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Multiparty negotiation: what is it?

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Developing frameworks for ADR

Multiparty negotiation: what is it?

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Diary and happenings

'There are many wise men and women around these days, each of whom is a world's expert regarding some particular anatomical part of the great elephant. What we sorely need are more people with expertise about the contours of the beast as a whole'.[1] Here, Rubin is commenting on something as simple as mediators and other third parties. One can only wonder what Rubin might have said about something as complicated as multiparty negotiation.

Negotiations involving multiple parties are complex because of the potential number of interacting variables. Understanding multiparty negotiation is hindered by a lack of theory that can adequately explain the diversity of interactions that typically characterise such negotiations. Negotiation sides, parties, roles and issues are just some of the many variables that interact to produce outcomes, while the complexity generated through such interaction is a challenge for theory development. This challenge is compounded by misunderstandings about the fundamental nature of multiparty negotiation as an area of study. Prominent multiparty negotiation studies maintain that the field is neglected,[2] having received comparatively little attention from researchers,[3] although the present article offers a different point of view. The amount of research into multiparty negotiation is actually substantial. For example, a review of the literature pertaining to complex legal transactions, public sector disputes including environment negotiations, international negotiations (both political and commercial) and organisational studies (within organisations and between organisations) demonstrates the substantial wealth of knowledge that is available on multiparty negotiations. Unfortunately, attempts to organise this literature into a coherent whole are few.[4]

This article seeks to define multiparty negotiation by drawing on some of the literature mentioned above. A clear understanding about the fundamental nature of multiparty negotiation will establish a firm foundation for operating strategically in multiparty settings. However, the 'how' question is not the primary focus of this article (the 'how' question does receive some attention in the conclusion), as the primary purpose of this article is the 'what' question. Multiparty negotiation: what is it? In answering this question this article will build a simple framework of multiparty negotiation that identifies (1) fundamental multiparty negotiation concepts and dynamics, (2) multiparty negotiation building blocks and (3) the territory or boundaries of multiparty negotiation. In so doing, the overall approach is theoretical, as multiparty negotiation involves a massive amount of activity in numerous settings. This article seeks to identify patterns from activity that occurs in diverse multiparty settings in order to establish a conceptual whole.

Multiparty negotiation: fundamental concepts and dynamics

In examining multiparty negotiation a good place to begin is with 'party'. The concept of 'party' was adopted by the negotiation literature from legal studies. In law a party is that person who files a suit or the person against whom a suit is filed, while their agent is a participant.[5] However, in the negotiation literature 'party' is defined more broadly, as a party is any kind of participant in a conflict (including, for example, agents and mediators).

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A party has structural as well as functional characteristics. Structurally, parties can be an individual, groups of two or more individuals, organisations, communities or nations.[6] Functionally, participants in a conflict or in the pursuit of an opportunity (negotiations always involve one or the other and sometimes both) can be parties to a negotiation or parties for a negotiation. What are the minimum functional requirements of a party? A party must be able to (1) make a decision or decisions and (2) communicate such decisions. For example, the component parts of a disintegrating coalition may each be a party, but the coalition itself may be too conflict-ridden to make or communicate decisions. A disintegrating coalition ceases to be a party at some point in a negotiation. Or consider a constituent that is not sufficiently organised to make a decision. 'The public' is not a party (within the negotiation literature) under the proposed definition except when they have the ability to make a decision and communicate that decision (for example, voting in a public referendum).

A clear and concise definition for 'party' is critical to the development of multiparty negotiation. This article operationalises 'party' by focusing on an entity's ability to make and communicate decisions.

'Multiparty negotiation' is concerned with more than two parties, including parties or entities on the same side (for example, primary parties, representatives, agents, advisers, coalitions of parties), on opposing sides (for example, primary parties, negotiators or disputants), on neutral sides (for example, all arbitrators and some mediators) and on other sides (for example, powerful mediators, alternative negotiating partners). 'Primary party' is a more precise concept than 'negotiator' as the latter concept could be a primary party or an agent for a primary party.

In the present article a primary party, constituent or their representative is defined as 'owning' the problem/opportunity under negotiation and directly experiences the consequences of the negotiated outcome. A representative is distinguished from an agent, as the latter does not own the problem/opportunity under negotiation and is usually retained to serve a primary party or constituent in a negotiation. Agents and primary parties have different motives and interests and can have different goals, standards and ethical norms.[7] Primary parties (for example, constituents) and their agents are analytically distinguishable as separate entities in a negotiation.

A clear and concise definition for 'primary party' is critical for developing a framework of multiparty negotiation. This article operationalises 'primary party' by recognizing the utility of 'problem-opportunity ownership' and 'an entity that directly experiences a negotiated outcome'.

Although the concepts of 'multiparty' and 'multilateral' share a common root there are important distinctions to make. 'Multilateral' literally means many-sided,[8] while 'bilateral' is two-sided. Multilateral always includes three or more sides. 'Biparty', dyadic or two-party negotiation is concerned with two primary parties only. All multilateral negotiations are multiparty, but not all multiparty negotiations are multilateral. Nevertheless, some very complex negotiations are bilateral and multiparty (for example, consider: intellectually property negotiations between the US and China in the 1990s;[9] negotiations that created the Australian–United States free trade agreement or negotiations that created the Singapore–Australia free trade agreement[10]). Distinguishing among *multilateral*, *bilateral*, *multiparty* and *biparty* negotiations enhances structural clarity.

A number of common 'multiparty negotiation situations' can be identified through the literature. This discussion has already distinguished between primary parties and agents, while generally advisers and agents are also clearly distinguishable. For example, a boundary can be established between the process of advising and the process of implementing advice.[11] An adviser transforms into an agent once communicating (that is, implementing advice) with a second primary party. For example, a two-party or bilateral negotiation can evolve into a multiparty negotiation if an adviser for a primary

party becomes directly involved with entities on the other side.

Two other common multiparty negotiation situations include the emergence of a third party[12] or an alternative party (alternative negotiating partner). For example, two primary parties and a third party such as a mediator constitutes both a bilateral and a multiparty negotiation. The effect of a third party on negotiation process and outcome is well documented.[13] However, the significance of an alternative party on negotiation process and outcome has only become apparent more recently.[14] It is clear that having an alternative party to turn to if negotiations stall can be very useful for the party that has this alternative and often serves as a source of power for that party during negotiations.

Another common multiparty negotiation situation involves three or more distinct primary parties,[15] while coalition dynamics can structurally transform such multilateral-multiparty negotiations into bilateral negotiations. Distinct parties can and do combine or fuse, but an apparently unitary entity can also fractionate or split[16] into entities of varying degrees of unity. Negotiations would be less complex if parties were monolithic, but often they are not. Monolithic or unitary refers to the internal nature of a party, the degree of internal conflict or cohesion because of similar or different values, interests and/or opinions.[17] A party, with a high degree of cohesion is a 'unitary party', characterised by consistently coherent behaviour and communicating with a 'single voice'.

Any unitary entity, even an individual, can have internal conflict that affects presentation of unity, while a 'complex party' – comprising two or more distinct or monolithic parties – can achieve levels of cohesion that result in unitary behaviour.[18] Such dynamics are structurally significant, as they can determine whether a negotiation is bilateral or multilateral and biparty or multiparty. A multiparty frame of reference may be useful in a negotiation that includes a party that is not generally behaving as a unitary entity (that is, not communicating with a single voice).

... coalition dynamics can structurally transform ... multilateral-multiparty negotiations into bilateral negotiations. ... Negotiations would be less complex if parties were monolithic, but often they are not.

Multiparty negotiation: building blocks

It is possible to establish the building blocks of multiparty negotiation based on the above discussion. The boundaries of the field of multiparty negotiation can also be defined by identifying such building blocks. 'Party' is identified as one of the most basic elements in negotiation, mediation and the entire conflict management literature.[19] Any taxonomy of multiparty negotiation must include 'party' as a fundamental concept.

'Relations between parties' has not received as much attention as 'party' in the academic literature.[20] A relationship is a pairing of entities that has meaning to the parties, in which the understood form of present and future interaction influences their behaviour today.[21] Interestingly, relationships often define roles[22] and parties are normally conceptualised or structured through a use of roles.[23] Relations between distinct parties or relations within a complex party are of special significance to multiparty negotiation because the combining or fragmenting of parties is operationalised through a relationship. This article argues that while many important elements can be identified in multiparty negotiation, the two most fundamental elements are (1) party and (2) relations between parties. Combined with the preceding discussion on multiparty negotiation situations, this observation provides a foundation for a taxonomy of multiparty negotiation phenomena as seen in Table 1.

The five relationship types identified in Table 1 are the building blocks of multiparty negotiation. A multiparty negotiation can, but need not, include all five elements.

(1) *Primary party relations* – As defined previously, multiparty negotiations will always include three or more primary parties or two primary parties and one other party. That 'other party' will have characteristics described by items 2–5 of Table 1.

(2) *Co-operative relations* – When there are three or more primary parties some of them may establish co-operative relations. A coalition is the most common co-operative arrangement (a complex entity that is distinct from its component parts), although studies distinguish different coalition types.[24]

Table 1	Multiparty Negotiation Building Blocks
(1)	Primary party relations (primary parties engaged in a negotiation)
(2)	Co-operative relations between parties on the same side (coalitional relations)
(3)	Non-co-operative relations inside a 'single party' that is not behaving as a unitary entity
(4)	Third party relations
(5)	Entities providing support to a primary party

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(3) *Non-co-operative relations* – It is not uncommon to find a coalition in disintegration or two entities co-operating on some issues and disputing other issues within the same negotiation. Less common is a single entity, such as a national government, that has sharp internal disagreements that remain unresolved prior to a negotiation with another party.[25] 'Single entities' can transform a biparty bilateral negotiation into a multiparty negotiation or even a multilateral negotiation when they experience disunity.

(4) *Third party relations* – Third parties do not own the problem–opportunity under negotiation but assist primary parties towards an outcome, although this outcome need not be an agreement. Such parties may be unbiased and non-directive but need not be (for example, in international relations we often find powerful mediators with their own agenda). Third parties are most often described as mediational and/or arbitrational.[26]

(5) *Supporting primary party relations* – Primary parties may receive assistance from parties that do not 'own' the negotiation and are not third parties. Assistance may come indirectly, such as an alternative negotiating partner, or directly through advisers and agents.[27]

When the multiparty negotiation literature is compared to the list in Table 1 (on the previous page) it can be concluded that no other relationship types or phenomena exists outside of this five-part categorical set. This is not to suggest that other phenomena do not exist – multiparty negotiation represents a large universe of behaviour – rather, no other phenomena have been documented in the literature.

Multiparty negotiation: boundaries

These five phenomena or relationship types represent the building blocks of multiparty negotiation, and assist to establish the field's boundaries. However, the 'complexity concept' can also be used to determine the boundaries of multiparty negotiation. Complexity is central to multiparty negotiation. For example, 'management of complexity' is considered a paradigm for multilateral international negotiations.[28] The present study contends that 'degrees of complexity' is a central organising construct for the entire field of negotiation, including biparty, bilateral, multilateral and multiparty negotiations. In establishing multiparty negotiation boundaries this article moves from the least to the most complex form of negotiation.

The line between biparty and multiparty negotiation is ambiguous. It is possible to identify negotiations that are 'biparty-plus' and 'minimalist-multiparty' in nature. For example, in market-based negotiations buyers have choices in respect of whom they will engage in biparty buyer–seller negotiations, while sellers who are not selected may serve as alternative negotiating partners for a buyer.[29] 'Alternative parties' can influence biparty negotiation processes even when primary parties have never met these alternative parties.[30] Sometimes, multiparty negotiation analysis cannot explain negotiation process and outcome without taking absent parties into consideration, including alternative parties that primary parties have not encountered. However, to be considered a party in a negotiation, at least one primary party must be aware of this alternative party and this knowledge must materially influence negotiation behaviour.

These phenomena are at the border of multiparty negotiation. The least complex multiparty negotiation involves three negotiating individuals, where two have previously established coalitional relations against the third. A second type of multiparty negotiation with similar complexity would involve two negotiating individuals being assisted by a third mediating individual. In both examples complexity is minimised through clearly defined roles.

These examples, representing least complex multiparty negotiations, serve to establish the inner boundary. Where does the outer boundary lie – what is the most complex multiparty negotiation? There is general agreement in the literature that multilateral negotiations in the international

Table 2	A Multiparty Negotiation: A Simple Framework
(1)	Fundamental multiparty negotiation concepts and dynamics
(2)	Taxonomy of multiparty negotiation building blocks
(3)	Multiparty negotiation boundaries

domain present the greatest degree of complexity. For example, the Uruguay GATT (General Agreement on Tariffs and Trade) negotiations formally began in Uruguay in September 1986 with 1200 official delegates (1200 negotiators) from over 70 countries (70 primary parties) and accompanied by 300 journalists (journalists often engage in facilitative behaviour and may even engage in mediational behaviour intentionally and unintentionally[31]). By December 1990, a GATT meeting in Belgium included over 100 governments, 90 ministers, and 1500 official delegates and as many more advisers, accompanied by as many journalists. They gathered to finalise a 400-page agreement that represented the distillation of 1300 proposals and working papers. However, key parties (the US and the EU) found this agreement unacceptable, thereby extending negotiations for three more years. An agreement to establish the World Trade Organization (WTO) was formally concluded by more than 100 governments in Morocco in April 1994.[32] The other multiparty negotiation boundary lies somewhere in this location although theoretically there is no 'most complex' limit. This example simply identifies the edge of the known universe of empirical cases.

Multiparty negotiation: some concluding thoughts

Some studies argue that researchers have neglected multiparty negotiation,[33] while the present article offers a different point of view by presenting a simple framework of multiparty negotiation. This framework has three components and is summarised in Table 2.

Many researchers seek to identify and understand the vast array of elements that are conceptualised as negotiation, while progress must also be made in integrating these elements into some form of conceptual whole. The simple framework presented in this study may serve as a foundation for building something more substantial such as a paradigm of multiparty negotiation. How should such developments proceed? Researchers devoted to advancing the field of multiparty negotiation should strive to build structural models that establish order within the complexity. Descriptive models identifying the nature of critical theoretical relationships are required, as this is an important step in developing a multiparty negotiation paradigm, while also advancing the development of multiparty negotiation theory and practice. Predictive and prescriptive theory, built on causal relationships, depends upon well-grounded descriptive theory or structural models.[34] One aim of the present article is to highlight this gap in the literature.

In this regard, this simple framework holds the potential to assist in developing a model of multiparty negotiation. For example, five multiparty negotiation building blocks were identified in Table 1 (1) primary party relations, (2) co-operative relations between parties on the same side, (3) non-co-operative relations inside a 'single party' that is not behaving as a unitary entity, (4) third party relations and (5) relations that provide support to a primary party. The present article argues that all parties within defined multiparty negotiation boundaries will have the fundamental characteristics of one of these five types. No other phenomenon or party types will be observable in any negotiation, past, present or future. This is a very large claim.

Variations within each party type exist. For example, there are clear differences between a third party with and without power, a third party with and without outcome interests, and a third party with and without a bias (partiality) toward one or more primary party(ies) (for example, mediators with interests, partiality and power are common in international relations[35]). All these examples are of an entity playing the functional role of a third party. However, it is also important to acknowledge that a 'third party with power and outcome interests' can transform into a 'primary party' (for example, a helpful mediating neighbour suddenly becomes your competitor) as negotiations proceed, as there is a similarity between a third party with power and outcome interests, and a primary party engaged in some form of mediational behaviour. Role transition does not weaken the validity of this five-part taxonomy of building blocks unless an entity is able to transform into a type that is fundamentally distinct from parties described by this taxonomy.

This article has primarily focused on the 'what' question – multiparty negotiation: what is it? – rather than the 'how' question. However, some guidance can be offered to the thoughtful practitioner. It is useful to study diverse literatures to identify patterns and create

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conceptual constructs for theoretical purposes, although a practitioner will find it more useful initially to study multiparty negotiation within the context that it is practiced. Once a sense of mastery has been achieved then it will be useful to study multiparty negotiation in another context, as one's expertise will be challenged by seeking to understand how to apply it in diverse settings. The 50-plus references used to construct this article cut across many literatures and will serve a diverse audience that has the common goal of mastering multiparty negotiation practice.

Much of the literature on negotiation is focused on strategy in bilateral settings. Unfortunately this literature is filled with confusion.[36] Integrative or problem solving strategy (sometimes called win–win) and competitive or distributive strategy (sometimes called win–lose) are relevant to the practice of multiparty negotiation, but other factors are more useful when seeking to understand outcome. For example, building coalitions that can deliver outcomes or block outcomes, managing process (forum selection and forum shifting, including and excluding parties and issues, framing issues, use of both leadership and third parties, group dynamics, establishing decision rules and managing the media), and overcoming obstacles to reaching agreement (often a function of complexity and its management) are more relevant to the practice of multiparty negotiation than strategy choice. Multiparty negotiation outcome can be assured long before parties ever come together to talk. Purposeful action in preliminary stages will determine if negotiation is even necessary or if goals can be achieved via other social processes or forums. Preliminary action can also determine who is in and who is out if issues are framed and decision rules are established that are advantageous to one's goals, and other macro or structural factors that typically establish the path that negotiators will use in applying their micro (problem solving or competitive) strategy. As such, the skills required of a multiparty negotiator are much broader than the skills required of a bilateral negotiator.

A multiparty negotiator not only requires diverse skills but must also possess some understanding about their universe and how a specific multiparty negotiation fits within that universe. The present article offers a simple framework for understanding the universe of multiparty negotiation. This framework, like the study of multiparty negotiation, is in a developmental state. The present framework has specific limitations, as it is not the definitive work on multiparty negotiation; rather, it is a proposed structure that seeks to reflect current developments. ✣

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References

Bercovitch, J and Jackson, R (2001) 'Negotiation or mediation?: An exploration of factors affecting the choice of conflict management in international conflict', *Negotiation Journal* 17(1): 59–77.

Berman, MR and Johnson, JE (1977) *Unofficial Diplomats*. New York: Columbia University Press.

Boyer, B and Cremieux, L (1999) 'The anatomy of association: NGO's and the evolution of Swiss climate and biodiversity policies', *International Negotiation* 4(2): 255–282.

Chayes, AJ (1999) 'Preface', in RH Mnookin and LE Susskind, editors, *Negotiating on Behalf of Others*. Thousand Oaks, CA: Sage, pp ix–xi.

Cobb, AT (1986) 'Coalition identification in organizational research', in RJ Lewicki, BH Sheppard and MH Bazerman, editors, *Research on Negotiation in Organizations*. Greenwich, CT: JAI, pp 139–154.

Crump, L (1998) *Nihonjin no tameno Harvardryu Koshojutsu* (English title – Integrative Strategy and Japanese Style Negotiation: A Comparative Analysis) Tokyo: Japan Management Association.

Crump, L (2005) 'For the sake of the

team: Unity and disunity in a multiparty Major League baseball negotiation', *Negotiation Journal* 21(3): 317–341.

Crump, L (2006a) 'Global trade policy development in a two-track system', *Journal of International Economic Law* 9(2): in print.

Crump, L (2006b) 'Competitively linked and non-competitively linked negotiations: Bilateral trade policy negotiations in Australia, Singapore and the United States', *International Negotiation* 11(3): in print.

Crump, L and Giddings, J (2005) 'Strategy, choice and the skilled legal negotiator', *Monash University Law Review* 31(2): in print.

Crump, L and Glendon, AI (2003) 'Towards a paradigm of multiparty negotiation', *International Negotiation* 8(2): 197–234.

Davison, WP (1974) *Mass Communication and Conflict Resolution: The Role of the Information Media in the Advancement of International Understanding*. New York: Praeger.

Diehl, PH, Druckman, D and Wall, J (1998) 'International peacekeeping and conflict resolution: A taxonomic analysis with implication', *Journal of Conflict Resolution* 42(1): 33–55.

Dupont, C (1996) 'Negotiation as coalition building', *International Negotiation* 1(1): 47–64.

Elkouri, F and Elkouri, E (1985) *How arbitration works* 4th ed. Washington DC: BNA Books.

Fassina, NF (2002) 'Direct and representative negotiation: A principal-agent authority continuum', Prepared for International Association for Conflict Management 15th Annual Conference. Park City, Utah.

Giebels, E (1999) *What If This is as Good as it Gets: Alternative Partners and Social Motives of Negotiators*. Veenendaal, The Netherlands: Universal Press.

Giebels, E, De Dreu, CKW and Van de Vliert, E (1998) 'The alternative negotiator as the invisible third at the table', *The International Journal of Conflict Management* 9(1): 5–21.

Greenhalgh, L (1995) 'Competition in a collaborative context: Toward a new paradigm', in RJ Bies, RJ Lewicki and BH Sheppard, editors, *Research on Negotiation in Organizations*. Greenwich, CT: JAI, pp 251–270.

Greenhalgh, L and Chapman, DI (1995) 'Joint decision making: The inseparability of relationships and negotiation', in RM Kramer and DM Messick, editors, *Negotiation as a Social Process*. Thousand Oaks, CA: Sage, pp 166–185.

Hampson, FO with Hart, M (1995) *Multilateral Negotiations: Lessons from Arms Control, Trade, and the Environment*. Baltimore, MD: The Johns Hopkins University Press.

Holsti, OR, Hopmann, PT and Sullivan, JD (1985) *Unity and Disintegration in International Alliances*. Lanham, MD: University Press of America.

Hulse, R and Sebenius, J (2003) 'Sequencing, acoustic separation, and 3-D negotiation of complex barriers: Charlene Barshefsky and IP rights in China', *International Negotiation* 8(2): 311–338.

Kramer, RM (1991) 'The more the merrier? Social psychological aspects of multiparty negotiations in organizations', in MH Bazerman, RJ Lewicki and BH Sheppard, editors, *Handbook on Negotiation in Organizations*. Greenwich, CT: JAI Press, pp 307–332.

Kressel, K and Pruitt, DG, editors (1989) *Mediation Research: The Process and Effectiveness of Third-party Intervention*. San Francisco, CA: Jossey-Bass.

Kriesberg, L (1991) 'Formal and quasi-mediators in international disputes: An exploratory analysis', *Journal of Peace Researc*h 28(1): 19–27.

Landau, A (2000) 'Analyzing international economic negotiations: Towards a synthesis of approaches', *International Negotiation* 5(1): 1–19.

Menkel-Meadow, C 2001. *Mediation: Theory, Policy and Practice*. Aldershot, UK: Ashgate Dartmouth.

Midgaard, K and Underdal, A (1977) 'Multiparty conferences', in D Druckman, editor, *Negotiations: Social-psychological Perspectives*. Beverly Hills, CA: Sage, pp 329–345.

Miller, F (1994) *Arbitration*. Kent UK: Ruthtrek.

Mnookin, RH and Susskind, LE, editors (1999) *Negotiating on Behalf of Others*. Thousand Oaks, CA: Sage.

Neale, MA and Bazerman, MH (1991) *Cognition and Rationality in Negotiation*. New York: Free Press.

Pinkley, RL (1995) 'Impact of knowledge regarding alternatives to settlement in dyadic negotiations', *Journal of Applied Psychology* 80(3): 403-417.

Polzer, JT, Mannix, EA and Neale, MA (1995) 'Multiparty negotiation in its social context', in RM Kramer and DM Messick, editors, *Negotiation as a Social Process*. Thousand Oaks, CA: Sage, pp 123–142.

Polzer, JT, Mannix, EA and Neale, MA (1998) 'Interest alignment and coalitions in multiparty negotiation', *Academy of Management Journal* 41(1): 42–54.

Pruitt, DG (1995) 'Networks and collective scripts: Paying attention to structure in bargaining theory', in RM Kramer and DM Messick, editors, *Negotiation as a Social Process*. Thousand Oaks, CA: Sage, pp 37–47.

Raiffa, H (1982) *The Art and Science of Negotiation*. Cambridge, MA: The Belknap Press of Harvard University.

Rubin, JZ (1983) 'The use of third parties in organizations: A critical response', in MH Bazerman and RJ Lewicki, editors, *Negotiating in Organizations*. Beverly Hills, CA: Sage, pp 214–224.

Rubin, JZ, Pruitt, DG and Kim, SH (1994) *Social Conflict: Escalation, Stalemate and Settlemen*t, 2nd ed. New York: McGraw-Hill.

Rubin, JZ and Sander, FEA (1988) 'When should we use agents?: Direct vs. representative negotiation', *Negotiation Journal* 4(4): 395–401.

Salacuse, JW (1995) 'The art of advising negotiators', *Negotiation Journal* 11(4): 391–401.

Salacuse, JW (2000) *The Wise Adviser: What every Professional should Know about Consulting and Counseling*. Westport, CT: Praeger.

Sheppard, BH (1984) 'Third party conflict intervention: A procedural framework', in BM Staw and LL Cummings, editors, *Research in Organizational Behavior.* Greenwich, CT: JAI, pp 141–190.

Sheppard, BH and Tuchinksy, M (1996) 'Interfirm relationships: A grammar of pairs', in BM Staw and LL Cummings editors, *Research in Organizational Behavior.* Greenwich,

CT: JAI, pp 331–373.

Susskind, L (2000) 'Confessions of a public dispute mediator', *Negotiation Journal* 16(2): 129–132.

Touval, S (1975) 'Biased intermediaries: Theoretical and historical considerations', *The Jerusalem Journal of International Relations* 1(1): 51–69.

Touval, S and Zartman, IW (2001) 'International mediation in the post-cold war era', in CA Crocker, FO Hampson, and P Aall, editors, *Managing Global Chaos*, 2nd ed. Washington, DC: US Institute of Peace.

Wall, JA, Jr (1981) 'Mediation: An analysis, review, and proposed research', *Journal of Conflict Resolution* 25(1): 157–180.

Wall, JA Jr, Stark, JB, and Standifer, RL (2001) 'Mediation: A current review and theory development', *Journal of Conflict Resolution* 45(3): 370–391.

Watkins, M (2003) 'Strategic simplification: Toward a theory of modular design in negotiation', *International Negotiation* 8(1): 149–167.

Yarn, DH (1999) *Dictionary of Conflict Resolution*. San Francisco, CA: Jossey-Bass.

Zartman, IW editor (1994) *International Multilateral Negotiation: Approaches to the Management of Complexity*. San Francisco, CA: Jossey-Bass.

Zartman, IW (2003). 'Conclusion: Managing complexity', *International Negotiation* 8(1): 179–186.

Zartman, IW and Touval, S (1985) 'International mediation: Conflict resolution and power politics', *Journal of Social Issues* 41(2): 27–45.

Endnotes

1. Rubin, JZ (1983) 'The use of third parties in organizations: A critical response', in MH Bazerman and RJ Lewicki, editors, *Negotiating in Organizations*. Beverly Hills, CA: Sage at p 216.

2. Polzer, JT, Mannix, EA and Neale, MA (1998) 'Interest alignment and coalitions in multiparty negotiation', *Academy of Management Journal* 41(1): 42–54.

3. Kramer, RM (1991) 'The more the merrier? Social psychological aspects of multiparty negotiations in organizations', in MH Bazerman, RJ Lewicki and BH Sheppard, editors, *Handbook on Negotiation in Organizations*. Greenwich, CT: JAI Press, pp 307–332.

4. Crump, L and Glendon, AI (2003) 'Towards a paradigm of multiparty negotiation', *International Negotiation* 8(2): 197–234.

5. Yarn, DH (1999) *Dictionary of Conflict Resolution*. San Francisco, CA: Jossey-Bass at p 346.

6. Rubin, JZ, Pruitt, DG and Kim, SH (1994) *Social Conflict: Escalation, Stalemate and Settlement*, 2nd ed. New York: McGraw-Hill at p 257.

7. Chayes, AJ (1999) 'Preface', in RH Mnookin and LE Susskind, editors, *Negotiating on Behalf of Others*. Thousand Oaks, CA: Sage, pp ix–xi; Fassina, NF (2002) 'Direct and representative negotiation: A principal-agent authority continuum', Prepared for International Association for Conflict Management 15th Annual Conference. Park City, Utah; Kramer above note 3; Mnookin, RH and Susskind, LE, editors (1999) *Negotiating on Behalf of Others*. Thousand Oaks, CA: Sage; Rubin, JZ and Sander, FEA (1988) 'When should we use agents?: Direct vs. representative negotiation', *Negotiation Journal* 4(4): 395–401.

8. Hampson, FO with Hart, M (1995) *Multilateral Negotiations: Lessons from Arms Control, Trade, and the Environment*. Baltimore, MD: The Johns Hopkins University Press at p 4.

9. In Hulse, R and Sebenius, J (2003) 'Sequencing, acoustic separation, and 3-D negotiation of complex barriers: Charlene Barshefsky and IP rights in China', *International Negotiation* 8(2): 311–338.

10. In Crump, L (2006) 'Global trade policy development in a two-track system', *Journal of International Economic Law* 9(2): in print; and Crump, L (2006) 'Competitively linked and non-competitively linked negotiations: Bilateral trade policy negotiations in Australia, Singapore and the United States', *International Negotiation* 11(3): in print.

11. Salacuse, JW (2000) *The Wise Adviser: What every Professional*

should Know about Consulting and Counseling. Westport, CT: Praeger at p 7.

12. Bercovitch, J and Jackson, R (2001) 'Negotiation or mediation?: An exploration of factors affecting the choice of conflict management in international conflict', *Negotiation Journal* 17(1): 59–77; Kramer above note 3.

13. Elkouri, F and Elkouri, E (1985) *How arbitration works* 4th ed. Washington DC: BNA Books; Kressel, K and Pruitt, DG, editors (1989) *Mediation Research: The Process and Effectiveness of Third-party Intervention*. San Francisco, CA: Jossey-Bass; Menkel-Meadow, C 2001. *Mediation: Theory, Policy and Practice*. Aldershot, UK: Ashgate Dartmouth; Miller, F (1994) *Arbitration*. Kent UK: Ruthtrek; Wall, JA, Jr (1981) 'Mediation: An analysis, review, and proposed research', *Journal of Conflict Resolution* 25(1): 157–180; Wall, JA Jr, Stark, JB, and Standifer, RL (2001) 'Mediation: A current review and theory development', *Journal of Conflict Resolution* 45(3): 370–391.

14. See Giebels, E (1999) *What If This is as Good as it Gets: Alternative Partners and Social Motives of Negotiators*. Veenendaal, The Netherlands: Universal Press; Giebels, E, De Dreu, CKW and Van de Vliert, E (1998) 'The alternative negotiator as the invisible third at the table', *The International Journal of Conflict Management* 9(1): 5–21; Pinkley, RL (1995) 'Impact of knowledge regarding alternatives to settlement in dyadic negotiations', *Journal of Applied Psychology* 80(3): 403-417.

15. Kramer above note 3; Polzer, Mannix and Neale above note 2; Zartman, IW editor (1994) *International Multilateral Negotiation: Approaches to the Management of Complexity*. San Francisco, CA: Jossey-Bass.

16. Crump, L (2005) 'For the sake of the team: Unity and disunity in a multiparty Major League baseball negotiation', *Negotiation Journal* 21(3): 317–341; Midgaard, K and Underdal, A (1977) 'Multiparty conferences', in D Druckman, editor, *Negotiations: Social-psychological Perspectives*. Beverly Hills, CA: Sage, pp 329–345; Raiffa, H (1982) *The Art and Science of Negotiation*. Cambridge, MA: The Belknap Press of Harvard University.

17. Raiffa above note 16.

18. Above note 16.

19. Diehl, PH, Druckman, D and Wall, J (1998) 'International peacekeeping and conflict resolution: A taxonomic analysis with implication', *Journal of Conflict Resolution* 42(1): 33–55; Wall above note 13.

20. Greenhalgh, L and Chapman, DI (1995) 'Joint decision making: The inseparability of relationships and negotiation', in RM Kramer and DM Messick, editors, *Negotiation as a Social Process*. Thousand Oaks, CA: Sage, pp 166–185.

contributions

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21. Sheppard, BH and Tuchinksy, M (1996) 'Interfirm relationships: A grammar of pairs', in BM Staw and LL Cummings editors, *Research in Organizational Behavior*. Greenwich, CT: JAI, pp 331–373 at p 334.

22. Greenhalgh, L (1995) 'Competition in a collaborative context: Toward a new paradigm', in RJ Bies, RJ Lewicki and BH Sheppard, editors, *Research on Negotiation in Organizations*. Greenwich, CT: JAI, pp 251–270.

23. Zartman above note 15.

24. Boyer, B and Cremieux, L (1999) 'The anatomy of association: NGO's and the evolution of Swiss climate and biodiversity policies', *International Negotiation* 4(2): 255–282; Cobb, AT (1986) 'Coalition identification in organizational research', in RJ Lewicki, BH Sheppard and MH Bazerman, editors, *Research on Negotiation in Organizations*. Greenwich, CT: JAI, pp 139–154; Dupont, C (1996) 'Negotiation as coalition building', *International Negotiation* 1(1): 47–64; Holsti, OR, Hopmann, PT and Sullivan, JD (1985) *Unity and Disintegration in International Alliances*. Lanham, MD: University Press of America; Polzer, Mannix and Neale above note 2; Zartman, IW (2003). 'Conclusion: Managing complexity', *International Negotiation* 8(1): 179–186.

25. Above note 16.

26. Berman, MR and Johnson, JE (1977) *Unofficial Diplomats*. New York: Columbia University Press; Davison, WP (1974) *Mass Communication and Conflict Resolution: The Role of the Information Media in the Advancement of International Understanding*. New York: Praeger; Kressel and Pruitt above note 13; Menkel-Meadow above note 13; Miller above note 13; Sheppard, BH (1984) 'Third party conflict intervention: A procedural framework', in BM Staw and LL Cummings, editors, *Research in Organizational Behavior*. Greenwich, CT: JAI, pp 141–190; Susskind, L (2000) 'Confessions of a public dispute mediator', *Negotiation Journal* 16(2): 129–132; Touval, S (1975) 'Biased intermediaries: Theoretical and historical considerations', *The Jerusalem Journal of International Relations* 1(1): 51–69; Touval, S and Zartman, IW (2001) 'International mediation in the post-cold war era', in CA Crocker, FO Hampson, and P Aall, editors, *Managing Global Chaos*, 2nd ed. Washington, DC: US Institute of Peace; Wall, Stark and Standifer above note 13; Zartman, IW and Touval, S (1985) 'International mediation: Conflict resolution and power politics', *Journal of Social Issues* 41(2): 27–45.

27. Chayes above note 7; Giebels above note 14; Mnookin and Susskind 1999 above note 7; Neale, MA and Bazerman, MH (1991) *Cognition and Rationality in Negotiation*. New York: Free Press; Pinkley above note 14; Salacuse, JW (1995) 'The art of advising negotiators', *Negotiation Journal* 11(4): 391–401; Salacuse above note 11; Crump, L and Giddings, J (2005) 'Strategy, choice and the skilled legal negotiator', *Monash University Law Review* 31(2): in print.

28. Zartman above note 15.

29. Neale and Bazerman above note 27.

30. Above note 14.

31. See Davison above note 26; Kriesberg, L (1991) 'Formal and quasi-mediators in international disputes: An exploratory analysis', *Journal of Peace Research* 28(1): 19–27.

32. Crump, L (1998) *Nihonjin no tameno Harvardryu Koshojutsu* (English title – Integrative Strategy and Japanese Style Negotiation: A Comparative Analysis) Tokyo: Japan Management Association; Hampson, FO with Hart, M (1995) *Multilateral Negotiations: Lessons from Arms Control, Trade, and the Environment*. Baltimore, MD: The Johns Hopkins University Press; Landau, A (2000) 'Analyzing international economic negotiations: Towards a synthesis of approaches', *International Negotiation* 5(1): 1–19; Zartman above note 15.

33. Kramer above note 3; Polzer, Mannix and Neale above note 2.

34. Pruitt, DG (1995) 'Networks and collective scripts: Paying attention to structure in bargaining theory', in RM Kramer and DM Messick above note 20, pp 37–47.

35. See Zartman and Touval above note 26; Watkins, M (2003) 'Strategic simplification: Toward a theory of modular design in negotiation', *International Negotiation* 8(1): 149–167.

36 See Crump and Giddings above note 27 for some clarity.