for the Israeli Likud government, security was already guaranteed, so the West Bank territory was not a fair price, and for the Arab side, the terms of trade did not address the issue of a Palestinian entity.

The concept of comparable justice was reinstated when the Likud and Labor administrations, on the one hand, and the Palestine Liberation Organization, on the other, participated in the Madrid peace process after 1990 and its Oslo extension after 1993. However, it begged the

following question: in order for equivalency to stay true to its rough egalitarian character, how much security is purchased with how much territory? However, in the wake of Madrid, Israel and Syria have been engaged in heated bilateral discussions over the subject of how much territory should be exchanged for restored ties. Once again demonstrating the recognition of the compound equality principle as a tried-and-true formula and the transition of talks to the phase of detailed implementation. They have been unable to resolve their disagreement because they are unable to reconcile their divergent views of justice, come to an agreement on a single idea, or force the other side to share their viewpoint.

The Eritrean People's Liberation Front not only overthrew the Ethiopian army and administration, but also replaced it with a coalition of its own, the Ethiopian People's Revolutionary Democratic Front, providing Eritrea with the solution. Early in 1995, in Sri Lanka, discussions were made feasible since the impacts of ongoing conflict weakened both sides' commitment to their divergent priorities about justice, and maybe elsewhere as well.

Agenda for more research

As part of human endeavors to settle conflicts and find solutions, it is critical to return justice to the place it rightfully belongs. Too many negotiation triumphs and failures can only be explained when justice is taken into account as an explanatory factor; power is just insufficient to explain them all. If power is the only motivator for action, then too much about negotiation practice is destined to fail. This is made feasible when negotiators are made aware of justice-related issues. This study calls for a great deal further investigation. The issue of equality versus inequality as the form of justice remains unsettled, despite the fact that the supremacy of justice principles as the foundation for successful negotiations is well established. All negotiation is founded on equal justice via interactional trade-offs, since all inequities seem to be reducible to some kind of equal trade-offs. It is still mostly unknown why a certain concept is accepted, and answering this question requires delving further than is often feasible into the bargaining process. Although there has been a lot of creative work in negotiation analysis looking for new items for trade-offs, the referent issue has to be addressed more clearly within the greater framework of justice. Since negotiation involves human interaction, it will not exhibit the same patterns as the physical sciences. Nonetheless, more fruitful and fulfilling talks might result if the form justice takes up the majority of the negotiating process and can be better understood when done well.

CONCLUSION

Justice in negotiation is a conundrum that involves intricate interactions between procedures, values, and personal preferences. In order to balance different concepts like priority, equal, and unequal justice, negotiators must reconcile distributive and procedural justice. In negotiation dynamics, process fairness which is defined by reciprocity and equal opportunity—emerges as a critical standard. The nuances of justice in negotiation are emphasized by the ways in which group dynamics, culture, and age impact preferences among various justice concepts. Notwithstanding the difficulties, reaching a consensus on fairness principles is necessary for successful negotiating results. Negotiators may aim for fair agreements that satisfy the various interests and preferences of all parties involved by comprehending and managing these complexity.

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CHAPTER 7

JUSTICE IN NEGOTIATION: INSIGHTS FROM DEMOCRATIC DEBATE AND CONFLICT RESOLUTION PROCESSES

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ABSTRACT:

The intricate dynamics of justice within negotiation processes, drawing parallels from democratic debate frameworks and conflict resolution mechanisms. It explores how conflicting positions in democratic discourse contribute to the emergence of truth and societal order. Moreover, it scrutinizes the transition from institutionalized conflict resolution, such as elections and legislation, to negotiation as a means of decision-making. The analysis highlights the significance of justice as a foundational element in negotiations, often serving as a substantive veto on agreements. Various principles of justice, including equality, equity, and compensation, are examined in the context of negotiation outcomes. Additionally, the study discusses the evolution of justice principles throughout negotiation stages, from absolute to jointly determined agreements. Through case studies, such as negotiations over Namibian independence and disarmament in Europe, the study illustrates how justice principles influence negotiation outcomes and contribute to conflict resolution. Ultimately, this research provides valuable insights into the role of justice in negotiation processes, shedding light on its implications for achieving mutually acceptable agreements and fostering societal harmony.

KEYWORDS:

Consensus-Building, Deliberation, Democratic Principles, Dialogue, Mediation, Negotiation, Participation.

INTRODUCTION

Democratic discussion is built on disagreements between viewpoints, and an open society believes that the truth can only be revealed when opposing viewpoints are thoroughly discussed in public. Stronger types of conflict that are aimed against the state's government arise when this discourse is prohibited; the government then uses conflict as a tool to suppress its populace and enforce order. There are many ways to manage conflict, or the act of bringing conflict under control. Elections, legislation, and judicial processes all entail institutionalized conflict; conflict occurs in other forms of governance less structuredly. A looser form known as bargaining is necessary when institutions are absent to set decision norms and hierarchies of power. In a negotiation, all parties are treated equally and have the right to reject decisions since unanimity is the default decision-making norm. In a negotiation, differences in opinion are resolved by consensus rather than via the use of institutions, votes, or authority. Order is necessary, but only to the extent necessary for the parties to be able to communicate; even the decision rule itself is formed by unanimous agreement and is violated in the absence of agreement. This degree of order is based on the typical mixed-motive scenario, which necessitates the presence of both conflicting and common interests in order for negotiation to occur. These interests include the common goal of reaching agreement, which keeps the process moving forward, and the conflicting interests that must be reconciled in order for the process to be necessary. With the exception of force, all other methods of resolving conflicts already need a higher level of order. From an epistemological point of view, these other processes are simpler to examine and their outcomes are simpler to interpret since the explanatory factors are more pronounced throughout the process. As a result, it is possible to

quantify votes, theoretically discuss coalitions, conceive hierarchy, and classify institutions. Less evident is the analytical approach to bargaining. The dominant school, which has various forms, defines power as activities made with the intention of influencing the other party's conduct in a desired direction. This definition is used to explain negotiated results [1], [2].

Strength and fairness

But power is not everything. If it were, there would be no structural problem in which the weak bargain with the powerful to get advantageous results. Nevertheless, given that many discussions contain inequalities that call for justification, the structural conundrum presents an intriguing analytical challenge. Certain ones may be artificially eliminated by the manipulation of power dynamics. The ability to influence a party in the desired direction is the standard behavioral definition of power, which is conclusionary or outcome-directed. Since the existence of power is demonstrated by the result, the most powerful party must always prevail because the victor is always the most powerful, that is, the most able to influence the other party [3], [4].

The structural conundrum is best shown by the alternative popular definition of power, which associates it with resources. Actors who possess an extreme disparity in resources often do well in negotiations, but they also regularly perform badly. In fact, the opposite is often true: discussions between unequals are typically more productive and fulfilling than those between equals. The value of alternatives, also known as security points, harm, reservation prices, threat potentials, security levels, resistance points, and best alternative to a negotiated agreement, or BATNA, among other terms, is a more behavioral base or source of power that is shared by many systems. But even in this case, the strength of alternatives leaves many negotiated outcomes unclear. By anything but a tautological definition, power alone cannot explain why weaker parties, under intense pressure, often choose conflict over a negotiated arrangement, which keeps them in control of options for resolving conflicts.

Another interpretation brings back the idea of justice as a foundation for consent decrees or a need for ending a conflict. The parties agree upon the concept of fairness that will guide this disposition throughout the process of negotiating the exchange or division of disputed objects; if they do not, the discussions will not be able to move forward to a resolution. As a substantive veto on an agreement, individual conceptions of justice need to be coordinated and acknowledged as the first phase of negotiation. This idea of fairness serves as a foundation for the formula that the parties use to decide how to continue with the specifics. The formula may consist of one or more justice principles that serve as the foundation for terms of trade, or it may consist of a procedural procedure. This argument recognizes that power is not sufficient to achieve or explain agreement, nor can it serve as a stand-in for the judgment of justice throughout the negotiating process [5], [6].

The idea of equality or impartiality is the most common conception of justice. Fair treatment is seen as equal treatment, and equal results are merely deserts. In many of its manifestations, equality serves as a common ground for bringing opposing arguments together, creating a floor on relative advantages, and offering an acceptance formula for agreement as split-the-difference in the end after all other considerations have been exhausted. Reciprocity, or the equitable exchange of equal concessions, is also the fundamental component of the whole procedural ethos that facilitates negotiation. An alternative kind of justice called comparable justice is sometimes used when equality is intended but cannot or should not be ascertained. Rather than getting the first thing as a gift, the foundation of justice in these circumstances is merely a trade that is regarded suitable or nearly equivalent. Justice is found in the act of exchanging, not in the relative amount of the shares.

However, there are also well-established theories of inequality, such as compensation, in which the party with the least amount of wealth gets the most, and fairness, in which the party with the most amount of wealth or contribution receives the greatest amount of wealth, that support ideas of justice under certain conditions. However, in the case of equity or compensation, respectively, even disparities are equalizing measures that are traded for some previous or future equalizer. "Entitlement" and "deserving" are established via exchange for an external or intangible benefit from the receiving side, or for a good someplace else on the temporal dimension.

DISCUSSION

A third kind of justice principle is equal only in that it specifies a winner based on a set rule or broad formula and is to be implemented equally. Priority justice refers to extrinsic norms that dictate a certain result, such as "first come, first served," "winner take all," "polluter pays," "riparian rights," "noblesse oblige," "primogeniture," and many more. These rules are often indisputable, unchangeable, and they advocate for complete allocation rather than sharing. These are concepts that are frequently accepted to support opening positions or the demands, desires, and interests of each party since they are biased toward one side; nevertheless, they may also serve as the foundation for an agreement under the equal application principle.Three phases may be seen in the process of developing an agreed-upon theory of justice during negotiation: absolute, comparative, and jointly defined. Initially, various sides may have different ideas about justice that support their own viewpoints. They must, however, consider their own position in relation to relative advantages and losses within a social environment. When a party negotiates, it must choose a different idea of justice since, all else being equal, equality is the most commonly held standard. A party acting alone would almost certainly adopt a self-serving notion of justice. A mutually agreed-upon result is produced when the two comparative or social assessments of justice are integrated, and the negotiation may then proceed to implement it. Remember that these are analytical phases, and that the ordered, distinct nature of these stages is not always reflected in the chaotic actual world [7], [8].

Finding the most acceptable and relevant of the three justice principles is just one stage in creating a negotiation in justice; the other involves referring to or applying the concept of equality or inequality or determining what is the priority of what? Parties must choose which of many armament pieces or measures to use if they want to preserve their equality or parity in weaponry. The UN Security Council only began the process of defining what was territory and what was security in each of the occupied territories along the Israeli border when it established the equivalency formula of "territory for security" for the Middle East in Resolution 242 in 1967. This was also a necessary prelude to the specific question of how much territory for how much security. Following their agreement at Wright Patterson Air Base in late 1995 on the semi-federative relationship inside Bosnia, the Serbs, Croats, and Bosnians had to choose the kind of justice that would regulate relations both within and between the regions. Legislators drafting tax reform bills must nonetheless choose what will serve as the principle's referent even whether they base the new code on equality, equity, compensation, or another priority concept. Then, the propositions to be tested can be expressed as follows: "If there is a prior agreement on justice, then there was a necessary agreement"; "If there is an agreement on justice, then there will be a necessary agreement"; and its converse, "If no agreement on justice, no necessary agreement." As with many hypotheses, it is crucial to keep the two variables distinct and to find independent evidence for each, lest the statement become an identity and the agreement itself be interpreted as proof that there is a shared sense of justice. Justice, like war and peace, is not necessarily a badge of honor and is not something that is announced. Therefore, the evidence in this investigation may need to be interpreted, but this won't lessen

its significance. Three different types of evidence are possible. Explicit remarks referencing justice itself or its tenets, including equity, need, or equality, may be made. It is possible for declarations of policy or stance to make reference to justice concepts without mentioning them specifically, but to use them as justifications. Additionally, policies and position statements may include principles that are self-justifying, in which case the analyst can be asked to highlight the justice concept. Negotiators may therefore be "speaking justice" unknowingly, much like M. Jourdain, but like all skilled diplomats, they may also express justice perfectly intentionally, subtly, and implicitly. Like any skilled negotiators, they may use the word "justice" to cover up its antithesis, speaking it clearly but totally disingenuous. These nuances, which are more often used in negotiations analysis study, are present here just as they are in other studies on power, interest, or preferences. The importance of justice and fairness in the negotiating process will be looked at in the analysis that follows. The first objective is to ascertain the proposition by searching for the distinct, simultaneous, and causative presence of the two variables. This will be done by analyzing many instances of reasonably significant and varied talks that are considered successful since a final agreement was reached. Was there a consensus on the fairness principle that would guide the decision before that agreement? Was there a lack of consensus prior to the establishment of the shared justice principle? Would the results and explanations have been different if power had been the only factor? After the hypothesis is proven, it would be intriguing to look at situations that seem to support it but in which there is an internal agreement but no inter-party consensus over the guiding principle of justice. Given the nature of social interaction and social research, these examples wouldn't necessarily be conclusive unless they were overwhelming in number and had superior outcomes than those controlled by earlier agreements on justice. In these situations, the proposal could serve as a roadmap for more effective negotiations [9], [10].

Cases

Since the evidence for these questions is found in the unique distinctions between each instance, it would be difficult to conduct a quantitative test. The ideas will be shown and supported by a number of significant diplomatic instances, which will also act as a roadmap for more testing and refinement. When South Africa realized that it could not incorporate its South West African mandated territory into its own political system toward the end of the 1970s, it attempted to create an independent state in its own image by organizing a "internal solution." However, when it became clear that this approach would not garner international support and would not resolve the issue, South Africa agreed in 1998 to the conditions for a UN-supervised election for a constituent assembly that had been negotiated through Contact Group mediation. Following SWAPO's assent and the addition of more information by UN Secretary General Kurt Waldheim, South Africa concluded that the formula was no longer acceptable and rescinded its agreement. South Africa repeatedly declared that a fair resolution would be reached by a general election, but it also imposed a number of requirements, such as no outside pressure and no violence, to guarantee that a friendly neighbor would be guaranteed. On several times, this was cited as the self-justifying tenet of priority justice. "There is only one solution," South African Senate President BJ Vorster said in 1967, that the people of South West Africa need to be free to make their own decisions about their own destiny without hindrance or intervention. More than ten years later, on July 27, 1978, Foreign Minister RF Botha said in front of the UN Security Council, "It is for the people of the territory themselves to make choices their own political and constitutional future." In this respect, the most important factor is their wants. "The people themselves will in the end decide," as it was said in 1967.

Nonetheless, South Africa's spokespeople started to add the second priority concept friendliness, stability, or peacefulness—as it started to lose control over who “the people” were. This idea was also promoted as something that was obvious. The South African stance was to exchange its sovereignty over Namibia for independence in a manner that would establish a government that was at least somewhat favorable, but it was framed in terms of the need of free and fair elections in an environment of stability and peace [11], [12].

SWAPO leader Sam Nujoma repeatedly said, "SWAPO's position was simpler but also put forward in terms of priority justice it's ours, we fought for it." SWAPO, which had previously been proclaimed "the sole legitimate representative of the Namibian people," believed that UNSCr 435, which provided for one-person, one-vote elections under matched UN and South African auspices, was superfluous. However, FLS supporters eventually persuaded SWAPO to agree to this. Theo Ben Gurirab, a UN observer for SWAPO, said that South Africa's only responsibility is to declare openly that it abides by all UN decisions pertaining to South West Africa, which includes leaving the region, consenting to UN-supervised elections, and freeing political prisoners.

It is understandable why the discussions came to a standstill given how little each side's prioritized justice views accomplished to appease the other. While the two sides haggled over specifics, SWAPO carried on with its ineffective guerilla warfare and South Africa kept holding elections in search of a domestic solution that the world community refused to recognize. The mediators' adherence to the principle of priority justice and rejection of any ideas of division, trade, or sharing was even more startling. Vice President Mondale and UN Ambassador "Andrew Young" have said that the US is no longer dedicated to Henry Kissinger's connection strategy with South Africa.

The next mediator established a fresh connection by offering a principle of equality, if not equivalency. Following the departure of South African soldiers from Namibia and Cuban troops from Angola, each side's objections to the other's principle were to be addressed, and then free and fair elections were to be conducted. Assistant Secretary of State Chester Crocker clarified in a June 23, 1982, interview with "Voice of America" that the link between these two concerns is a reality based on geography, history, and logic rather than anything that was created by the Reagan Administration or the United States. Furthermore, it is a reality that no party may impose preconditions or previous conditions on another party. That won't lead to advancement. Threatening to force the South Africans to leave Namibia is not an option, unless the conditions are at least somewhat acceptable to them. The opposite is also true. We also think it's unrealistic for either side to tell the other, "You go first," given the history and lack of confidence on both sides of the border. Instead, what we're looking for is parallel movement on the two issues: South Africa's withdrawal from Namibia as allowed by UN plan Resolution 435 and Cuba's withdrawal from Angola. A shift in the parties—the state of Angola taking over the SWAPO movement in its dealings with South Africa facilitated the implementation of the new formula. Although the referent question has not yet been determined, the confrontation of two sovereign nations with distinct national interests contributed to the application of the equality norm of justice.

No matter how fair a theory of justice is stated, it does not guarantee that all parties would automatically accept it; additional factors than its inherent appeal must also be present. But the equality principle of a paired withdrawal served as the foundation for the final resolution in 1988 and, perhaps more importantly, served as a guide in the spirit of that principle for the search for fair and equivalent implementing details for the final agreement: "a just and fair settlement," according to one side's spokesperson, and "a reasonable and balanced" set of conditions, according to another. There is a chance that the conflict may be resolved in a fair

and respectable manner. The formula was specific enough to be regarded as an example of equality rather than just equivalency because the items traded—the withdrawal of foreign troops—were the same, and the numbers of troops—90,000 South Africans and 80,000 Cubans—were almost equal, despite the fact that the withdrawal dates and distances were not exactly coincident. Most importantly, though, was that South Africa relinquished colonial sovereignty while Cuba relinquished contracted assistance. The formula was based on a balanced trade-off that served as a guide for more information rather than just "getting something" in return for freedom. Notably, the one component lacking from the application of equal justice to both regions was the holding of elections in Angola that would have occurred concurrently with those in Namibia. This element was absent from the December 1988 Washington Agreement and served as the foundation for the complementary Estoril and Lusaka Agreements, which were signed in May 1990 and November 1994, respectively, and provided for the resolution of the internal conflict in Angola. The premise for the negotiated agreement in South West Africa was the move from priority to equality principles of justice that both parties could agree upon.

The principles of fairness in negotiation are put to a completely different test at the Stockholm Conference on Disarmament in Europe. It demonstrates that while a shared understanding of justice can be identified early on, it may encounter obstacles from the referent question; further justice principles might be needed to keep the talks going; and internal changes among the parties and in their interactions with one another might be necessary to finish the principle and address the referent questions, ultimately leading to an agreement. The Helsinki Conference on Security and Cooperation in Europe in 1975 gave rise to CDE. Among other things, the Helsinki Final Act included a proclamation against the use of force as well as a few specific but useful confidence-building measures. A European disarmament conference "from the Atlantic to the Urals" was suggested by France in 1978, with the first emphasis being only on CBMs. The Madrid Mandate for the Stockholm Conference was created in response to discussions at the 1983 CSCE meeting in Madrid regarding the relationship between the conference and the measures. It stated that the conference would "begin a process of which the first stage will be devoted to the negotiation and adoption of a set of mutually complementary measures the entire continent of Europe." The meeting got underway in Stockholm on January 17, 1984. The mandate's precise phrasing conveyed both a serious uncertainty over its implementation and a clear agreement on the principles of justice. Since the "mutually complementary measures" were to be applied equally to all parties within the area, they were to be an exercise in equal justice. This equality of treatment was a crucial rule of standing and treating the CSCE members, but especially the partners of NATO and the Warsaw Pact. However, the referent question acknowledged that equality was difficult to find in practice for a number of reasons. In a November 2, 1981 interview with *Der Spiegel*, CPSU General Secretary Leonid Brezhnev clearly summarized the conflict between principle and referent: "We naturally expect reciprocal steps from the West." The European border is not the starting point for military preparations in the NATO European zone. US Ambassador James Goodby examined the same issue in great depth.

Since more transparency in military operations should better suit US goals, confidence-building measures are more valuable to the US than to the USSR. Apart from the aforementioned issue, the Soviet Union encountered an additional challenge specific to the Stockholm Conference: balancing their desire for a European security conference with their conviction that any resolution reached should be equally applicable to US forces and territory as it was to Soviet Union forces and territory. The Soviet Union representative made proposals that mostly impacted the West rather than the East in an attempt to make up for the unbalanced geographic coverage, which no doubt raised legitimate worries in certain sections of Moscow.

Therefore, they aimed to offer support for US troops they believed posed a particular danger to themselves, in addition to creating a geographic counterbalance to the unfair treatment they attempted to depict in the Madrid mandate's decision. The differences in the organization and training of US and Soviet troops created a third class of challenges shared by several previously mentioned problems. The question that arose during the discussions was how to put the agreed-upon equality principle into practice when it was not possible to do so with equal impact and interest. Either the required concept of equality had to be applied in some manner, or it had to be modified from equal to unequal justice, as the Soviet Union attempted by looking for compensation for the asymmetries.

Still, the negotiators were addressing the issue. Ambassadors Goodby and Grinevsky came up with the idea of a new and complementary concept of equivalent Soviet acceptance to CSBMs in return for US agreement to a fresh NUF statement during a brief, publicly acknowledged stroll on the Stockholm pier. President Reagan received the suggestion and included it in his speech to the Irish parliament on June 4, 1984, seemingly acting as a "precipitating act." If discussions about reaffirming the principle of not using force—a principle we hold in the highest regard—will prompt the Soviet Union to engage in negotiations that will give that principle new and concrete meaning, we will be happy to engage in such discussions. The idea of equivalency was floated too soon to influence the discussions right once, and even the NATO allies objected to the change. The guiding idea of justice was not superseded by equality of problems; rather, it was made easier by them, and further adjustments were required for the latter to be accepted.

CONCLUSION

The study of justice in negotiation processes highlights its critical role in determining results and promoting social cohesion. This is made clear by insights from democratic discussion and dispute resolution methods. This research yields a number of important results. First and foremost, justice is a fundamental component of negotiation, directing the process of decision-making and functioning as a substantive veto on accords. Justice-related principles, such as equality, fairness, and recompense, are essential for resolving conflicts between parties and promoting solutions that satisfy both parties. Second, the way that justice principles have changed from absolute to collaboratively established agreements throughout the course of negotiations emphasizes how dynamic the process is. The intricate interaction between conflicting interests, social norms, and outside variables that shapes negotiation dynamics is shown in this progression. Thirdly, case studies provide important insights into how justice principles affect negotiation results and aid in conflict resolution. Examples of these include discussions for Namibian independence and disarmament in Europe. These instances highlight how crucial it is to strike a balance between conflicting interests and unresolved complaints in order to reach long-lasting accords. All things considered, this study emphasizes the importance of fairness in the negotiating process and provides insightful information on how it affects reaching mutually agreeable agreements and promoting social peace. Policymakers, diplomats, and negotiators may traverse complicated issues more skillfully and strive toward long-lasting solutions that advance peace and stability by understanding the role of justice and its influence on negotiation dynamics.

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CHAPTER 8

EXPLORES VARIOUS CONCEPTUALIZATIONS OF POWER AND JUSTICE IN NEGOTIATION

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ABSTRACT:

The dynamics of power and justice in negotiation, drawing insights from case studies and theoretical perspectives. Negotiation processes are influenced by the interplay between power differentials and perceptions of justice. Understanding these dynamics is essential for effective conflict resolution and decision-making. The abstract explores various conceptualizations of power, ranging from force and resources to relational and value-added approaches. It examines how power is exercised through pressure, inducement, and resistance, and how it impacts the negotiation process. Additionally, the abstract delves into the concept of justice and its role in negotiations, including principles of equality, equivalence, and fairness. Case studies, such as the Cuban missile crisis and negotiations between the Soviet Union and the United States, offer valuable insights into how power and justice considerations shape negotiation outcomes. These examples illustrate the complexity of negotiations and highlight the importance of addressing both power differentials and justice concerns to reach mutually satisfactory agreements. By synthesizing theoretical frameworks with practical examples, this abstract contributes to a deeper understanding of the dynamics of power and justice in negotiation. It emphasizes the need for negotiators to navigate these dynamics skillfully to achieve successful outcomes and promote sustainable relationships.

KEYWORDS:

Influence, Justice, Legitimacy, Power dynamics, Restorative Justice, Social Justice.

INTRODUCTION

These alterations resulted from the Soviet Union's leadership transition, not from quirks or personality, but from the redefining of Soviet Union goals that allowed the equality principle to be applied. Building confidence and reducing armaments in Europe became a top priority for the Soviet Union, enabling a focus on "the whole of Europe" without suggesting imbalance. Overriding notions of regional imbalance, Gorbachev placed great weight on the Europeaness of the Soviet Union as a historically significant Russian issue. The negotiators were able to proceed to the specifics of the accord, transforming the basic formula into specific measures, for the first time, after the two justice principles of equality and equivalency were accepted. The informal framework that dominated round VII and defined the proceedings until 1986 attested to the efficacy of a formula agreement, enabling parties to collaborate in search of mutually beneficial provisions. Beginning with Gorbachev's speech on disarmament on January 15, 1986, concessions started to emerge. They persisted in the IX, X, and XI rounds from January to July. Goodby's successor, Ambassador Barry, ultimately concluded, "We got a fair bargain, but we gave away more than we wanted. Power alone could not have produced or explained the agreement." The Soviet Union did not comply because of pressure from the imbalance, even if the agreement on conditions that were similar to the American position occurred after the Soviet Union's decline. The negotiation process was stalled until the agreement was formulated in terms of acceptance of justice, which was essential to the accord. The third scenario is the well-known October 1962 Cuban Missile Crisis, about which a great deal has been written, especially as it relates to national security and Cold War hostilities.

Additionally, it was an almost classic example of bargaining, requiring just a few easy steps. The situation was brought to a deadlock by the exercise of countervailing power, from which the only escape routes were negotiation, war, and surrender. Negotiation was required to find a solution that prevented war, or what Khrushchev referred to as "untying the knot," as insistence for surrender, which was within the reach of US power, would have resulted in conflict. The imbalanced distribution of resource power was reflected in the outcome, but this was only made feasible when the concept of justice was discussed and settled. This included many efforts to establish the proper balance based on justice standards [1], [2].

The US learned about the Soviet Union's missile placement in Cuba on October 16, 1962, after it was agreed in June of that same year. Based on the absolute priority concept of collective defense, which was equally applied, the Soviet Union's conduct was subsequently justified as a deterrence against the US invasion of Cuba. "We had the same rights and opportunities as the Americans governed by the same rules and limits," the justification said. The Executive Committee gave little attention to the US right of self-defense against an aggressive advance, assuming it to be the lawful embodiment of an absolute primacy principle of justice. The debate focused on whether an air attack or embargo would have been a more suitable US reaction, since neither would have eliminated the missiles and addressed the problem. When forced to retreat from the Soviet Union, the quarantine was the first action taken; airstrikes were reserved for the second, more dangerous scenario. Prior to the Soviet blockade of Berlin, it was determined that the quarantine imposed on Cuba would not be exchanged. As a manifestation of a priority justice principle—one that the Soviet Union found uninteresting the quarantine was intended to create a standoff that would compel a choice and supply a commodity for sale in opposition to the missile removal. In an attempt to reach a consensus on a shared understanding of justice, Ambassador Adlai Stevenson suggested a different trade: missiles in Cuba for missiles in Turkey, Italy, and the Guantanamo Bay naval base. The ExCom promptly rejected this offer of equivalency. Likewise, the US turned down Acting Secretary General U Thant's suggestion for a temporary relaxation of the quarantine in return for a temporary halt to missile delivery. In his letter dated October 26, Khrushchev provided the proper referents for comparable justice contained inside the Cuban territory in return for the US vow not to attack Cuba and the demobilization of missiles. The next day, Khrushchev sent another letter that reiterated the equivalency, but this time in more nearly equal words and without mentioning the Cuban region. The State Department suggested rejecting any equivalency in return for US missiles out of Turkey and Soviet missiles out of Cuba; the president thought the deal may "make a good trade." Instead, the Executive Committee decided to accept the earlier offer made by the Soviet Union to remove its offensive weapons from Cuba in return for the US lifting the quarantine and providing guarantees against invasion [3], [4].

The conversations between Kennedy and Khrushchev never once address justice. However, there was a lot of discussion about conditions of trade and the components of equivalent justice. President Kennedy made it quite evident during the debate over the two Khrushchev letters that "we have to face up to the possibility of some kind of trade over missiles." Reluctantly, Khrushchev—who had less to brag about, crow more—said that Kennedy was giving the appearance of reciprocal concessions by consenting to even symbolic actions. Robert Kennedy was supposed to write a conclusion on justice in his book before he was assassinated. There is no doubt that the final days of the crisis and the majority of the negotiations were devoted to a rigorous search for terms of trade that would support the removal of the missiles, the lifting of the quarantine, and the agreement-making process—even in the absence of explicit references that would appease the researchers [5], [6].

Due to the fact that two economic situations demonstrate that justice is relevant outside of the security domain and since both cases rely on prioritizing ideas of justice that functioned differently in each case, they are both noteworthy. Whereas power asymmetry in Mexico actually favored a mutually beneficial solution, it formed an obstacle to agreement on an accepted notion of justice and, consequently, to any agreement at all. In Ghana, on the other hand, despite equal vulnerabilities of the parties creating power symmetry, they formed a salient point on which a sense of justice could be crystallized. The 1962 power supply deal between Flt Lt Jerry Rawlings' new administration and VALCO, a group of US aluminum multinational businesses, was renegotiated in 1983–84. The Volta River dam project was initially intended to spur Ghanaian industrialization and growth, therefore VALCO was awarded "one of the lowest arms-length power prices paid by any aluminum smelter in the world" under the 35-year deal. Twenty years later, Ghana's development returns had fallen short of expectations, while VALCO's investment returns had grown significantly.

On Ghana's request, three rounds of combative negotiations took place between February and May of 1983. Ghana suggested that the partnership be "normalized" in accordance with a few solid prioritized justice tenets. The lifting of VALCO's protected treatment is necessary, with a specific focus on the price of electricity that the company should now pay. This price should be determined by a weighted average price paid by aluminum smelters worldwide, which was later calculated to be 22 mills/kWh. Additionally, the amount of electricity and tax rates were to be renegotiated. After the 1962 electricity rate of 2.625 mills was raised to five mills two years before, VALCO suggested in round one raising the rate to eight mills, but they did not provide any proof to back up their proposal. Its objective was to provide "an overall formula whereby the profits from VALCO's operations are combined and shared in a way that results in a fair and reasonable return to VALCO, the Volta River Authority, and the people of Ghana." However, the basis of its stance was the assertion of its contracted rights and the optimization of its profitability, which competed with this goal. In the second round, VALCO provided its own estimates for rates ranging from 8.1 to 15.5 mills, disputing Ghana's methodology of computation but not its underlying assumptions.

Ghana significantly devalued its currency before the following round, to about a tenth of its previous value, which decreased VALCO's local expenses and increased its viability. In the course of the talks, it went beyond the indexing concept for the base power rate and included certain advantageous considerations for VALCO in the computation of an operational power rate; nonetheless, VALCO entirely renounced the indexing premise. VALCO refrained from responding when Ghanaian negotiators attempted a "walk in the woods" and alluded to flexibility in tax offers. Instead, it provided a significantly qualified rate of 12.5 mills, once again without providing any explanation. Citing the reduction in the lake's water level due to the Sahel drought, Ghana halted negotiations and disconnected the electrical supply until the water level stabilized.

After a month, VALCO admitted that the price being paid was unjust. In September, it presented fresh offers that were generally based on an indexing basis and translated into fifteen mills. In January 1984, negotiations were once again begun. A base power rate of 17 mills, indexed to the London price of aluminum, with modifications, a five percent decrease in the amount of electricity available, a fifteen percent increase in the income tax rate to forty-six percent, and several other provisions, some of which benefited Ghana and some VALCO, were agreed upon in July. It took six more months of heated writing sessions to result in a final agreement, which was signed in January 1985. The lack of a suitable justice concept caused the VALCO discussions to collapse, and they were unable to proceed until one was identified. The absolute priority concept was the point of contention between both parties. Ghana seemed

to be the more strong side since it was able to shut down VALCO's activities, whilst VALCO did not seem to be able to accept closure as easily. The Volta River Authority's primary source of income and only source of hard currency for debt servicing was the electricity revenue from VALCO, just as VALCO's revenue came from its operations. However, that indication of power was based on a determination about the justice of its position rather than its objective alternatives. Ghana was unable to enforce its price only its principle—and had to wait a year for more discussions to translate it into specifics represented in mills. Comparatively speaking, the idea was that compensation is an unfair kind of justice that leads to equality. Priority justice was VALCO's first stance as it defended its contractual rights. According to the principal Ghanaian negotiator, "VALCO was unable to maintain a credible negotiating position by not taking into adequate account the desperate economic situation of Ghana, the grave discontent over the one-sidedness of the agreement as it operated at the time, and any sense of 'objective' justice other than that of acquired rights [7], [8].

Mexico intended to sell natural gas to the United States in 1977 as a free byproduct of its oil production. In August of that year, *Petróleos Méxicos* signed a memorandum of intent with a group of six businesses that serviced two-thirds of the states in the union. OPEC's price of premium No. 2 fuel oil FOB New York was used as a benchmark to determine the original price of \$2.60 per thousand cubic feet, which was subject to revision every six months. This practice of pricing gas based on its energy equivalent is still in use today. Concurrently, PEMEX made the decision to construct a \$1 billion pipeline to connect to the US grid at the Texas border, for which international financing was made available right away. The estimated costs of transportation via the gasoducto were 40 cents per MCF, as opposed to \$2.34 per Mcf for international liquidation and shipping. 200 days of full exports at the agreed-upon price or a year's worth of full exports at around \$2 might cover the cost of the whole building. With a safe market in Mexico, the US has just emerged from the biggest natural gas scarcity in recorded history. The accord was hailed as "an absolutely golden deal" by the media on both sides of the border. However, the deal fell through at the end of the year when Mexico said it would start selling gas domestically for a maximum of 26 cents. PEMEX most likely suffered financial loss as it paid for the pipeline and only used it to transport gas internally.

DISCUSSION

When one side in a conflict is unable to enforce its will or find a unilateral solution, negotiation becomes necessary. Since each party has a veto over a feasible solution, the parties are officially equal in these negotiations. However, two-party equality results in impasse. There are asymmetries that may be used to end the impasse even if there are undoubtedly power disparities between the parties. The structuralists' paradox is then brought up by these asymmetries, though: how can smaller parties bargain with stronger parties and yet succeed? A stronger party should not need to negotiate in order to get what it wants, yet it must, and a weaker party should wish to avoid negotiation with a stronger party at all costs if it expects to lose. However, weaker parties not only negotiate with stronger ones, but they also often come out on top in the end with payoffs, frequently larger payoffs. What role does power symmetry or asymmetry play in negotiation, and how does one explain the structuralists' paradox?

Power symmetry is the most favorable condition for mutually satisfying negotiations and the efficient attainment of optimal results, according to the dominant school, which includes the author of this work. If asymmetry favors the more powerful, it disadvantages the less powerful and postpones reaching a consensus. Contrarily, asymmetry has seldom been used to support the idea that quicker, better agreements result from it, and its logic is not immediately clear. Here, this topic is examined, with some unexpected findings [9], [10].

The many notions of power

A large portion of the solution depends on the definition of power. The conventional definition, found in the international politics of the "realist" school, equates force with power. Because force and power are so closely associated, every discussion of power is "forced" to start by defining force as a specific and limited kind of power that modifies the positions of the other party by eradicating or threatening to destroy them. That makes it different from the more general use of force, pressure, influence, and persuasion in the exercise of power.

Force alone as a definition of power is a reductionist, dogmatic, and restrictive definition that has weakened a good, in-depth debate of power. The idea that force is the only source of power is ideological because it reduces non-violent ways of causation to nothing and justifies violence. Because it equates cause with its final manifestation alone, it is reductionist. Force may not even be the most conclusive reason as suggested since countermeasures can be implemented, if not as an effect then at least prior to the final result of using force being apparent—though obviously not after. It is untrue because it downplays the importance of other factors. Furthermore, since force as power is useless for examining intrastate politics as opposed to interstate politics, it is restricting in that it separates political science from its own field. Force is a significant component of power, but it works in tandem with other factors to produce the same result. Power as force is neither related to nor a solution to the structuralist paradox. The "neo-realist" perspective of power as a possession comes from another common method of defining power—that is, from its relationship to resources. Given that it provides an exact, direct, and even quantifiable measure, the definition is rational and specific. Since both sides might have power via the resources they control and it is easy to quantify who is more powerful in these terms, it also lends itself to comparative study. Sadly, the diversity of resources makes it impossible to combine them into a single measurement. Additionally, resources are immaterial and include things like moral sources of strength or leadership that are completely unquantifiable [11], [12].

In contrast to relevant power or issue power, which refers to those resources that can be directed toward a specific conflict or concern in the exercise that produces movement, aggregate power or position power refers to the total resources held by an agent. Power, as possession or resources, has its place in these concepts. The issue with power as a possession is that it ignores the resources' ability to be used with will and expertise. The notion that painting requires more than just brushes and paints is one that the neo-realists appear oddly unaware of. Because, as the Structuralists' Paradox points out, size or ownership by itself does not equate to skill; in fact, the two may be adversely associated. If size really did equal power, then parties might choose in advance which social situations to avoid—negotiation being a prime example—because they could determine who would lose an issue that also appears in more complex assessments of structural power that are based on alternatives or costs. For instance, Kennan and Wilson miss the fact that previous measures of power all omit the ability to use the measured quality in a specific encounter. Instead, they write, "the waste of battle was avoidable if the stronger party had been identified initially; but tragically, battle may be the only credible test of strength," in a game theoretic analysis where the stronger party is defined as the one with the smaller cost. Nonetheless, the tiny and weak often do very well in negotiations; one of the goals of this research is to determine why.

It is also possible to define power in a manner that fully resolves the structuralists' paradox by equating power with rewards or quantifying it in terms of payoffs, guaranteeing that the strongest always prevail. In fact, a tautology like this is included in behavioral definitions of power or common social science. Social scientists have had a useful definition of power since the early 1930s, which defines it as the capacity of one party to influence another in a desired

direction. It was defined by RH Tawney as the likelihood or chance of an actor fulfilling their own will even in the face of opposition, independent of the premises upon which this likelihood is based. This definition was similar to but significantly distinct from Weber's definition in *Economy and Society*. In the 1950s, representatives from several fields decision theorists like Herbert Simon, political scientists like Robert Dahl, and social psychologists like John Thibaut and Harold Kelley adopted the definition. These advocates wanted a definition that, unlike previous definitions, linked power to its consequences and kept it distinct from its sources.

Several significant components are included in this definition. Prioritizing social power above other sources of movement, it examines the relationship between the parties. Second, it suggests the idea of applied and net power by extension, acknowledging that even while both parties may exert pressure or power on one another, the movement that results from that application of power represents net power in the relationship. Third, and by much further extension, power is understood in terms of its outcomes, i.e., the movement of the target.

The lack of a common notion or measurement for effort or "force" is the reason it is not assessed in terms of output. Since there isn't a single social science metric for "weight" or "speed," even mobility isn't standardized. This final implication is what gives rise to conceptual issues. Does the fact that one party wins over another, for instance, imply that the other party has no power? The idea as it stands cannot tell the difference between an agent who wins against no opposition and one that wins with a great deal of effort, albeit Weber did identify resistance. Even if it is able to distinguish between applied and net power, it lacks a standard by which to assess or quantify the rival applications.

It indicates the winner but not the score! Conversely, does this imply that the agent has power if the target chooses to yield for its own tactical or moral reasons, but not if the target is able or willing to exert the same level of effort to maintain control?

Alternatively, and perhaps more problematically, examine Crozier's claim that "neither party would be said to be in a position of power vis-à-vis the other if the two parties are completely free and the exchange is equal." This view would exclude consideration of situations where parties have the power to hold each other accountable or to obtain equal value from each other, that is, in relationships where the parties or their outcomes are symmetrical. However, one can speak of a power relationship if the terms of trade are demonstrably biased in favor of one or the other and if that inequality corresponds to the respective situation of the two parties and not to chance or error. All things considered, the definition is compromised by its incapacity to deal with concepts of opposing power, resistance in addition to pressure as power, and applied power as opposed to net power. Tawney acknowledged these issues before passing away since he had no interest in finding a solution. But his remarks are sharp: "Power might be defined as the ability of a single person or a group of people. To keep his own behavior from being changed in a way that he does not want it altered, and to influence the behavior of other people or groups in the way that he wants. As a result, power is a universal attribute and no one has more than a measure of it. Men only use their power when other men let them to.in order for the weak to be seen as helpless by themselves and the strong to seldom be perceived as powerful as they are by the weak.

Further queries are brought up by the intention component. Power is generated when movement is produced in the agent's planned direction; movement in another direction is either avoidance or error. However, it is widespread knowledge that unintended repercussions of power are secondary rather than main. In a similar vein, power is shown by unintentional movement, but it is nullified by intentional movement. When power is defined as outcomes, the target ultimately has some influence over how the agent's power is defined. In addition to resisting

the authority, the target may also reject, co-opt, or deny it. Even more concerning, there are significant tautological issues with this social science definition because the word being defined is the operational aspect of the definition. Power is defined as the capacity to move another, but since capacity and power are synonymous, power is defined as the “power to.” Rather than providing a definition that aids in analysis and explanation, the phrase reverts to its social context and simply designates social power as opposed to all forms of movement. To put it another way, the process of searching for power involves just one crucial step: asking the causal inquiry. This allows analysts to focus on the link between power and its constituents and outcomes, rather than on the action itself, which occurs between the two. This definition addresses several of the previously mentioned deficiencies while rearranging components of the Tawney idea, including interpersonal relationship, goal, and movement. The method in which actor A utilizes its resources in a process with actor B to bring about changes that generate chosen results is more in line with Habeeb's definition of power. Making the difference between power as an action and its source and outcome allows for the creation of helpful subcategories, analyses, and causal divisions.

Pressure, incitement, and resistance are three categories into which the acts meant to cause movement might be divided. Generally speaking, pressure and enticement are expressed in contingent words, such as “if you do this, I will do this other.” Depending on whether the agent or an outside force is the source of the move, contingent actions may also be classified as threats, warnings, promises, and forecasts. According to Habeeb, three factors—alternatives, commitment, and control—are related to the “way” resources are utilized to effect desired changes and results. A distinct classification of resource use is offered by Raven and Kuglanski as well as Raven and Rubin, who make reference to informational, referent, expert, legitimate, reward, and coercive power. These kinds of conceptualizations have the advantage of dissecting the exercise of power into many options, which brings the idea of various forms of energy used in the physical sciences closer to reality. Their flaw is that they don't represent distinct points along a single dimension, making it hard to determine if the parts make up a unity or not or to identify shapes that are lacking. Fruit is defined as apples plus oranges plus rather than as several variations of a single trait. It is likely less significant that the components are difficult to quantify than that they vary from one another in nature.

A different understanding that comes from a rational choice approach views power as the value that is contributed to a certain result. When a move has the potential to significantly change the target's value as a result of a specific action, either favorably or negatively, one actor is said to be exercising power over another. This method preserves the idea of power as a bilateral interaction and offers a standard dimension to compare and sum up various uses of power. A party that can increase the value of the other's result is considered stronger. Despite being quantitative in nature, the idea is clearly not readily quantifiable, neither in terms of the base value of results nor in terms of power-related increments. It offers a thorough identification of cause and effect, but it does not by itself reveal the sources of the power to move the target in the desired direction—the “how” of the “what.” By establishing a connection between the earlier conceptualization and the main idea, it also permits more study and conceptualization of those sources. For the target, who must weigh all the relevant pros and cons, such as the agent's inducements and disincentives as well as the counterarguments, it converts both the ease of use and the challenges of a real scenario into a single choice.

Two alternative conceptualizations of power power as a means of using resources and power as added value allow for theoretical generalizations and claims about the use of power in negotiation. In the pursuit of a prominent, cohesive, and all-encompassing dimension, Habeeb, Raven, and Kruglanski's expansion of the ways in which the agent may move the target can

serve as a foundation for testing and further type production. Schelling's graphic may be modified to represent better and weakened outcomes more simply by using decision analytic methods to generate ideas and measurements of value.

Negotiation and power

In times of conflict and ambiguity, negotiation is the process of coming to a shared conclusion by bringing disparate points of view together into a unified solution. By exchanging information, each of two or more parties tries to get what it wants; this usually takes the form of offers and counteroffers. Conflict theorists have noted that there are other different ways to resolve disputes outside discussion, including dominance, capitulation, inactivity, retreat, and third-party involvement. Decision theorists have pointed out that there are three ways in which social decisions are made: adjudication, coalition building, and bargaining. Over the last several decades, a considerable body of literature on negotiation has arisen. The current study builds on this foundation to examine power more deeply in the context of international negotiation.

If the idea of power is to be relevant in the study of negotiation as a social interaction, the conceptualization of power must undergo the alterations previously outlined. Power as force and power as a property provide little information and a thin foundation for negotiation analysis. Rather, they establish the Structuralists' Paradox, which holds that the side with the greatest resources or force does not necessarily prevail in negotiations. However, it becomes difficult to identify the more powerful side when power is conceptualized as an ability, except for the tautological or conclusive designation of the victor.

The tautological definition of negotiation is insufficient and misleading since many definitions of negotiation exclude winning as a component, seeing it as a win-win situation as opposed to a win-lose one, or as an exchange in which both sides would not agree.

The definition of power as an action used here permits inferences about the efficacy of various forms of power across a number of situations, but it does not provide a definitive determination of which side is the more powerful in a particular case until the fight is over. It does make it possible to formulate the inquiry's specific question more effectively. Do different actions resulting in different outcomes come from uneven power sources?

This concept connects issues with power structures to issues with power behaviors. However, perception, or power as a perceived connection, is what really relates actions, not the truth of structural symmetry or asymmetries. Natural scientists do not need to worry about perception since when one thing acts onto another, neither has any perception to divert it. Perception is a part of any social interaction. A large portion of power is perception, which may either support or obstruct the party's efforts to achieve its goals. Though reality naturally places restrictions on the implications of perception, perception mediates objective reality. For example, if one party believes that it is more powerful, wealthy, or well-armed than the other, but in reality it is not, that party may act on the basis of perception but will almost certainly fail, foiled by reality. Perspective is not absolute, of course, and the target may be able to alter the agent's perspective. Because of this, a perception's symmetry or asymmetries are influenced by factors like force and resources, as well as a party's standing and ability to influence past and future actions on the side of its targets.

There are several benefits to examining asymmetry via power perceptions as opposed to looking for an objective truth. Using the parties' own eyes, it approaches power as they do rather than depending on an ostensibly scientific norm that they may not apply. Whether or whether they are "objectively correct," it records the factor that determines behavior: the

parties' perceptions of their own and each other's strength, as well as their relative status. Additionally, it emphasizes inspiring perceptions. Thus, the focus of this investigation is power perceptions.

Overcoming the impression of asymmetry

According to conventional knowledge, views of equal power among negotiators often lead to more successful negotiations and satisfying outcomes than perceptions of uneven power. Effectiveness is defined as the frequency of positive-sum outcomes and cooperative behavior, while satisfaction is defined as the opinions of the parties on the outcomes. Since post-partum blues are a known phenomenon and since reporting to superiors and home audiences requires accurate data, we know that contentment is extremely erratic. However, the idea is significant and researchable.

This hypothesis's foundation spans from Thucydides' account of the Melian Dialogue between Athena and Sparta to more recent experiments. Its logic stems from two fundamental principles of negotiation: the suggestion of equality and the ethical norm of reciprocation, as well as the parties' structural position as veto holders, which also implies equality. It also stems from the innate idea of respect in social interactions, where equality is the highest degree of reverence one may show to another without falling into an Alphonse-Gaston trap or losing face and status. Moreover, conventional wisdom maintains that when there is perceived imbalance, the stronger side often behaves exploitatively while the weaker party behaves submissively, which is an unfavorable scenario for productive and fulfilling discussions.

When the weaker person overcomes their submissiveness, their actions no longer lead to positive processes and outcomes. They turn to ideology or organization, the weak people's weapons. If there are enough weak parties, they will form a union to provide them strength, especially if it results in a coalition that wins. Even in cases when the coalition of the weak is losing, ideology and organization may serve as the cornerstone of a coalition and promote assertiveness as opposed to submissiveness. Among others, the Alliance of Small Island States, the Neutral and Non-Aligned Movement, and the Third World Group of 77 are instances. In these situations, alliances are probably going to emerge in an attempt to counteract the initial loss in power and turn surrender into resistance. When the weaker will behave submissively and when they will be ideologically or organizationally in submissive is not well understood.

An analysis of the widely held belief that efficiency and equality are synonymous is made possible by ten case studies from recent history. Seven of the instances are asymmetrical, meaning that one party clearly believed the other to be stronger, and the other side agreed. In the 1986–1987 US–Canada negotiations, which set the terms of a free trade area between the two nations, Canada was the demander as well as the weaker party because a higher proportion of its trade was with the US than with the US and it would be more negatively impacted by a negotiation failure. Early 1950s diplomatic disputes between the US and Indonesia over assistance requirements pitted a stronger, mature economy against a weaker, growing economy, but the stronger nation also had the political objective of severing Indonesia's links to Communist China. Similar to this, conversations over assistance and reform between the United States and Egypt throughout the 1980s and early 1990s brought together a developed, powerful nation and its less developed recipient to decide on aid quantities and the recipient's compliance with economic restructuring and reform requirements. It took more than ten years to establish free trade connections between the largest corporation on the continent and Andorra during the European–Andorran discussions that took place between 1979 and 1990. The 1960s–1990s saw India and Nepal engage in water resource discussions, pitting a huge state with a variety of tools and resources against a much smaller and weaker state that yet controlled some

significant headwaters. Ultimately, a strong, developed coalition defeated a smaller, undeveloped group in the North-South discussions at the UN Conference on Environment and Development in 1990–1992; both sides demanded distinct parts of the first problem, but only the South demanded the second.

Three more situations were symmetrical: the conclusion of a series of border battles between two of the least developed governments in an impoverished West African savannah constitutes a low perceived-power scenario, as does the 1986 Mali–Burkinabe discussion over disputed territory. High instances include the US–Japanese discussions regarding cooperation in the FSX fighter's development in 1985–9 and the US–Chinese talks to terminate the Korean War in 1952–4. Lastly, there are still more ramifications for the 1949 Arab-Israeli peace and territory negotiations following Israeli independence, the 1974 October War negotiations, and the 1977–1979 Sadat visit to Jerusalem negotiations. All of these negotiations are ambiguous cases in which the parties' relative power levels fluctuate based on perceptions, expectations, resources, and dynamics. For two reasons: first, the number of asymmetrical contacts in international relations much outweighs the number of symmetrical interactions; and second, they are the most conceptually interesting examples, hence an abnormally high number of asymmetrical cases were selected for examination.

CONCLUSION

The interplay between power and justice is a crucial factor in determining how negotiations turn out. We have seen throughout this investigation how different conceptions of power impact the bargaining process, from force to value-added strategies. Additionally, we have seen how various tactics like coercion, persuasion, and resistance are used to exert influence and affect the distribution of power across parties. We have also looked at the importance of justice in negotiations, including the concepts of fairness, equality, and equivalency. Achieving durable agreements, preserving relationships, and building trust all depend on taking justice concerns into account. To guarantee that agreements are seen as valid and advantageous to all parties, negotiators must carefully handle power imbalances and fairness issues. Insights into the interplay between power dynamics and justice concerns in actual negotiation situations have been gained from case studies such as the Cuban missile crisis and the discussions between the Soviet Union and the United States. These illustrations show how difficult negotiations may be and how crucial it is to have a comprehensive strategy that takes into account justice concerns and power relations.

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CHAPTER 9

DYNAMICS OF PRE-NEGOTIATION: UNDERSTANDING THE TRANSITION FROM CONFLICT TO COOPERATION

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ABSTRACT:

The intricate dynamics of prenegotiation, shedding light on its pivotal role in facilitating the transition from conflict to cooperation. Through an in-depth analysis of various theoretical perspectives and empirical case studies, the complexities of prenegotiation emerge, highlighting its multifaceted functions and implications for negotiation outcomes. Contrary to conventional wisdom, prenegotiation proves to be a crucial preparatory phase, enabling parties to move beyond entrenched positions and embrace cooperative attitudes. By delineating the distinct phases of prenegotiation, from problem definition to commitment building, scholars and practitioners gain valuable insights into the factors driving parties to consider negotiation as a viable option. The examination of risks and costs associated with negotiation underscores the importance of prenegotiation in clarifying expectations and mitigating uncertainties. Through the exchange of information and assessment of potential outcomes, parties can navigate the negotiation process with greater confidence, ultimately enhancing the prospects for reaching mutually satisfactory agreements. Moreover, the study elucidates how prenegotiation serves as a catalyst for transforming adversarial perceptions into conciliatory attitudes. By fostering an environment conducive to dialogue and compromise, prenegotiation lays the groundwork for constructive engagement, setting the stage for productive negotiations.

KEYWORDS:

Agenda Setting, Information Gathering, Interest's Identification, Preparation, Relationship-Building, Strategy Formulation.

INTRODUCTION

Perceived asymmetry seems to be the most fruitful condition for negotiation, in contrast to conventional wisdom and experimentation, whereas perceptions of equality actually obstruct effective procedures and fulfilling outcomes. In the circumstances under study, asymmetrical conversations often resulted in more mutually satisfying solutions and proceeded more easily than their symmetrical counterparts. Because the actions linked to a certain power position result in stalemate rather than an efficient means of achieving desired outcomes, symmetry breeds deadlock. The results of research on the balance of power show that equality is the most important requirement, which is consistent with the negotiating findings. When two parties with a history of dominating conduct come together in a high-power symmetry, they are able to hold each other accountable and become more focused on preserving their position and locking in their side of the symmetry than on coming to an agreement. Low power symmetry combines two symmetrically acting parties in reverse to get the same outcome. They are unable to go in the other direction, which causes them to stall and focus more on maintaining their current status quo that is, locking in their side of the symmetry than on coming to a compromise [1], [2].

In conflict circumstances, symmetry often leads to and strengthens animosity and elongates the negotiating process. Consequently, it necessitates the involvement of a mediator—a function that can be performed between Low-power parties but not as much between High-power rivals.

The original idea of symmetry implied, and still does, that in order to promote successful talks, parties should endeavor to communicate to one another a feeling of equality. Essentially, since the parties in the symmetrical connection were about equal, they were frightened of losing that equality to any little advantage that the other may provide. This is the new finding. Given the environment of distrust that prevailed, it would have been beneficial for both sides to invest some energy possibly a great deal, given the sensitive nature of the situation in convincing one another that they were, in fact, equals [3], [4].

That being said, asymmetric talks were not always simple. Negotiations were hindered by perceptions of inequality. In some cases, such as the US-Canada case, this was due to the perceptions causing the breakdown of the talks. In other cases, such as the UNCED negotiations or the US negotiations with Egypt and Indonesia, status became a major issue and required additional time to resolve. Moreover, it was often necessary to take equalizing measures rather than only achieving status equality before the parties could resume their transaction. Examples include the Canadian walkout, the American and Chinese careful demands for fair treatment, and other instances throughout the Arab-Israeli discussions. The idea of the power symmetry hypothesis is supported, in a dynamic rather than a static sense, by the need of an enabling environment of equality, even if efficiency cannot be guaranteed by this atmosphere alone or by its precise translation into action.

It is true that perceived asymmetries based on variables like GDP, military might, physical stature, and other objective metrics cause disparities in attitudes and behaviors when it comes to the use of power. It is true that the stronger people try to control the weaker ones in interactions. During UNCED, the North forced its environmental concerns on the South while largely ignoring its development-related issues. Antidumping and countervailing duty actions were used by the US to compel Canada into opening pre-negotiations, and it imposed its idea of a free trade agreement to fix a number of issues rather than a fundamentally altered set of trading laws between the two nations. Significant pressure was used by the US on Egypt's internal economic practices, Indonesia's external trade policies with China, and Indonesia in order to enforce its requirements for assistance. With a strong hand of dominance, France and Spain focused on Andorra's labor standards and commerce. India still treats Nepal as a subordinate and oppressive state, just as it did throughout the protracted discussions. The North only let the South establish the agenda during the UNCED discussions in an attempt to include it in the process that the North deemed significant. After that, the South controlled the rest of the process by reaching agreements on topics and in language that the North deemed significant [5], [6].

It's uncertain whether the strong behave in a superior manner due to their own or their peers' perceptions. The high-high scenario of talks between the US and China, which is the only one that would test the theory, does imply that the sides acted based on their own self-perception and that they obstinately locked themselves into their deadlock since each of them behaved "highly" toward the other. Cold War rhetoric was employed to justify and conceal this incompatibility, which was really brought on by each party's assumption of superiority. The US-China relationship was antagonistic, but the Japanese-American case did not provide the same evidence since the parties were bound together by their cooperative connection.

DISCUSSION

A take-it-or-leave-it approach was adopted by the party deemed stronger due to its undeniable power possessions, which included the US, the European Community, India, and the entire developed "North," towards its negotiating partner that was spread across a spectrum of weakness, including Canada, Egypt, Indonesia, Andorra, Nepal, and the G-77 South. These

dominating techniques dominated the initial interaction. Because its security point was uncomfortable, the weaker party felt obligated to accept it because it was sufficiently engaged in a favorable resolution to the discussions to not want to "leave it." The target's security point was effectively made worse by the stronger party's addition of a second take-it-or-suffer approach if the weaker party delayed. Because they were stronger, the stronger parties thought they had more essential things to accomplish. They also valued the bilateral connection, but they often found their weaker partners bothersome because of their limited interests and less care for others. The weaker nations never behaved in a servile manner [7], [8].

As an aside, although Andorra and maybe Nepal are weak in any company and behave as such, Canada, Egypt, and Indonesia are powerful nations in comparison to many of their other regular allies. Indonesia is a major force in South East Asia, while Egypt in particular is a dominating power among Arab nations and behaves as such. Their actions were never meek; rather, they were a blend of charmingly helpful and cunningly cunning, sometimes even engaging in ideological conflict. As the asymmetry would have expected, the weaker party used a variety of strategies instead of staying in their subservient position. They achieved control over their opponents and the result by acting in a way that was consistent with their structural position of helplessness. They blustered, procrastinated, begged, borrowed authority, vetoed for a short while or longer, and overall made a nuisance of themselves about a topic that was much more important to them than to the strong, preoccupied spouse who was preoccupied with other issues. They significantly strengthened their influence in this manner beyond what the original imbalance would have suggested. The lesser party was scuttling between his knees, while the larger party stood upright. Usually, the larger party established the agreement's general structure or guiding principles, while the smaller party worked to iron out the specifics [9], [10].

Through their various attempts to level the playing field, the weaker parties were able to borrow power, support activities meant to nudge the stronger party in the right direction, and counteract the stronger party's actions. According to Foucault, power is a set of acts on potential actions, or an action on actions. In the case studies, the weaker party always takes the initiative to perform an action of its own, an action on an action. And there were enough of them to be done.

The assertive Canadians, the ideological Indonesians, the bureaucratic Egyptians, the fascinating Andorrans, and the astute Nepalese all figure out unique strategies to confront, sidestep, outmaneuver, or outwit their ostensibly more powerful negotiators. Due to its perceived weakness, the weaker party was the only one with access to the majority, if not all, of these sources of power, not its intended target. Target, context, and other categories may be used to group these sources.

With the exception of the South at UNCED, the majority of the case studies' weaker partners were able to achieve outcomes that were generally favorable and not at all detrimental to them by means of such activities, which constitute power. During the exercise, the initial imbalance was corrected rather than continuing to the finish. This corrective measure resolves the structural impasse and allows the parties who are seen as being less powerful to negotiate for a fair resolution. The weaker power almost never wins and turns the tables; it would not be in its best advantage to do so for fear of the stronger power rejecting the unexpectedly lopsided result. Both the agreement of the weaker party and the agreement of the stronger party must be justified in part by the result.

The weaker may often reap accidental benefits of their own by calling upon the contextual advantages of the stronger. These benefits might be found in the partnership itself, which the

more powerful party want to maintain. The greater power values this connection so highly that it does not want to lose it, whether it be a geopolitical imposition of reliance or a regional imposition of neighborliness. In these situations, dependence is seldom one-sided; rather, there are interdependencies at several levels that serve as the foundation for power struggles in both directions. Initial imbalances in the exercise and resource structure of power are equalized by relations of dependency at many levels, which give birth to power exercise via various strategies.

It should be mentioned in the coda that the equilibrating structure collapses when these interdependencies stop holding true. With the end of the Cold War, the US would probably be less patient and less effective with Egypt's and Indonesia's counterpower strategies if it didn't desire to have strong ties with either country. Thus, the South's blandishments at UNCED, intended to pressure the North to give development as much consideration as the environment, were met with the same deaf ears as even sharper ones by the same weaker side during the negotiations on the New International Economic Order two decades earlier. In fact, the South's softening of tactics in the 1990s was a sign of the relationship between the First and Third Worlds becoming less important. The corresponding incidents support this conclusion that Mali and Burkina Faso, although being members of the same West African "cooperation" groups, were more concerned with their connection with France than with one another, and that China and the US lacked any constructive relationships to restrict them [11], [12].

Geographical restrictions are less susceptible. The US and the EU, for example, have maintained positive relations with their weaker neighbors, Canada and Andorra, respectively. On the other hand, India has occasionally taken Nepal for granted, understanding that the country is surrounded by mountains and is not likely to borrow power from China. The capacity to enlist the assistance of other players was another important source of power, which was used as a tool for control.

The preliminary discussions did not always include this computation, and when it did, it was a very arbitrary approximation. The majority of the time, parties entered into talks with optimistic assessments of their capacity and, as the discussions went on, attempted to overcome their obstacles by obtaining or realizing outside assistance.

Prior to the negotiation

Even after all these years, we still struggle to live with ideas. Concepts lack definite origins and ends, unmistakable middles, and even an undeniable use, in contrast to tangible facts like dogs. All of these issues are not present in a dog, which is indistinguishable from a vehicle or even a cat, does not exist to the left or right of its tail, and would need a name if it did not. We may attempt to avoid the boundary issue by emphasizing the concept's fundamental or useful character, but that will only appease philosophers who, after all, struggle with ideas more than the majority of us rather than practitioners. A phase is a particularly problematic kind of notion because it adds a temporal dimension to its other illusive characteristics and raises additional relationship issues. For example, is a phase a component of later phases? Is the phase order one-way or allows for leapfrogging and even backtracking? The good ol' dog never raises any of these queries!

One of the most problematic phase concepts is prenegotiation. Uncertainty surrounds the existence of something prior to negotiation, including whether it is a part of or a prelude to it, whether their natures differ, how distinct the boundaries are, how reversible the flows are, and how it relates to other contextual events like crises and regimes. This collection aims to confront and clarify these problems. It is appropriate and relevant to pay attention to prenegotiation because, while many authors have recognized it as a crucial component of the

negotiation process as a whole, very few have developed the idea. Practitioners in particular point out that the traditional academic understanding of negotiation, which begins when the parties sit down to negotiate, ignores the most difficult part of preparation and, as a result, loses out on a crucial step in the process of reducing disagreement between parties.

Stages

A group has just started examining the unique issue of starting talks in connection to the idea of de-escalation. Prenegotiation is generally understood by Kriesberg, Thorson, and his associates as the stage in which conflict is transformed into a search for a cooperative agreement through actions that cause conflict to decrease, relationships to be reevaluated, the efficacy of alternative means to an end to be reconsidered, and potential third-party roles to be taken into consideration. None of them define the phase specifically, but they are all helpful and even essential parts of getting ready for negotiations. They also provide suggestions for its constituent parts.

Of all these components, it is crucial to concentrate on a few fundamental ones in order to comprehend the notion of prenegotiation: a definition of the phenomenon, an identification of its constituent features, and a clarification of its role in the process by which disputing parties accomplish their objectives. When one or more parties inform other parties that they intend to negotiate as a policy option, prenegotiation has begun. It comes to an end when both parties agree to have official talks or when one of them decides not to pursue negotiations further. However, since this definition focuses on the limiting qualities, it leaves out the fundamental elements of prenegotiation. Prenegotiation, in its most basic form, is the period of time and activity during which the parties transition from disputing unilateral solutions to a shared issue to working together to find cooperative multilateral or joint solutions. It is evident from both definitions that the essence of the activity consists on persuading the other party to reach the judgment that a cooperative solution is feasible rather than carrying out a collaborative search for a solution. Though it may be tempting, the sharpness of the prenegotiation should not be overdone if that appreciation leads to a greater comprehension of it. Without taking into account and eliminating some prospective joint solutions, it is hard to recognize the possibility for a joint solution. This highlights the significance of Saunders' first step, which he succinctly describes as "getting one's mind around the problem."

However, it should be evident that any differences between the parties during pre-negotiation are a natural part of the process of reaching a resolution to a dispute and, therefore, of negotiation. Again, one should avoid overdoing the sharpness. In the end, existence is a continuous network, and knowledge or analysis basically consists of organizing and distinguishing from it. In fact, prenegotiation and negotiation are tied to each other. However, by definition and by nature, the prenegotiation process starts when one party explores the multilateral track as a potential option to the unilateral track to a conflict resolution, and it continues into the next phase after both parties come to this realization.

The challenge thus becomes how to approach negotiation rather than how to make an exact difference between two components of an ongoing process. Certain assumptions regarding components of the solution are made by the definitions that we have previously looked at. They postulate that the parties decide to negotiate separately, differently, and not simultaneously; that they abandon their previously solely unilateral strategy, or at the very least add a multilateral track to it; and that there is a discernible decision for which a cause can be found, explained, and, in the end, produced.

Additional theories and partially resolved solutions may also be found in the early prenegotiation literature. Negotiation is linked to "a plateau and a precipice a mutually hurting

stalemate combined with a recent or impending catastrophe," according to the research. It is important to investigate the nature and perception of the impasse, the function of escalation, and the location of the disaster or crisis. When the unilateral road is blocked or unduly expensive, or when the alternate track is more promising or relatively less expensive, the parties switch from unilateral to multilateral or negotiated solutions. Further research is necessary to fully understand the comparative efficiency of positive and negative punishments and inducements, since it has only been briefly examined. When the parties believe that their power relations are approaching equality, they often choose to engage in negotiations. There are still more questions to be explored, such as the relationship between perception and reality and improvements in perception efficiency.

Uses

Each of these queries and theories, as well as others that follow from them, has both a theoretical and an applied importance. These are all causal topics that may be investigated via comparison in order to identify intervening factors as well as causal sequences and correlations. All of the questions, however, are crucial for practitioners to know since they provide broad principles for better negotiating behavior. Moreover, the same causal assertions and syllogisms benefit policymakers as well as academics. This is a fact that is often overlooked by both groups, but especially by practitioners who take pleasure in using the word "academic" in a derogatory and derivative sense. The inquiry posed by scholars, "What causes A?" is the exact opposite of the question that policymakers ask, "What will happen if I do B?" and the same as the latter's query, "How can I contribute to the creation of A? Responding to one of them entails responding to the others. This volume's quest for solutions benefits both audiences.

Prerenegotiation is required, and that is the first and most obvious response. Prerenegotiation is not just a definitional concept in each of the case studies; it is also a period of preparation without which the negotiation would not have occurred. However, recognizing prerenegotiation and comprehending its traits has other applications. It is possible to find both behavioral guidelines and the implications of a process by turning the definition into an effort at explanation and asking how prerenegotiation leads to negotiation. Prerenegotiation is a deliberate time of change intended to help parties shift from opposing viewpoints and actions to aligned ones. By the conclusion of the time, they must be able to recognize an adversary who is still capable of cooperating and showing some degree of trust, when before they only saw an enemy that was determined to destroy its opponent and untrustworthy in any cooperative efforts. At the end of the transition, each party must adopt a conciliatory mindset, believing that the solution can be found with the opponent rather than against it. They must also be ready to give a little in order to receive something, settling for an achievable second best rather than holding out for an unachievable victory. Previously, each party approached the problem with a winning mentality, looking only for ways to overcome and get what it wanted. These are important changes that are often more significant than anything involved in locating the final, agreed-upon result, but they are also prerequisites to that search. It is important to stress that these changes are not unassailable; in fact, they are constantly put to the test throughout the negotiation and sometimes need explicit confirmation. However, these are the essential elements of the prerenegotiation stage. How do they arise? Prerenegotiation serves at least seven purposes, which are carried out in any sequence.

Dangers

Negotiation is a very dangerous endeavor because, as an exercise of reciprocal power, it entails the exchange of contingent rewards and deprivations. Prerenegotiation is necessary since the danger is too great otherwise. Prerenegotiation may reduce the dangers connected with

collaboration and provide backup plans in case anything goes wrong. Above all, however, it clarifies the scope of the danger. In prenegotiation, when no commitments have actually been made yet, parties may be more liberated to express their true interests and maximal conditions as there are less departure costs. Information sharing lowers the uncertainty and, hence, the likelihood of future compromises. The parties learn what to anticipate.

Prices

Prior to making firm commitments, prenegotiation enables the parties to evaluate and agree upon the costs of concessions and agreement as well as the consequences of failure. The security point, or the value of what each side may acquire without an agreement, is a significant component of power in negotiations and a point of reference that aids in determining the final agreement's worth. To be valuable, results must outperform security points, yet both security points and outcomes come with prices. The parties are required to analyze the costs and benefits of different agreements as well as the possibility of no agreement. Costs may be assessed, much like risk and reciprocity, without ever having to meet the opponent. However, the estimates will be based on less accurate information than what a party might learn via a prenegotiation meeting. Decreased hazards are a direct result of improved cost understanding, since it lowers the risk and expense associated with uncertainty. Prenegotiation is required to force or allow the parties to sort out their own reasons for negotiating in the particular situation, as Griffiths makes evident in his paper.

Payment Due

According to studies, the second most crucial factor in starting negotiations is reciprocity, or the notion that one should be given in return, after a painful impasse. If one is certain that the other party would not reciprocate concessions with concessions, then it is pointless to see one's unilateral road to a solution obstructed. However, the fear of reciprocity ultimately leads to its own downfall. It prevents one from making concessions because it knows the other side won't, and it prevents one from repaying concessions because it knows the other side won't either. Convincing the opposite side that concessions will be requited rather than banked and fled with is the goal of prenegotiation. During this stage, such guarantees and exchanges carry less risk since they represent future behavior rather than promises. However, they are seen as credible indicators since a breach of a restitution pledge made during the bargaining process would be viewed as a clear indication of poor faith and damage to the party's image. Parties may examine requirement to see if concessions are feasible, and responding conceders can determine where they would stand and what would happen if counter concessions were made. To decide whether to negotiate, all of this information is required. Both of Tomlin's procedural phases the choice to negotiate and the commitment to bargain require entitlement.

CONCLUSION

Analyzing prenegotiation dynamics provides important insights into the complex process of moving from conflict to collaboration. We now have a better grasp of the complex roles and ramifications of prenegotiation thanks to a detailed examination of theoretical frameworks and actual case studies. As a crucial stage in the negotiation process, prenegotiation acts as a link between opposing viewpoints and cooperative participation. Prenegotiation helps parties define their goals, weigh possible outcomes, and be ready for a fruitful conversation by assisting with issue description, commitment building, and risk assessment. Furthermore, prenegotiation is essential in converting hostile viewpoints into amicable dispositions, which creates the framework for productive dialogue and compromise. Prenegotiation creates the conditions for successful negotiations and long-lasting agreements by encouraging an atmosphere that is favorable to candid communication and understanding. Prenegotiation has been studied

extensively, and the results emphasize how important it is as a strategic tool for handling conflict and fostering collaboration. Through the use of prenegotiation dynamics, practitioners may optimize their negotiation tactics, augment their capacity to attain mutually advantageous results, and facilitate the settlement of intricate issues in many settings.

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CHAPTER 10

DYNAMICS AND FUNCTIONS OF PRE-NEGOTIATION IN CONFLICT RESOLUTION PROCESSES

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ABSTRACT:

Prenegotiation plays a crucial role in the transition from conflict to cooperation in the realm of international relations and conflict resolution. This paper delves into the dynamics and functions of prenegotiation, examining its various aspects and contributions to the negotiation process. The process of prenegotiation involves multiple stages, including agenda-setting, alternative identification, participant selection, and trust-building. Through prenegotiation, parties involved in a conflict can prepare their domestic support base, define the problem at hand, explore alternative solutions, and establish temporary mechanisms to facilitate the transition towards conciliation. Additionally, prenegotiation serves as a bridge between conflict and cooperation, providing opportunities for the suspension of hostile activities and the gradual building of trust between parties. This paper also explores the relationship between prenegotiation and other concepts such as negotiation regimes and crisis management, highlighting their interconnectedness and the insights they offer into the negotiation process. Overall, understanding the dynamics and functions of prenegotiation is essential for effectively managing conflicts and facilitating successful negotiation outcomes.

KEYWORDS:

Conflict Analysis, Diplomacy, Information Gathering, Mediation, Relationship-Building.

INTRODUCTION

Through prenegotiation, each side may gauge and gather support inside the organization for an accommodating stance, readying the domestic scene for a change in mindset from one of winning to one of conciliation. This entails redefining the enemy's public perception in addition to organizing a domestic coalition of interests in favor of ending rather than escalating the conflict. As in other cases, the first stage is to be ready for the conflict policy to change; this is a linked phase that happens before the new result is decided. Similar to other prenegotiation elements, building domestic support shouldn't be the exclusive responsibility of one party. Every party has a part to play in the politics of the other, and the party that first decided that negotiations were a realistic option has a unique challenge in trying to influence the other party's internal political processes and build a coalition that would support accommodation. A crucial step in deciding the direction of prenegotiation is addressing or strengthening internal resistance, as Stein and Hampson demonstrate. Griffiths characterizes this effort as informal coalition-building with counterparts on the other side [1], [2].

Options

Prenegotiation's primary goal is to reduce the problem to a manageable issue that can be resolved via negotiation. The agenda-setting functions are broken down into three steps by Tomlin in his prenegotiation model. Defining the issue, looking for solutions, establishing the parameters, and doing the necessary actions to arrive at a formula. The process include defining the themes and boundaries—the parameters and perimeters—that are required to direct a solution, as well as creating and selecting amongst different definitions of the issue and approaches to handle it. It is true that the multilateral dispute settlement process may be seen

as a process of removing options until only one is left. Formal negotiation might be seen as more of the selection phase and prenegotiation as the elimination phase, even though selection and elimination really occur hand in hand. In the latter stage, parties start to ignore some of the most obvious areas of disagreement, steer clear of the worst options, and concentrate on a select few that seem to have the best chance of working [3], [4].

There are several ways to define a conflict, some of which are more amenable to settlement than others. Conciliating on more workable definitions of the issue and doing away with competing zero-sum definitions and their inevitably biased solutions are two steps in the transition from a winning to a conciliatory mindset. However, even among the other variable sum solutions, some imply more complexity, difficulties, and expenses than others. These are eliminated through successful negotiation, leaving only a small number of definitions and alternatives to address in-depth during the formal negotiation.

Hence, formal negotiation can take two forms: one where the parties collaborate to develop the diagnosis and formulas of successive alternatives, as described by Stein regarding the Middle East, and another where the focus is on a competition between a small number of key alternatives, as identified by Griffiths and Hampson regarding arms control. As Winham's analysis of the General Agreement on Tariffs and Trade demonstrates, prenegotiation in both situations is concerned with establishing the agenda, eliminating some topics, and choosing those included by the mutually agreed-upon definition of the problem. However, these same studies also demonstrate that the process of forming an agenda is influenced not just by its own substantive issues but also by its connections to the preceding function of garnering support - creating an agenda that unites internal forces. Prenegotiation is the process of finding support for an ideal solution as much as it is of finding a workable one. Whatever method is used, the process of choosing and eliminating options is really a means of defining the parameters of the problems to be solved as well as agenda-setting, or, to put it in a less technical term, "getting one's mind around the problem." Prenegotiation has not completed its task and is not even finished if it is unclear how the problem is defined, what the boundaries of the topics that are negotiable are, and what the negotiation's agenda [5], [6].

Participants

Selecting individuals who are likely to reach a consensus among the conflict participants may also be required, just as a certain degree of selection must be made among the alternative definitions of and solutions to the conflict during prenegotiation. It's conceivable that not all parties can be included in an agreement, just as it's unlikely that the conflict can be resolved in its entirety. Parties may find themselves faced with a decision over whether or not to join the expanding coalition as their stances solidify, and the coalition itself may have to decide whether or not to expand its ranks to include a certain party. The number of parties to an agreement must be carefully considered, much like the variety of options, to ensure that there are enough of them to provide a long-lasting settlement. Ignoring the main player or the main problem might lead to a compromise but not a resolution.

The strategy of participant incrementalism, which is to create a coalition big enough to establish an agreement no more expansive than required to cover the bases, lies between the conflict between compatibility and comprehensiveness. A core group of agreeers may form and progressively add more members, matching the topics and conflict definitions it chooses to discuss when choosing participation. This may seem like a multilateral procedure unrelated to bilateral disputes, but its reasoning may also be applied to the many elements that often comprise any party. A party must decide who to allow into the coalition of the opposing party and who to put in its own in order to gain domestic support from both its rival and the

negotiating party. Prenegotiation thus chooses the attendees for the meeting in addition to establishing the agenda. The GATT and Middle East papers by Winham and Stein demonstrate how important these factors are in multilateral prenegotiation. As shown by Tomlin, Griffiths, and Hampson, they play a significantly smaller role in bilateral prenegotiation, but only because the two parties have already chosen to exclude other parties whose claim to the action is based on other standards [7], [8].

DISCUSSION

Building bridges from conflict to conciliation via previously described changes in perception, attitude, tactics, definitions, acceptance levels, and partners is the main goal of prenegotiation. Prenegotiation also establishes interim processes that allow for the change itself on a transitory and provisional basis, even while these other measures all address significant components of that shift. One is a brief halt to all conflict-related operations. While the ceasefire is the most well-known example of this type of change, its functional equivalent can also be found in trade disputes, as Winham discusses, where conflicting practices would be suspended, or in arms control situations, as Griffiths and Hampson discuss, where testing or production moratoriums would be introduced. Moratoriums and ceasefires are down payments on confidence; they are brief, flimsy, transitory concessions that simultaneously provide the groundwork for future threats. They eliminate the chance of misunderstanding intentions, but they also eliminate the chance of unilateral actions that might influence or impact a solution. They are therefore more likely to reach a conclusion than to begin prenegotiation. For a ceasefire to be supported by the parties, the settlement process must be carried out to the point where the power structure is unquestionable and unilateral attempts to get an advantage are no longer acceptable. Refusing to comply with a cease-fire beyond that point indicates ill faith; before that time, it does not.

Developing trust is a second metric. Because each party is seeking a unilateral benefit, it is reasonable to assume that parties will not trust one another prior to prenegotiation. However, in order to reach an agreement, the parties must have developed some mutual trust by the conclusion of the negotiation. Pre-negotiation is when the change starts as parties build methods for monitoring and measuring trust as well as perform brief tests of trust. It is incorrect to assume that formal negotiations would start until once trust has been established. From the start to the finish, parties will and should be skeptical of one another since we know that it is reasonable to cheat or defect at the last minute, and in any event, if trust were not the norm, neither agreement nor cheating would be feasible [9], [10].

Gaining knowledge of the structure and elements of prenegotiation is a valuable goal in and of itself. It must be analyzed and the structures and roles involved tested, since there must be a transitional phase between the conflict and conciliation procedures. Those who practice negotiation as well as those looking to explain how and why certain situations turned out the way they did may both benefit from this information after it has been developed and its workings have been better understood.

Structures

Enhancing comprehension of pre-negotiation's roles may also provide insight on other notions, often in opposition to one another, that underpin contemporary research on cooperation and conflict. A significant portion of the current examination of collaboration between sovereign nations occurs within the framework of regimes, which are the basic and often unspoken guidelines that regulate communication. Many of the tasks of a regime are fulfilled by prenegotiation, or vice versa. Therefore, one might anticipate that prenegotiation would be less necessary, shorter, or of a different nature on issues covered by regimes; even conflict regimes, which offer ground rules for the conduct and curtailment of hostilities, would provide a

framework for developing and evaluating many of the prenegotiation functions. Regimes, however, include a wide range of interactions, while the identification of particular issue definitions, the choice of participants and alternatives, and the setting of boundaries and agendas are all necessary for the negotiation process to be successful. Every one of these actions has the potential to result in conflict, although not violent conflict but rather a simple conflict arising from conflicts of interest. Prenegotiation is thus required, even inside regimes, in order to concentrate the subsequent process of agreement on pertinent things. However, this process ought to profit from part of the work that has already been accomplished via the regime. Avoiding the misconception that prenegotiation would be "easier" on topics covered by regimes is important since it is difficult to apply a comparable because there are no control examples, and prenegotiation may still be difficult. Prenegotiation inside regimes may be "easier," but only insofar as it would not have been feasible otherwise, had the regime not set the ground. As shown by Winham's analysis of the GATT and Commonwealth Fisheries, it is, in fact, the goal of regimes. Because of the difficulties in comparison, evidence for such claims would have to rely more on reasoning than on empirical testing; nonetheless, even on this foundation, one may make an argument for the value of regimes in the bargaining process.

These kinds of issues are valuable because they provide a connection between two important areas of research that haven't been discussed enough: the study of interaction processes and activities like negotiation and the search for large frameworks of analysis like regimes. The majority of the existing works focus on North-South economic negotiations; nonetheless, there should be a far greater degree of overlap between the two fields of study. The connection is made via prenegotiation. Prenegotiation within explicit regimes can absorb certain functions, such as those dealing with risk, cost, and requirement, and focus within pre-existing routines and rules on those dealing with alternatives, participants, support, and bridges, as demonstrated by Winham's study of pre-negotiation within the GATT. The Uruguay Round prenegotiation may not have been able to proceed without the functional economies that the GATT offered [11], [12].

The second area of study about the kinds of situations that fall within the purview of prenegotiation is focused on crises. In a world beset by crises, managing crises when they arise and preventing crises before they happen are practical issues and conceptual difficulties that the study of crises has given focus to a great deal of otherwise fragmented material pertaining to international relations. The solution is prenegotiation. In addition to being vital for crisis management and prevention—which in turn enables more effective and efficient negotiations—it also has a novel, if ambiguous, connection with crises. Crisis avoidance is the goal of prenegotiation. Negotiation should only occur after a crisis has occurred because people often disagree on the reality of an impending crisis and lock the door after the horse has fled. This may not seem clear at first glance, but it soon becomes clear that either prenegotiation causes or prevents a crisis. However, the only reason they lock it and negotiate during a crisis is because they are afraid of another one. Because we are afraid of the next crisis, the last one forced us to come to our senses and engage in negotiation. Similar to Stein's work, Hampson's analysis of US arms control talks also highlights the impact of a current and impending crisis on Middle East prenegotiation. What is more noteworthy is Winham's examination of prenegotiation, which highlights the significance of crisis avoidance even in a framework like the GATT.

The focus on prenegotiation that is provided here might be advantageous to other areas of study in international relations. Just two significant examples of ideas that relate to delegation in some way and raise insightful questions about its purposes are regimes and crises. These inquiries, examinations of these roles, and explorations of the nature of prenegotiation are

addressed in the following studies, which cover a broad spectrum of examples. The basic topics that each case investigates, with the findings collected in the book's conclusion, are the reasons parties resort to negotiation, the steps of the prenegotiation process, the purposes of prenegotiation, and the explanation of pre-negotiation's outcomes. While the idea may not be as tangible as a dog, this work highlights the value and intrinsic realism of prenegotiation. Similar to the well-known wise men who approached the elephant without question and then produced divergent interpretations based on its distinguishing features, modern negotiators seem to be discussing distinct concepts associated with the same phenomena. A quest for a shared understanding of the topic has even been advocated by some in order to keep the study moving in the same epistemic direction.

However, our assessment indicates that analysts are already adopting a shared knowledge of the negotiating process that has already formed. There is variation in many methods, five of which have been identified. These approaches are just alternative ways of discussing the same phenomenon; in reality, they entail the same issues and criteria presented in different ways and with different titles. Contrary to popular belief, there is more unanimity, and many perspectives support and enhance one another's analyses. Nonetheless, some facets of the procedure continue to baffle this widely used but complex analysis. The widespread understanding of the process has forced analysts to address these persistent issues, but it is inevitable that more solutions to complex issues won't give rise to new concepts for analysis and maybe new ideas about the process as a whole.

The fact that there isn't just one dominant intellectual approach to negotiation is perplexing and counterintuitive. Confusion results from the abundance of diverse analyses, some of which create their own mechanisms to disseminate their findings and others which cross-reference data from many various analytical methodologies. The fact that they are all quite valuable research just serves to confirm the misunderstanding in the analysis. But the contradiction comes from the fact that there is only one phenomena that has to be examined underneath all of this analytical variety. While some writers struggle to identify the fundamental characteristics of the negotiation process, the majority of authors including those who go on to analyze several subtypes begin with a shared understanding of the phenomena.

Under the decision-making principle of unanimity, negotiation is the process of bringing opposing points of view together into a shared stance. The process itself determines the result of the negotiation. The fundamental component of process has significance since it proposes a determining dynamic, rather than just a collection of dispersed activities or strategies. Determining the dimensions and nature of such dynamic then becomes the difficulty. There are still many competing methods for studying the process since this problem has not been addressed to everyone's satisfaction. Part of the rationale for this aversion among process practitioners to incorporate and use analysts' work into their own work may also be attributed to the same reason.

The issue still stands: why is there not more agreement on an explanation for bargaining if there is just one acknowledged phenomena and all of the methods used to study it are insightful? This research aims to both heighten and eliminate the contradiction while also offering some solutions to that question. The suggested response is that while each analytical approach presents a deterministic analysis in its most rigorous form, valuable insights can be gained by eliminating the deterministic conditions. What distinguishes each analytical approach from the others is the conflict between deterministic integrity and realistic looseness, which each attempts to resolve internally while avoiding external coordination issues. They are trapped in their own analytical issues since many of the distinct methods are backed by disciplinary grounds. The fundamental contradiction, however, is that the techniques are really more similar

than has been acknowledged they not only research the same phenomenon but also provide similar answers to comparable problems under various discipline headings. By addressing these differences, the analysis of the negotiating process may be able to move ahead more and move to the side more efficiently.

In order to address any strategy, the fundamental analytical issue is: How are negotiated results explained? It is necessary for the analyst to identify prominent operationalizable factors that offer terms in which the response may be provided in order to find generalized solutions and avoid the peculiarities of history. These in turn ought to be able to provide helpful insights indeed, even tactics or behavioral guidelines for practitioners looking to maximize their own results. The same issue may thus be formulated practically as follows: how can each party use its own resources to achieve a result that is both acceptable to it and appealing to the other side to divert it from its own attempts at a unilateral solution and secure its approval of an agreement? Or, to use the language of the classic Toughness Dilemma, knowing that giving in little will allow a party to maintain its position but reduce the likelihood of an agreement while giving in much will increase the likelihood of an agreement but force the party to stray from its values, when should a party be tough and when should it be soft? To determine how these issues are addressed and where the variations and similarities in the methods are found, five distinct "families" of analysis will be looked at.

The foundation of structural analysis is the distribution of components, in this instance instrumental elements or power, which are defined as the relative positions of the parties or as their respective capacities to bring about the outcomes of their choices. The most popular, even journalistic technique is structural analysis, and its deterministic claim that "the strongest side wins" is often post-hoc and tautological. By concentrating on how sides with varying relative strengths accomplish their outcomes and by using an independent measure of power, it is possible to break the deterministic identity between victory and power structure and prevent the tautology. In the examination of asymmetric circumstances, when the weaker side does better than the stronger, the latter has drawn considerable attention as an intriguing challenge to explanation. Although the broad range of explanations provided might be referred to as "tactics," these strategies often aim to reestablish the two sides' underlying power equality. Different strategies provide different recommendations for overcoming asymmetry.

By following these routes, structural analysis has progressed from its original post-hoc formulation which held that the parties' power positions affect the outcome to a more straightforward tactical analysis based on an alternative definition of power. Power is now a means of exercising a causal relationship rather than a title or item. Although the fact that these studies deal with power makes them potentially classified as structural, power is seen as a situational, accidental, and responsive feature rather than as a component of a theory or conceptualization of the negotiation process. This is a recurring issue in power studies, and in the context of negotiations, it has given rise to a variety of insightful, if quirky, collections of proverbs that provide advice on how to get people to agree. They place a strong focus on different perspectives on the negotiating process.

These studies do, however, suggest strategies to increase the perceived attractiveness of a particular offer, persuade the other party to accept the first party's present offer, or persuade it to enhance its own offer—all despite a lack of theoretical coherence or emphasis. These strategies work in one of two ways, depending on whether they are applied to current offers, expectations, or outcomes that can be achieved without negotiation: they can modify the contingent value of current offers in relation to the other two points of comparison, or they can pinpoint specific steps or environments that make the fundamental process easier. These strategies are all actions of power used to influence someone to accept an offer. Additionally,

whether or not this process is specifically identified as such, they are all focused on a portion of a common and general process that involves swapping out unilateral and conflicting perspectives for a shared stance or result. Although explicit remarks on the nature of the process would be helpful in establishing connections across methods, it is evident that the process is the same even in their absence.

While the framework of strategic analysis is similarly dependent on a variety of factors, it is one of aims rather than methods. As shown in game theoretic matrices, strategic analysis starts with the premise that, given a rationally chosen setting, the relative array of the parties' values determines the result. Because the Prisoners' Dilemma Game and the Chicken Dilemma Game are basic strategic models, they share the same symmetry and equality assumption as structural analysis. Because of its strict analytical forms and obvious deterministic logic, game theory has often been seen to forbid the use of power; instead, it records values as given and illustrates the tactics that will be selected along with their associated outcomes. Thus, similar to the insights obtained from a study of symmetrical structures, it had been noted that strategic analysis is really valuable only when contrasting the choice to bargain with the option to hold out. Since game theory values are predetermined, there is no way to trade off or fractionate; instead, you must record any changes from one matrix to another and enter the value of any external operations into the corresponding box in the matrix.

However, many of the related restrictions vanish and new opportunities arise when the strict assumptions that underpin its deterrence are loosened and game theory presentations are used heuristically as the starting point for research. According to strategic analysis, the only way out of an impasse is via asymmetry; as a result, parties would be better served by changing the payoffs—or the perception of payoffs—associated with nonnegotiated or unilateral outcomes rather than attempting to enhance offers or collaboration. New perceptions of power are thereby introduced, such as the use of security points to encourage or thwart changes in negotiation positions. The negotiating process is really about mobility, and movement cannot occur on a grid. However, much as movies are made from a series of stills, the circumstances that lead to movement—again, power—can be placed on a matrix and examined from there. As a consequence, participants go from their unilateral alternatives to a shared cooperative decision that is fashioned to be more appealing than their security points. This process is the same as that seen in the relaxation and refinement of structural analysis. Currently, the issue with strategic analysis is not its rigidity but rather its narrow scope. Even crucial discoveries like the methods to strengthen commitment are prompted by the necessity to take security issues into account, but they are beyond the purview of game theory analysis. Many of the most significant and intricate concerns about how to get parties to agree on a solution are not covered in the study. Although the calculation of Critical Risk relies on a change from ordinal to cardinal values in the matrix, this endeavor to more precisely represent the significance of the security point in contrast to unilateral demands and multilateral compromise is an important new achievement of the strategic approach.

CONCLUSION

Prenegotiation has many different dynamics and purposes in conflict resolution processes, and it is essential to their success. Prenegotiation is a stage of preparation that helps parties go from a state of conflict to one of collaboration by addressing a number of important issues. First, prenegotiation lays the foundation for a change from a confrontational to a conciliatory strategy by enabling parties to evaluate and solidify their internal support for accommodating policies. This entails creating domestic alliances to favor conflict termination in addition to changing public opinions of the opponent. Second, by defining the issue, considering potential solutions, and establishing the framework of the discussion, prenegotiation helps set the agenda.

Prenegotiation establishes the parameters of the problems and points of agreement, preparing the way for fruitful formal talks. Thirdly, in order to make sure that the negotiating parties are capable of achieving a long-lasting solution, prenegotiation entails carefully choosing participants, striking a balance between inclusion and pragmatism. This might include forming alliances gradually or restricting involvement to key players. Prenegotiation also makes it easier for parties in disagreement to form bridges with one another, which supports short-term solutions like truces or steps to foster confidence. By fostering communication and collaboration, these techniques lower the possibility of escalation and provide the groundwork for fruitful discussions.

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CHAPTER 11

DYNAMICS OF NEGOTIATION PROCESSES: FROM STRATEGIC CATEGORIES TO MULTILATERAL BARGAINING

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ABSTRACT:

The intricate dynamics of negotiation processes, examining various theoretical frameworks and their implications for understanding negotiation outcomes. It begins by exploring strategic categories of encounters, such as the Toughness Dilemma, and elucidates how game theory dilemmas offer insights into negotiation tactics for different types of conflicts. Process analysis is then discussed, emphasizing how concessions and security point theories inform parties' decisions during negotiations.

The paper also examines end-point theories and concession-rate theories, highlighting their relevance in understanding negotiation dynamics. Furthermore, behavioral analysis is explored, focusing on how negotiators' personalities influence negotiation outcomes. From the distinction between Shopkeepers and Warriors to more nuanced interpersonal orientation typologies, the paper elucidates how behavioral factors shape negotiation strategies. Integrative analysis is also discussed, highlighting its emphasis on creating mutually beneficial outcomes through creative problem-solving and value maximization. Moreover, the paper addresses challenges in evaluating negotiation success and discusses the shift from division-focused negotiations to exchanges and constructions of agreements.

It explores the Toughness Dilemma and the complexities of knowing when to adopt tough or soft negotiation tactics. Additionally, the paper highlights the underexplored realm of multilateral bargaining, emphasizing the need for analytical frameworks that go beyond bilateral negotiation models.

KEYWORDS:

Conflict Resolution, Creativity, Decision-Making, Power Dynamics, Problem-Solving.

INTRODUCTION

Some of the most perplexing analytical problems about negotiations may be addressed by using strategic types of encounters. The Toughness Dilemma, for instance, may be handled by using the two game theory dilemmas. While parties who see themselves as being in a CDG do better by playing tough to demand and soft to reward, parties who perceive themselves as being in a PDG may fare best by playing soft to open and tough to punish. However, this also supports a structural analytical solution to the toughness dilemma, which is predicated on the use of suitable strategies for strong and weak powers, respectively. More instances may be given of how, despite its seeming drawbacks, strategic analysis ends up talking about aspects of the same process and often the same process issues as other methods, but in different words [1], [2].

A frequent characteristic of process analysis is that it explains results by a sequence of compromises that are dictated by some aspect intrinsic to each party's stance. Although there are a few different variations, most process analyses are based in some way on the security point theory; the specific ingredient changes significantly depending on the version of the theory. Process analysis shows that the party will give in based on a comparative evaluation of

its costs relative to those of its opponent or relative to some acceptable threshold. Based on this, it may decide who will give in and to what extent until the final point of convergence is achieved. Of course, this is only one method of illustrating a negotiating process; there are other methods as well [3], [4].

Additional variations include end-point theories and concession-rate theories, which are two aspects of the same process: the first determines how the parties move to maintain a fair and optimal outcome, and the second determines how the parties move based on how each other concedes. These later versions are not appropriate descriptions of the process since they are simply prescriptively deterministic, meaning that they tell you how parties will behave and where they will end up if they desire to obtain a mutually fair and maximizing conclusion. However, they do have a valuable purpose in that they provide a standard by which authority and injustice may be evaluated, making them pertinent to some comprehension of the process.

However, it is evident that process theories which have their roots in economics—are really structural theories, suggesting that the weaker side would continue to yield until the cards are flipped, at which time the other party will follow suit and so on until an agreement is reached. As a result, they are theories of power, with the measure of power being a comparison of offers and security points, or crucial risk elements. Though these theories never achieve this, parties exercise power in addition to just having it to the degree that they can change each other's or their own security points; this lessens the theory's deterministic possibilities but raises its actuality. Although their methods vary, it has long been acknowledged that process and strategic theories are comparable. It is also important to note the similarities with structural theories. While many structuralists would not "read" game theory or "talk" bilateral monopoly, their analyses are complimentary and cover the same phenomena along the same pathway [5], [6].

The theoretical processes' neatness is only applicable in idealized scenarios, and even then, only with peculiarities. Parties do not even concede responsively; instead, they attempt to educate and learn, answer, and elicit replies simultaneously, integrating many forms of behavior that theoretically creates clean patterns but are impractical. Concession conduct does not always match; often, it mismatches or does not match at all. However, the key point is that throughout this process, analysts are discussing the process and power components of negotiation, as well as the involuntary and voluntary, mechanical and manipulative, process and power parts that are all centered on a commonly acknowledged attempt to bring opposing viewpoints together into a single, agreeable one. Analysts do not even strictly belong to one school of thought; rather, as the references in this study are starting to demonstrate, they sometimes organically draw inspiration from other methodologies. However, there isn't enough natural borrowing and cross-referencing since the field is still perceived as pluralistic as it is and because bibliographies are mostly kept within the author's field of expertise. By focusing on the negotiators themselves, behavioral analysis offers a distinctly different explanation for the results of the negotiations. The personalities of the negotiators—either individually or in combination—are the analytical terminology used. In the field of social psychology, the term "personality" refers to a range of innate tendencies, from more influential opinions to demands that are rooted in biology. This school of analysis addresses the widespread notion that "it all depends on the personalities of the negotiators" on whatever level; the task then becomes converting this widely held idea into identifiable, nontautological factors that may be utilized for analysis [7], [8].

Nicolson's distinction between Shopkeepers and Warriors offered a more literary and intuitive foundation for behavioral research. It was expanded upon and evolved into Snyder and Diesing's Softliners and Hardliners in a variety of forms. These fundamental categories may

have a wide range of characteristics; however, some can be described using terminology currently used by other educational the Hardline In contrast to the Softline Shopkeeper, who views situations as a Chicken Dilemma Game and adopts matching behavior, Warrior views situations as a Prisoner's Dilemma Game and acts as a mismatcher, expecting toughness to lead to softness and softness to lead to toughness. Hence, rather of treating the characteristics as separate behaviors, behavioral analyses combine them into typologies associated with the behavior, using the same components in the same procedure as previous techniques.

A more sophisticated method involves grouping personality types based on their Interpersonal Orientation. This method is more insightful and intricate than simple dichotomy because its effects rely on interaction rather than on clear-cut taxonomic relationships. There are two high IO personality types that are opposed to a low IO type: competitors and cooperators. Either type yields favorable results when dealing with a similar personality type, but when the two kinds are placed together, the match is ineffective since they irritate each other. IO analysis functions on the premise of a casual interaction, as opposed to the prior typologies' tendency to explain a result in terms of itself. Additionally, it identifies several outcomes based on joint or comparative maximization a concept that has previously been explored in research on motivational orientations. However, this method also addresses factors like the inclination to make concessions, create win-win scenarios, or take a firm or flexible stance when bringing divergent viewpoints together to reach a conclusion. In an effort to break free from the confines of a behavioral dichotomy, Shell has employed a more thorough revision of these typologies based on the Thomas–Kilmann Conflict 'Mode' Instrument, which identifies five types of bargaining strategies (compromise, avoidance, competing, and compromising) and applies them to four distinct scenarios based on the relationship between the importance of relationships and the conflict over stakes. It is unclear how precisely these categories apply to various scenarios and if they represent intrinsic personality types or selective methods. Similar to behavioral analysis, integrative analysis seems to be an exception to the common perception of a negotiation process. While it also views negotiation as a process, it does so in phases, with each stage's conclusion explained by the execution of certain behaviors that have been identified as particularly suitable [9], [10].

DISCUSSION

It should be noted that despite the approach's advantages, the topic is still the same process that has been examined elsewhere. Its focus on opening options comes before its focus on closure; it uses increased opportunities for mutual gain to broker an agreement to an outcome that is less than or different from the initial demands. This process can be characterized as offering something in exchange for something else, a method of creating trade terms for the exchange of goods in the absence of both fixed prices and fixed monetary units. As previously said, integrative analysis examines the mechanics of the shopkeeper as well as, more realistically, the shopkeeper's encounter with the problem's warrior elements and the need of avoiding them. Negotiators are not just shopkeepers who can strike a bargain on any topic; some things are best left undone, certain interests are appropriately non-negotiable, and there are boundaries to negotiations that security concerns impose. At least diplomatic negotiators are not shopkeepers. It is not just a question of convergence, but also a matter of convergence to find a shared accord via this labyrinth.

Based on Walton and McKersie's original definition of the word "integrative," a developing subfield of this study focuses on exact procedures for determining the best feasible agreement that can be obtained by both parties given the variances in their respective interests. Although this is a sophisticated expansion of the Nash point, which is central to the process and strategy approach, the intricacy of the stakes renders a straightforward positive-sum result too abstract

for practical application. To give the finest trade-offs and ensure the longest possible conclusion, the procedure entails identifying as many dimensions of components to the parties' interests as feasible. Finding the amount of a non-valued position a party may swap for a more valued position is part of the process, in addition to determining how much of a conflicting position a party must give up to get consent. However, conflict is a constant feature of life, and the process of combining conflicting unilateral claims into a single multilateral judgment still exists. The International Encyclopedia of the Social Science describes negotiation as "a form of interaction through which try to arrange a new combination of some of their common and conflicting interests," but this definition has become much more precise over the past 20 years as the study of negotiation has developed and refined a common concept of a process. The "form of interaction" has taken on the form of a process of combining conflicting positions into a common outcome by joint decision, allowing for a more focused examination of the ways in which this is accomplished, including power dynamics, movement patterns, restructuring stakes and values, interacting personality types, or a series of steps. However, it is also evident that there is still much to learn about the process, even if many of the next steps are suggested by beginning with the widely accepted notion of process. The idea of negotiation as a process raises a number of issues, one of which is how to measure success, which is vital to assess conduct and provide recommendations for its improvement. Success is a more nuanced subject than it first seems. The purpose of negotiation is to reach a mutually agreeable solution in which both parties want to preserve the agreement, with one receiving the best possible bargain and the other receiving enough to warrant maintaining it. Because of this, negotiation is not a process of winning or losing; rather, success should be measured in relation to the issue at hand rather than the opponent. As a result, although many factors may be pertinent for assessing success, none of them provide a fully adequate response [11], [12].

First of all, the parties' assessment that they would be better off with the agreement than without it and that they cannot get a better result by either continuing discussions or selecting a different course of action is shown by their signature, which is a prima facie or nominal indication of success. Second, by comparing the parties' conditions before and after the agreement or their position after the agreement with their presumptive position at the same time in the absence of an agreement, it is possible to empirically verify if the parties are, in fact, better off. Although nothing requires the parties to be equally wealthy or even better off, additional assessments could look into how unequally wealthy the agreement made them as well as whether they were *pari-to-optimally* wealthy, or whether they had passed up chances to enhance one party's status without depressing the other. Because some talks aim to address power imbalances, while others may reflect them, different discussions will have different success criteria depending on how much each party's position has improved. Third, the outcomes may be compared to the parties' starting positions, taking into account all the process-related disclaimers about the initial articulation of demands. As previously covered under end-point determinism, Nash points and Bartos solutions are functions of opening positions and may be used as a benchmark to assess real results. However, there are flaws and complications in all three of these assessment criteria that need further work there is now very little on systems of evaluation. Analysis of the talks in the two quite different kinds of stakes (those solvable by division and those by exchange) is another area of interest. Much more attention has recently been paid to the improvement of exchanges with its notion of mutual satisfaction or compensations, even though much of the earlier literature on negotiation concentrated on the more obvious topic of division through concessions with its notion of negotiation as winning or losing.

The significance of exchanging ideas to resolve conflicts is underscored by the fact that parties frequently overlook the fact that reaching a multilateral agreement entails "purchasing" the other party's consent through rewards that are valuable to them and so make agreement

appealing. However, this is not the whole picture; instead, such focus presents negotiation as a positive-sum process in which "everyone wins," rather than a confrontation involving yielding and winning. Every successful shopkeeper needs a little warrior, and similarly, every positive-sum situation has some negative aspects. Parties must choose how to divide and distribute the larger good after it has been generated. Additionally, some stakes cannot be divided, while others must be divided since they are non-transferable. These facets of negotiation are still not thoroughly explored or defined, and they vary somewhat from the perceptive examination of redistributive bargaining that was previously provided. The idea of building is the third strategy for reconciling opposing viewpoints, after compensation and concession. Reframing the stakes to view things differently and eliminate the zero-sum nature of the results is what it means to be in the construction industry. Once again, some stakes elude such imaginative rephrasing, or even when they are the focus of a compelling formula, they turn out to be intractable in detail.

The Toughness Dilemma is a third area of ongoing research that is brought to light by the well-recognized concept of the negotiation process. It has already been determined that the key tactical challenge for both analysts and practitioners is whether to be harsh and when to be gentle, as well as the contradiction that underlies these decisions. It is clearly obvious that the problem cannot be solved as it is posed, and that the right and insightful solutions rely on some intermediary factor, whether it power, personality, phase, time, or anything else. However, apart from the never-ending disciplinary arguments about which variable provides the greatest analysis, there is still no sense of hierarchy among these intermediary variables and no ideas about which is more important. Between the anecdotal proverbs and the operationalize theory is a field of study that has not yet been thoroughly explored and may need new boundaries. Lastly, multilateral bargaining is a subset of negotiation that does not fit into the existing paradigm. Effective consideration of multilateral negotiation has so far been excluded by the existing process idea, and those that have received favorable treatment often end up being limited to bilateral study. Multilateral negotiation is often addressed descriptively, despite its perceptive nature, when it is not limited to dyads. This issue has presented unique issues for the GATT rounds that have followed. Numerous commendable endeavors have been made to formulate a strategy for multilateral discussions, suggesting some encouraging avenues.

One school of thought views coalition building as hampered by multilateral discussions. Coalition, however, is a fundamentally distinct process from negotiation, and it conceals a different negotiation process to the degree that it deals with structuring outcomes to be agreed upon using a weighted decision rule. Something is happening in the coalition's midst that requires a separate study that isn't currently accessible. Similar to the related strategic approach to bilateral talks, coalition studies the in-betweens of negotiations and makes inroads but does not fully capture them. In an alternative method, scale and preferences have been used in a variety of creative ways. However, they also point to the components of an agreement rather than the means of achieving it; much as in coalition, negotiating ends up becoming voting, or at least comes close to it. Other strategies are conceivable but have not been used; for example, a conceptual analysis of the process of assembling an agreement from disparate parts or small group dynamics may provide a fresh analytical perspective. Parties and stakes are the two categories of elements in multilateral negotiation, just as they are in the more common bilateral approach. Parties exchange stakes in negotiated agreements. The general process model of bilateral negotiation serves as a foundation for analysis, allowing a variety of strategies to coexist and support one another. To get the same benefits, multilateral negotiations must either adopt that process notion or create their own fundamental framework. Nevertheless, there are several smart men but only one elephant when it comes to bilateral negotiations, and the two should not be mistaken for one another.

As a political idea, order

Political science is centered on the study of order and chaos, which are the two poles of politics. The fundamental topics of political analysis are the establishment and dissolution of order, but they are especially relevant at the start of the third millennium. The previous millennium has collapsed into chaos. The indication of the times is the need for order. Order has collapsed in the global system as well as in the sovereign state systems, posing difficulties for analysis and intervention. The colonial order and the bipolar order, which constituted the previous global order systems of this century, were based on conquest and conflict, but both regimes have evolved and given way to uncertainty. There is now no clear replacement system, and efforts to regulate interstate relations using a variety of contentious ideas, including international organization, uni- or multipolarity, transnational regimes, rival cultural blocs, or a North-South split, have not proven successful. In a similar vein, the state's status as the pinnacle of political organization is rapidly shifting, being compromised by transnational forces, subverted by interconnected internal forces, and supplanted by international regimes and institutions. Even the United Nations Secretary-General has questioned the idea of sovereignty. Simultaneously, nevertheless, the enigma state is anticipated to control more facets of human endeavor than at any other point in human history. Secular regimes that are too strong to maintain order are replaced by institutionalized participation. Examples of this include totalitarian regimes in the Second World and apartheid systems in the Third World. Some attain a level of focused power so great that it causes them to implode, devouring the fallen state and its remnants in their chaos.

Just as the antithesis of any given type of order is not always disorder, conflict is not always chaos. Order may be found in a variety of seemingly incompatible contexts, such as conflict and collaboration, violence and peace, liberty and security, oppression and justice, and many of the ideas and ideals discussed in this collection. Moreover, order is what facilitates inquiry and analysis in any subject, as it converts facts into knowledge; science seeks for regularities or patterns in happenings, such that theory helps "to bring order and meaning to a mass of phenomena which without it would remain disconnected and unintelligible. Finding taxonomies of order is thus a necessary first step in any investigation into the idea of order in order to address normative issues of purpose and preference as well as analytical problems of cause and connection. In order to analyze present concerns regarding order at the edge of the millennium and ultimately address the topic of universality within the concept and its issue applications, it is helpful to first look to the notion of order itself, its meaning, and its kinds.

The notion as defined and applied

The definition of "order," in contrast to many other political science notions, does not spark intense dispute within the field. According to Susan Strange's account, Krasner first justified his investigation of regimes by stating that it was "related to the most fundamental concern of social theory how is order established, maintained, and destroyed." However, this most fundamental concern was not included in the final form of the book. A link between elements based on a principle is implied by order. According to Augustine, it is often associated with harmony or stability, or sometimes used synonymously. It may also mean "a good disposition of discrepant parts, each in its finest place," or, in the words of a popular family directive, "Johnny, go put some order in your room." Order is consequently, almost often, valued as something that political science aims to identify and political action aims to accomplish. Felix Houphouet-Boigny, the president of Ivory Coast, cited Goethe as saying, "I prefer injustice to disorder one can die of disorder, one does not die of injustice," and his nation demonstrated this following his passing. Aristotle believed that an association is political if it is inclusive and sovereign, with all unions being "established for the aim of accomplishing some benefit. Order,

therefore, is all knowledge, or at least all political understanding in its fullest meaning, and politics is the pursuit of order. That idea, for all its precision, is too wide to address, but at least it suggests that the more intriguing question is less "whether order?" compared to "what/which order?" From whence order?" and "How does order relate to other ideas or principles that are as important, applicable to all people, and relevant to our time? It also suggests that the main discussion in political science on order is more closely related to normative issues, such as what constitutes an acceptable order and what methods and instruments are best for studying it.

The day's orders

Concerns about the democratization process and the evidence that non-democratic systems of government lack the coalition fidelity required for a fast transition to democracy have brought fresh attention to the idea of order via coalition. A politician "must perpetuate order, which he can do by keeping the multitudinous aggressions of men in balance against each other," according to Barzun. Balance becomes the wellspring of order. However, ascriptive factors like gender and race present comparable issues with voter rigidity even in well-established democratic regimes. As a consequence, democracy is now examined primarily using aggregated votes rather of the individual voter, as was the case in previous research.

Other lines of inquiry have been opened up by the stiffness issue. Reexamination of the question of prerequisites for democracy is underway. Some argue that the prerequisites for competitive political pluralism are either economic reform to foster pluralist economic competitiveness or socioeconomic growth to raise levels of productivity and literacy. It is discovered that in order to prevent the authoritarian bloc from reproducing itself under the new circumstances, the transition from an authoritarian to a democratic state requires a negotiated shifting of elite alliances. If ethnic voting blocs are to remain as permanent majorities, they must be disrupted by cross-cutting, interest-aggregating parties; nevertheless, political parties often serve as vehicles for ethnic voting blocs. Research on democratization enters the "puzzle phase" as experts conclude that there is no ideal democratic constitution and instead concentrate on transitional institutional structures, voting laws and procedures, transparency assurances, and post-election implementation. As democracy becomes more widely understood as a coalition process in which all parties participate in power, the drawbacks of simple majoritarian regimes are being highlighted more and more. Although limited by the circumstances of the legislative arena, coalition voting has been the subject of in-depth statistical and game-theoretical investigation in the legislative domain, propelling coalition theory to its pinnacle of development.

Coalition-based order has a more established place in international politics. International relations theory still revolves on the fundamental dynamic known as the balance of power, which pits a flexible coalition of status quo states against a growing hegemon. If fifty years of bipolarism reduced the flexibility of coalition behavior, then the post-bipolar decade of uncertainty has not resulted in the formation of the anti-hegemonic coalition against the surviving superpower that the theory may have predicted. This is likely due to the superpower's easy political yoke, low economic burden from extensive free riding, and widely held values. During the process, an option that is especially useful for tiny states is the opposite coalition behavior of band was going. Another significant development has been the consideration of regime building and multilateral diplomacy, theoretically considerably different from the widely believed bilateral nature of negotiation, as a question of managing complexity via coalition. Even if the foundation of coalition theory is older, these novel applications of the idea go beyond the more fundamental presumptions of the theory and need for more theoretical development and testing.

In the latter decades of the millennium, there has been a tremendous surge in interest in and examination of negotiated orders. According to some descriptions, negotiation entails "an initial disorder - the dispute - and an endeavor to reach an order - the settlement." It has long been believed that coalition and authority, together with their variations, are the competing systems of order for domestic systems, and that negotiation is only relevant to the institutionalized order of international relations. If there are any landmark events in the real world that indicate the need for a renewed emphasis on negotiation, they would be the Cuban Missile Crisis in 1962, which changed the focus of international relations from superpower military confrontation to diplomatic bargaining, and the youth movement of 1968, which mobilized people all over the world to challenge authority and negotiate new realities. Additionally, it was the era of groundbreaking publications that initiated the study of an alternative kind of order, one that was founded on agreement between or among officially equal persons about a manufactured result rather than being divided or mandated. The increased emphasis has created an altogether new field of study untouched in prior accounts which exclusively dealt with results laws, treaties, institutions, constitutions – while disregarding the process in which they were obtained.

In addition to having a participatory legitimacy similar to that of voted orders without the need for losers, negotiated orders provide a triple option that fosters positive-sum innovation that is not possible with voting or authority alone. However, in order to negotiate well, all sides must acknowledge their validity, be willing to accept a compromise, and be able to tolerate ambiguity in decisions a quality that certain circumstances cannot allow. Many areas of political activity, including international regimes, labor-management relations, conflict management, business transactions, and legislation preparation, could not be investigated without the tools of negotiation analysis. However, it is noteworthy that these very issue areas are those where there is still much to be learned and done in the field of negotiation.

Therefore, it is possible to think about bargaining as both an independent and dependent variable. Constructive bargaining yields better results than distributive bargaining because it eliminates the possibility of the losing party rejecting the agreement later on. Institutionalized negotiation arrangements, including consensus legislation, multinational regimes, civil society organizations, planned transitions, and institutional adjustments, are often more adaptable, innovative, and change-tolerant than other forms of order.

The notion that elected orders confirm legitimacy only as a necessary condition has been supported by recent research. Negotiations between elected parties and their appointed representatives generate the actual task of effectively governing while satisfying the interests of both majorities and minority across party lines.

Most lately, a new kind of order the spontaneous or inherent order, or the political counterpart of the market has started to draw attention, propelled by methods in other disciplines. Although it is still unclear whether the balance of power is a choice coalition strategy or an automatic pattern into which nations' activities fall, international politics has long focused emphasis on the process as a pattern. The long-cycle theory and the power-cycle theory are more contemporary variations of a different kind that approach world order dynamically but in very different ways. Philosophers and social scientists have long looked for a self-maintaining balance and a natural order of things. In the postwar period, they both claimed and denied that social systems had a tendency toward homeostasis. Since rational choice is ostensibly the political counterpart of market economy, it is not unexpected that rational choice analysis brings with it something of an intrinsic order mechanism beneath its naïve assumption of rationality. Nevertheless, the idea that the political system is bigger than the sum of its rational political actors and is comparable to the market is not as compelling and has already been

appropriated and drained by the previous century's focus on the *raison d'état*, the *Staatsmacht*, and ultimately the totalitarian state. The millennial generation is still looking for a political structure that is not reliant on the whims of human preference and has its own regularities and procedures that may be the subject of scientific theory and research.

CONCLUSION

Examining negotiation procedures exposes a wide range of variables, from multilateral bargaining intricacies to strategic categories. This research reveals a number of important topics. First of all, strategic categories provide insightful perspectives on negotiation strategies by showing how parties resolve the Toughness Dilemma and modify their strategies in response to game theory quandaries. This knowledge aids negotiators in developing methods that work well for the particular dynamics of their disputes. Second, behavioral analysis clarifies how the personalities of negotiators affect the results of negotiations, emphasizing how crucial it is to acknowledge and take into account a range of behavioral inclinations in negotiation situations. Thirdly, integrative analysis emphasizes how important innovative problem-solving and value-maximizing are to reaching win-win situations. Integrative techniques, with their emphasis on exploring new options and collaborative decision-making, provide a framework for creating agreements that go beyond conventional win-lose paradigms. Moreover, the assessment of negotiation success continues to be a complicated and diverse undertaking, necessitating the examination of elements like agreement signatures, empirical results, and conformity with original viewpoints. This sophisticated comprehension of success criteria is necessary to evaluate the efficacy of negotiation tactics and direct subsequent negotiation endeavors.

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CHAPTER 12

COMPLEXITIES OF ORDER: DEBATES AND DYNAMICS IN POLITICAL RELATIONS

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ABSTRACT:

The multifaceted nature of order within political relations, delving into the complexities and debates surrounding its various dimensions. It examines the intricate interplay between order and concepts such as change, justice, legitimacy, law, and power, highlighting how these relationships shape political systems and interactions. The abstract also addresses the evolving landscape of international politics, particularly in the aftermath of the Cold War, and the emergence of new challenges such as state collapse, interstate transformation, and transitions between different types of order. Additionally, it discusses the role of mediation in managing conflicts within the context of power politics, drawing insights from historical examples and contemporary dynamics. Overall, the abstract underscores the universal significance of order while acknowledging the diverse perspectives and approaches that characterize its interpretation and implementation in different cultural and geopolitical contexts.

KEYWORDS:

Bipartisanship, Diplomacy, Ideological Differences, International Relations, Multilateralism, Negotiation, Partisanship.

INTRODUCTION

There are still a lot of connected problems that need to be resolved in the absence of heated discussions regarding the idea itself. While some of these concerns deal with apparent synonyms like order and legitimacy, order and law, or order and power, others deal with putative opposites like the relationship between order and change, order and justice, or order and process. None is new but all are of special importance for political relations at the turn of the century. The link between order and change is a continuous topic put into greater prominence during the conclusion of the Cold War. "Law and order" began to be associated with the right and forces opposed to change in the late 1960s; the theme of the XVIII World Congress of Political Science, which focused on the "Corporate Millennium," highlighted a change-oriented order.

The juxtaposition of the two topics serves as a reminder that order and change are not mutually exclusive. Examples of orderly change include patterns of revolution, development, transitional policies, and constitutional revision. Thus, the age-old topic of how order and change relate to one another assumes two meanings: the scientist searches for patterns in novel event clusters, while the practitioner seeks orderly, or at the very least predictable, change [1], [2].

State collapse, interstate systemic transformation, and shifts from one form of order to another are new topics of interest for interpretive study on change and order toward the end of the century. Realistic theory has faced criticism for its limited applicability in international politics due to its incapacity to adequately explain, much less forecast, the breakdown of the bipolar system and its potential successors. The quest for nonviolent change in the now-merging fields of intrastate and interstate conflict has given rise to the new study of conflict management and transformation, which looks at conflict patterns and strategies for directing violent conflicts

into political engagement. In fact, some see government as conflict management itself, offering a systematic approach and framework to resolve disputes including justifiable demands and preventing their spiral into violence [3], [4].

Like peace and kindness, order is not always justice. In a long run, orders are likely to be eclipsed by the pursuit of justice if they haven't already, but as the principles of justice are dynamic, what is just today may be tomorrow's catalyst for uprising. This volume examines the definition of a just order that can withstand unavoidable changes in criteria, analyzing the most recent periodic outburst of scholarship on the topic of justice. Despite all the absurdities it committed against mankind, communism started out as a quest for a fair order. However, very quickly, order took precedence above justice in both its internal political structures and its regional organization. Research on order has shifted its attention from achieving justice to other, more intrinsic criteria after the fall of global communism. Justice is only mentioned as the driving force for the installation of an authoritarian regime, with the same inherent distortion as previously seen under communism, in the case of fundamentalist religious groups, most notably Islamist ones. Comparably, in post-Cold War international politics, the most powerful authoritarian system is really a feeble hegemonic one, criticized more for its incapacity to uphold justice than for the system's inherent unfairness [5], [6].

Since legitimacy and order are two different concepts, "legitimate order" does not mean the same thing as "mighty order," nor does the power that creates order imply that it is right. The concept of legitimacy, defined as "the right to rule," is limited to domestic political regimes in which authority is practiced. However, it begs the issue of whether the current order is really legitimate as well as how legitimacy is decided. Despite a number of advanced polling methods and rational choice analyses which are often only feasible in somewhat reasonable sequences there is still no definitive solution to that issue. Neither of the two components is independent of the other; order supports legitimacy, and legitimacy supports order. To be researchable under the anarchic international system, legitimacy requires a new definition that can instead relate to the right to exist, if not directly to the idea of justice. Investigations into the legitimacy of an international order in the absence of a direct determination, which is more applicable in domestic policies, inevitably involve questions regarding the procedure used to establish it, the distribution of its benefits, and the ratio of benefits to responsibilities. The approach has placed a strong emphasis on the relationship between order and process, highlighting how order is never static. Order is both a process and a consequence, and there is need for extensive research into the processes of contemporary importance, such as coalition building and negotiation the political version of the market. The potential is yet unrealized in all three domains. Theorists are still looking for the political counterpart of the market, coalition theory has not kept up with its application, and negotiation theory is still a question of many different perspectives on the same elephant. Coalitions are most suited for theoretical examination in domestic or diplomatic law when they meet the requirements for formed units with clearly defined interests and viewpoints. However, even the finest analysis becomes inductive or ad hoc when their interests are inchoate and their existence itself is the focus of political activity, which is often the case. Similar to this, established positions, bottom lines, and concession/convergence behavior have long been the foundation of negotiation research. These assumptions enable for the development of tidy theories, but they also leave out and conceptualize the negotiating process in ways that are unrealistic. The "market" for politics may also only exist as a procedure. The significant understanding of a political system as a mechanism with predictable and explicable outcomes that was formed in the 1950s and 1960s has been temporarily placed on hold, ready to be retrieved in response to fresh inquiries and inspiration bursts.

Another hot topic in the discourse right now is the relationship between law and order. Despite ideological appropriations of the term, law and order are roughly synonymous in domestic relations; the contentious question is to what extent public and private life must be governed by laws. While many nations have substantially limited individual socioeconomic security from birth to death, many people see legal control of everything from abortion to zebra meat as too invasive, which fuels the conservative demand for "less government." Locke's description of civil society as an order devoid of player authority that can manage its own affairs without resorting to Hobbes' Leviathan provides a solution for many. However, the relationship between the two - the subsidiarity question - is not so clear. Is law necessary to regulate what civil society does not do, or is civil society necessary to regulate what law does not do? However, the study of civil society is becoming more and more essential, especially with relation to emerging nations where the issue is not invasive but rather weak or privatized government. It is still up for dispute whether a democracy needs legislation to maintain order. The same question underlies the debate between realists and liberals in international politics, where there is essentially no government at all. They disagree on whether the international order is anarchic and which state "behaviors" are restrained by regimes, such as institutions, soft law, or "principles, norms, rules and procedures." The debate is still open, but the liberal school is better suited to explain cooperation than its opponent, which is more conflict-aware.

Important boundary concerns are also raised by the link between power and order; some of these are brought up in the section on power in this collection. Power, whether distributed or organized equally or unequally, and whether functioning in coalition, negotiation, or more automatic dynamics, is the fundamental idea of political science and the source of order, despite all its definitional ambiguities. Thus, power as an order for doing something and power for establishing order are the two divisions of analytical relationships. Whether in domestic policies in transition or in the international system changing from bipolar coalitions to unipolar hegemony or multipolar pluralism, the first issue focuses on how one gets at a certain order. This is a topic of special relevance during system or regime change. The domestic issue has given rise to a robust body of research emphasizing the significance of powerholders bargaining to maintain protection, if not position, throughout the transition; yet, the uniqueness of the most recent situation limits examination of the history of the international system [7], [8].

The second query focuses on how different ordering affect power hierarchies. Concerns of this kind include the current discussions over bipolar vs multipolar stability in international politics and the significance of a hegemony versus a middle power alliance for regional integration. Although the ruling seems to have favored bipolarity over multipolarity as the route to stability, the analysis contains hints of argumentation intended to appease the court or conform to the status quo. Regretfully, a more nuanced but perhaps less satisfying conclusion would be that any of the three orders is if it is applied correctly; that is, each order has mutual restraint stability mechanisms whose application is dependent on the dominant parties' sense of responsibility rather than any innate homeostasis. Finding the balance of power, bilateral regimes, and royal philosophers as examples of these processes confirms the need of include both more objective mechanisms and regularities and human will in political research.

DISCUSSION

Developed countries have mostly figured out their institutional arrangements, while emerging nations are still debating the pros and cons of a centralized, if not autocratic, power structure against a pluralistic one that may be either parliamentary or dual executive. The discussion was most fully realized in the early 1990s in the twelve African nations when civil society took the unprecedented step of overthrowing the authoritarian government and creating a new social

compact. Even in the absence of a sovereign national convention, the same challenge confronts others on the continent as well as those overseas in the Middle East, Asia, and Latin America who share the same ambition to move away from authoritarian control. While the negotiated order faces the challenge of participation—recognizing both those who are part of the problem and those who are not—and of recognizing both as legitimate parts of the solution, an authoritarian order faces the challenge of maintaining the father of the nation dynamic and honest. As previously noted, the coalesced order faces the challenges of coalition instability or of maintaining the Great Coalition honest and dynamic. Democracy is the preferred answer to the issue of power and order, but it is also used to excuse non-democratic and really democratic systems alike, and its inherent abuses and inadequacies force the discussion back to issues of accountability and efficacy. The possibility of a weakened state encountering more obstacles as the year goes on offers an unexpected or welcome new perspective on the issue of power orders. Though inconclusively, international politics have started to address the issue of permeable and bypassed sovereignty undermining the foundation of its state system. In internal politics, the idea of civil society as a vital component of the internal order and a solution to the issues of effectiveness and responsibility is once again brought to light. This is because the state, regardless of its power structure, must depend more and more on collaboration with other non-state actors. As a consequence, there is a growing need to acknowledge the significance of negotiation as the decision-making hierarchy inside the networks, dialogues, regimes, outsourcing, etc. that are required to connect the dots, as opposed to authority or coalition democracy. The return of the state to the center of political thinking has coincided with its need for major surgery and bypasses to restore its damaged and impaired circulation [9], [10].

The order's universality

It is difficult to believe that any of these issues could be exclusive to a certain cultural region of the globe or that they would just impact Westerners. Order is a universal concept with many different manifestations. Each has benefits and drawbacks, and none are unique to any one nation or area in terms of culture. Though there are several orders around the world, such as the Confucian order in China, the Islamic order in Iran, the Enarquic order in France, or the monastic order in Morocco, they all share the notion of order and some of their distinctive features. It is difficult to evaluate, compare, or simply discuss them without referring to widely accepted notions of order.

However, from the perspective of political culture, some notions of order—derived from present political systems, historical customs, prevailing faiths, and regional connotations—dominate the ethos and practice of vast swaths of the globe. From this, admittedly generalized and possibly caricatural, vantage point, it can be said that Asia, both East or Confucian and West or Arabo-Muslim, favors a centralized hierarchical political order, while the Judeo-Christian Atlantic West is typified by a pluralized competitive order. The Confucian system that predominates in China views hierarchy as superior to competition as an organizing principle, and its method of decision-making is enlightened authoritarian command. China and Egypt would be examples of the first, the US and Europe of the second. Chinese inclination for a strong central authority is predicated on a deeply ingrained fear of societal disintegration. It is also believed that a powerful government is better equipped to provide social amenities. Since the Middle Kingdom is the focal point of China's political geography, it has long been seen as a series of concentric rings, and the enormous nation is just one time zone apart. Values prioritize peace within the community and serve the interests of everybody. Foreigners are kept apart, education's primary goal is to socialize students into the prevailing cultural norms, and political engagement is limited to one political party. It becomes harder to practice negotiation, thus informative speech is recommended [11], [12].

As seen in Egypt and the majority of other Arab nations, Arabo-Muslim political culture has striking similarities while coming from quite different foundations. Democracy finds it difficult to take root in an authoritarian society when the political system is dominated by one party, or at the very least, the dominant party.

The Arab nation and the one Islamic community are romanticized and mythologized if the Arab globe is divided into independent governments, and the Qoranic language is considered the standard of civilization and the inspired word of God. Even if several other Arab nations might argue for at least paternity, Egypt is the Mother of the Earth. Pluralism is unavoidable in both East and West Asia, but it is limited and dependent on the centralized authoritarian system.

The Atlantic West, on the other hand, is distinguished by its several time zones, multiparty democracy, multicultural stew, and competitive pluralism. The US is only as unified as its federalism will let, and the only way for Europe to remain together is if its multistate structure is maintained. When pluralism has to be restrained, it must be done so via legal conflict, binary logic, and manichean understanding of right and wrong.

The US adopted France's concept of the division of powers inside the government, and historically, the richness of American civic society has been matched by this plurality. Even in those cases where the European monarchial heritage has preserved a semblance of centralism, English nobles, German states, Italian ambiguous tolerance, and French democracy have historically eaten away at its margins. With elections and democratic alliances, this is the epitome of a negotiator's democracy. These brief stories, like the whole field of political culture, might be interpreted as warring civilizations or disregarded as pictures d'Epinal. Even in their condensed form, the vignettes convey a certain agreement about the various conceptions of order in various regions of the globe, but there is a wealth of literature and conversation that goes into the overall image of the three cultures that they show.

The main idea, however, is that these pictures convey a shared understanding of what order is and the many shapes it might take, even while some components of that universal typology have diverse supporting instances from other geographical areas. While various areas may have different opinions on which order is best, they always start the discussion with the same knowledge of the orders that are both feasible and used by political entities on our planet. Furthermore, the causes of these many hierarchies and their effects are also a part of humanity's shared past. To paraphrase the doggerel of the nineteenth century,

Conflict resolution via negotiation

The mediation of international conflicts by third parties is a common practice. Although the prevalence of mediation in past times is unknown, it was used disastrously in *Romeo and Juliet* and has been a regular practice for at least 400 years. While there have been numerous changes in international politics since the conclusion of the Cold War, there has been no decrease in the frequency of international conflicts or the propensity of third parties to arbitrate those they find particularly problematic.

Here, "conflict" refers to matters of political and security. Rival parties in international economic or environmental conflicts are often less aggressively competitive, and the methods used to resolve them are typically less violent than in political-security conflicts. Power politics surround conflicts involving political-security problems, and this has a significant impact on international mediation. This assumption serves as the conceptual foundation for our examination of the mediation players' motivations, the circumstances influencing the mediators' performance and roles, and the elements of successful international conflict resolution. Here, the phrase "inter-national conflict" refers to both interstate disputes and

domestic disputes impacted by outside parties. Internal conflicts often take on an international dimension when external parties provide protagonists engaged in internal disputes bases, political, economic, or military support, or both.

One method of third-party conflict intervention is mediation. It is not predicated on the use of physical force and is not intended to assist one side in winning, setting it apart from other types of third-party involvement in conflicts. Its goal is to resolve the dispute in a way that satisfies both parties and takes into account the interests of the third party. The parties do not have to agree in advance to accept the mediator's recommendations since mediation is a political procedure. This is how it is different from arbitration, which uses the legal system and renders a decision that the parties have already agreed to accept. The best way to conceptualize mediation is as a kind of negotiation where a third party assists the parties in reaching a resolution that they are unable to reach on their own. In order for mediation to achieve its goals, the parties involved in the conflict must accept it, and they must then work together with the intervenor. However, mediators often encounter early resistance from the disputing parties; thus, before the mediation process can begin, their first diplomatic task is to persuade the parties of the benefits of their services.

The objectives of the mediator

States use mediation as a tool for their foreign policy. Their typical proclamation of the objective of reducing conflict serves to justify their engagement as mediators. But the desire for peace is entwined with other motivations that are best explained in terms of power politics. It is most beneficial to use a rational-actor method with cost-benefit analysis in order to comprehend these motivations. Mediators have a stake in the resolution of the conflict because they are participants in the interpersonal dynamics surrounding it; otherwise, they wouldn't mediate. Motives for mediation must be found in both local and international self-interest as well as humanitarian impulses, given the significant political, moral, and monetary resources that mediation demands and the dangers that mediators incur. It is rare for mediators to be apathetic about the terms under negotiation. It should come as no surprise that they attempt to steer clear of conditions that conflict with their own interests, even if mediators' interests often provide a greater range of acceptable outcomes than parties' interests. International organizations, medium-sized powers, and superpowers are all motivated by self-interest.

States acting as mediators

States that mediate disputes are likely to look for agreements that will improve stability chances, keep their adversaries from intervening, win over one or both sides' appreciation, or allow them to maintain a role in future relations within the area. Through mediation, both offensive and defensive aims may be advanced, and they often coincide. When the interests of the mediator are threatened by an ongoing conflict between parties, mediators take a defensive stance. Because of the conflict's impact on the mediator's relationships with the opposing parties, resolving the conflict is crucial to the mediator. For instance, a disagreement between two of the mediator's allies may damage and undermine the alliance or put pressure on the parties' relationship with the third-party mediator. A dispute between two states may also throw off the regional equilibrium or provide openings for a rival power to intervene on one side of the dispute and expand its influence.

A conflict may sometimes pose a danger of intensifying and enticing new participants. Actors may try to diffuse the conflict in order to stay out of hostilities if they are afraid of such an extension and escalation. In these situations, mediation may take the form of a single intervenor or a cooperative effort between two or more governments operating either within or beyond the borders of an international organization. For instance, the European Union, the

Organization for Security and Cooperation in Europe, NATO, the United Nations, the informal "Contact Group," Russia, and the US were all engaged in the attempts to mediate the numerous conflicts resulting from the breakup of Yugoslavia. When competing nations felt that a specific conflict would threaten their security, they have been known to collaborate and participate in joint mediation as a means of defending their territory.

The desire to expand and develop influence serves as the second self-interested motivation for mediating disputes. In this instance, the mediator views the resolution of the conflict as just a means of mending fences with one or both sides, not as a matter of direct concern. By assisting one or both parties in resolving their differences or helping one of them receive better terms in a settlement than would otherwise be possible, a third person may expect to gain the appreciation of one or both sides in a dispute. The mediator may exert more influence even if it cannot fully support one side by making the discussions dependent on its participation and by having each party rely on it to extract concessions from the other. By accepting the risks and obligations that come with becoming guarantors of any agreement, mediators may further solidify their position and impact. These interests are shown by several historical instances. A combination of defensive and aggressive goals drove US mediation in the Rhodesia/Zimbabwe conflict in 1976–1979 and Soviet mediation between India and Pakistan in 1966. From a defensive position, the US was concerned that the Rhodesian conflict might provide chances for the Soviet Union to influence African nationalists and obtain power. However, as the affected African tribes were already politically aligned with China and the Soviet Union, the US mediation also aimed to strengthen ties with these groups and thereby increase US influence.

The Soviet Union's desire to strengthen ties with Pakistan a nation that had previously had stronger relations with the US and China than with it was one of the driving forces for its mediation in India-Pakistan. In addition, it aimed to boost its reputation and set a standard that would support its continued engagement in local affairs. Its action was also motivated by significant defense considerations. China was able to expand its influence into Pakistan as a result of the Indo-Pakistan conflict, establishing a position near the Soviet Union's southern frontiers. China would find this growth more challenging if the conflict subsided.

Since 1945, the US has mediated international disputes the most actively. This participation is in line with an interpretation of mediators' motivations based on their interests. The US often attempted to defuse conflict, and mediation was a suitable tool to that purpose. The US believed that conflicts would give the Soviet Union opportunity to interfere and increase its influence. Additionally, due of the US's might and reputation, smaller governments involved in conflicts have sometimes asked for US assistance without mentioning the Soviet Union. The US often discovered that mediating a dispute between the parties involved was the least dangerous course of action in such circumstances, as it was always afraid that supporting one side in a local conflict would force the other side into the Soviet arms and was pressed for help by its supporters. Given the US's long-standing dominant position in world politics and the disparate scope of the two countries' zones of influence, it is easy to see why Americans participated in mediation more often than the Soviet Union throughout the Cold War. China and Eastern Europe made up the Soviet sphere at first. It grew to encompass a few more countries that started to rely on Soviet military assistance in the middle of the 1950s. The US saw the rest of the world—sometimes referred to as the Free World—as belonging to its own domain. These Free World republics differed in the real American influence, but all shared the fact that the Soviet Union was less influential than the US. The reason for the US mediating a greater number of conflicts than the Soviet Union may be attributed to its broader influence.

Foreign policy has been shaped more by public opinion's humanitarian concerns after the end of the Cold War than it has in the past. Governments have sometimes intervened in foreign conflicts, especially civil wars, out of a desire to appease the people at home, even when doing so does not seem to compromise their security interests. Collaborative mediation seems to be growing in popularity as it appears to be less expensive for intervenors than armed action—especially when done via multinational organizations.

Small- and medium-sized powers mediating

Small- and medium-sized powers' self-interest, some of which is tied to internal issues, also drives their mediation efforts. These interests include the potential for a conflict to spread to the mediator's territory, the worry that a local conflict might intensify and enlist the help of strong external actors, the reluctance to take sides in a dispute involving other countries, and the pursuit of norms that would tend to increase the mediator's own security.

Through mediation, small- and medium-sized states may also hope to increase their status and influence. In an effort to lessen intra-Islamic conflict and demonstrate their value to both sides of the conflict, Egypt and Algeria mediated between Iran and Iraq in 1975. The expectation that mediation would foster goodwill for Algeria among the US public and so aid in improving ties between Algeria and the US seems to have motivated Algeria's role in mediating the dispute between the US and Iran over American captives. This expectation stemmed from the US backing Morocco, Algeria's rival in the war in the Western Sahara against the Polisario movement, which Algeria backed. Other instances where states attempted to improve their international standing through mediation include Ghana's attempt to mediate in the Vietnam War (1965–1965), Romania's attempt to act as an intermediary in the same conflict, US–Soviet relations, and Arab–Israeli relations, and India's attempt to mediate between the US and the Soviet Union and China in the 1950s.

Since they have fewer options for foreign policy than larger partners, small and medium-sized governments benefit from mediation by becoming more independent and valuable. Furthermore, if forced to choose a side in a dispute, they can try to get out of their situation by mediating the dispute. Small and medium-sized nations continue to play a mediating role in the post-Cold War period. Zimbabwe, Kenya, Zaire, South Africa, the Association of South East Asian Nations, the Palestinian-Israeli conflict in Norway, the conflicts in Yemen and Lebanon, and South Africa, the conflicts in Nigeria and Swaziland, were all attempted to be mediated. Many nations see conflict mediation as a key component of their foreign policy, including South Africa, Togo, Tunisia, Algeria, Saudi Arabia, Costa Rica, and Colombia.

NGOs and international organizations mediating

Compared to governments, international organizations have slightly more complicated motivations. Several international organizations have peacemaking as their primary goal, as is stated in their charters. Intergovernmental organizations, however, are also governed by the unique interests and policies of their member nations. International organizations were released from the bipolar limitations that accompanied the end of the Cold War, and they threw themselves into conflict resolution and mediation. Their reputations and resources were therefore overextended, and their efforts failed to produce the anticipated rapid results. Within a short period of time, member governments withdrew, placed the responsibility on the organizations, and drastically curtailed their mediation efforts. The Organization of African Unity added a section on conflict prevention, management, and resolution to the Secretariat; ASEAN assumed new mediation responsibilities; the Economic Community of West African States and the West African Economic Community mediated conflicts within their borders; and UN Secretary General Boutros Boutros-Ghali sent special envoys to conflict areas on his

own. In order to fill the vacuum left by the UN, various regional organizations have emerged in the post-Cold War period, and the UN's potential has gradually been reevaluated. The UN's experiences in Somalia, Rwanda, and Cambodia highlight the organization's enormous potential for mediation as well as how difficult it is to keep its position apart from the particular, if limited, interests and concerns of the Security Council's top member states. Even while the main actors in power politics have more obvious and dubious interests than non-state mediators, they nonetheless have self-interested goals. Nonstate mediators, at the very least, have a reputation to uphold and a position to develop, so they have an incentive to come across as competent and successful mediators. Example instance the very driven activity of the Vatican in mediating the Beagle Channel conflict between 1978 and 1984 and the Sant'Egidio community in mediating in Algeria and Mozambique. This duty often goes beyond mediation to include organizational interests in making an impression and keeping the organization presentable and ready for future tasks. Given their respective goals, non-state mediators and state mediators are rather similar in this sense.

Many nonstate actors have offered themselves as international mediators due to concerns about peace as a value in and of itself, mistrust of the motivations of interested mediators, and awareness of the inherent restrictions on states' mediating duties. Many of them are interested in a certain result because they think it is inherently desirable rather than because it immediately impacts them. Therefore, rather than aiming for some other result, the many private organizations seeking to be useful in the Rhodesian and Liberian civil conflicts were trying to find an acceptable road to Zimbabwean independence and a new democratic system in Liberia, respectively. Not out of venal egotism but rather because they feel they have something to contribute, all nonstate actors have an interest in strengthening their roles as helpful third parties; also, a boost to their status and reputation facilitates their ability to carry out their duties.

In a conflict, disputants must decide which offer of mediation to accept and whether to accept it at all. These are two connected decisions. Like mediators, parties that accept intervention do so with the expectation that it will serve their interests.

The most apparent motivation is the hope that mediation would provide a resolution—a way out—that is more advantageous than the result of a protracted conflict. Additionally, the parties anticipate that mediation will result in a resolution when direct negotiation is not feasible or will provide a settlement that is more advantageous than what can be obtained via direct negotiation. Even though it might not agree with the adversary's assessment, it might agree to work with the mediator if it believes that rejecting the offer would result in even more harm, such as deteriorating relations with the potential mediator, lowering the likelihood of a negotiated settlement, or extending an expensive dispute. These considerations may sometimes persuade nations to support intervention, even in internal disputes. The parties may also consent to mediation in the hopes that the mediator would lessen the expenses and dangers associated with reaching a settlement, safeguarding their good name and image in the process. They could also think that the presence of a mediator suggests a guarantee for the final agreement, lowering the possibility that the opposing party would break it.

International organizations' acceptance of mediation may also be predicated on their ability to provide normative validation, as opposed to their ability to exert influence on the opposing party or facilitate a mutually agreeable resolution. Although the International Committee of the Red Cross is a prime example, this concept also applies to the United Nations. The ICRC's capacity to provide a framing or detaining authority with a better image may be a potent inducement for the parties to accept its services and abide by its recommendations.

Acceptability and Partiality

The presumption that mediators must be seen as unbiased has to be altered if the decision to accept mediation is made solely on the basis of a cost-benefit analysis. The parties' assessment of the implications of accepting or rejecting mediation and how their choice would effect the likelihood of reaching a good conclusion is more significant in influencing their decision to proceed with mediation than the mediator's objectivity. What impact will it have on their future interactions with the potential mediator, too?

Because they are already a part of the relationship, third parties are initially only accepted as mediators to the degree that they are seen as competent to provide acceptable results. After that, however, their continued intervention is allowed. Good relations between a mediator and one of the opponents may actually be helpful in facilitating communication, generating original solutions, and bringing the two sides' positions closer together, even if there is no required correlation between a mediator's previous bias and its future use. Being close to one party suggests that you can "deliver" on it, which encourages the other party to cooperate. The implications of closeness can actually be taken a step further, as the acceptability and success of a biased mediator rests in the possibility that it will persuade the party it is biased toward to reach an agreement. This is because mediators are unlikely to succeed if they are seen as favoring a solution that benefits the party to which they are close.

Several instances highlight these principles. Africans' perception that the British and US were sympathetic to the white Rhodesians in the Rhodesia/Zimbabwe mediation made the British and US mediation seem hopeful and encouraged African collaboration. The Arabs found American mediation appealing in a number of Arab-Israeli mediations because they thought that the tight links between the US and Israel would allow the US to grant Israeli concessions. Pakistan, in spite of its strong ties to India, accepted the Soviet Union as a mediator in the Tashkent mediation. Pakistan believed that the Soviet Union was near enough to India to reach an accord, and that it was worried enough about Pakistan's increasing collaboration with China to want to strengthen its own ties with Pakistan. The United States welcomed Algeria as a mediator with Iran not because it was seen as neutral but rather because of its potential to assist free the hostages by gaining access to and facilitating the agreement of those close to Khomeini. Mediators are not allowed to completely support one party over the other, although they are free to be somewhat biased. They may be able to communicate their preferences for the negotiation's conclusion with this latitude. The US did not care what kind of compromise was reached in the discussions between Namibia and Zimbabwe as long as it cleared the path for majority rule. The white settlers nonetheless embraced US mediation as a way to escape a losing situation, even if this implied that the US backed the core of the African position and, implicitly, aimed to remove the white settlers as a sovereign political player.

In international organization mediations, a shared interest is in certain results. Beyond the idea of peaceful resolution, the Organization of American States, the Organization of African Unity, the International Committee of the Red Cross, and the United Nations all have some broad standards that they want to maintain. They make an effort to advance solutions that preserve their reputation as defenders of these standards and that are seen as being in line with the principles of the Geneva Conventions and their respective charters. In fact, in an attempt to impose these norms, they may falsely accuse others for departing from them. The European Community established the principle of the inviolability of internal borders within states, equating their status to that of international borders, in an attempt to mediate a settlement of the disputes arising from the dissolution of Yugoslavia in 1991 and out of concern for the impending dissolution of the Soviet Union. However, the OAU's commitment to the principles of successor state integrity and *uti possidetis* prevented it from mediating the Biafran or

Namibian conflicts, the Ogaden war, or even the creation of a commission to mediate the civil wars in Rwanda and Sudan. All of these principles were so deeply ingrained in the organization that it was unable to operate as a mediator in their respective conflicts. Whether the mediator is an international organization or a state, acceptance of mediation is not a given. It is contingent upon the prospect of mutually beneficial consequences. Consultation procedures allow the parties to have an implied influence in the panel's composition when the OAU forms an ad hoc commission to arbitrate a dispute. Instead of an unbiased commission, the outcome is often a balanced slate since members are more inclined to want to safeguard the interests of their friends than to base their opinions just on impersonal rules.

Non-state organizations that operate independently, like the ICRC and the Sant'Egidio community, are free from issues related to composition and prejudice. Nevertheless, it is still not a given that they would be accepted as a mediator. Parties at odds are more interested in whether the ICRC's or Sant'Egidio's engagement will advance their goals than in whether these organizations will carry out humanitarian tasks in an impartial manner. States may thus contest that there is or has been an armed conflict that would call for an ICRC involvement or that a conversation venue in Sant'Egidio is suitable. However, the legal framework may sometimes be negotiated, and the parties' opinion of the mediator's neutrality may not always determine the parameters of engagement, but rather how they are believed to affect their interests. Mediators need to be seen as having a stake in reaching a solution that pleases all parties and as not being too biased to prevent that from happening. Once again, the parties should consider if the mediator can provide an acceptable result rather than whether they are objective.

CONCLUSION

Examining the nuances of political relations order shows a complex and diverse environment. We have seen throughout this examination how the dynamics of political systems, both domestically and internationally, are shaped by the intersections of order with a variety of other ideas, including change, justice, legitimacy, law, and power. The debates on the link between order and change highlight the need to go beyond oversimplified dichotomies and acknowledge that order may include orderly transitions and adjustments rather of being inherently opposed to change. Analogously, the analysis of justice and order draws attention to the conflict that exists between stability and the goal of fair government, with many political systems finding it difficult to strike a balance between both. Moreover, the study of mediation as a mechanism for handling disputes in the context of power politics highlights the strategic considerations involved in international interventions. States may often profess to act out of humanitarianism, but stability, influence, and regional power dynamics all play a role in how they behave. In the end, this study emphasizes the importance of order in political interactions across cultures and locations, while also recognizing the many methods and interpretations that these distinct perspectives bring to the table. We may better comprehend the complex processes that form political systems and relationships, as well as the possibilities and difficulties they bring for attempts at governance and peacebuilding, by exploring the complexity of order.

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