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**PROFESSIONAL TRAINING OF NEGOTIATORS:  
TERMINOLOGY AND CONCEPT ISSUES**

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**ФАХОВА ПІДГОТОВКА ПЕРЕМОВНИКІВ: ТЕРМІНОЛОГІЧНИЙ  
ТА КОНЦЕПТУАЛЬНИЙ АСПЕКТИ**

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Nowadays due to many reasons practical actions of negotiators (professional and self-educated ones) become a prerequisite for realizing a state's tasks in defending its own military, civil, political, economic and other interests. Throughout its existence, the mankind has developed only two forms of conflicts resolution, regardless of what levels they originate: through force and through mutual agreements. However, so far, both Ukrainian and abroad professional literature has not formed a common opinion not only about the system of professional trainings of negotiators and their place in the professional picture of the modern world, but also there is no unanimity in the perception of a negotiator: whether it is a separate independent profession or a set of skills and abilities, backed by certain personal qualities of their owner. The idea of professional trainings of negotiators belongs to the sphere of Professional Pedagogics as a branch of educational science, since it is aimed at providing additional professional skills to a person (mainly due to the absence of “negotiator” as a profession in Occupation List of many countries; nowadays negotiators are people of other basic professions: policemen, psychologists, interpreters, military personnel, etc.). Today, practical work as to negotiators’ professional trainings, both in Ukraine and abroad, holds in non-formal education (which is known to be more flexible and mobile than the formal one) and is represented by various courses, lectures, trainings, etc. The peculiarity negotiators’ professional trainings’ system contains in its reliance over practical activities, which are mainly represented by role playing games and artificial pedagogical situations, as well as its base on group work methods (small or ultra-small groups) and individual educational trajectories of negotiators-to-be. The purpose of this article is to present the most popular approaches in the modern education theory as to the perception of negotiators’ professional trainings system, as well as to very concept of “negotiator” as the final product of this system. Also, the author of the article on the basis of research and his own practical work presents the author's interpretation of the term “negotiator”.

*Key words:* negotiator, professional trainings, educational system, non-formal education, negotiating skills.

Останнім часом внаслідок багатьох причин практичні дії перемовників (професійних і самоучок) стають необхідною умовою реалізації завдань держави в галузі захисту власних військових, цивільних, політичних, економічних та інших інтересів. Протягом свого існування людство виробило лише дві форми врегулювання

конфліктів, незалежно від того, які рівні вони виникають: через силу та через взаємні угоди. Однак дотепер як у вітчизняній, так і закордонній фаховій літературі не сформувалося єдиної думки не тільки щодо системи підготовки перемовників і їх місця в професійній картині сучасного світу, але також немає одностайності в сприйнятті перемовника: чи це є окрема незалежна професія або ж набір умінь і навичок, підкріплених певними особистісними якостями їхнього власника. Практика підготовки перемовників належить до сфери інтересу професійної педагогіки, оскільки спрямована на надання людині додаткових професійних навичок (здебільшого внаслідок відсутності професії «перемовник» в класифікаторі професій багатьох країн, перемовниками стають люди інших професій: поліцейські, психологи, перекладачі, кадрові військові тощо). Також сьогодні підготовка перемовників як в Україні, так і за кордоном, належить до сфери неформальної освіти (яка, як відомо, більш гнучка та мобільна у порівнянні із освітою формальною) та представлена різноманітними курсами, лекціями, тренінгами тощо. Особливістю системи підготовки перемовників є її опора на практичну діяльність, яку здебільшого представлено ролевими іграми та штучними педагогічними ситуаціями, а також її базування на методиках групової роботи (малі та надмалі групи) і індивідуальному освітній траєкторії. Метою даної статті є представити найбільш популярні в сучасній педагогічній літературі підходи до сприйняття системи підготовки перемовників, а також до самого поняття "перемовник" як кінцевого продукту діяльності даної системи. Також, автор статті на основі проведених досліджень і власної практичної роботи представляє авторське трактування терміна «перемовник».

*Ключові слова:* перемовник, фахова підготовка, система освіти, неформальна освіта, навички ведення переговорів.

**Introduction:** The need for specialists able to conduct negotiations, as well as the conceptual justification of their vocational training system, is becoming ever more tangible in modern world. Therefore, negotiations as a form of solving a state, social, political, and personal conflict are not the achievement of the New or Newest Times, but have been known and used since ancient times. In different conditions negotiators were representatives of various professions: from translators to military personnel, but only at the beginning of the twentieth century this activity has a chance to be recognized as an independent profession – the negotiator.

*The article aims to analyze ideas as to interpretation of the concept “negotiator” used in modern social and educational science and influence the main approaches to negotiators’ training system as an educational problem. Such methods as making conjectures, observation, analysis, scientific inquiry, characterization were of great use while writing the article. The article’s novelty lies in characterizing negotiation as a specific sphere of a professional activity of a person, representing a new definition to the term of “negotiator”.*

**Discussion.** The word “negotiation” and “negotiator” originated in the early 15th century from the Old French and Latin expressions “negociacion” and “negotiationem”. These terms mean “business, trade and traffic” and the person who makes this actions. By the late 1590s “negotiation” had got the definition, “to communicate in search of mutual agreement”, as well as a “negotiator” started to be treated as a person who was professional to come to an agreement from the behalf of one sides (Online Etymology Dictionary, 2014). The British Dictionary determines “negotiation” as “act of arranging peace” and “negotiator” as “the one that with the help of documents and logical deeds arranges a peaceful solving of a problem” (The British Dictionary).

Linguistics often used method of explaining the meaning of the word with the help of synonyms shows a wide range of features and functions that characterize the members of this profession mentioning such words as “compromiser”, “mediator”, “bargainer”, “representative”, “negotiation settler”, “communicator”, “parliamentarian”, “agent”, “diplomat”, “pacifist” and even “judge” (Power Thesaurus, 2014) as a full synonym to a word “negotiator”.

Nowadays professional literature of Europe and US trends to use the word “mediator” to characterize a person who is “neutral and engaged between two parties that have required the services of the other and are deadlocked in an acrimonious debate; mediator seeks the necessary information from both individual parties and attempt to come to a resolved agreement on both parties' behalf” (Wikipedia, 2014), mainly this word belongs to the sphere of court and business, though the word “negotiator” is used to a person with mainly the same functions in sphere of army forces, crisis and hostage cases, police work. Also the words “mediator” and “negotiator” are not the same regarding the peculiarities of the negotiating and mediating process: mediators aim to “assist disputing parties in resolving conflict and to make the decision appropriate for both parties by themselves”; usually this decision is not predicted (Trenczek & Loode, 2016). Negotiators are to force all the parties to follow the decision which is legal and usually preset (Gates, 2011).

In this article under the word “negotiator” we understand “a person, authorized by all the negotiation’s parties, whose purpose is to achieve by all parties a specific and unified, initially formulated goal of the negotiations”. The definition mentioned above is the author’s one and is presented in the professional education literature for the first time.

Negotiation can take a wide variety of forms, from a multilateral conference of all United Nations members to establish a new international norm

(such as the UN Convention on the Law of the Sea) to a meeting of parties to a conflict to end violence or resolve the underlying issue (such as constitutional negotiations in South Africa in 1990-1994 or in Colombia with the FARC on 2012–2015) to a business encounter to make a deal to a face-off between parents (or between parent and child) over the child's proper behavior (Honeyman & Schneider, 2017). Mediation is a form of negotiation with a third-party catalyst that helps the conflicting parties to negotiate when they cannot do so by themselves. Negotiation can be contrasted with arbitration, where the decision lies with the third party, which the conflicting parties are committed to accept.

Negotiation theorists generally distinguish between two types of negotiation. The difference in the usage of the two types depends on the mindset of the negotiator but also on the situation: one-off encounters where lasting relationships do not obtain are more likely to produce distributive negotiations whereas lasting relationships are more likely to require integrative negotiating (Kleef, Dreu & Manstead, 2006). Different theorists use different labels for the two general types and distinguish them in different ways.

W. Zartman defines negotiation as “a process of combining conflicting positions into a common position under a decision rule of unanimity, a phenomenon in which the outcome is determined by the process” (Zartman & Rubin, 2002). D. Druckman adds that negotiations pass through stages that consist of agenda setting, a search for guiding principles, defining the issues, bargaining for favorable concession exchanges, and a search for implementing details. Transitions between stages are referred to as turning points (Druckman, 1986).

Most theories of negotiations share the notion of negotiations as a process, but they differ in their description of the process. Structural, strategic and procedural analysis build on rational actors, who are able to prioritize clear goals, are able to make trade-offs between conflicting values, are consistent in their behavioral pattern, and are able to take uncertainty into account. Negotiations differ from mere coercion, in that negotiating parties have the theoretic possibility to withdraw from negotiations. It is easier to study bi-lateral negotiations, as opposed to multilateral negotiations.

Ambiguity in the definition of negotiators and negotiation as an action (therefore in choosing conception and practical methods as to professional trainings' system) also leads to disagreements as to independence of negotiators as a profession. Nowadays there are two points of view represented in educational science. Representatives of the first one (R. Lewicki, D. Saunders,

J. Minton, R. Sorenson, E. Morse, G. Savage etc.), motivating that negotiation is just a natural and compulsory part of communication process in general, stand up for including developing of negotiation skills into the professional trainings of other professions, such as lawyers, diplomats, policemen, politicians, traders etc. As the important argument the adherents of this concept proclaim that negotiations are natural quality of a personality, which is recognized in day-by-day life when individuals aim to achieve the best possible outcome for their position (or perhaps an organization they represent): when people bargain in the market, make appointments, discuss movies etc. People negotiate daily, often without considering it a negotiation. Negotiation occurs in organizations, including businesses, non-profits, and within and between governments as well as in sales and legal proceedings, and in personal situations such as marriage, divorce, parenting, etc (Fisher, Ury & Patton, 1994).

The followers of this concept present the process of negotiation as a method by which people settle differences, compromise or agreement is reached while avoiding argument and dispute (Kelchner, 2017). According to them there is a list of negotiators' practical skills people can be trained for to use in their life and professional work. The list includes the following items:

1. Active Listening
2. Emotional Control
3. Verbal Communication
4. Collaboration and Teamwork
5. Problem Solving
6. Decision Making Ability
7. Interpersonal Skills
8. Ethics and Reliability (Doyle, 2017).

Different sources give different amount of items (from 4 to 53) and compose them according to different principles but their idea is the same: negotiating is a inborn quality of a person and a part of his\her everyday life. So the system of professional trainings of other profession representatives is to develop this natural quality of a person and to equip him\her with practical skills according to the list.

The point of view of their opponents is based upon the practice of extreme circumstances situations' negotiations which include cases of terroristic attacks, kidnapping, hostage etc. Mostly they are representatives of army forces and police by themselves, they treat negotiation as an independent action which is more complicated and complex than just classical extreme circumstances

psychologist's one. Such kind of work is presented by Crisis Negotiation Teams in US or Hostage Negotiation Service in Great Britain. Crisis Negotiation Teams because of their training, special skills, knowledge and police experience are used to resolve a myriad of incidents such as barricaded subject, trapped armed robbers, hostage situations, stalking victims and perpetrators, high risk suicide, mental health warrants, high risk warrants, gang violence and applying stress reducing debriefing techniques to crisis victims, police officers and other public service employees (*Hostage Negotiation Study Guide*, 2003).

The history of Hostage Negotiation Service starts really in the early 1970s when officers from Scotland Yard and the American FBI met to debrief a number of crimes in action situations that were to alter the way we did business in the future. Returning then to – crime in action – it is exactly what you would imagine – a crime which is still ongoing. The difference with these crimes and those which have completed such as a homicide or a robbery, is that whilst the latter relies on forensic and detective ability to identify the perpetrator after the event has concluded, the former is still in action and the decisions of the investigator must remain robust and fluid enough to morph with the will of the perpetrator who holds the decision making mantle. The art of negotiation in such circumstances is to wrest the control gently and unknowingly from the perpetrator into the hands of the investigator or police (Johnston, 2014).

As their key argument the followers of this point of view say that professional negotiators are to deal with a crime which is still ongoing. The difference with this situation and those which have completed, is that whilst the latter relies on forensic and detective ability to identify the perpetrator after the event has concluded, the former is still in action and the decisions of the investigator must remain robust and fluid enough to morph with the will of the perpetrator who holds the decision making mantle. The art of negotiation in such circumstances is to wrest the control gently and unknowingly from the perpetrator into the hands of the investigator or police (Thompson, 2005). That's why a person to be in charge of this process is to be professionally trained for this because a person with just developed negotiation skills is unable to concentrate upon not the process but the result (which usually means stay alive for common people and the negotiator by himself) making analysis and choosing negotiation strategies automatically. Professional negotiators are often specialized, such as union negotiators, leverage buyout negotiators, peace negotiator, or hostage negotiators (Fisher et al., 1994).

**Conclusions.** Negotiation is a specialized and formal version of conflict resolution most frequently employed when important issues must be agreed upon. Negotiation is necessary when one party requires the other party's agreement to achieve its aim. The aim of negotiating is to build a shared environment leading to long-term trust and often involves a third, neutral party to extract the issues from the emotions and keep the individuals concerned focused. It is a powerful method for resolving conflict and requires skill and experience. Unfortunately because of differences in terminological and conceptual issues as to the process of negotiation as a natural inborn or independent process there is no system of professional trainings for the negotiators-to-be in the world though there is the reality of their practical work both in civil (usually as representatives and mediators) and military spheres. This article can serve as basis for further research in the area of professional training concepts for special skills formation, defending negotiator as an independent profession and forming a system of professional training of such specialists both in the sphere of formal and non-formal education.

## REFERENCES

- Baker, E. A. (1932). *Negotiation*. New English Dictionary. Vol. 2. (p. 52). London : Odhams Press Limited.
- Doyle, A. A. (2017). *Step-by-Step Guide to a Successful Job Search*. NY: BALANCE.
- Druckman, D. (1986). Stages, crises, and turning points: Negotiating military base rights, Spain and the United States. *Journal of Conflict Resolution*, 30(2), 327-360.
- Fisher, R., Ury, W. & Patton, B. (1994). *Getting to yes: negotiating agreement without giving in*. New York : Penguin Books.
- Gates, S. (2011). *The Negotiation Book*. United Kingdom: A John Wiley & Sons Ltd., Publication.
- Honeyman, Ch. & Schneider, A. (2017). *The Negotiator's Handbook*. Dispute Resolution Institute Press.
- International Association of Chiefs of Police & Federal Law Enforcement Training Center of the USA. (2003). *Hostage Negotiation Study Guide*. Retrieved from <http://www.co.wise.tx.us/constable/Downloads/Hostage%20Negotiation%20Study%20Guide.pdf>
- Johnston, D. (2014, November). *A history of hostage negotiation: Presentation to The Chartered Institute of Arbitrators London Branch*. Retrieved from <https://www.mediate.com/articles/JohnstonD1.cfm>
- Kelchner, L. (2017, January, 31). *Top Ten Effective Negotiation Skills*. Retrieved from <http://smallbusiness.chron.com/top-ten-effective-negotiation-skills-31534.html>.
- Kleef, V., De Dreu, C. & Manstead, A. (2006). Supplication and Appeasement in Conflict and Negotiation: The Interpersonal Effects of Disappointment, Worry, Guilt, and Regret. *Journal of Personality and Social Psychology*, 91(1), 124-142.
- Online Etymology Dictionary. (2014, May, 11). *Negotiation*. Retrieved from <https://www.etymonline.com/word/negotiation>
- Power Thesaurus. (2014, May, 11). *Negotiation*. Retrieved from <https://www.powerthesaurus.org/negotiator>
- Thompson, L. (2005). *The Mind and Heart of the Negotiator*. Prentice Hall.
- Trenczek, T. & Loode, S. (2016). Embedding Mediation and Dispute Resolution into Statutory Civil Law: The Example of Germany. *Dealing with Disputes in the 21st Century*, 12, 177-192.
- Wikipedia. (2014, May, 11). *Business mediator*. Retrieved from [https://en.wikipedia.org/wiki/Business\\_mediator](https://en.wikipedia.org/wiki/Business_mediator)
- Zartman, W. & Rubin, J. (2002). *Power and Negotiation*. University of Michigan Press

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