

Pre negotiations: The Theory and How to Apply It to Balkan Issues

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Research Study No. 6

Sofia, July 1998

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*A MAJOR PART OF THIS STUDY WAS CARRIED OUT DURING MY PARTICIPATION IN THE **USIA** SPONSORED SUMMER INSTITUTE FOR THE MAKING OF THE U. S. FOREIGN POLICY BY THE UNIVERSITY OF MICHIGAN AT ANN ARBOR (JUNE-AUGUST, 1997). MY GRATITUDE IS BOTH TO THE ACADEMIC COLLEAGUES OF THE INSTITUTE AND TO THE AGENCY*

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Hard copy: ISBN 954 - 9533 - 07 - 7

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Preface

The issues, the activities and the relations preceding the formal international negotiations have increasingly become an area of a special theoretic interest. The prenegotiation or the prenegotiation phase is part of the broader issue of the dynamic interactive process of international negotiations.

The pace, the contents and the direction of the negotiation process is influenced by various factors: foreign-policy bureaucracy in the individual negotiating countries, the personal peculiarities of the very negotiators, the international-political environment of the on-going negotiations, etc. The system constituted by the interactive relationship of the negotiating parties is certainly one of these factors and all the prenegotiating activity before formal negotiations have begun does matter in shaping and understanding the actual negotiation process.

Both the cooperative and the conflicting relations in Southeastern Europe have run into regulative problems part of which are caused by inadequate preparatory prenegotiation work. Examples of that are the deadlocked bilateral relations between Bulgaria and FYROM - The Former Yugoslav Republic of Macedonia; the incapacity to duplicate right away the successful agreement for the creation of the Multinational Peace-keeping Force of Southeastern Europe (MPFSEE) with an agreement of the place for the headquarters of this rapid-reaction force and an important confidence and security building measure in the worried Balkan region; the inadequate involvement in an informal way of counterparts from the FRY by broader multilateral Balkan fora to show how the developments in Kosovo are perceived by experts, the broader public and politicians in the neighbouring Southeast European countries; the slow process of historical rapprochements in the Balkan peninsula; the deadlocked Bulgarian-Romanian case of the construction of the second bridge over the Danube and many others.

The Institute for Security and International Studies (ISIS) continues its three-dimensional work of conceptualizing the post-Cold War political, social, economic and security situation in Southeastern Europe, of finding the adequate tools to cope with the existing issues and of moving more effectively to becoming a part of the Euroatlantic security community. An improved negotiation culture and capacity of all the players in the Southeast European region, including at the prenegotiation stage is a fundamental reason and motive of carrying out this study. It is hoped to be just a part of a broader research and educational activity in the field of international negotiations ISIS intends to carry out individually and in cooperation with other national and foreign partners - by traditional means and through the potential opportunities Internet presents for bringing closer more people together.

Negotiating to prevent and manage conflicts in the Balkans, to cope with a vast array of post-conflict reconstruction and reconciliation issues as well as to channel the region-building activity in Southeastern Europe - all they necessitate an enhanced international negotiation potential for all actors in the area that ISIS is ready to stimulate, educate and catalyse. There is no doubt for the author of this study these three different kinds of negotiating activity in the Balkans have specific reflections on

the prenegotiation activity and theory and vice versa - an issue that further needs to be scrutinized and thought over.

All the responsibility for the assessments, opinions, conclusions and suggestions is exclusively of the author of the Research Study as an Associate of ISIS.

I. INTRODUCTION

Though an "encompassing" and "thorough" theory of the processes of prenegotiation has not been formulated yet there is no reason to refrain from using the achievements, the propositions and the potential in general of this vital precursor of practically all international negotiations in the conflict-rich post-Cold War world. The Southeast European region or the Balkans, in particular, its people and political leaders could utilize much of the conceptual experience of prenegotiating in coping with the multitude of major and minor real and potential conflicts and other issues. Prenegotiations provide an opportunity to approach and be involved in managing significant issues, including conflicts, without taking the risk of formal commitments as well as facilitating the very negotiations in areas as determining the participants, the agenda, etc. A basic reason of benefiting from prenegotiations by all parties is the possibility to understand better the specific mechanism of shaping the partner's and the own party's commitment to negotiate.

The research tasks of this study are the following:

First, to sum up in short the existing opinions on the definitions, stages and functions in the literature of this field and share personal positions on these issues, stemming from the literature in the field and from the analysis and the conclusions of the various negotiation practices and opportunities in Southeastern Europe.

Second, to outline the theoretic areas within the discussed topics which presently seem most urgent to be related to the various issues of stability and belated modernization and prosperity of the Balkan region. The need to solve a multitude of individual issues in this part of Europe, the broader and perspective task of knitting together the fabric of the subregional security community call for improved international negotiation processes, including prenegotiations.

Third, to add to the continuing theoretic discussion about prenegotiations the argument, derived from the specific regional interrelationships that during the prenegotiations the bargaining approach to the negotiations should necessarily give way to the problem-solving one. The high complexity of the bargaining situations in the troubled Balkan subregion of Europe needs more imagination and creativity to change the concept and contents of the functions, stages and the expected outcomes of the ongoing or future negotiations.

II. DEFINITIONS

The existing comparatively small literature about international prenegotiation in the aspect of its definition may be grouped into two major schools of thought [1]. The first one conceives international negotiation as an integral part of the international

relations or a sub-field of international politics. It emphasizes the prenegotiation as an essential aspect of the context for negotiations [2].

The second one, seeking to develop international negotiation theory is by now divided into two contending views: a) prenegotiation is an initial phase or stage in the process of negotiation [3], and, b) prenegotiation is a separate process that structures the actual process of negotiation [4].

Harold H. Saunders tries to link the issues of prenegotiation and negotiation itself with the conduct of diplomacy and foreign policy. The decisions made in the broader area of diplomacy assume a direct meaning for the negotiations and he tries to reach back into the period before a decision to negotiate is made. According to him prenegotiation is a process, consisting of three phases: 1) defining the problem; 2) commitment to negotiate, and, 3) arranging the negotiation. A fourth phase follows - negotiation itself [5].

I. William Zartman, a leading scholar in the study of international negotiations gives the following two definitions of prenegotiation: *"Prenegotiation begins when one or more parties considers negotiation as a policy option and communicates this intention to other parties. It ends when the parties agree to formal negotiations ... or when one party abandons the consideration of negotiation as an option..... In essential terms, prenegotiation is the span of time and activity in which the parties move from conflicting unilateral solutions for a mutual problem to a joint search for cooperative multilateral or joint solutions* [6]. In an earlier study of the negotiation process I. William Zartman and Maureen Berman identify prenegotiation with what they call the 'diagnostic phase of negotiations' [7].

Janice Gross Stein considers prenegotiation a separate process, different from the actual negotiation process though the former decisively structures the latter. Her conclusion about the definition of the process of prenegotiation, derived from five comprehensive case studies is that it *"was generally characterized by important structuring activity. It set broad boundaries, identified the participants, and, in at least half the cases, specified the agenda for negotiation. Even in those cases where it produced only a rough outline of the agenda, it nevertheless reduced uncertainty and complexity by establishing what would be kept off the table. In every case, prenegotiation framed the problem and set the limits of the negotiation to follow"* [8].

Brian W. Tomlin conceives prenegotiation as *"that period in relations when negotiation is considered, and perhaps adopted, as a behavioral option by some or all of the parties..... The prenegotiation phase itself is also a process marked by turning points that move the parties through various stages of prenegotiation..."* [9]. A five-stage model of prenegotiation is most characteristic of Brian Tomlin's view, starting with the decision of whether or not to negotiate: 1) problem identification; 2) search for options; 3) commitment to negotiate; 4) agreement to negotiate, and 5) setting the parameters [10].

Another devoted student of prenegotiations - Jay Rothman, does not clearly join any of the two different opinions within the international negotiation theory. Building on existing temporal, functional, psychological, strategic, process and experimental derived definitions he develops an "integrated definition" of prenegotiation: *"... an*

integrated process in which highly placed representatives of parties in conflict prepare for negotiations by jointly framing their issues of conflict, generating various options for handling them cooperatively, and interactively structuring substance and process of future negotiations" [11].

A leading expert of international negotiations - P. Terrence Hopmann, when studying the issue of prenegotiations does not formulate a particular definition. However, he highlights three aspects of the prenegotiation characteristics that matter significantly for the negotiation practice: 1) the influence on the prenegotiation phase by the tension between integrative and distributive approach to negotiations; 2) the opportunity to utilize the prenegotiation phase for learning and better understanding the needs and interests related by the negotiating parties to the problem to be negotiated; 3) whichever doctrinal perspective is taken, the prenegotiation phase is of real interest because of the impact that it has on the bargaining process of the subsequent negotiation [12].

Raymond Cohen underlines a wrong approach to defining prenegotiations Ð the inclination to include everything in the evolution of a relationship as part of the prenegotiation phase. The consequences of this approach is the loss of the analytical focus of the prenegotiation concept. The proposal of R. Cohen about the definition of prenegotiation is *"the preliminary contacts, direct or indirect, initiated to prepare for a negotiation that the parties have already agreed to undertake"* [13]. The three accents of this definition are: 1) the agreement to seek a negotiated solution to an existing problem; 2) the establishment of a personal relationship; 3) the activity to prevent surprises in the course of the negotiations.

There are no proofs by now that the difference of views transcend the academic debate and reflect decisively on the practical side of both international prenegotiations and negotiations. A further study of the various definitions and the formulation of a comprehensive one may eventually lead to more substantial conclusions about the practical utility of prenegotiations.

Here we wish to add two points which we consider of key importance for the practicality of the prenegotiation theory: *first, prenegotiations may not be burdened with the expectation that the participating parties should switch from an informal interaction to a formal agreement to commit to a negotiated solution of a mutual problem. Perceiving prenegotiations rather as a learning process that should be utilized to the maximum and trying to develop a personal relationship increase the potential for a real movement from conflicting unilateral approaches to joint efforts to formulate cooperative multilateral solutions. This 'looser' conception of the prenegotiations can also be utilized to prevent surprises during the formal course of the negotiations. Second, prenegotiations are of a real practical meaning in case the parties share an integrative or a problem-solving approach to negotiating a solution of the mutual problem or take their time during the prenegotiations to shift from a bargaining or a distributive treatment of the disputed issue to a problem-solving or an integrative one.*

Identification of the component characteristics and indication of the functions of prenegotiations will also be useful to improve the practicality of the prenegotiation theory.

III. STAGES

The different notions of when prenegotiation starts is reflected on the definition of its stages. I. W. Zartman and M. Berman identify the first phase of the negotiation process as the 'diagnostic stage'. They admit the beginning moment of the phase is not usually clear-cut. The diagnostic phase lasts until the 'turning point of seriousness' when each party has perceived the other to be serious about finding a negotiated solution and the second or 'formal phase' begins. They warn that phases tend to gray around the edges [14]. They also admit that *"what happens prior to prenegotiation is related to negotiation too. But the initiation of the prenegotiation process, by definition and by nature, begins when one side considers the multilateral track as a possible alternative to the unilateral track to solution in a conflict, and it continues into the next phase when both parties reach that conclusion"* [15].

Unlike them, Harold Saunder's opening moment extends the period prior to what Zartman and Berman consider the 'diagnostic stage'. The first stage of the negotiation is 'defining the problem' and it is linked by Saunders to the definition of interests and objectives, i. e. to the issue of national political decision-making. But for the policy-maker looking toward negotiating resolution of a conflict, according to Saunders, the two are not separable. Unless and until the parties share some common definition of the problem the incoming negotiations will certainly fail [16].

The second stage of prenegotiation by Saunders is the 'commitment to negotiate', i. e. reaching a commitment to a negotiated settlement. The parties to an issue before beginning to negotiate first have to come to the judgment that the present situation no longer serves their interests. Simultaneously they need to assess that the substance of a fair settlement is available, it is manageable and if shaped - they could live with it. Overcoming suspicion and accepting the balance of forces in many cases takes place at this stage of prenegotiating [17].

Once parties have committed to negotiate follows the third stage of prenegotiations - 'arranging the negotiation'. It has been widely treated in the literature. Its central aim is to reach agreement on the objectives and procedures for the negotiation. Doctrinal debates, agreement on terminology, details are involved in this phase which may last very long [18].

According to Brian Tomlin the onset of the prenegotiation process is marked by a turning point in their relations by adding negotiation to the range of options being considered by one or more of the parties involved. The first two stages in his five-stage model precede the formal onset of the process of prenegotiation. The first one is 'problem identification', when at least one of the parties adds negotiation to the array of options under consideration caused by a restructuring of the values attached to alternative outcomes by one or more of the parties in a relationship. In the second stage due to the 'search for options' one of the parties chooses negotiation as the preferred option, at least for the moment. This stage may be a protracted one. The turning point here is the choice of negotiation. The third stage of prenegotiation, 'the commitment to negotiate' by one party marks the shift from 'whether' to negotiate to 'what' will be negotiated. Alternative negotiation scenarios, reflecting varying degrees of scope for the potential negotiation, possible successive steps to increasing commitment to a negotiated solution to the policy problem are characteristic of this

stage. Determining the interests of various parties, including those of domestic agencies and the details of the internal dynamics gives way during this stage to a consideration of the interests of the other parties to the potential negotiation. The wish to begin defining the scope of the negotiation motivates the shift of the attention of the parties. The turning point of stage four - 'agreement to negotiate', is the signaling of a communication of a desire to negotiate by one party to the other(s). It is in this stage that the parties must agree to pursue a negotiated solution to the policy issue that divides them. The fifth stage, the final one, of prenegotiation is 'setting the parameters'. Although the parties may not reach agreement on all wished parameters, their agreement to proceed with formal talks means that the final stage simply merges into the first stage of the negotiation process [19].

Jay Rothman derives a three-phase model of prenegotiation:

"(i) *framing* - the process by which parties in conflict derive shared definition about conflict parameters and build a *will-to-negotiate* , (ii) *inventing* - the creation of cooperative strategies for solving central aspects of the conflict as framed to build a confidence-in-negotiation, and (iii) *structuring* - based on insights from framing and inventing, parties make joint decisions about the variables that must be addressed in setting the table for formal negotiations and build a *momentum-of-negotiation*" [20].

J. G. Stein draws a conclusion that "*sequencing of stages in a process of prenegotiation needs further examination.... Definition of a problem, although not shared diagnoses, and search for options constituted the first two phases of the process of getting to the table. The placement of the commitment to negotiate in the sequence is more troublesome. The evidence suggests that when leaders consider the process of negotiation a high-risk option, with potentially large costs, the reduction of uncertainty will dominate the process and order the phases*" [21].

The analysis of the prenegotiation process by using the stages provides an opportunity to reconstruct the sequence of decisions and interactions that lead two or more parties to attempt to negotiate joint solutions on certain issues. This serves the better organization of the formal negotiation [22].

Even if this does not happen certain stages have the potential to bring parties closer to understanding each other and at least improve the chances of getting to a commitment to negotiate.

The issue of the stages of prenegotiations assumes a particular importance in the different kinds of Balkan prenegotiation situations that need to lead to: a) coping with conflicts; b) tackling post-conflict reconstruction and reconciliation developments; c) clearly constructive region-building activities. This is an important issue that shows variation also in terms of applying the bargaining or the problem-solving approach.

IV. FUNCTIONS

Understanding and improving the conduct of prenegotiations are closely connected with the performed functions. I. W. Zartman underlines the major focus of prenegotiation -- the promotion of a joint solution and a commitment to negotiate. J. G. Stein considers such a focus the creation of structures in which various kinds of

activities can take place: bargaining (integrative or distributive), concession/convergence, etc. [23]

The only function both I. W. Zartman and J. G. Stein thoroughly agree on is the 'selection of participants' for the negotiation. Otherwise they suggest different and practically significant prenegotiation functions.

I. W. Zartman points to the following:

(1) Making the extent of the risk of undertaking negotiation clearer, even lowering the risk. Thanks to the exchange of information by the parties the 'unknown' is reduced, the risks of wrong acts also decrease and there is knowledge what to expect.

(2) Assisting and coming to terms with the costs of concessions and agreement, as well as failure - before firm commitments are made. A better understanding of the costs also reduces the risks of the unknown.

(3) Convincing the other party that concessions will be requited, not banked and run away with. The belief in reciprocity has proved to be a key element in beginning negotiations. A unilateral path to a solution may be easily blocked, if one of the parties is sure the other will not repay concessions with concessions [24]. Both commitment and decision to negotiate require requirement.

(4) Estimating and consolidating the internal support by each of the parties, preparing the home front for a shift from a winning to a conciliatory mentality. This is linked to efforts to change the public image of the adversarial party, to put together a domestic coalition of interests to support the termination of conflict.

Each of the sides has a role in the domestic politics of the other. Reaching to the internal political process of the other party and helping build a supportive coalition for accommodation is an indispensable task of the side that first concluded negotiation is a conceivable outcome. This coalition-building with counterparts of the other side is an informal one.

J. G. Stein is very much of the same opinion. She considers 'management of domestic politics and coalition-building' a basic function of prenegotiation. One is rightly reminded of Robert Putnam's argument that politics of many international negotiations can usefully be conceived as a two-level game: domestic and international and the successful initiatives must be in the 'win-sets' of both games [25]. The prenegotiation process permits the parties to build political support at home as well as to build transnational coalitions.

(5) Selecting and discarding alternatives. This function of prenegotiation gives a chance to the parties to put aside some of the salient possibilities for agreement, to avoid the worst alternatives and begin to focus on those that appear most promising.

This function very much overlaps with the two functions of which J. G. Stein writes -- 'specifying the boundaries of the negotiation to follow' and of 'setting (or delimiting) the agenda for the negotiation that follows'. The agenda creates packages of items that permit trade-offs among the parties and coalitions. Agenda definition is also an

important part of the risk management and a critical prerequisite of the commitment to negotiate.

(6) A principal function of prenegotiation is to build bridges from conflict to conciliation, to provide change in the perception, mentality, tactics, definitions, acceptability levels and partners that have already been discussed. Prenegotiation in the context of this function, for example, may lead to temporary suspending the conflict activities, as well as to other forms of building trust.

The analysis of prenegotiation through its functions provides knowledge of the best formula and the respective details to be reached during the negotiation. Very much this will be due to the extended knowledge, the good results of the learning process that prenegotiation constitutes -- about the other parties, about their interests, perceptions, etc. This aspect of the function-analysis of prenegotiation in Southeastern Europe should be considered with a special interest in light of the inadequate knowledge of the issues and parties in the area.

V. APPLICATION: RELATING THEORY TO THE CASE OF THE BALKANS

1) The very analysis of the negotiation processes by the definitions, stages and functions of prenegotiations may largely stimulate the thinking and approaches of the participants in the international relations in Southeast Europe (or the Balkans). The cognitive structure and perspective of the foreign-policy makers in the region and of those involved in the issues of the area assumes important features that logically reflect on the relationship between the parties. A multitude of theoretic and practical 'Balkan' issues correlate. Here are two of these correlations:

a. Negotiations and prenegotiations are directly linked to the foreign-policy decision-making processes of the local and external to the region interested countries. Hence, through the specific foreign-policy decision-making process of the different actors, authorities of highest ranking are involved in the process of negotiating and prenegotiating. The outcomes of this process reflect the application of highest political authority and responsibility of differing contents.

In this respect, however, a major breakthrough is needed: to involve informal actors - NGOs and academic institutions, in the difficult learning process that prenegotiations are linked with. The foreign-policy decision-making process in and about the Balkans needs to be democratized by bringing the nascent regional civil society and its expert community in the process of negotiations and prenegotiations.

b. Prenegotiating activity closely interacts with the domestic politics in the different countries from and out of the region that address and deal with 'Balkan' issues. A useful reminder for the students and practitioners of coping with these issues is the need to differentiate among countries and domestic institutions. First, from the onset of the conflicts in ex-Yugoslavia there have been states that were not involved in conflict-generation. The Balkans are not only Bosnia and Herzegovina and Kosovo, though military force is there. Second, the political institutions, including the foreign-political authority and decision-making, are of varying nature in the Balkan countries. Though most of the countries in the region are democratic, there are differences in the

prone to the ill effects of public opinion and nationalist sentiments in each of them [26].

2) The understanding of the functions of prenegotiation can throw light on other 'interlocking' concepts: management and prevention of conflict, regime-maintenance and regime-building [27], involving and interacting in organizations. All these concepts are fundamental for the task of coping with the major issues in the Balkans.

a. Negotiations and prenegotiations are vitally needed for the management and prevention of conflicts and crises. Either a crisis or the need to avoid an impending crisis usually lead to consideration by the conflicting sides to the option to negotiate. J. G. Stein writes about conflict management and crisis avoidance as of factors that "trigger" the prenegotiation process, while I. W. Zartman qualifies prenegotiation as a crisis avoidance itself. An important conceptual link between the theory of prenegotiations and the need to prevent and manage conflicts in the Balkans is the research study "*Coping with Conflicts in the Central and Southern Balkans*" [28]. The fundamental idea of this linkage is to shift the perception of the other party from an "adversary" towards a "cooperative partner" in the course of the prenegotiations. Within the different stages of prenegotiation a new thinking should be formed that the solution of the ongoing issues can be found with and not against the conflicting party. The conflict-rich Balkan region is a fruitful terrain for exploring the achievements of the prenegotiation theory, especially for the cases of preventing violent conflicts. Each of the functions of prenegotiation can be tested in the particular cases of the region for the benefit of the individual countries' foreign policies and of the area in general.

b. I. W. Zartman points to a very significant conceptual relationship: *"Prenegotiation performs many of the same functions as a regime, or vice versa. On issues, covered by regimes, therefore, one might expect that prenegotiation would be less necessary, shorter, or different in nature; even conflict regimes, which provide rules of the game for the conduct and limitation of hostilities, would offer a framework for building and assessing many of the prenegotiation functions. Yet regimes cover large areas of interaction, whereas the success of negotiation depends on the identification of specific definitions of problems, the selection of participants and alternatives, and the establishment of parameters and agendas... Thus, even within regimes, prenegotiation is necessary to focus the ensuing process of agreement on appropriate items, but this process should benefit from some of the work already being done through the regime. One would want to avoid the illusion that prenegotiation would therefore be 'easier' on issues covered by regimes; it is hard to use a comparative because there are no control cases for comparison, and the prenegotiation may be difficult nonetheless. Indeed, prenegotiation within regimes may well be 'easier' only in the sense that it would not have been possible at all if the terrain had not been prepared by the regime"* [29].

Though the logic rather than the empirical testing, which is quite occasional, proves this statement of I. W. Zartman, it is nonetheless valuable because of the linkage established between two major fields of social research - for a broad framework of analysis such as regime and the study of processes and activities of interaction such as negotiation. It is prenegotiation that provides the link.

J. G. Stein, analyzing the study of Gilbert R. Winham about the prenegotiation phase of the Uruguay Round of GATT concludes that "*prenegotiation can almost be considered 'business as usual', as part of a cyclical process in regime maintenance*" [30].

The construction or an anticipated erosion of a regime, of impending troubles with it trigger the consideration of launching or experiencing a new round of prenegotiation - either as a strategy of building-up positive relationships or of crisis avoidance.

The Balkans are a good example of the developing prerequisites of a particular regime-building - of a 'security community', despite the parallel efforts of post-war regulation and prevention of new violent conflicts. This issue has been particularly studied and conceptualized [31].

Each of the particular elements of the 'security community' regime in the region requires further elaboration, interaction of many Balkan and non-Balkan actors. Sometimes a very sophisticated prenegotiation activity is required to manage various risks, to make preliminary judgments about the bargaining ranges and reservation points of others without publicly committing to a negotiation. Prenegotiation is needed for reducing the uncertainty and managing complexity when there is a multiplicity of interests, parties and roles. In particular circumstances prenegotiations provide lower exit costs than formal negotiations would do.

In the prenegotiation phase the Balkan actors will have to rethink many of their fundamental national security strategy assumptions and formulae of 'national interests' and of 'national objectives' to cope with the requirements of the regional security community regime.

c. Probably the most desired today politically aspect of prenegotiations by the countries in the region is about their permanent and stable involvement in successful economic, political and military organizations [32].

The institutional order established by an international organization with a positive record of efficiency is a much more preferable option for the regional actors than a doubtful international regime, which requires a lot of preconditions that neither of the Balkan states (with the exception of Greece) can provide alone or through a regional concert of nations. The core need of the Balkan countries and people and of the region in general is to overcome the economic and technological retardness, modernize and catch up with the civilization 'center' of developed countries. All Balkan governments are confident the 'engine' that will successfully drive them is the group of Western organizations that proved their effectiveness: the European Union (EU), NATO, the Western European Union (WEU), OECD, the Council of Europe (CE), the World Trade Organization (WTO).

The whole range of prenegotiation activities that would bring closer the formal acts of negotiation and involvement in these organizations is of utmost importance and is a priority political and national security strategy of all Balkan countries.

Considering the high financial costs of bringing the Balkan countries in the family of successful Western institutions the partners from EU and NATO refrain from entering

meaningful prenegotiation processes and prefer to participate in limited non-binding regime-building activities of certain aspects of a prospective security community. The low level of involvement of both the EU and the USA has very much to do with the broader geopolitical and geoeconomic arrangements in the region that bring Russia and Turkey to the table of eventual substantial negotiation and prenegotiation activities.

The participation of all interested parties in the arrangement of the regional order is not an impossible undertaking. Much effort on the side of the Balkan countries is needed to prove that the risks of involvement are successfully restricted and do not overrun the costs - especially for the leading Western states - members of the organizations in question. Certainly there are risks of involving in the affairs of Southeast Europe. But there are also bigger risks of not doing it.

The analysis of the political behavior of the Balkan states in the post-Cold War period towards each other shows that the vision of the neighbor through the 'bargaining' lens tends to give way to a problem-solving approach, motivated by the will to integrate in the EU and in NATO. The incentive of future membership in these organizations stimulates the tendency of changing the perception of the 'neighbor' as of a future equal member in the EU and ally in NATO. This leads to a change in the contents of the discussions during the prenegotiations from normal and traditionally exploited bargaining sessions to much more problem-solving ones.

Mistrust, selective and distorted perceptions, negative attitudes, poor communication, a competitive win-lose orientation aiming to bring capitulation from the adversarial party have rarely produced a well structured incoming negotiation process. On the contrary, higher levels of escalation of conflicts and wars have long haunted the aftermath of the initial political discourses in the region.

Thanks to the incentive of homogenizing the political scene of the Balkans by eventual joint membership in the same successful economic, political and military organizations there are high chances the multitude of prenegotiation activities on various issues to switch from the win-lose to the win-win cooperative problem-solving orientation. To get the job done an important catalyst is required: the readiness of the EU and NATO and of their leading members to play effectively that role. Without external economic, financial, political and institutional investment the turning point from a bargaining to a problem-solving attitude at the prenegotiation phase and the very negotiations will be hardly attained in the Balkans.

This opportunity calls for two significant activities [33] that may support the prenegotiation interactions in the direction of assuming a problem-solving approach - especially for the cases of preventing new violent conflicts and of solving other stability issues in the region:

First, utilizing the seminar and workshop [34] experience of dealing with particular issues in an informal way before relating to a more formal treatment of the issue in the negotiation process. The potential of joint analyzing and forecasting [35] the development of the issue may additionally improve the chances of giving-up hard bargaining in a zero-sum set of options and drive through more knowledge of the consequences of positional bargaining to the thinking and practice of problem-solving.

Representatives of decision-making elites will be indispensable for shaping the additional knowledge that is required - academics, advisers, ex-high-ranking officials, retired or stepped-down from powerful positions politicians and strategists who have a disposition to conceptual thinking.

The second opportunity is to utilize the third-party consultant role for effective problem-solving prenegotiation aims. The major external players in the Balkans - EU, USA and Russia, may undertake the functions of inducing motivations for problem-solving, of improving the communication among the parties, of assisting in producing the diagnosis of the various issues and of assisting the interaction. The roles of aiding the regional actors to analyze and deal with fundamental attitudes and issues in their relationship undoubtedly sets standards of an internationally acceptable behavior for the third-party consultants. At the end of the day all should find creative problem-solving thanks to the improved communication, analysis, prediction and knowledge of the issues at stake.

VI. CONCLUSIONS

Three major conclusions can be drawn from this study:

1. Presently the Balkans are involved in three major regional initiatives that require prenegotiation activity: a) "the Sofia Process" of the Balkan countries that started in July 1996 for stability, cooperation and security in the region; b) "the Royaumont Initiative" of the EU, 1996 for stability and cooperation, and c) "the Southeast European Cooperative Initiative" (SECI) of the United States. All they need deeper empirical research so that the theoretic potential of prenegotiation is more intensively utilized.
2. Further structuring of the conceptual achievements of prenegotiation is required as well as additional deductions with the objective of formulating a practical theoretic dictum about what to do and seek during and from prenegotiation.
3. Improving the cognitive model of why and when during the phases of prenegotiation the parties can abandon the normal bargaining and move towards an integrative problem-solving strategies and tactics. This is extremely important for learning how to "teach" the states to rely more on cooperation in their international relations.

Notes

1. P. Terrence Hopmann also writes of two visions on the issue without going into details, in: P. Terrence Hopmann, *The Negotiation Process and the Resolution of International Conflicts*, University of South Carolina Press, 1996, p. 180.
2. See Roger Fisher, *The Power of Theory*, in: Diane B. Bendaahmane and John W. McDonald, Jr. (eds.), *International Negotiation: Art and Science*, Foreign Service Institute, U. S. Department of State, 1984, p. 57-56, etc.; Harold H. Saunders, *The Pre-Negotiation Phase*, in: *International Negotiation: Art and Science*, Op. cit., p. 47-56, etc.

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23. I. William Zartman, *Prenegotiation: Phases and Functions*, Op. cit., p. 6-14; Janice Gross Stein, *Triggers, Stages...*, Op. cit., p. 252-261.
24. See I. W. Zartman, *Ripe for Resolution*, 2nd ed., New York, Oxford University Press, 1989.
25. See Robert Putnam, *Diplomacy and domestic politics: the logic of two-level games*, in: *International Organization*, No 42, Summer 1988, p. 427-453.
26. This issue is extensively treated by Susan Peterson, in: *Crisis Bargaining and the State: the Domestic Politics of International Conflict*, University Press of Michigan, Ann Arbor, 1996, 232 pp.
27. Both I. William Zartman and Janice Gross Stein are in agreement on this issue, in: J. G. Stein (ed.), Op. cit., p. 14-17, p. 239-244.
28. Plamen Pantev, *Coping with Conflicts in the Central and Southern Balkans*, St. Kliment Ohridsky University Press, Sofia, 1995. The study analyzes the sources, classifies and outlines the structure and the development of the Balkan conflicts. It also makes some conclusions and makes policy recommendations.
29. I. William Zartman, *Prenegotiation: Phases and Functions*, Op. cit., p. 15.
30. Janice Gross Stein, *Triggers, Stages*, Op. cit., p. 240.
31. See Plamen Pantev, *Bulgaria and the European Union. The Security Aspect*, in: *The Southeast European Yearbook 1993*, ELIAMEP, Athens, 1994, p. 55-63; *Building a Balkan Security Community*, in: Plamen Pantev, Valeri Ratchev, Venelin Tsachevsky, *Bulgaria and the Balkans in the Common Foreign and Security Policy of the European Union*, Research Study 1, ISIS, Sofia, 1995, p. 33-37 (also available on the Internet at <http://www.isn.ethz.ch/isis#publications>); *The Balkan Civil Society and the Construction of a Regional Security Community*, in: Plamen Pantev, *Strengthening of the Balkan Civil Society: the Role of the NGOs in International Negotiations*, Research Studies 4, ISIS, Sofia, 1997, p. 10-13 (same web site), etc.
32. Earlier studies of the conceptual, political, strategic and economic aspects of the relations of Bulgaria with Western organizations prove that presently the EU, NATO and WEU are political targets for membership of top-priority for Albania, Bulgaria, Croatia, Cyprus, FYROM, Romania, Slovenia and Turkey. See Plamen Pantev, Valeri Ratchev, Venelin Tsachevsky, Op. cit.; Plamen Pantev, Valeri Ratchev, Tilcho Ivanov, *Bulgaria and the European Union in the Process of Building a Common European Defence*, Research Studies 3, ISIS, Sofia, 1996 (available on the same web site); Plamen Pantev, *The New National Security Environment and Its Impact on the Civil-*

Military Relations in Bulgaria, Research Studies 5, ISIS, Sofia, 1997 (available on the same web site).

33. See Ronald J. Fisher, Prenegotiation Problem-solving Discussions: Enhancing the Potential for Successful Negotiation, in: J. G. Stein (ed.), *Op. cit.*, p. 206-238.

34. The activity of the Institute for East-West Studies, based in New York, Prague, Brussels, Warsaw and Budapest and some of its recent programs in that area are very close to these prenegotiation needs.

35. See Plamen Pantev, The Role of Forecasting International Relations in the Process of International Negotiations, in: Frances Mautner-Markhof (ed.), *Processes of International Negotiations*, Westview Press, Boulder, San Francisco & London, p. 219-225.

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