

MASTER'S THESIS
EUROPEAN AFFAIRS

From consensus to confrontation

Studying strategies for states to negotiate with challenging partners in multilateral negotiations



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“Negotiation requires a willingness to compromise,
and [all] sides must make concessions”
Fred Charles Iklé
‘How Nations Negotiate’, 1964, p. 1

Abstract

The purpose of this thesis is to explicate different strategies that states can, and do, use to negotiate with challenging partners in conflict situations. A challenging partner, as defined in this thesis, refers to a key player in minority position who is blocking negotiations from reaching consensus agreements. A theoretical model containing five different strategies is developed using theories gathered from both political science and organizational theory. The theoretical model originates from Kilmann and Thomas (1976) but is adapted to fit new aspects of multilateral negotiations and conflict management in situations of deadlock. The study is a qualitative case study of negotiations taken place in Council of Europe surrounding the situation in Ukraine during 2014, depicting Russia as the challenging partner. Semi-structured interviews are used as the main data collecting method. The empirical analysis shows that three out of five strategies in the model are used by member states in practice and a comprehensive discussion is held regarding this result and its implications for theory. The question 'why' states choose one strategy over another and which factors have an impact on this choice is discussed with the aim of opening up for future research. The study has proven the adequacy of combining theories as done when exploring obstacles to multilateral negotiations and has laid a foundation for studying challenging partners as a phenomenon in the multilateral context.

Key words: multilateral negotiation, Council of Europe, Ukraine, challenging partners, strategies, consensus, deadlock.

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Table of contents

1	Introduction	1
1.1	An overarching problem of negotiation	2
1.1.1	Relevance	3
1.2	Research question and purpose	3
1.3	Delimitations and components of interests.....	4
1.3.1	Presumptions	6
1.3.2	Thesis outline.....	7
2	Theoretical framework	8
2.1	Theoretical points of departure.....	8
2.2	Relation to previous research	9
2.3	Features of multilateral negotiation.....	10
2.3.1	Consensus and unanimity in multilateral negotiation	11
2.4	Understandings and definitions	12
2.4.1	Challenging partners.....	12
2.4.2	Deadlock.....	13
2.4.3	The disputants' role in negotiation and conflict management.....	13
2.5	Approaching deadlock and conflict: strategies for dealing with challenging partners.....	14
2.5.1	Competition, exclusion and worsening the BATNA.....	16
2.5.2	Accommodation	16
2.5.3	Compromise and finding a ZOPA.....	17
2.5.4	Collaboration, creating trust and re-framing the issue	17
2.5.5	Circumvention and trying to altering the balance of power	18
2.6	Deducted model of strategies	18
3	Methodology.....	20
3.1	Case study design	20
3.1.1	Generalization and internal validity	21
3.1.2	Case selection	23
3.2	Interview methodology.....	23
3.2.1	Interview technique	23
3.2.2	Respondents.....	24
3.2.3	Ethical considerations.....	25
3.2.4	Interview recordings and transcription.....	26
3.3	Participant observations.....	26
3.4	Method of analysis – operationalization.....	27
4	Negotiation context.....	31

4.1	What is the Council of Europe?.....	31
4.2	Rules and traditions of Council of Europe negotiations.....	32
4.2.1	Consensus decision-making	33
4.2.2	Coordination as part of the negotiation context	33
4.3	The crisis in Ukraine	34
4.4	Negotiations and decisions during the initial part of the Ukraine crises.....	35
5	Analysis.....	37
5.1	Validating the change in negotiations and the concept of challenging partners	37
5.2	Analysing the use of the theoretical strategies	38
5.2.1	Competition, exclusion and worsening the BATNA.....	38
5.2.2	Accommodation	39
5.2.3	Compromise and finding a ZOPA.....	39
5.2.4	Collaboration, creating trust and re-framing the issue	41
5.2.5	Circumvention and trying to alter the balance of power	41
5.2.6	Summarizing table.....	42
5.3	Overlapping in practice and revealing combinations of strategies.....	43
5.4	Implications of the empirical findings.....	44
5.4.1	Common key elements and influential lines of division between strategies used in practice	46
5.4.2	Factors impacting the choices of strategy – further elaborating on the question <i>why</i> states pursue one strategy over another	47
6	Conclusions	49
6.1	Further research	51
7	References	52
	Appendix	57

List of Abbreviations

CoE	Council of Europe
OSCE	Organisation for Security and Co-operation in Europe
COSCE	Working group on the CoE and the OSCE
EU	European Union
UN	United Nations
WTO	World Trade Organisation
NATO	North Atlantic Treaty Organisation
BATNA	Best Alternative to a Negotiated Agreement
ZOPA	Zone Of Possible Agreement
CM	Committee of Ministers
PACE	Council of Europe Parliamentary Assembly
ECHR	European Convention on Human Rights
INGO	International Non-Governmental Organisation
ECtHR	European Court of Human Rights
AA	Association Agreement
DCFTA	Deep and Comprehensive Free Trade Area

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1 Introduction

It is March 2014 and the Russian Federation has annexed the Crimean peninsula in the sovereign state of Ukraine leading to a full-fledged crisis. International organisations, there among the Council of Europe (CoE), are trying to negotiate to uphold and restore the respect for rule of law, human rights and democratic values (Report by the Secretary General of the CoE, SG(2014)1, Information document: CM(2014)12). Although the CoE has for long had Russia as member at the negotiation table the negotiations surrounding the situation in Ukraine prove to be unique and require the organisation to enter into difficult negotiations causing the abandonment of its deeply rooted traditions of consensus decision-making (Jackson 2004, Respondent A, 2015).

The contested admission of the Russian Federation to the CoE in 1996 was seen as a politically strategic move that hopefully would engage Russia in Europe and the CoE human rights regime, standards of democracy and rule of law (Jackson 2004: 25). Russian behaviour in negotiations such as raising opposition to engage in issues claimed to be internal Russian matters and blocking initiatives (COSCE 2013) has for long been met in the organisation by willingness to find compromise solutions and work with long-term progress. When the crises in Ukraine became a heated topic continuously debated during negotiations in 2014 (Information document: CM/Inf(2014)14), and the involvement of Russia in the conflict became clear, behaviours from other member states began to change and the willingness to compromise faded (Respondent A, 2015). The lack of responsibility and engagement from the Russian side put huge strain on the situation (Observation: Committee of Ministers).

Theoretically this problem arises when actors in a negotiation situation end up not having the capacity to change the others position enough to reach agreement (Iklé 1964: 59-62). This conflict situation, usually referred to as deadlock, has been said to occur when “all of the threats, commitments and debating points that can be made have been made; and the opponent, while duly impressed, is unwilling to make further concessions” (Pruitt 1981: 210). The core purpose of this thesis is to explore what strategies states can, and do, use in multilateral negotiations to negotiate in conflict situations with “challenging partners”¹, such as Russia.

There are in our global society a number of permanent bodies such as the EU, the UN, the CoE, NATO and the OSCE making up multilateral organisations for

¹ A challenging partner, in this thesis, is a state defined by five characteristics: (1) A key player in a multilateral negotiation, (2) who has a challenging role given the context, (3) who, because of their power to influence, can obstruct negotiations, (4) is a part of the minority, (5) and is blocking consensus decisions.

collaboration and forums for negotiation. Negotiators in multilateral, unlike bilateral, forums need to orient themselves both to an array of actors, roles and a variety of issues. The challenge is to give difficult but necessary coherence to the complexity created by a congeries of relations (Zartman 1994: 1, 4). The CoE has for long met this challenge and upheld a strong tradition of taking decisions under the notion of consensus, which requires all parties to be in agreement. The organisation has managed to keep with consensual decision-making in negotiations and widely avoiding decisions by vote even though negotiations in multilateral organisations normally experience more difficulty establishing compromise solutions due to the greater number of parties involved (Lindell 1988: 22).

But, negotiation complexities have during 2014 in relation to the situation in Ukraine caught up with the organisation and as a result compromises have become harder to reach. The consensus practice has as a consequence been put to the test and numerous times during 2014 been set-aside in negotiations by demands from member states for voting (Observation: Committee of Ministers). This has never before happened in the organisations' past (Ibid).

Although scholars have taken an interest in what elements are needed for successful negotiation and how conflicts in negotiations escalate little to nothing is said about what negotiating strategies that states can resort to in maintaining negotiations when challenging or conflictual situations occur (Persson 1992: 20). Therefore there is a great need to further explore the complexities of multilateral negotiations and what strategies states can, and do, use in situations when essentials such as concessions and compromises seem absent (Zartman 1994: 5, Iklé 1964: 59-60).

1.1 An overarching problem of negotiation

The CoE, as the main organisation at European level defending human rights, has for long managed to create unity among the 47 member states (Tanasescu 2014: 172) and upheld traditions of consensus despite complexity of issues. The organisation has on extremely few occasions strayed from its consensus tradition and even in controversial cases managed to make member states avoid blocking consensus by resorting to other means such as adding what's called an interpretive statement (Lindell 1988:43).

Since the aim of diplomacy and negotiation is to always reach mutual solutions, obstacles to this process are highly problematic regardless of the context of the negotiation (Avenhaus - Zartman, 2007: 5-6). Investigating how states can approach obstacles to reaching mutual solutions, in this case caused by a challenging partner, connects the research problem in this thesis to an overarching problem in negotiations.

The research problem, important to focus my investigation, (George - Bennett 2005: 74) is specifically circled around the issue of how states can handle the behaviour of challenging partners in conflict situations in multilateral negotiations

and what strategies can be, and are, used considering both aims and consequences, such as abandoning of consensus. To study the change of decision-making in the CoE during 2014 I explore both theoretical and empirical sources to depict different behaviours used during negotiations and how they reflect strategies to negotiate with challenging partners.

1.1.1 Relevance

The overarching problem described above becomes more complex when dealing with multilateral negotiations (Touval 1989: 163). The growing complexity adds to motivating the importance of exploring and explicating strategies for negotiating with challenging partners both for academia and practicing negotiators. There is a central distinction between questions coming from ‘within academia’ and issues springing from ‘real life’ (Esaiasson et al. 2012: 31). A research problem should be connected to and relevant for studying for both these categories. Relevance for academia is usually found through relating to previous research and where there, as in this case, exists a gap in the academic literature (Ibid). Previous research has largely focused on the issue of categorizing, analysing and detecting issues in international and bilateral negotiations (Kremenyuk 1991), but to a limited extent on strategies for dealing with conflict situations in multilateral negotiations. The concept of ‘challenging partners’ has never before been defined or studied as done in this thesis.

The chosen research topic also has inherent value and relevance for the practitioners, diplomats and experts negotiating in multilateral forums to show different ways of dealing with conflict situations with challenging partners. The issue is also relevant to study in bringing knowledge to various governmental institutions forming strategies for foreign policy. The academic gap and importance for actors outside of academia motivates the relevance of studying the chosen thesis-issue.

1.2 Research question and purpose

The general purpose of the study is to theorize on the chosen topic of the CoE negotiations surrounding the Ukraine crisis by abstracting it to a level of studying how states in multilateral forums can strategize to negotiate in conflict situations with challenging partners. The research question is asked under the presumption, drawn from both theory and empirics, that there is an interest in maintaining negotiations and that ending negotiations is not a viable option (further under heading 1.3.1). The aim of the study is to explore which strategies can be, and are, used to negotiate with challenging partners in multilateral negotiations, thereby revealing which strategies were reflected in the abandoning of consensus traditions in the CoE. A general guide to the unit of analysis in this study is

related to the way the research question is formulated (Yin 2014: 31). My research will be guided by the following question:

What strategies can, and do, states use in multilateral negotiations to negotiate in conflict situations with challenging partners?

To answer this question the study is designed as a qualitative case study of member states in the multilateral forum of the CoE, focusing on negotiations and discussions surrounding the Ukraine crises during 2014, depicting Russia as the challenging partner. To start off, the study develops a theoretical framework using existing theories from the fields of political science and organisational theory in order to deduct the theoretical strategies that states *can* use when negotiating with challenging partners in conflict situations. The theoretical choices are dependent on how the theories can explain and be applied to multilateral negotiations, which is essential to be able to draw inferences (Raiffa 1991: 11). In order to answer the posed question the deducted theoretical strategies are operationalized to analyse the collected empirical material, which consists of interviews with diplomats from member state delegations to the CoE and participant observations from the negotiations. The analysis is meant to explicate what strategies states *do* use by looking at how behaviours and arguments from respondents reflect the theoretically formed strategies. The units of observations will be used to draw conclusions about the unit of analysis and how theory is reflected in practice.

The purpose of the thesis is of revelatory nature in exploring the conflict situation present in the CoE and looking at the possible use of different strategies for states to negotiate with challenging partners. This could also be described in terms of a “plausibility probe” meaning an exploratory study of relatively untested theories to determine the use of more intense or comprising studies (George - Bennett 2005: 75). One of the specific purposes is also to contribute to the field of study of multilateral negotiations by combining research from the areas of both political science and organisational theory on how to manage conflict situations in negotiations. Scholars have pointed to the benefits of combining issues from political science with other fields of study to expand researchers horizon outside of ‘habitual knowledge’ (Esaiasson et al. 2012: 30-31).

1.3 Delimitations and components of interests

To avoid the situation where the substance of the study becomes disconnected from the purpose, the thesis is subject to a number of delimitations (Yin 2014: 29, 35). When looking at limitations in a case study one needs to figure out what distinguishes this case from others and “who” is to be included within the topic of the study (Yin 2014: 33).

The case of the CoE works particularly well for exploring the type of issue at hand since the group of member states are largely heterogeneous and members such as Russia, Azerbajdzjan or Turkey have a challenging role, from a human

rights point of view, and adds complexity and risks of conflict to the negotiations. Delimitations are made to not include the OSCE (Organisation for Security and Cooperation in Europe) although they have a similar organizational structure. This choice is made due to the limited insight for me as a researcher into the negotiations held in the OSCE regarding the situation in Ukraine and the problem of gaining access to both material and respondents without an established network of contacts (Kvale - Brinkmann 2009: 163). One of the biggest problems in case studies of ‘elites’ and areas restricted to the public is gaining access (Ibid). This problem is managed in the case of the CoE by the opportunity to take part, during an internship, in the negotiations studied and thereby also establishing a network for possible respondents to interviews. The unique insight into the negotiations can motivate that the CoE stands alone as a case (Donmoyer 2000: 61), allowing for deeper analysis fitting to the revelatory nature of the thesis’ purpose.

Delimitations are also made in regard to which negotiations are studied. As presented above the CoE deals with a number of issues, but the unusual components in the negotiations surrounding the situation in Ukraine, such as the change in decision-making procedure, motivates to look into these negotiations specifically regarding what strategies states can, and do, use to negotiate with challenging partners. The negotiations are studied with reference to the year 2014, since this was the year the conflict escalated and became a permanent issue on the agenda of the meetings in the Committee of Ministers (Information document: CM/Inf(2014)14).

In studying and analysing multilateral negotiations one has to relate to the bigger picture of negotiations and situate the case within the context. Even though the elements of interest in this study are linked to multilateral negotiations, and the CoE, one has to recognise how these elements are integrally tied together, with aspects from for example national-, international- and bilateral negotiation (Zartman 2009: 323). One of the symbols of negotiation analysis is to draw analogues from one system to another, to identify what is special, what is common and what works in one system that can be applied to another system (Raiffa 1991: 11).

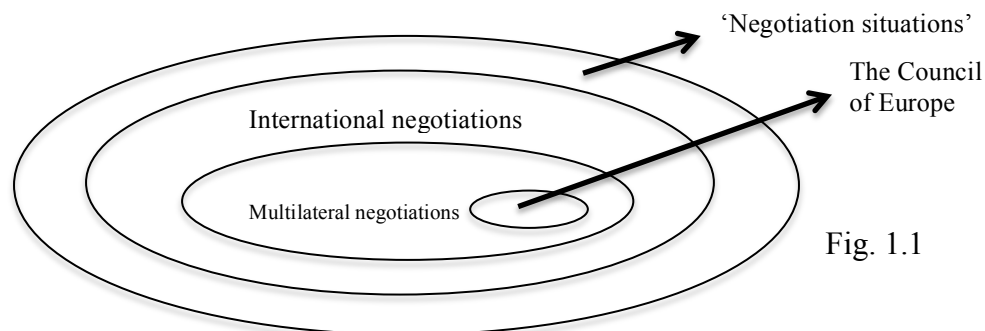


Fig. 1.1

The model above² (fig 1.1) is portrayed to situate the case within the wider scope of negotiations and in order for me as researcher to sharpen the chosen topic (Yin 2014: 30). The model is also used to show awareness of differences and similarities between the CoE as the chosen case in comparison to other forums of multilateral negotiations and that these elements can have an impact on the possibilities of generalization.

1.3.1 Presumptions

Negotiators decisions in the negotiating process, hence also their strategic choices, can be dependent on a number of side-effects that blend into the whole field of international relations such as relationships between parties and attitudes (Iklé 1964: 59). To be able to keep these in mind in a refined way closer to reality there is a system to describe the effects of the negotiating process upon the terms of agreement (Ibid). According to this system, when negotiators are faced by the demands of others in the negotiations process they have three basic choices to make, they can either; accept the proposed demands, end the negotiations or try to improve the conditions through further negotiating (Iklé 1964: 59-62). This system is called Iklés Threefold choice and forms a basis for presumptions in this thesis.

The first of the three basic choices, *accepting the proposed demands*, is slightly different in multilateral negotiation since there often isn't one clear proposal available as parties often disagree amongst each other. A negotiator can therefore in the multilateral setting only make choices that render agreement most likely such as voting with majority, abstaining etc. (Iklé 1964: 60) The second of the three choices makes up the basis for the major presumption in this thesis guiding the theoretical framework of strategies. *Ending the negotiations* is not seen as an option in the setting of negotiations subject to study in this thesis since they take place within a multilateral organisation and ending negotiations would implicitly mean 'terminating' the core purpose of the organisation. The choice of ending the negotiations is therefore not viable in this setting and is not considered as an option when states choose their strategy to negotiate with challenging partners. The third choice is to *engage in further bargaining* and implies not only further confrontation of explicit proposals at the negotiating table but also other moves with the purpose of strengthening the own position (Iklé 1964: 61).

This study is written under the following presumption: "Negotiators decisions, and their strategic choices, in multilateral forums can be subsumed to *two* basic choices (1) to make choices that are most likely to render agreement, (2) to try to improve the 'available' conditions through further negotiating."

² The figure is made by the author in order to situate the case within the wider context of different negotiation systems and connect the case to its surroundings, note that the propositions are merely symbolic and not absolute in any sense.

1.3.2 Thesis outline

The first introductory chapter has provided a brief overview of the investigated problem arising in multilateral negotiations with challenging partners as well as the thesis' research question, delimitations and points of departure. The second chapter will elaborate on theory consisting of inter alia previous research, definitions and concepts, and the developed theoretical model of strategies for negotiating in conflict situations with challenging partners. Further, the third chapter will address the methodological choices made in terms of conducting a single case study of the CoE, the data collection method of semi-structured interviews and the analytical tool for operationalization. The following fourth chapter gives a deeper understanding of the context of the chosen case and the negotiation setting. The analysis of the empirical material is presented in the fifth chapter where the respondents' answers are analysed and placed in the theoretical model. A comprehensive discussion of the implications of the empirical findings is also held in this chapter. Finally, to sum up, chapter six presents the conclusion of the thesis and the prospects for future research.

2 Theoretical framework

Moving on from the introductory chapter providing only a brief view of the theoretical basis for this essay, this next chapter contains an in-depth presentation of the theoretical choices, relation to previous research, definitions, theories for creating the theoretical framework and a summary presenting the deduced model guiding the analysis.

2.1 Theoretical points of departure

This thesis is departing from theory that focuses on states behaviour in the process of negotiation rather than outcome or cause, since those have been subject to study many times before (Zartman 2009: 327). One of the other points of departure is that theories concerning negotiation are integrally linked together since problems of cooperation in negotiations, bilateral, multilateral or otherwise, all have similar devastating effects (Zartman 2009: 323) and that commonalities among disputes makes it possible to speak about negotiation theory almost context-free (Raiffa 1991: 11). There are of course distinctions of analytical importance for this study to be made between theories, but in forming the theoretical framework theories with mainly bilateral focus for example will not be discarded on the fact that they are bilateral but tried on the grounds on how well they can explain and adapt to the multilateral setting of this thesis (Ibid.)

Theories on how to manage conflict situations in negotiations originate from the academic fields of both organizational psychology and political science and are highly interconnected to the point that scholars tend to touch upon similar concepts and issues (Zartman 2008, Odell 2012, Thomas 1976). The theoretical chapter will hence use theories and draw inspiration from both above-mentioned academic fields in hope of building a solid and comprehensive theoretical framework. The framework will be constructed using theories from political science and organisational theory by considering common abstractions that can unite them (Raiffa 1991:11). The conflict-handling model originating from Kilmann and Thomas (1976) will be used as basis for developing the model dividing between the different strategies of ‘collaboration’, ‘compromise’, ‘competition’, ‘accommodation’ and ‘circumvention’ as ways for states to negotiate in conflict situations with challenging partners.

2.2 Relation to previous research

The tradition of negotiation analysis is concerned with studying negotiations in general and gathers scholars from business studies, law, psychology, IR, political science and other social sciences (Odell 2012: 380). Previous researchers such as Fred Charles Iklé, William Zartman, Roger Fisher, William Ury, Ole Elgström and Victor Kremenyuk are among those who have studied and analysed the phenomenon of negotiations originating from the two academic fields relevant for this study. The research by these scholars has served as inspiration for this study and will be used throughout the theoretical chapter.

One of the first questions to be addressed when studying negotiations is: why negotiate? (Zartman 2009: 324). Since we have all been practitioners of negotiations this can be answered in a number of different ways (Raiffa 1991: 11). Many scholars studying negotiations in the international context point to reasons such as common interests, issues of conflict (that cannot be solved unilaterally) and solving problems where there is no authoritative hierarchy or decision rule of division (Iklé 1964, Zartman 2009). The system of international negotiations has been widely studied and researchers have come to see a development where the role of international negotiations has changed from a government-to-government activity to an international function and a permanent continuous diplomatic endeavour (Kremenyuk 1991: 38). The framework of negotiations initially focused on two parties negotiating over one issue, but adding multiple issues, multiple parties and variable negotiation contexts gives rise to complexity and has led to many new developments (Odell 2012: 381).

When defining 'negotiation' many refer to the definition by Iklé where negotiation is a series of actions in which two or more parties address demands, arguments, and proposals to each other for the ostensible purposes of reaching an agreement and changing the behaviour of at least one actor (Iklé 1964: 3–4, Odell 2000: 10-11). Coercion and influence are matters of degree and both are present to some extent in most encounters of cooperation or conflict. How those elements are used in particular cases is a matter for investigation (Ibid) as explored further on in this thesis.

When studying the common phenomenon of negotiation it is usual to categorize the analytical framework into approaches through which the negotiation is studied (Zartman 1988: 32-33). The approaches display different ways of talking about negotiations that portray the same questions and parameters but present them from different angles (Ibid). There is unity among scholars on categorizing approaches into structural, strategic, process and behavioural analysis (Zartman 1988, Kremenyuk 1991). This thesis will focus on studying the ends, not means, as the explanatory concept and therefore use an approach in line with strategic and behavioural analysis (Zartman 2009: 327). Strategic analysis examines negotiation with the use of game theoretic concepts to focus on strategies of the parties to the negotiation in reaching their goals (ends) (Zartman 2009: 328). Most strategies in negotiation and conflict resolution are hard to capture since they are mixed, but can be studied when spread along a line between

the two poles of distributive and integrative strategies (Ibid). The use of behavioural analysis to divide states or personalities into categories such as those formulated by Kilmann and Thomas (competitor, avoider, accommodator etc.) has a close relation to strategic analysis and has in turn been associated with strategies (Zartman 2009: 332). This link between the two approaches to negotiation analysis clarifies why both will be used as a base for analysis in this thesis.

In studying negotiations it would be a mistake to confuse negotiation analysis with a narrow version of rational choice that stands limited to fixed preferences (Odell 2012: 385). Many have doubted negotiation studies where the analysis is removed from real world relevance and based on take-it-or-leave-it games that avoid the essence of negotiation presented in Iklés threefold choice (Zartman 2009: 328, Iklé 1964). It is therefore also important to consider these real world aspects, as done under heading 1.3.1, when theoretically analysing strategies and behaviour in negotiations to make sure to connect the analysis to the empirical situation.

2.3 Features of multilateral negotiation

Studying multilateral negotiations brings about certain features that have to be taken into account since they, compared to bilateral negotiations, are subject to a number of barriers limiting possibilities of agreement and making some strategies less feasible to use (Zartman 1994: 3-4). Some theorists have argued that multilateral negotiations should be reduced to their bilateral dimension in order to be analysed (Ibid). Rejecting this scholars have stated that even though conflict situations often lead to polarisation the multi-issue nature of multilateral negotiations would mean that there could be many crosscutting face-offs overriding enough to not make the negotiation bipolar (Zartman 1994: 3-5). An analysis based on dualities would either produce an incomplete picture or the result would be misleading and confusing (Zartman 1994: 4-5). Claims have even been made saying that “reality [today] is not bilateral” (Lindell 1988: 22).

Zartman (1994) identifies basic characteristics that define multilateral negotiation to distinguish it from bilateral negotiating situations. According to him there are six characteristics with relevant implications that define the multilateral version of the negotiation process. The first four regard the character of the negotiations namely that they are multiparty, multi-issue, multirole and that the levels of interaction are composed of variable values, parties and roles. The fifth characteristic concerns outcomes as matters of decision-making and the sixth relates to implications of coalition building (Zartman 1994: 4-6).

Some of the implications highlighted by Zartman are worth elaborating on for the purpose of this thesis. The first four characteristics mentioned by Zartman works to increase the complexity in negotiations (Zartman 1994: 5) and contribute to the description of multilateral negotiations as an unmanageable practice (Jönsson - Aggestam 2009: 46). Many sides, issues and roles to the negotiation does not just create a numbers game but also pose a big challenge to the

reconciliation of multifaceted interests and create complexity along all conceivable dimensions (Zartman 1994: 3-4). The larger number of participants implies a greater risk for conflicting interests and positions (Touval 1989: 162). Multilaterality is also likely to cause implications of greater amount of inaction or unwillingness in the negotiation process since the greater number of parties will make it more difficult to establish compromise solutions (Lindell 1988: 22). This points to a strong link between multilateral negotiations, deadlock and challenging partners. The fifth characteristic highlighted by Zartman is linked to multilateral agreements frequently being made by consensus (Zartman 1994: 5-6) and implications stemming from this has a big role in the setting of the studied negotiations, where the deeply rooted consensus tradition has had big impact on the negotiations. To point to the importance of the implications of consensus decision-making this discussion is held separately under the next heading.

2.3.1 Consensus and unanimity in multilateral negotiation

There is a widespread trend in multilateral negotiations and international organisations toward seeking unanimous agreement even when rules of decision-making authorised by charters of the organisations allow for issues to be decided by vote (Touval 1989: 160, Zartman 1994: 5). Multilateral organisations can be faced with the need to turn to using consensus for decision-making instead of charter-based majority rule if there exists a situation of superpower minority, meaning that one of the more influential states or ‘great powers’ is belonging to the anticipated minority (Lindell 1988: 15). This is done since decisions taken with a superpower minority are often seen as ineffective or weak (Ibid). The possibility of turning to consensus to make decisions legitimate in the presence of a superpower minority is lost when a member of that same minority, i.e. a challenging partner, is blocking consensus decisions as in the case of this study. This adds to the motivation of exploring various strategies for states to negotiate with challenging partners in conflict situations to find ways to make decisions legitimate.

Using consensus as a process to arrive at unanimous decisions can create strategic risks of ‘hold-out-problems’, i.e. parties waiting for concessions from others, and the costs of attempting to achieve unanimity can become extremely high causing negotiations to break down (Mnookin 2003: 210). The trend of unanimous agreement in multilateral negotiations, including the CoE, makes it important to consider these risks. If everyone is in agreement but one, that party may credibly threaten to block agreement if they want a deal giving them a more satisfactory outcome (Mnookin 2003: 210). Challenging partners can play this ‘game’ and consequently make the transaction costs of reaching agreement extremely high.

One definition used to cover the important elements of consensus declares that it can be seen as the adoption of a text by no objection and without a vote (Lindell 1988: 41). There is also an important discussion regarding consensus as a way of decision-making and as a procedure or norm. In this thesis consensus is used both

to indicate that the actual agreement made is based on the absence of explicit opposition to the discussed proposal and to point to a norm that entails a certain atmosphere and type of negotiation process (Lindell 1988: 41). An agreement by consensus does not necessarily reflect full agreement on the issue discussed since parties can agree that an actual agreement is best for all even though some may feel that the proposal is flawed (Lindell 1988: 43). This creates implications when a challenging partner is obstructing agreement since some scholars claim that the power to prevent decisions, when one is not satisfied with the proposal, is not always equal among the participating states under the consensus rule (Lindell 1988: 13). This will be further explored as the understanding of the concept of challenging partner is elaborated in next subsection.

2.4 Understandings and definitions

Departing from previous research this subsection presents the thesis' developed understandings and definitions of the important concepts of challenging partners, deadlock, conflict management and the role of disputants.

2.4.1 Challenging partners

The term 'challenging partner' has never before been used within negotiation studies and is defined based on a number of different elements drawn from theory (Narlikar 2010, Lindell 1988). In this study it is used to depict the role of Russia in the negotiations. Theoretically a challenging partner is a state defined by five characteristics (Narlikar 2010, Lindell 1988):

- A key player in a multilateral negotiation,
- who has a challenging role given the context,
- who, because of their power to influence, can obstruct negotiations,
- is a part of the minority,
- and is blocking consensus decisions.

The words 'challenging partner' are borrowed from a document from the Council working party on the OSCE and the CoE in 2013 describing the relationship between Russia and the EU in the CoE (COSCE 2013).

The challenging role is linked to the likeliness of a conflict situation occurring in negotiations. Parties with a challenging role, as for example Russia or Azerbajdzjan in the human rights context or Brazil, China and India in the WTO, bring diversity of interests or cultures to the negotiation and are therefore more prone to add dimensions of conflict or deadlock (Narlikar 2010: 9). One of the reasons why these parties and their diverse nature gives rise to complexity and sometimes deadlock is because they are defined as key players in the organisation or the issue that is being negotiated (Narlikar 2010: 9-10). Being a key player, and part of the superpowers, comes with the possibility to use a 'decisive veto'

reserved for the dominant political forces to use in the process of consensual decision-making to obstruct agreement (Lindell 1988: 14). The other type of veto is the one that weaker and smaller states have at their disposal which can be categorised as an ‘un-influential veto’ (Ibid). In practice the structure of influence in multilateral negotiations is said to be unequal since states with greater power bases often find it easier to obstruct the consensus process (Lindell 1988: 90). Hence a substantial problem arises when a key player belongs to the blocking minority (i.e. a challenging partner) since their power and influence makes the negotiations a tug of war between decisive vetoes.

Challenging partners in the sense of the definition of this thesis can also be recognised by the use of certain mechanisms to block consensus such as introducing competing proposals just before the negotiated proposal is to be presented, adjourning meetings or demanding informal discussions to stall the negotiation (Lindell 1988: 87).

2.4.2 Deadlock

Deadlock is a recurrent phenomenon that negotiators face in multilateral negotiations where it poses a particularly challenging problem (Narlikar 2010: 1). When defining deadlock in the anthology ‘Deadlocks in multilateral negotiations’ the editor begins to describe deadlocks as representing “a subset of the bigger set of problems of cooperation and conflict resolution” (Narlikar 2010: 2). Deadlocks are said by some to be inseparable from the multilateral negotiation process given its complexity (Bercovitch - Lutmar 2010: 233).

There are two conditions to be fulfilled for a conflict situation in negotiations to be classified as a deadlock. The first is that an extended situation of non-agreement exists so that parties are unable or unwilling to make concessions to achieve breakthrough and the second is that there has to have been moments in the negotiation process representing action-forcing events which has set up expectations towards compromise but has been unable to trigger the necessary concessions to ensure agreement on the issue (Narlikar 2010: 2-3). In this thesis deadlock is defined as an *extended delay* where the state of non-agreement over the issue persists for a long time beyond landmark moments and through rejected compromise texts (Narlikar 2010: 5).

Theory also points to a connection between deadlock and challenging partners as it clarifies that some negotiations, characterised by a particularly difficult issue or oppositional disputants, are more susceptible to deadlock (Bercovitch - Lutmar 2010: 239-240).

2.4.3 The disputants’ role in negotiation and conflict management

There is an inherent link between negotiation and conflict management seeing as how negotiation is the most frequently used method for managing conflict in international relations today (Bercovitch - Lutmar 2010: 232). States believe

negotiation to be one of the most advantageous methods for conflict resolution and use it even in situations where chances of solving the problem through negotiation might be slim (Zartman 2008: 322). Negotiation as conflict resolution can be used to prevent conflict from becoming worse or may be used as a way to manage conflict (Ibid). But, even though negotiation is a successful method for solving the most difficult of issues parties sometimes find themselves experiencing tough conflict situations (Bercovitch - Lutmar 2010: 233).

Conflict management can come from two sources in a conflict, either the disputants themselves or mediation from third parties (Wall - Callister 1995: 535). In this thesis the focus is on exploring various strategies that the disputants themselves can use to manage and solve the conflict situation. This focus is dependent on the fact that negotiations in multilateral organisations and are bound by the organisations structure (Zartman 1994: 114) and the structure of the CoE generally doesn't allow for third party mediation to any wider extent. The chair of the CM works in some ways as a mediator, but this mediation, in the form of e.g. presenting single negotiating texts, is done regardless of issue or the presence of conflict. Therefore it is not seen as a separate source for solving the conflict situation within the boundaries of this thesis.

Focusing on disputants there is also an important distinction made between what disputants should do and what they actually do to manage conflict (Wall - Callister 1995: 536). This thesis does not focus on the normative aspects of the disputants' role but on exploring the strategic options available and how they are used and applied in the context of the chosen case.

2.5 Approaching deadlock and conflict: strategies for dealing with challenging partners

When forming theoretical model of strategies for negotiating with challenging partners and approaching conflict situations in multilateral negotiations the Kilmann and Thomas model (1976) for conflict management serves as a basis for categorizing the theoretical findings from the fields of political science and organisation theory. The research has revealed various accounts of strategies for disputants to manage conflict situations in negotiation and this has resulted in forming strategies gathered under the names, in short, of collaboration, competition, compromise, accommodation and circumvention (Wall - Callister 1995: 538). The Kilmann and Thomas model as an instrument for studying conflict management is one of the models dominating in the research usage (Wall - Callister 1995: 539). The model is concerned with describing the mix of behaviours used by parties to a negotiation that results in strategies such as those named above (Thomas 1964: 912).

Theories of strategies for conflict resolution are often made up of mixed elements, as in this thesis, and lie between the two poles of distributive and integrative approaches (Zartman 2009: 328). The basic variation between the two

poles seems to lie in the respective focus on self-interest versus common interest. There are many dimensions to distinguishing between the two poles, such as relative search for joint solutions, focus on optimal solutions for all or for oneself and claiming value or creating value (Elgström - Jönsson 2011: 685). To this can be added the important dimension of conflictual versus cooperative attitudes and behaviours connected to the distributive-integrative strategies, which is of certain interest for this thesis (Ibid).

The strategies described in the Kilmann and Thomas model are placed along lines in a two-dimensional model of assertiveness (the extent to which the party attempts to satisfy its own concerns) and cooperativeness (the extent to which the party attempts to satisfy others concerns) (Thomas 1992: 668).

As seen in the modified model of this thesis (fig 2.1), the alternative of 'avoiding' as a strategy has been replaced by circumvention since 'avoiding' due to the nature of the CoE is not a viable strategy. Avoiding an international crisis would be met by immense criticism and would undermine the core purpose of the organisation. The strategy of circumvention is to be seen as a strategy resembling a sort of temporary avoidance.

The Kilmann and Thomas model of strategies is also connected to distributive and integrative dimensions (fig 2.2). In this model competing and accommodation lie along the lines of the distributive dimension representing extreme 'giving' and extreme 'taking' measured in give-and-take of the proportion of satisfaction to each party (Thomas 1992: 670). The integrative dimension shows intentions along the line of total or joint degree of satisfaction i.e. the size of the total

'pie' to be shared. Those using the strategy of collaboration seeks to make the pie as big as possible by seeking alternatives that allow for both parties to satisfy their concerns and circumvention as a strategy reduces the size of the 'pie' since none of the parties concerns are satisfied (Thomas 1992: 670-671).

The choice of strategy in negotiating in conflict situations is highly dependent on the challenging partners position and responses. Sometimes solutions to a



Fig. 2.1

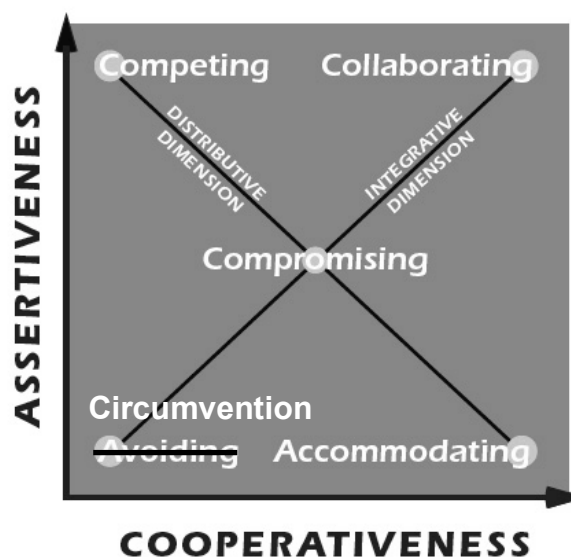


Fig. 2.2

conflict situation or a deadlock lie in the confronting of the particular source (Narlikar 2010: 12) Since the challenging partner in this thesis is not seen as the sole source of conflict during negotiations, negotiators have to search for alternative and complimenting solutions (Ibid). The modified version of the Kilmann and Thomas model presented in this thesis holds strategies for confronting the challenging partner, but is also combined with alternative solutions from other theoretical fields. Since the Kilmann and Thomas model originates from a bilateral negotiation scenario it is important to compliment it with theories of strategies originating from the multilateral environment and to adapt it in order to secure the applicability of the model in the setting of this case.

2.5.1 Competition, exclusion and worsening the BATNA

The first strategy depicted is gathered under the heading of ‘Competition, exclusion and worsening of the challenging partners BATNA’ (Best Alternative To a Negotiated Agreement), in short ‘competition’, and is placed in the model of strategies as assertive/uncooperative (fig 2.1).

The strategy of competition is based on the party prevailing its own position and trying to get the challenging partner to accept the blame for perceived transgressions together with the responsibilities attached (Thomas 1992: 669). Among those using this strategy there is a need to convince the other party that ones’ own conclusions are correct and the others’ is mistaken (Ibid). As pointed out earlier this strategy represents ‘extreme taking’ along the distributive line in terms of give-and-take in negotiation (Thomas 1992: 670). A complimenting element with a clear link to competition is the use of threats against the challenging partner and even the possibility of exclusion (Lindell 1988: 87-88). The use of threats as to exercise pressure is common when there is a strong minority in opposition (Ibid) and it is therefore linked to conflict situations were a challenging partner is hindering agreement. A more ulterior use of ‘threats’ against a challenging partner is to have them take the public ‘blame’ for an unwanted situation in negotiations (Lindell 1988: 88).

Another complementing measure to handle challenging partners that completes the strategy gathered under ‘assertive/uncooperative’ is to pursue a strategy of worsening the challenging partners BATNA (Narlikar 2010: 12). The BATNA can be said to represent the cost/benefit value of what a party can obtain without negotiating (Zartman 2009: 324) or in this case by obstructing negotiation. Trying to worsen the other challenging partners BATNA is a way to bring them around to the negotiating table or to leave them with no other choice but to engage in the negotiation (Narlikar 2010: 12).

2.5.2 Accommodation

The other extreme and counter-weight to the strategy of competition, is the strategy of accommodation which resides at the crossroad of

unassertive/cooperative (fig. 2.1) (Thomas 1992: 669). The strategy involves endeavours to satisfy the other parties concern by slightly setting aside your own (Ibid). Concepts such as yielding have been used as equivalents in terms of supporting the challenging partners opinion despite reservations in order to reach agreement (Thomas 1992: 669-670). As explained earlier on, getting to an actual agreement can sometimes outweigh the need to fulfil ones' own goals (Lindell 1988: 43). In normative conflicts pursuing this strategy also implies re-evaluating perceived transgressions by the challenging partner (Ibid). Accommodation, along the line of distributive negotiating, represents 'extreme giving' in attempting to satisfy the concerns of the challenging partner in order to reach agreement (fig 2.2).

2.5.3 Compromise and finding a ZOPA

Representing the middle way in terms of assertiveness and cooperativeness is the strategy of compromise (Thomas 1992: 669) and the goal of finding a Zone Of Possible Agreement (ZOPA) (Faure 2012: 362).

Compromising means to try to achieve moderate but incomplete satisfaction for all parties to the negotiation, this implies giving up some things and holding out on other (Thomas 1992: 669). The aim is satisfying but not optimizing the agreement between the parties (Ibid). The compromise is of course dependent on the situation and can also consist of seeking a partial agreement on a decision (Ibid). A vital part of the strategy of compromise is to work to discover a Zone Of Possible Agreement (ZOPA) and not just focus the negotiations on moving the 'bottom line' of the other party (Faure 2012: 362). The absence of a ZOPA is a common reason for deadlock and it takes active attempts from all parties to alter perceptions to discover possibilities of agreement in order to create or widen a ZOPA (Wanis-St. John 2012: 88). Discovering the ZOPA can be a way of trying to establish commonalities as an important step in breaking conflict situations and deadlock (Bercovitch - Lutmar 2012: 241). The work done to discover compromise solutions is often helped by the use of informal negotiations due to constraints of formal meetings (Prantl 2012: 200).

2.5.4 Collaboration, creating trust and re-framing the issue

The strategy of 'Collaboration, creating trust and re-framing the issue', in short 'collaboration', has the goal of satisfying the concerns of all parties to the negotiation and achieving an integrative settlement. Collaboration lies in the top-corner of the model representing assertive/cooperative (Thomas 1992: 669). The strategy of collaboration is often resembled to those of integrating, where the desire is to keep an open mind and to find win-win solutions that allows for goals to be completely achieved (Ibid). In a normative conflict one might try to arrive at a shared set of expectations and an interpretation of the transgression that suits both parties standards of what is appropriate in the given situation (Thomas 1992:

669-670). This strategy is also a long-term strategy, since it sometimes in short-term might be hard to bring about collaboration (Thomas 1992: 688) and since collaboration in the long run can work to establish trust (Thomas 1992: 687). Lack of trust in negotiations is said to be common cause of conflict and its establishment therefore vital (Cede 2012: 388).

When a conflict situations concerns differing conceptions of legitimacy negotiators can use complementing elements focusing on normative issues to reach agreement (Narlikar 2010: 13). Considerable attention would have to be paid to how demands for concessions are made and how the negotiations shape notions of ‘victory’ so that the challenging partner can show the surrounding world that it has not lost or given in (Ibid). Instead of focusing on what has been given up it is promoted that disputants focus on what can be jointly achieved (Wall - Callister 1995: 537). Hence, a different framing of the issue can serve to satisfy the goals of all parties to the conflict.

2.5.5 Circumvention and trying to altering the balance of power

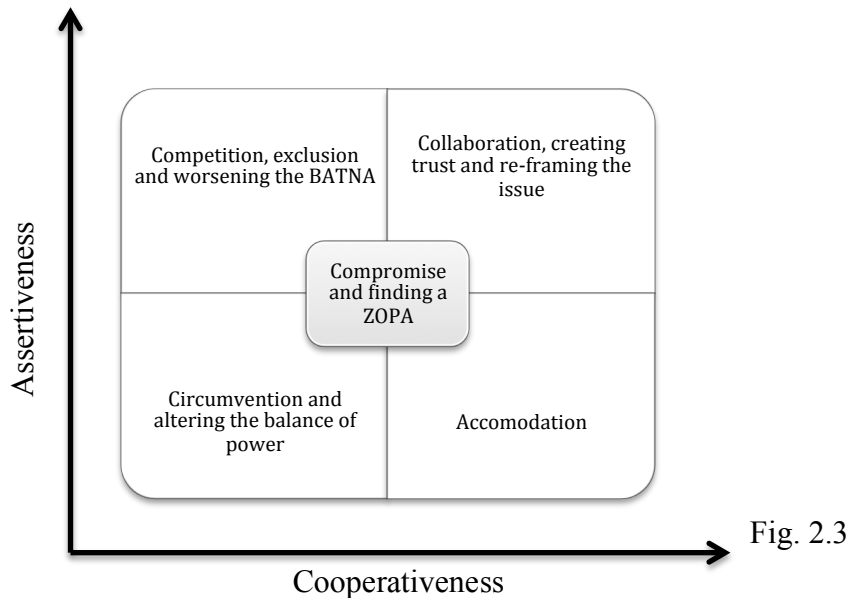
As mentioned in the introduction to this subsection, the strategy of circumvention has replaced ‘avoiding’ in the model costumed to the context of this study. The term circumvention is a synonym for avoiding but is less loaded in terms of not implying total passiveness and is in this thesis meant to be seen as temporary avoidance or trying to working around the issue. One of the reasons for pursuing this inactive strategy is to let parties regain perspective (Thomas 1992: 689), which applies to negotiating with challenging partners in a short-term perspective where there is a need to uphold negotiations and discussions. The strategy of circumvention can be seen as a solution in a conflict situation when gathering of information supersedes the value of immediate decision (Ibid). Circumvention can therefore be a strategy used when one does not see the need to push towards decisions since it can lead to unwanted reactions from the challenging partner when viewed in a longer perspective.

Another complementing measure is to spend time on trying to alter the balance of power by holding informal meetings and building coalitions with others in the multilateral context in order to further on in the negotiations be able to act more assertive and by those means maybe reach agreement (Narlikar 2010: 13).

2.6 Deducted model of strategies

The sections above elaborating on what strategies states can use to negotiate with challenging partners in conflict situations and deadlock leads to the deduction of five strategies placed in the theoretical model (fig. 2.3); ‘Competition, exclusion and worsening the BATNA’, ‘Accommodation’, ‘Compromise and finding a ZOPA’, ‘Collaboration, creating trust and re-framing the issue’ and lastly

‘Circumvention and altering the balance of power’. The theoretical features of each strategy presented in the sub-sections above have been gathered in a summary and boiled down to a structure presenting distinctive elements (table 2.1). This is done in order to create a comprehensive but clearly arranged overview.



<u>Strategy</u>	<u>Distinctive elements</u>
Competition, exclusion and worsening the BATNA	Uncooperative, strong stances → ‘extreme taking’, threats of exclusion → pressuring, sanctions trying to force engagement by altering BATNA
Accommodation	Support despite reservations, re-evaluating transgressions, ‘extreme giving’, the value of actual agreement
Compromise and finding a ZOPA	Middle way, seeking partial agreements, modifying all present views, try to establish commonalities, informal negotiations to decrease pressure
Collaboration, creating trust and re-framing the issue	Open-mind, win-win solutions, common interpretation, creating trust in the long run, re-shaping the notion of victory in negotiations
Circumvention and trying to alter the balance of power	‘Temporary avoidance’, working around the issue, creating time for consideration, no hasty decisions, building coalitions through information negotiation

3 Methodology

In the following chapter I will address the methodological considerations involved in accomplishing the purpose and intentions put forward in this thesis. To begin a short introduction will reflect the advantages of using case study research in comparison to other methods of social sciences. Further, the chapter will discuss the main topics of case study design, interview methodology, participant observations and operationalization and method of analysing data.

Each method of social sciences represents a different way of collecting and analysing empirical evidence and follows its own logic (Yin 2009: 6). There is an inherent distinction between particular advantages of either using a small or large number of cases (George - Bennett 2005: 17). One of the advantages of using a smaller number of cases, or indeed a single case, is the possibility to gain in-depth knowledge of relatively unexplored fields of study (George - Bennett 2005: 19, Persson 1992: 39). Using a case study enables the investigator to explore a phenomenon in its real-life context without having a sharp predetermined line between that context and the phenomenon. Case study research can therefore provide insights that would be missed when using other methods such as comparative or statistical where variables are fixed (Yin 2009: 18).

There are three conditions for distinguishing between different methods; the type of research question posed, extent of control an investigator has over the actual behavioural events and the degree of focus on contemporary versus historical events. The combination of asking a 'how/what/why' question together with no requirements for control over the behavioural event and a focus on contemporary events distinguishes case studies from historical methods or experiments (Yin 2009: 8-10).

3.1 Case study design

Different social science methods fill different needs and situations for investigating social science topics. The choice of method in this thesis has been guided by the three above-mentioned conditions of relevance for when to use a case study design combined with the fact that a case study is particularly suitable to use in order to attain extensive information and provide a holistic view of the research problem (Yin 2009: 3-4). Case study research using a small number of cases provides possibilities of contributing with new insights and finding theoretical connections (Persson 1992: p. 40), which corresponds with the purpose of this study.

A case can be defined as an instance of a class of events for example referring to a phenomenon of scientific interest such as ‘revolutions’, ‘economic systems’ or here ‘negotiations’ with the aim of developing knowledge regarding that specific class of events (George - Bennett 2005: 18). The case study is thus a distinct aspect of an episode of an event chosen for analysis rather than the event in itself (Ibid). Since case studies allow for the researcher to come closer to the object of analysis and for an intense study of the phenomenon of interest they are especially suitable when theory is undeveloped (Persson 1992: 39) as in the case of this study.

There are different types of designs for case studies referred to in the literature (Yin 2009: 46-47, Lijphart 1971: 691-693). When considering which one is appropriate the researcher is supposed to evaluate the theoretical and empirical properties in relation to previous research on the case. However, since the research on challenging partners in multilateral negotiations is limited this evaluation becomes difficult. The objective of this study is therefore not defined as a ‘crucial case’ or as ‘representative/atypical’ but is similar to what George and Bennett describes as a plausibility probe (2005: 75). This kind of research objective is used in studies on relatively untested theories to explore whether further attention to the problem is warranted, in for example a different context (Ibid). This kind of exploratory study resembles what Yin describes as a single-case study of revelatory nature (Yin 2009: 48). One motivation for using this kind of study is a situation where a researcher has the opportunity to observe and analyse a phenomenon previously inaccessible to social science inquiry (Ibid). This statement, however, assumes that accessibility is what keeps situations from being studied. According to me, it is not clear that the ‘inaccessibility’ of the situation should determine the relevance of the study. The relevance of conducting a single-case study of revelatory nature should rather come from the amount of previous research done on the subject regardless of accessibility.

Based on this, the single exploratory case in this study is meant to expand the knowledge on the subject of challenging partners in multilateral negotiations by confronting the empirical situation with strategies derived from current negotiation theory from the political and organisational sciences.

3.1.1 Generalization and internal validity

Many scholars see it as a worthy effort to attempt to design research so that abstract generalizations can be drawn (Schofield 2000: 69). External validity asks questions of generalizability and many quantitative oriented researchers agree that: “the goal of scientists is to be able to generalize findings to diverse populations and times” (Smith 1975: 88). The contrast has been clear to the ambitions of generalization within qualitative research where scholars have viewed it as unimportant or unachievable (Schofield 2000: 70). For these scholars the goal of finding explanations through describing things in fine detail is far from discovering general laws. There are numerous characteristics of qualitative research making it incompatible with traditional views of creating external

validity (Ibid). Stating that the heart of external validity is replicability automatically creates problems in qualitative research where the ultimate goal is to produce coherent and illuminating descriptions and perspectives of the situation that it is based on (Schofield 2000: 71). Therefore the classical view of external validity has had to be reconceptualised.

When considering generalization in case studies one need to consider the concept of 'fittingness' (Schofield 2000: 75). In doing so the researcher has to reflect on the degree to which the situation studied matches other situations in which one might be interested (Ibid). This approach relies on supplying substantial information about the entity studied and the setting of the case combined with requirements of detailed and defined components of the study so that other researchers can results from the study as basis for comparison. Similarly it also demands clear descriptions of the chosen theoretical stance and research techniques (Schofield 2000: 75-76). Relying on this approach the ambition in this thesis is to fulfil the requirements describes above in both my theoretical considerations and in this motivation of methodological choices. I believe in the view of generalization where the purpose of research is to expand the variety of interpretations available to the research consumer and where uniqueness is an asset rather than a liability (Schofield 2000: 63).

Researchers applying an approach trying to provide new/complementary insights into a problem can use their findings to draw generalising conclusions to contribute to broader theory. This has been referred to as analytical generalization in which previous research is used as a framework with which to compare the empirical results of the case study (Yin 2009: 38). Wider theoretical aspects can be seen as the equivalent of the 'population of similar cases' generalised to in quantitative studies. In the qualitative study the researcher is drawing conclusions on a 'set of theories' recognised as relevant in the scientific discourse. The findings of the study can be used as arguments for the adequacy and fruitfulness of unexplored or new combinations of theories (Blatter - Haverland 2012: 197-198).

Another important aspect of qualitative research is the concern of internal validity where one has to make sure that other researchers feel that the evidence from the study supports the way in which you have depicted the situation (Shofield 2000: 71). Internal validity is mainly the concern of studies trying to provide logic causal inferences (Yin 2009: 42). Even though this does not apply in studies such as this one, which is not concerned with this kind of causality, it does not mean that one can simply disregard concerns of internal validity. Creating validity also comes from making sure you are measuring what you, in your research question, say you are going to measure by creating a clear and well motivated operationalization (Teorell - Svensson 2007: 59). Validity can be threatened by the use of research questions that are too wide and therefore risk resulting in unclear conceptualizations that lack relevance for the phenomenon which is to be studied (Teorell - Svensson 2007: 57).

3.1.2 Case selection

The potential for theoretical insights to contribute to theories of multilateral negotiation was deemed as important when choosing the CoE as a case for this revelatory study. Part of the reason for studying the negotiating case of the CoE was the opportunity for me as a researcher to have had access to the actual negotiations and the possibility to create a network for respondents to interviews, which has made up the core of the collected data. Seizing the opportunity of being able to do research in an environment where most people would not be able to go brings a certain advantage to this case study (Donmoyer 2000: 61).

One thing to consider when studying the chosen case of the CoE is that the setting and decision-making procedures in the organisation create certain implications for generalization, therefore a comprehensive account of the context is given in the upcoming chapter.

3.2 Interview methodology

The purpose of the qualitative research interview is to attempt to understand the world from the perspective of the respondent, developing meaning from their experiences, revealing their perceived world as it was before the scientific explanations (Kvale - Brinkmann 2009: 17). The scientific interview, as conducted in this study, is a professional conversation where knowledge is constructed within the interaction between the interviewer and the interviewee (Kvale - Brinkmann 2009: 19). The technique of using interviews as a source for evidence is essential in case studies and often used to acquire information from people involved in contemporary events (Yin 2009: 11, 106), this serves as a methodological motivation for using of interviews in this thesis.

To conduct interviews for a scientific purpose is a ‘knowledge-producing’ activity where one has to ask the question of how to categorize the knowledge being produced. Epistemology contains a wide discussion on what knowledge is and how it is obtained (Kvale - Brinkmann 2009: 63) This discussion is not be de disregarded but has to be limited to not become to lengthy. This thesis departs from the epistemological standpoint of viewing the interviews as a process of constructing knowledge, rather than just collecting it (Kvale - Brinkmann 2009: 64). The interview and the analysis are seen as interlinked phases of the knowledge-producing process (Ibid).

3.2.1 Interview technique

The type of research interview used in this thesis is named semi-structured interview and is executed in accordance with an interview guide (Appendix) that focuses on selected themes and contains proposed questions (Kvale - Brinkmann 2009: 43). The interviewer in the semi-structured interview is freer to probe

beyond the answers and can ask for both clarifications and elaboration in order to attain qualitative information about the topic (May 2011: 134). This type of interview is especially well suited for gaining perspective of the respondents ways of understanding by opening up for answering questions other than those that might have been asked (May 2011: 135). It allows respondents to answer more on their own terms but at the same time provides structure for comparability (Ibid), which is needed in this study.

The technique of semi-structured interviews requires that the interviewer throughout the process follows the line of inquiry as reflected by the study but also pays significant attention to the respondent in order to gain rapport (Yin 2009: 106, Leech 2002: 665). During the interviews it was therefore important to be attentive, allow the respondent to talk uninterrupted and ask un-biased questions (Leech 2002: 666).

The type of questions presented in the interview guide is what Leech refers to as “grand tour questions”, where the respondent is asked to give a “grant tour” of something him or her knows well (2002: 667), in this case particular negotiations. Another common element during the interviews was the use of prompts, which can be seen as a follow-up question based on what is being measured in the interview (Leech 2002: 667-668).

There are also further benefits of using open-ended questions when there is limited previous research, to increase response validity and when conducting elite interviews where there is resistance of being forced into close-ended questions (Aberbach - Rockman 2002: 674).

3.2.2 Respondents

The respondents to the interviews were selected on the basis of their expertise in the field of multilateral negotiation and their membership status in the CoE. The respondents could, as parties to the studied negotiations, share practical, non-theoretical, information about their experiences of the negotiations and information about strategies in light of the negotiation process itself.

The interview respondents are diplomats employed at different member state delegations to the CoE and are therefore categorized as ‘elite’ interviews since they are done with people of considerable expertise and who usually hold a position of power (Kvale - Brinkmann 2009: 163). The technique of semi-structured interviews is of certain advantage when conducting ‘elite’ interviews (Aberbach - Rockman 2002: 674, Leech 2002: 665), as described above.

The number of respondents in a study varies greatly depending on the purpose of the study (Kvale - Brinkmann 2009: 131). Most common in case studies of qualitative nature is a number of respondents varying between 15 +/- 10 (Kvale - Brinkmann 2009: 130).

The original selection of respondents resulted in 12 different member state delegations selected in two rounds of sampling. The first round of selection was done on scientific grounds as different groupings of states in the CoE were detected where similar strategies were expected to be used by states within each

group (table 3.1). This was done to increase the likeliness of detecting as many different strategies as possible among the 47 member states in consideration of the formulated research problem. The second round, to further refine the selection, was done regarding internal structures of the CoE member states to look at which states could be regarded as representative of their group. This implied detecting states standing out from the crowd as either particularly active or passive in negotiations and also looking at the structure of different ‘informal’ negotiation coalitions. The table below displays the final respondents and the basis for selection (table 3.1). Although the categories might overlap to a certain extent, seeing as how for example Sweden is also not member of NATO, this will not have an impact on the result since the selection of respondents has mainly been made so that as many strategies as possible would be represented.

Following the procedure for selecting the respondents a request for participation in an interview was sent to the ambassador of each delegation asking him/her (or in the lack of availability, a deputy) to share their views of the negotiation surrounding the Ukraine crises with me during an interview of approximately 45 minutes. The invitation resulted in interviews being conducted with eight different member state delegations on site in Strasbourg between the 23rd and 25th of March 2015 and two additional interviews were held over the phone on the 10th and 14th of April 2015, two member states turned down the request due to lack of time.

Table 3.1	
<i>Basis for selection</i>	<i>Respondent(s)</i>
Founders of the CoE	UK
Small EU member states	Ireland
Large EU member states	Poland
Former ‘Eastern Block’ countries	Estonia
Chairmanship of the CM	Belgium
States directly involved in the conflict	Ukraine
States not members of NATO	Finland
Representatives from informal negotiating groups	Sweden
Countries surrounding the Black Sea – geographic proximity to Crimea	Romania
States outside the EU sphere	Norway

3.2.3 Ethical considerations

When conducting interviews with state representatives or regarding a sensitive issue it is important to consider elements of interview ethics (Kvale - Brinkmann 2009: 77). The uncertainty areas to especially consider in this interview situation are those of confidentiality and consequences (Kvale - Brinkmann 2009: 84-85).

The researcher has to make sure to inform the respondents of the general purpose of the study, how it is designed and that the participation is voluntary (Kvale - Brinkmann 2009: 87). Briefing the participants about the study, who is going to have access to the material, consent on citation and how they can take part of the result, are some of the necessary ethical considerations (Ibid). In connection one should also consider that too much shared information in early stages of study risks steering the respondents into certain answers and hemming their spontaneous opinions (Kvale - Brinkmann 2009: 87-88). Therefore only essential information about the study and issues of confidentiality were discussed before the interviews, the rest of the information was shared when the interview had finished.

Regarding confidentiality the respondents were informed that their name and state affiliation was to remain anonymous throughout the study (Kvale - Brinkmann 2009: 88). Combined with this the respondents were also informed of who would have access to the thesis once it has been published.

One last thing to consider is what consequences the interviews can have in terms of spurring conflict within the organisation (Kvale – Brinkmann 2009: 89-90). To avoid this it is important that the respondents were allowed to, after the interview, to “take back” things that could have been said in affection or by mistake (Ibid).

Throughout the interviews it was also crucial for me as the interviewer to remain objective and professional in order to secure scientific quality and my integrity as a researcher (Kvale - Brinkmann 2009: 90-91).

3.2.4 Interview recordings and transcription

As stated above the interviews lasted for approximately 45 minutes each. All interviews were recorded digitally. Recording the interviews comes with a number of advantages such as the opportunity to catch tones of voice, ‘re-listen’ the interviews when transcribing and avoiding possible mistakes when taking notes (Trost 2010: 74). The respondents were in the beginning of each interview asked for their consent to the use of citations and abstracts from the interviews in the context of this thesis. The parts used from the interviews were transcribed in detail and adapted to ‘the writing language’ in for example highlighting emphasised words in order to increase both transcription reliability and validity (Kvale - Brinkmann 2009: 202-203).

3.3 Participant observations

In a participant observation situation the researcher can have taken on a number of different roles and must not merely have been a passive observer (Yin 2009: 111). The various roles include one where the researcher is serving as a staff member or decision maker in an organisational setting (Ibid), and that is what was done in

this study. During the autumn of 2014 I conducted an internship at the Swedish delegation to the CoE where I covered CM meetings and other events at the Council as a part of the Swedish workforce. The technique of participant observations can be used, as in this case, in an everyday setting in surroundings such as a large organisation and provides for unusual opportunities to gain insight and collect case study material (Yin 2009: 112). There are considerable advantages of having been able to participate in the studied negotiations, but there are also problems such as bias that have to be considered (Ibid). Since I was a member of the Swedish delegation its possibly for me to have been biased by this, but since the study does not have to deal with advocacy roles this should not create problem. A second issue arising from the role of a participant observer that serves as member of staff is that the participant role is given more time than the observer role (Yin 2009: 113). I believe this was managed since I was an intern and therefore not principally responsible for the daily work and decision-making, which gave me more time to reflect in different situations. My role as an intern also gave me the opportunity to raise questions from different perspectives and not being expected to automatically side with only Swedish interests.

The material gathered from the participant observations has mainly been used in chapter four where the context of the case is developed. It is also complementary to the interviews in the sense of having widened my understanding of the language and concepts used within the organisation and allowing me to correctly interpret references made by different respondents.

3.4 Method of analysis – operationalization

The analytical stage is one of the most undeveloped aspects of doing a case study when it comes to methodology (Yin 2009: 127). In order to be able to systematically analyse the material there is a need to operationalize the original problem in order to create a ‘measurement’ of what you are looking for. When doing this in case studies there are no fixed formulas, as those of statistical analysis (Ibid).

Going back to the problem formulation it is easily grasped that ‘what to look for’ in the empirical situation are strategies used by states to negotiate with challenging partners, which is further built up in the theoretical chapter and runs as a thread through the whole thesis. Originally asking what strategies states can, and do, use to negotiate with challenging partners leads up to empirically looking at what behaviour is spoken of, pursued in practice and reflected in strategies.

In the literature there is certainly no consensus regarding how to operationalize when conducting studies of negotiations (Naurin 2010: 36). The operationalization is designed to look at behaviour of states in negotiations and to form a tool for analysis where behaviours are linked to the different theoretical strategies presented in the model. The question of how to look at behaviour is answered by the use of interviews, existing documents and participant observations. This kind of operationalization has been successfully used in

previous studies of tactics and strategies in negotiation (Dür - Mateo 2010a, Hopmann 1974). Other scholars also consider the dimension of behaviour when studying negotiation along the line of distributive and integrative strategies (Elgström – Jönsson 2011: 685-686), which further motivates this method of analysis.

Drawing on methods for analysis in research by Dür - Mateo (2010b) and Naurin (2010) I have created a model (fig. 3.1) depicting typologies of negotiating behaviour on a continuum between cooperative/non-cooperative and integrative/distributive to measure the five strategies presented in the theoretical framework and linking each strategy to certain negotiating behaviour. As described in the theoretical framework strategies can be categorized on whether the approach of the strategy is integrative or distributive. The state either tries to increase the satisfaction of the outcome being shared among the participants in the negotiations (integrative) or they try to please their own interest and satisfaction (distributive). Depicting the behaviour of states in the integrative and distributive categories also points to the use of behaviours with mainly negative or positive meaning. The word ‘yielding’ may be synonymous to ‘adjusting’ but have a different meaning depending on for example positive or negative intonation or context. In both the integrative and distributive approach the means of realizing your goal can be done either by cooperating or not cooperating, which also reflects on the use of different behaviours as provided for by the distinction made in figure 3.1. To find variations of negotiating behaviour I have consulted existing research and also looked into existing documents (ex. reports and synopsis’) from the studied negotiating case, as a ‘pre-study’ to make sure that behaviour is useable as measurement for operationalizing strategies.

	Integrative	Distributive
Cooperative	<p><u>Collaboration</u></p> <ul style="list-style-type: none"> - matching preferences - exploring - combining - integrating - mutually interpreting 	<p><u>Accommodation</u></p> <ul style="list-style-type: none"> - yielding - conceding - obliging - satisfying - ‘forgiving’
	<p><u>Compromise</u></p> <ul style="list-style-type: none"> - comparing preferences - communicating - adjusting - seeking common ground - approaching others - informing - emphasizing solidarity - mediating 	
Non-cooperative	<p><u>Circumvention</u></p> <ul style="list-style-type: none"> - stalling - re-evaluating - orating/holding monologue - building coalitions - isolating the issue - keeping low profile - following others who are ‘right’ 	<p><u>Competition</u></p> <ul style="list-style-type: none"> - criticising - pressuring - clear marking - manipulating - blaming - leading - provoking - convincing

Fig 3.1

In analysing the interviews it is likely to find that respondents will sometimes not use the exact wording of the behaviours stated in the model above in describing their strategies. Therefore, synonyms to the stated behaviours will also be regarded when analysing the interviews. As you may also notice some of the behaviours depicted under the different strategies may be synonyms which makes it all the more important to consider the context of the answer in which the behaviour is expressed.

To form a comprehensive operationalization various ‘arguments’ (table 3.2) that are likely to be expressed while motivating a behaviour or choice of strategy are also included in the analytical tool. This is done to highlight how arguments might vary in the distinction between cooperative and non-cooperative behaviour within each strategy. Previous research points to the existing causal link between cognitive images of other states and the selection of strategy (Elgström 2000: 6) and I therefore also include image of the challenging partner as a dimension in my operationalization of arguments to help analyse the empirical material. Even though image can be seen as a factor impacting the choice of strategy it serves a point to include in it the operationalization. In my concluding discussions and under the heading of ‘further research’ I will elaborate more on other possible factors impacting on why states use one strategy instead of another. The arguments presented in table 3.2 have been formed in the same way as the behaviours, i.e. by consulting both research and existing documents.

Table 3.2 Operationalization 'arguments'

<u>Strategy</u>	<u>Arguments for strategy and behaviour</u>
Pursued to...	
Competition, exclusion and worsening the BATNA	<p>...clearly mark the overstep by Russia</p> <p>...stand by protection of human rights no matter what</p> <p>...make Russia yield to pressure from the international community</p> <p>...uphold the reputation of the organisation</p> <p>Image: Russia as the 'other' who doesn't respect the values of the organisation</p>
Accommodation	<p>...bring peace to the conflict (letting Russia 'win')</p> <p>...let the options better than ours prevail</p> <p>Image: Russia as a an equal member</p>
Compromise and finding a ZOPA	<p>...keep Russia in the CoE</p> <p>...be able to reach agreement, even though one might not agree in substance</p> <p>...achieve as large majorities as possible behind decisions</p> <p>...find an area of common ground</p> <p>...not jeopardise solidarity between members</p> <p>Image: Russia as the 'necessary evil'; better to keep close than risk shutting out</p>
Collaboration, creating trust and re-framing the issue	<p>..establish trust and long-term commitment</p> <p>...give Russia the opportunity to gain credit on the international arena</p> <p>...believe that human rights win in the long run</p> <p>Image: Russia has the possibility to change in the long run</p>
Circumvention and trying to alter the balance of power	<p>...let parties regain perspective and gather information</p> <p>...gain time to be able to form coalitions</p> <p>...not make hasty decisions</p> <p>...believe in long term goals of the organisation</p> <p>Image: Russia as tricky and hard to predict</p>

4 Negotiation context

Before beginning the analysis of ways to manage conflict or, as in this case, strategies used by states to negotiate with challenging partners it is important to further specify the context of the negotiations to give a clear view of the setting and elements that have a big impact on the negotiations (Wall- Callister 1995: 533). When elaborating on the context of negotiations authors have referred to it as for example the organisational setting but also to variables effecting the negotiation such as the severity of the issue and complexity of the organisations' task (Ibid). This chapter explores the contextual factors while at the same time providing a description of the foundation of the CoE organisation, the CoE rules and traditions of negotiation and the setting of the negotiations surrounding the situation in Ukraine.

Elaborating on the context is important in this thesis to create leeway for generalization and to share with the reader my reflections on the elements in the negotiation setting that can be seen as somewhat context-bound (Wall - Callister 1995: 535).

4.1 What is the Council of Europe?

The Statute of the Council of Europe was opened for signature on the 5th of May 1949 and ten states signed the foundation for what is today the leading European human rights organisation. The statute entered into force on 3rd of August 1949 in the states of Belgium, Denmark, France, Ireland, Italy, Latvia, Luxembourg, the Netherlands, Norway, Sweden and the United Kingdom (Tanasescu 2014: 172-173).

The purpose of this international advisory organisation is, according to the statute, to achieve greater unity amongst its members with regard to safeguarding and realizing the states common principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms (Tanasescu 2014: 173, European Convention on Human Rights 1950). Today the organisation holds 47 member states, 28 of which are also members of the EU, and serves in total 820 million citizens. No state has ever joined the EU without first applying for a membership of the CoE (Council of Europe 1). The organisation works daily together with member states in advocating and promoting the organisations' three core values namely human rights, democracy and the rule of law (Council of Europe 2).

CoE member states maintain their sovereignty as the organisation cannot make binding law, but member states make commitments through conventions

(i.e. public international law) and cooperate on the basis of common political values and decisions (Tanasescu 2014: 173). As a requisite for membership to the organisation appealing states have to sign and ratify the European Convention on Human Rights (ECHR) created in 1950 by the organisation (Ibid).

The aim of the organisation is to be pursued through the organisations' main bodies namely the Committee of Ministers (CM), the Parliamentary Assembly (PACE), the Congress of Local and Regional Authorities, the European Court of Human Rights (ECtHR), the Commissioner for Human Rights and the Conference of INGOs (International Non-Governmental Organisations) (Council of Europe 3). The CM is the decision-making body of the organisation consisting of the foreign ministers of each member state or, in the daily work, their permanent diplomatic representatives in Strasbourg. The CM decides CoE policy, monitors upholding of fundamental values and commitments by member states under the statute and approves the organisations budget and programme activities (Ibid). The subject of investigation in this thesis are negotiations and discussions taken place in the CM surrounding the situation in Ukraine and the respondents participating in interviews are permanent diplomatic representatives with seats in the CM.

4.2 Rules and traditions of Council of Europe negotiations

It is considered an added value of the CoE organisation to have Russia as a member at the negotiating table, since this districts the organisation from many other multilateral forums (Respondent C, 2014). It is important to consider, as mentioned above, that that the members of the CoE maintain their sovereignty when entering into the organisation and that decisions taken by the CM in regards of the situation in Ukraine are not legally binding on the member states. This contextual factor could have an impact on what strategy member states use since there are no legally binding obligations to implement recommended measures. But, even though the decisions themselves are not legally binding they can be used as a foundation for judgements in the ECtHR when cases related to the conflict are tried (Respondent G, 2015). Connected to this is the possible moral effect that the decisions can have on the challenging partner (Lindell 1988: 88). If the decisions would be binding once taken the position of the Russia might be different and the Russian argument telling the other member states that they "might as-well continue taking decisions by vote, since they still won't bind us" (Observation: Committee of Ministers) would not have been present in the current form. Judging by the severity of the issue being discussed the strategies might however still not have been different if decisions where binding since consensus regarding Russian violations would not 'under any circumstances' have been found among the CoE member states (Respondent G, 2015 - Respondent A, 2015).

4.2.1 Consensus decision-making

It was confirmed by the empirical material that the established tradition of consensus has been an important part of the decision-making process of the organisation (Observation: Committee of Ministers). Many member states emphasise that adopting decisions by consensus is the general decision-making rule present within the organisation, even though it is ‘unwritten’ (Ibid). The climate of negotiations builds upon parties making compromises and concessions, giving each other time to elaborate on positions by for example allowing parties to get back to decision-makers in the home states and sometimes even postponing decision-making until a later meeting (Respondent J, 2015). All of these elements are present in order to bring everyone on-board and be able to reach joint agreement through consensus (Observation: Committee of Ministers). This, in large parts, aligns with the findings of research on consensus decision-making in multilateral negotiations by Lindell (1988) depicted in the theoretical chapter of this thesis.

The tradition of consensus decision-making in the CoE brings legitimacy both to the made decision and the organization as well as laying a foundation for making sure that elements to be implemented are followed through and that the decision is upheld and supported also in the future (Observation: Committee of Ministers, Lindell 1988: 15). The legitimacy of the decision and the credibility of the organisation in large part rest with the consensus tradition which was made clear by member states when the first decision by vote was taken on March 16th 2014 (Observation: Committee of Ministers).

The Statute of the CoE states in article 20d that resolutions adopted in the CM require “...two-thirds majority of the representatives casting a vote and of a majority of the representatives entitled to sit on the Committee” (Statute of the Council of Europe, 1949). The other paragraphs in article 20 list exceptions for the majority vote rule such as deciding to make the meetings ‘public’ and amending articles in the statute, the exceptions require the CM to adopt decisions by unanimity (Ibid). However, none of these exceptions play an important role in the negotiations and decisions regarding the situation in Ukraine. The decisions that have been taken in this regard has therefore required two-thirds majority in favour among the member states.

4.2.2 Coordination as part of the negotiation context

Another important contextual factor that has an impact on how negotiations work and what strategy member states use is a form of pre-negotiation meeting taking place between the members of the EU, called EU-coordination, where members of the Union work to coordinate their views with both each other and with Brussels headquarters (Observation: EU-coordination, Jorgensen 2009: 2-3). During these meetings negotiations between EU member states take place in order to coordinate the strategies among the 28 so that they, as often as possible, can hold a united view in the negotiations in the CM (Ibid). This coordination matters

greatly to smaller member states that align themselves with the EU in order to have an impact in the negotiations among the 47 in the CM (Respondent G, 2015). When conducting my interviews the respondents from EU member states were therefore asked to give a view of their behaviour and strategy also during EU coordination, since their individual strategy therefore might have come across stronger during these meetings.

4.3 The crisis in Ukraine

As the EU's neighbourhood policy has widened over the years and since the inception in 2009 of the so called Eastern Partnership, where the EU has developed contractual frameworks with a view to eventual association of the Eastern partners (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine), the tensions between the EU and Russia has grown (Haukkala 2015: 32). The process has raised the worries of Russia of losing contact with several key post-Soviet states and Ukraine in particular (Ibid).

The political spark igniting the crisis in Ukraine came in the run-up to the Vilnius Eastern Partnership Summit taking place in November 2013. During the Summit the EU expected to sign or initiate four association agreements (AA) that included perspectives of an eventual deep and comprehensive free trade area (DCFTA) with the partner countries of Armenia, Georgia, Moldova and Ukraine (Haukkala 2015: 33). Approaching the fall summit Russia had started to ramp up political and economic pressure to prevent signing of the documents which led to Armenia quickly being dissuade from moving ahead with the AA. Also Moldova experienced increasing pressure, but managed to stand firm (Ibid).

In the late summer of 2013 Russia had started to apply economic sanctions on Ukraine and in exchange for deferring the signing of the AA offered the Ukrainian President, at that time, Victor Yanukovich a significant discount in the price for Russian natural gas as well as preferred loans along with other trade concessions. These threats and promises of economic prospects managed to sway the Ukrainian government and the Moscow offer was accepted (Haukkala 2015: 33). The preparations for the AA was stopped and ties with Russia were strengthened (Onuch 2014: 45).

These developments led to domestic unrest and mass protests under the slogan of 'EuroMaidan' that started to spread in Ukraine from November 2013 (Haukkala 2015: 33). The name 'EuroMaidan' began as a Twitter hashtag compounding from the name of the Kyiv independence square, where masses of protesters had gathered, and a prefix signifying the alignment with Europe (Onuch 2014: 45). The government of Ukraine again and again attempted to end the protests in the square, which culminated in February with violent happenings where more than a hundred citizens were killed (Cybrisky 2015: 280). The Yanukovich regime collapsed in February 2014 (Haukkala 2015: 33).

The response from Russia to the downfall of the Yanukovich regime came swift and powerful with the annexation by Russian forces (though, at the time not

identified as Russian) of the Crimean peninsula taking full military control in just a couple of days (Haukkala 2015: 34). After a quickly organised, illegal, referendum in Crimea on the 16th of March 2014 the peninsula was incorporated into the Russian Federation and the occupation became a fact (Ibid). The loss of Crimea was followed by new uprisings in Eastern Ukraine, which have resulted in still on-going destabilization and armed conflict in many regions across the country (Haukkala 2015: 34).

A new government led by President Petro Poroshenko was elected and again took initiative to begin signing the chapters of the AA with the EU. Mutual ratification took place in September 2014 between the Ukrainian Verhovna Rada and the European Parliament (Haukkala 2015: 35). The Russian actions in Ukraine were met with sanctions from the EU that hardened over time and became especially tough after the shooting down of Malaysian Airlines passenger flight MH-17 in July 2014 (Ibid). There have been attempts to facilitate dialogue between Presidents Poroshenko and Putin by EU representatives and it was agreed to postpone the implementation of the DCFTA until the end of 2015 (Haukkala 2015: 35-36).

4.4 Negotiations and decisions during the initial part of the Ukraine crises

The CM has closely followed the situation in Ukraine since the beginning and as from January 2014 it has been discussed at every meeting as a permanent item on the meeting agenda (Information Document: CM/Inf(2014)14). The CoE monitoring of Ukraine did not begin with the crises but has been part of the organizations work for a long time, together with other member states that need assistance and guidance in matters of democracy, rule of law and human rights (Respondent C, 2015 - Respondent D, 2015).

The first decisions taken during 2014 in regards of the situation in Ukraine were adopted by consensus in February during meeting 1192 and 1192bis in the CM (Working document, February 2014). It took immense work to bring about the consensus but compromises and choice of language contributed to bringing all member states on-board and the consensus was probably helped by the fact that the crises in Ukraine was still at a very early stage (Respondent A, 2015).

During the meeting of 12th-14th of March 2014 long discussions were held on how to form decisions regarding the situation in Ukraine and for the first time demands were made for political and not only practical and executive elements to be included. Different opinions on the strength of wording and what to include were presented (Working document, March 2014). This decision was taken by vote, which reflects a turning point in negotiations and the abandoning of consensus (Respondent G, 2015).

The events of the illegal annexation of Crimea by Russia followed by the illegitimate March referendum held in Crimea effected the possibility of reaching

consensus (Respondent A, 2015) and were according to respondents seen as events impacting on their strategy used to negotiate with Russia. The severity of the situation and the breach of the CoE statute by Russia had large impact on the negotiations and the way member states behave towards the Russian position (Respondent E, 2015 - Respondent F, 2015 - Respondent H, 2015). The result of the first voting taking place during CM meeting '1194' resulted in Russia being isolated as the only vote against the decision (Working document, March 2014).

Since the first decision in March 2014 the CM has adopted five decisions by vote regarding the situation in Ukraine reflecting the evolving situation of the conflict, deploring Russian actions, calling for withdrawal of troops and upholding of agreed ceasefire agreements amongst many other things (CM decisions 1210th meeting - 1207th meeting - 1195th meeting). Getting to any form of agreement has not been an easy task since there has not been unity on how to handle the Russian position in the negotiations.

5 Analysis

This chapter analyses the empirical findings and connects them to the strategies identified in the theoretical chapter of the thesis. The first part of the analysis is intended to prove the relevance of the theoretical concepts used in this thesis by pointing to empirical evidence of challenging partners, the conflict situation of deadlock and also validating that there has been an observed change in the negotiations in the CoE when looking to the discussion surrounding the situation in Ukraine. The second part has the purpose of showing how the different theoretical strategies were displayed in the answers from the respondents in the interviews, further analysing how theory is applied in practice. The third part consists of a deeper analysis of how the theoretical strategies overlapped in practice and what combinations of strategies were revealed as a result of overlapping. Lastly the analysis focuses on a discussion of implications of the empirical findings as to looking at key elements and lines of division between strategies expressed by the respondents and a comprehensive discussion regarding the question why states use one strategy instead of another, also relating to questions asked regarding images of the challenging partner.

5.1 Validating the change in negotiations and the concept of challenging partners

There has been a real change as to how negotiations proceeded surrounding the situation in Ukraine during 2014 in comparison to ‘standard’ negotiation procedures in the CoE (Respondent A, 2015). One of the noticeable changes is that negotiations “pre-Ukraine” were governed by the principle of consensus (Respondent A, 2015 – Respondent C, 2015 - Respondent J, 2015), which validates the change of decision-making in negotiations and the abandoning of the principle of consensus. The consensus principle is something that has required compromises and which, in the CoE organisation, has set a certain practice, tone and atmosphere in negotiations (Respondent J, 2015). It was confirmed during the interviews that delegations have sometimes struggled with adapting to this new form of negotiations, emerging during discussions surrounding the situation in Ukraine, where it was unclear what were the ‘rules’ of negotiation, since consensus was no longer an option (Respondent B, 2015 - Respondent F, 2015 - Respondent J, 2015). As respondents looked back on the discussion during 2014 some felt that the unclarity of the situation and the uncertainty among some member states played a part in explaining why some states were more active than others (Respondent B, 2015).

Respondents made references to the existence of 'deadlock' in the negotiations, in this thesis theoretically defined as a form of extended delay, by pointing to the extended situation of non-agreement and that decisions in the former half of 2014 with set up expectations of compromise did not manage to achieve consensus (Respondent J, 2015 – Respondent A, 2015). The negotiations during the fall of 2014 were described as being “caught on a sort of treadmill without going anywhere” (Respondent J, 2015) and some had a hard time seeing the value of frequently having negotiations and taking decisions that had the feeling of not being legitimate and leading forward (Respondent C, 2015 – Respondent A, 2015).

When discussing strategies it became evident that there is a practical issue of being a big or a small state and Russia was pointed out as a major player in the negotiations who carried political and economic weight both within the organisation and as a part of the 'big five' in the international system (Respondent A, 2015 – Respondent F, 2015 – Respondent H, 2015). These descriptions resembles the theoretical definition of 'challenging partner' and many further described it as an especially hard task to find solutions during negotiations given the character of the Russian Federation in the organisation and their blocking position in the negotiations (Respondent D, 2015 – Respondent B, 2015).

5.2 Analysing the use of the theoretical strategies

The interviews have been analysed in accordance with the analytical tool, presented in the methodological chapter, looking at both behaviours and arguments and further also categorized into the theoretical model.

5.2.1 Competition, exclusion and worsening the BATNA

The analysis of the interviews show that five out of ten respondents displayed behaviours and arguments belonging, comprehensively or to some extent, to the strategy of 'Competition, exclusion and worsening the BATNA'. Three respondents were categorized as displaying signs of solely using the strategy of competition, whilst the other two used it in combination with other strategies.

Behaviours expressing the strategy of competition were motivated by making a clear and strong indication towards the Russian that their behaviour was not acceptable and never would be in the context of the CoE organisation (Respondent B, 2015). It was clear that those implementing the strategy of competition wanted to put it to Russia that what they were doing was wrong and widely deplored (Respondent E, 2015 – Respondent D, 2015). It was also advocated that these elements should be reflected in the decisions taken in the CM (Ibid). The strategy of competition was also reflected in wanting to make room for adopting decisions that put the blame on Russia with the goal of making them accountable for their actions in Ukraine (Respondent D, 2015). Respondents using

this strategy wanted to especially highlight the situation on the ground and human rights violations in the decisions condemning Russian actions (Respondent H, 2015). One way to approach for example a negotiating text was to deliberately load the text with strong language and taking on an ‘extreme’ position in order to make the goal clear and set a high standard even if one knew that certain parties would not agree (Respondent D, 2015). This was done with the intention of trying to make the final product as strong as absolutely possible (Ibid), which points to the theoretical notion of ‘extreme taking’ along the distributive line connected to the strategy of competition.

The option of asking Secretary General Thorbjorn Jagland to make a so-called ‘assessment’ of Russian compliance with the principles and statute of the CoE, which in the long run could lead to exclusion, was mentioned as a way to worsen the options for Russia of not negotiating (Respondent D, 2015), i.e. their BATNA. Such an assessment was not to be seen as a wish for the exclusion of Russia but could give the necessary incentives pushing Russia to engage in the dialogue and cause the negotiations to evolve (Ibid). In line with this it was pointed out that there might be a limit within the organisation as to what is accepted and allowed to pass, without having to speak of an assessment or exclusion (Respondent B, 2015). In regards to this discussion there was one element referred to as distinguishing between member states: the will of risk-taking and pushing for things to happen (Respondent D, 2015). Respondents behaving in line with the strategy of competition made sense of taking the risk of pushing Russia further in negotiations by being more outspoken and assertive (Respondent D, 2015 – Respondent H, 2015).

The image of Russia among member states using the strategy of competition corresponded to one where Russia was seen to have no respect for the common values and the purpose of the organisation, choosing not to cooperate with others and having an out-dated view of international norms (Respondent G, 2015 - Respondent D, 2015 - Respondent B, 2015). Russia was also seen to have lost reputation in the international system due to their actions in Ukraine (Respondent H, 2015). These images fit well with the analytical tool describing ‘image’ within the strategy of competition.

5.2.2 Accommodation

In the analysis no respondents were found to behave or argue in line with the strategy of accommodation. Reasons to why that is will be discussed under heading 5.4 ‘Implications of the empirical findings’.

5.2.3 Compromise and finding a ZOPA

The most commonly used strategy detected among the respondents is the strategy of ‘Compromise and finding a ZOPA’. Seven out of ten respondents used behaviour and arguments corresponding with the operationalization of the strategy

of compromise, either fully or to some extent. However, only one respondent displayed exclusively using the strategy of compromise whilst the other six used it in combination with other strategies.

One of the arguments coming across strong in the analysis by respondents displaying the strategy of compromise was to form decisions in such a way that they could achieve as large majority as possible, even if this meant using weaker language (Respondent A, 2014 - Respondent C, 2015 - Respondent G, 2015 - Respondent I, 2015 - Respondent J, 2015). Once it was realised that consensus was not going to be achieved it was important to gain as much support as possible behind decisions in order to make them legitimate (Respondent C, 2015 - Respondent J, 2015). This implied finding areas of common ground, especially among the EU member states, and trying to find the 'red lines' of the Russian delegation in the negotiations (Respondent F, 2015 - Respondent G, 2015 - Respondent J, 2015). It was expressed that the point of having a common organisation is to strive for consensus and if that is not achievable one has to find things that member states have in common – the baselines (Respondent C, 2015). Behaviours stated in the analytical tool such as communicating and adjusting were referred to in synonym when respondents spoke of promoting dialogue, flexibility and openness in the negotiations with the Russia (Respondent E, 2015 - Respondent F, 2015 - Respondent G, 2015 - Respondent I, 2015). Even though isolation of Russia had become a goal once consensus was not achievable this never meant that the obligation to always consider consensus and compromise disappeared, isolation did not exclude to keep looking for consensus (Respondent J, 2015). It was pointed out that even in cases where instructions from the state capital were strong you always have the possibility to interpret these to try and find compromises and adjust your position to all others in the negotiation (Respondent G, 2015). To those who were placed within the strategy of compromise it seemed important to express the argument that the CoE would not win anything on being stronger and more assertive towards Russia since they are a vital part of the solution of the conflict (Respondent E, 2015 - Respondent C, 2015 - Respondent F, 2015). Some also pointed to the obligation of assisting Russia in finding a solution and getting out of 'the corner' instead of pushing them further into it (Respondent E, 2015 - Respondent J, 2015). Respondents expressed the basis of engage Russia through dialogue (formal or informal), as an essential part of negotiations, and to take them seriously in listening and trying to understand their position in order to be able to find possibilities of compromise from all sides (Respondent A, 2015 - Respondent F, 2015 - Respondent G, 2015). This points to some of the central elements of the theoretical strategy of compromise such as comparing preferences, promoting dialogue and approaching others in the negotiations.

To motivate their image of Russia respondents belonging to the strategy of compromise put forward that it is most important to keep Russia as a member of the CoE. Not only does it bring added value to the organisation (Respondent C, 2015), but also it is vital to keep having a common platform for dialogue and not destroy the long-term tool that has been built up (Respondent G, 2015 - Respondent J, 2015).

5.2.4 Collaboration, creating trust and re-framing the issue

The use of the strategy of ‘Collaboration, creating trust and re-framing the issue’ was detected in the analysis among two of the ten respondents. However, this strategy was only briefly touched upon as a compliment to using primarily other strategies, but nevertheless the detected elements are important and interesting to highlight.

Respondents that were placed within this strategy emphasized the importance of considering the question of ‘what is in our interest in the future?’ (Respondent C, 2015). In order to lay the foundation for a prosperous, stable and democratic Russia with closer ties to the EU in the future one has to create trust and work with long-term commitment (Ibid). It was pointed out that pressuring someone to change will never work as well as encouraging small steps forward and viewing these as a wider chain of events in changing a certain behaviour or leading up to a certain goal (Respondent F, 2015). Promoting encouragement of small steps can be linked to trying to re-frame the notion of ‘victory’ in negotiations (Narlikar 2010: 13-14), thereby creating the opportunity for the challenging partner to gain credit as explained by the theoretical framing of the strategy of collaboration.

One respondent raised an interesting point by stating that few member states seem to have used strategies of collaboration and most never took the trouble, in order to be able to satisfy all existing concerns, of trying to find out what the Russian delegation was actually interested in (Respondent F, 2015). It was implied that member states seemingly didn’t consider re-framing the issue or including the goals of Russia in the framing of a wider solution (Ibid).

5.2.5 Circumvention and trying to alter the balance of power

The theoretical strategy of ‘Circumvention and trying to alter the balance of power’ pinpoints two elements as key when pursuing the strategy; firstly the view that gathering information supersedes the value of an immediate decision and secondly that building coalitions will make your standpoints more forceful and can alter the power balance in negotiations (Thomas 1992: 689, Narlikar 2010: 13). Out of ten respondents four displayed behaviours and arguments indicating the strategy of circumvention. All four respondents used this strategy combined with elements from other strategies.

Arguments indicating the use of this strategy related to expressing a priority for taking decisions with careful consideration and not taking to many decisions since this would damage legitimacy (Respondent A, 2015 - Respondent C, 2015). Many pointed to the use of informal negotiations and pre-negotiation forums such as the EU-coordination meetings to work out issues in order to be able to stand united as a counterweight to Russia (Respondent A, 2015 - Respondent I, 2015, Lindell 1988: 189). This sort of argumentation indicates goals of trying to alter the balance of power in the negotiations.

Those respondents displaying behaviours belonging to this strategy expressed that the minimum in the negotiations was to make Russia engage in the form of

being in the same room and that one had to have realistic expectations of what could be achieved (Respondent C, 2015 - Respondent F, 2015). It was said that one becomes irrelevant as negotiating partner by isolating and provoking Russia and that at the end of the day, "once the shouting is over", one will have to come back to the negotiating table and behave like a diplomat (Ibid). These arguments prove the belief in long terms goals and in letting parties carefully consider their next move instead of making hasty and agitated decisions. In relation to long term goals it was also voiced that it would be unwise to rock to boat in unconstructive ways since there is great need to have engagement with Russia in place for the future (Respondent A, 2015). These arguments are also related to the research by Lindell where using 'gentlemanly behaviour' and creating a good climate are central features in establishing confidence and durable relations (Lindell 1988: 189), as is the goal of the strategy of circumvention.

5.2.6 Summarizing table

The table below (table 5.1) displays an overview of how the respondents' answers were distributed among the theoretically formed strategies.

Table 5.1 Strategy	Number of respondents displaying the strategy³
Competition, exclusion and worsening the BATNA	5
Accommodation	0
Compromise and finding a ZOPA	7
Collaboration, creating trust and re-framing the issue	2
Circumvention and trying to alter the balance of power	4

³ Since the theoretical strategies in practice overlap some member states displayed behaviours corresponding to more than one strategy. The total number of respondents added up from the table therefore does not correspond to the actual number of ten interview respondents.

5.3 Overlapping in practice and revealing combinations of strategies

The Thomas and Kilmann type of model is known for its value of uncovering differences between individual modes or strategies for handling conflict (Womack 1988: 321). However, strategies for handling conflict are also presented as flexible, since reality is not rigid, and therefore one party may in practice use elements from more than one strategy (Womack 1988: 322). All parties may not do this since some find one strategy better than others and tends to rely on that preferred strategy (Ibid). These facts account for the result of overlapping in the analysis and that the strategies have, to some degree, been used in combination with each other. According to Thomas and Kilmann parties can also shift strategies or elements of strategies across situations and time (Womack 1988: 323). Some respondents pointed out that they had highlighted certain elements more or less depending on the evolving situation (Respondent J, 2015), which also adds to explaining why overlapping was revealed since the reference period was set to a year.

The combinations of strategies detected during the analysis reveals that parties only combined strategies along the same line of either the distributive or integrative dimensions (fig. 2.2). This revelation points to the distinction in the negotiations between parties having conflictual versus cooperative attitudes and behaviours (Elgström - Jönsson 2011: 685). It also raise' the interesting aspect that this basic variation does not seem to change depending on situation or time and that combining strategies was never done across these 'invisible' borders.

There were five detected ways of combining the strategies within the model. Some states primarily used one strategy complemented only by elements from other strategies, while others showed a more equal distribution between the combined strategies. The figure below (fig. 5.1) displays the combinations where the strategies in bold were primarily used and combined with elements from the strategy it is paired with. The strategy displayed in italic show a combination with more equal distribution.

- | |
|--|
| <ol style="list-style-type: none">1. Competition/Compromise2. Compromise/Competition3. Compromise/Circumvention4. Circumvention/Compromise5. <i>Compromise/Circumvention/Collaboration</i> |
|--|

Fig 5.1

An interesting aspect to consider when looking at how strategies were combined is that all combined strategies contain elements from the strategy of compromise. When considering the change in negotiations going from a consensus tradition to decision-making by vote respondents mentioned that many delegations found it hard to adapt to the 'new' negotiation environment (Respondent B, 2015 - Respondent J, 2015). Seeing the combinations of strategies this could have had an

impact on member states being prone to use compromise as a tool to manage conflict since that was the previous standard. However, as stated in the analysis of the strategy of compromise, only one respondent was placed solely within that strategy while others used combination 2, 3 or 5. This was, by respondents that were placed in both the strategy of compromise and circumvention, motivated by trying to get as many as possible to agree (compromise) without pushing decisions (circumvention) and risk making them either illegitimate or regrettable in the future (Respondent A, 2015 - Respondent I, 2015).

The respondents displaying the strategic combination listed as number 5 took on somewhat of a mediating role in the negotiations and emphasised the value of cooperation both long- and short-term (Respondent F, 2015 - Respondent C, 2015). The combination of all three strategies points to efforts of trying to take on many perspectives and mediate between parties to the negotiation, but at the same time not fully mediating or proposing a middle ground as that would place the respondent more clearly in the strategy of compromise (Womack 1988: 324). This displayed result could be explained by research that states that 'mediators' will be less inclined to initiate mediation efforts when the parties are set in their ways and have a history of not agreeing (Bercovitch - Lutmar 2010: 250).

This section has discussed and put forward evidence from the analysis of the empirical material that show how the practical use of strategies has led to overlapping of the theoretical strategies and the use of combinations. To continue the discussion on the findings from the analysis the next section will look at the wider implications, illuminate key elements in the strategies found during analysis and also discuss factors influencing states' choice of strategy.

5.4 Implications of the empirical findings

The empirical findings has turned out to 'modify' the theoretical model and create a model for solving deadlock and conflicts in practice where the strategy of accommodation and collaboration takes the back seat and the strategies of competition, compromise and circumvention are in focus (fig. 5.3). One of the reasons for this division, according to the interviewees, is the impact of the severity of the situation (Respondent H, 2015 - Respondent E, 2015), which is also confirmed by other scholars stating that the context of the conflict impacts the style of management (Wall - Callister 1995: 539). Once the role of Russia in the conflict became clear all member states, even if it was done to various extent, agreed to deplore Russian actions in Ukraine (Respondent E, 2015). The severity of the situation and the magnitude of the events taking place more or less ruled out choices to 'yield' or not speak out against a state breaching international norms and the statute of the organisation (Respondent H, 2015), which could explain why the strategy of accommodation was not displayed in this setting.

During the interviews the respondents were asked to place their strategy along the axels of 'assertiveness' and 'cooperativeness' as depicted in the in the theoretical model, without knowing the placement of the theoretical strategies. It

turned out that no one placed his or her states' strategy further along the line of cooperativeness than $2/3^{\text{rd}}$, on the marginal between compromise and collaboration (fig. 5.2)⁴. Cooperativeness was, by those who were placed within the strategy of competition, guided by the willingness to cooperate displayed by the challenging partner (Respondent B, 2015 - Respondent I, 2015). In theory this is mentioned as the concept of 'reciprocity' where parties behaviour is affected by the behaviour of others (Wall - Callister 1995: 539). As the willingness to cooperate is low in the case of challenging partners it automatically places those pursuing the strategy of competition low on the axis of cooperativeness. Seeing as how only two respondents touched upon elements of the strategy of collaboration, most respondents placed their states' strategy at most half way (compromise) along the axis of cooperativeness. Hence, none of the respondents demonstrated the use of the strategy of accommodation or, to any clear extent, collaboration. This points to the modification of the theoretical model to in practice put focus on the strategies of competition, compromise and circumvention (fig. 5.3).

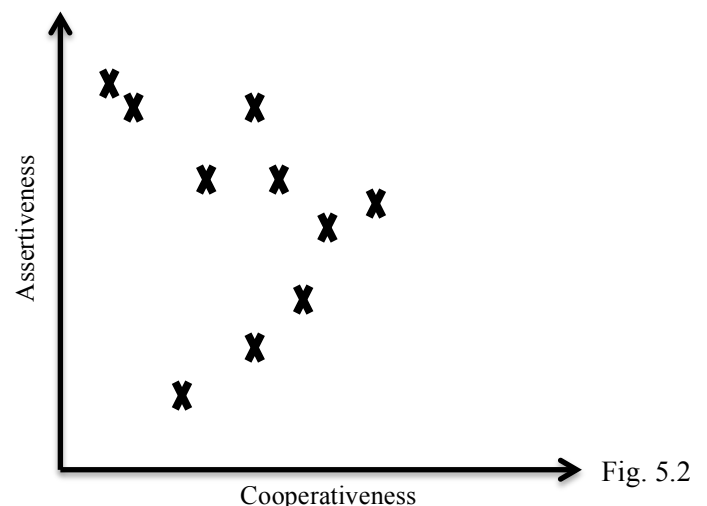
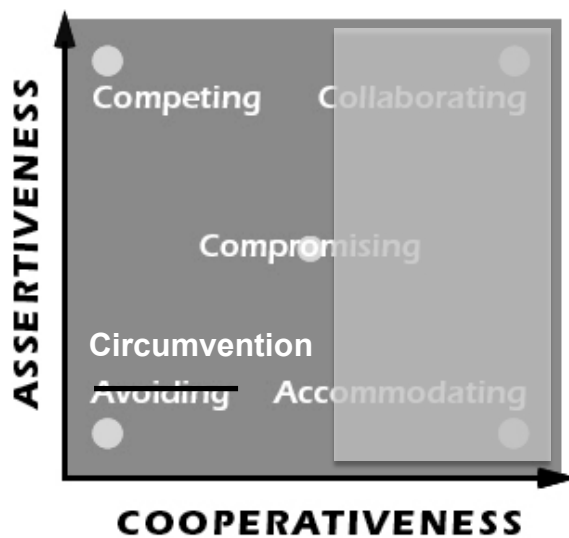


Fig. 5.3

Fig. 5.2

⁴ The figure displays placements made by respondents and has been created by the author trying to give an approximate view of the answers given. Even though respondents might have given indications of using a certain strategy when placing themselves in the model, the final result of the study has come from considering the entirety of each interview.

5.4.1 Common key elements and influential lines of division between strategies used in practice

The central strategies displayed in practice among the respondents hold certain key elements and lines of division that in relation to theory are important to highlight. Although there are basic distinctions between groups of states that were placed in each of the three strategies used in practice there has been one key element uniting the respondents view on how to handle challenging partners. All respondents referred, in one way or another, to the inherent value of negotiating and trying to create dialogue. Even though the definitions of dialogue differed from pointing out wrong-doing to actively approaching the challenging partner all seemed united in recognizing the value of having a common organisation and a platform for negotiation to be able to manage conflicts with challenging partners. However, recognizing the value of having a common organisation and promoting negotiation did not mean that there was unity on how the organisation best handles challenging partners.

When conducting the analysis three different lines of division emerged that seem decisive for states when adopting a strategy, further also linking to the question why states choose one strategy over another. Firstly, there appeared to be a division between how states view risk-taking in negotiations, in line with the axis of assertiveness. Those states that were placed within the strategy of competition argued for the necessity of taking risks in provoking the challenging partner in order to uphold the reputation of the organisation and possibly ‘force’ engagement (Respondent D, 2015 - Respondent B, 2015). As you descend down the axis of assertiveness, the willingness to take risks also seemed to decline until one reaches the strategy of circumvention where risk-aversion is expressed through carefully considering each decision to not risk the possibilities of future engagement (Respondent A, 2015). Secondly the analysis suggests that there is a line of division between states’ views of how, and if, multilateral negotiations can promote change in the behaviour of a challenging partner. By those respondents displaying the strategy of compromise there was a view that change may be promoted when the challenging partner is being subject to criticism and sitting at the negotiating table listening to condemnations (Respondent J, 2015). This differs from the views of those using the strategy of competition where respondents claimed that change as a result of negotiation requires active engagement, responding to criticism, and acknowledging ones wrongdoings (Respondent D, 2015 – Respondent H, 2015). As of now, and in the short-term future, those respondents did not see Russia changing or displaying signs of trying to fulfil the needed requirements (Ibid). The third central division that came across as decisive was how to uphold legitimacy in the organisation in the way decisions were shaped. The common goal was to achieve legitimacy but the distinction lies in whether this is best done with strong wording or a large supporting majority (Respondent C, 2015 - Respondent J, 2015).

Highlighting how states view risk-taking, possibilities of promoting change through negotiation and upholding legitimacy has helped to further distinguish

between strategies, contributes to answering the posed research question and touches upon answers to the question why states pursue one strategy over another.

5.4.2 Factors impacting the choices of strategy – further elaborating on the question *why* states pursue one strategy over another

Having answered and discussed the question *what* strategies states can, and do, use to negotiate in conflict situations with challenging partners the previous section began discussing the question *why* states pursue one strategy over another. This section further elaborates on the why-question by looking at respondents' answers of their image of the challenging partner. In this section I have also chosen to reflect upon what other scholars have said about factors impacting choices of strategy in relation to the theoretical model of strategies. This part of the analysis is done with the intention of opening up discussions for future research on factors briefly touched upon in this research that are important to consider within the context.

During the interviews respondents were asked about their image of Russia both as member of the CoE but also as a player on the international arena. This was done to get respondents to talk in terms of image motivating them to be placed within the different strategies. The respondents gave examples corresponding to different images of for example Russia as a bully in the international system, as a skilled negotiator that is hard to predict and as a state in development with the possibility to change in the future (Respondent A, 2015 - Respondent D, 2015 - Respondent F, 2015). Those that were placed in the strategy of competition voiced an image of Russia as 'the other' and as a state disrespecting the values of the CoE (Respondent B, 2015 - Respondent G, 2015). Some also stated that the behaviour of Russia in Ukraine is a danger to other states and that it is a warning to be taken seriously (Respondent D, 2015). The view of Russia as a 'threat' to one self or others seems to have had an impact on respondents within in the strategy of competition.

A counterweight to viewing Russia as 'the other' was served by those expressing hope and belief that Russia can and will change in the future in the process of becoming a more democratic state (Respondent C, 2015 - Respondent F, 2015). It was also expressed that the CoE has a great role to play in promoting a positive change and building a stable Russia (Respondent J, 2015). The image of Russia as a 'state in transition' moving towards positive change can be linked to the discussion held above where choice of strategy seems to be influenced by how states view possibilities for challenging partner to change as a result of multilateral negotiations.

When reflecting on the Kilmann and Thomas model there is a discussion held on what can impact the choice of conflict mode or strategy (Thomas 1992, Womack 1988). This academic discussion was confirmed by respondents pointing to a number of variables other than image such as historic ties, trade, size of the country and bilateral relations influencing states' choice of strategy.

The size of the member state was confirmed as a factor impacting on the choice of strategy referring to the position and the power that comes with being a small, medium or large size country (Respondent A, 2015 - Respondent H, 2015). Theory explains, as mentioned earlier, that in the context of multilateral organisations the size of the state is often linked to the power to influence negotiations (Lindell 1988: 90), which in turn reflects how assertive one can choose to be (Womack 1988: 338-339). Respondents belonging to smaller states often referred to the need to align with coalitions and therefore not being able to be as rigid in their choice of strategy (Respondent A, 2015 - Respondent E, 2015).

One of the other factors mentioned by many as influencing the use of strategy was possible history shared with the challenging partner (Respondent D, 2015 - Respondent A, 2015 – Respondent C, 2015). Historic and present animosity in relationships with the challenging partner were factors seen as naturally leading to strategies more in line with competition (Respondent A, 2015 - Respondent G, 2015). This can relate to what Thomas (1992: 697) refers to as stakes involved for the parties when the issue of conflict is of particular importance.

Another ‘stake’ confirmed by interviewees as possibly impacting the choice of strategy was trade and bilateral relations where many mentioned that member states with stronger trade ties generally were reluctant to put forward criticism of the challenging partner (Respondent B, 2015 - Respondent G, 2015 – Respondent D, 2015). The dependency between parties negotiating is explained also in theory to have an impact on how conflicts are handled (Thomas 1976: 918). It was expressed during the interviews that one might have greater leverage to ‘say what you want’ if trade relations were not in place and that states with strong trade relations often did not have the choice to actively ‘isolate’ the challenging partner (Respondent A, 2015 - Respondent D, 2015).

Since image was explained by theory to have an impact on the choice of strategy (Elgström 2000) it is of great value in this thesis to also open up a discussion for research answering the why-question, even though this is outside the scope of the posed research question. When asking respondents about their image of the challenging partner I had an unspoken thought that those holding a negative image of the challenging partner would be likely to use a strategy leaning towards competition and vice versa, and this was confirmed by answers given by respondents. It was also largely confirmed that a number of other factors seem to influence member states’ choice between the five detected strategies, which leads to incentives of further research. Such incentives will be discussed under heading 6.1 in the concluding section of this thesis.

6 Conclusions

This thesis departed from and has been guided by a research question asking what strategies states can, and do, use in multilateral negotiations to negotiate in conflict situations with challenging partners.

To reiterate, the aim has been to explore which strategies states can use to negotiate with challenging partners in the presence of a conflict situation and also to see how these strategies are reflected in practice by investigating the case of negotiations in the CoE. The wider purpose has also been to theorize on obstacles to the process of reaching mutual solutions and the complexities of multilateral negotiations.

By interconnecting theories from political science and organisational theory this study has developed a theoretical model of what strategies states *can* use in conflict situations with parties defined as challenging partners. The framework, created with inspiration from the conflict-handling model presented by Kilmann and Thomas (1976), depicts the five strategies of: ‘Competition, exclusion and worsening the BATNA’, ‘Accommodation’, ‘Compromise and finding a ZOPA’, ‘Collaboration, creating trust and re-framing the issue’ and ‘Circumvention and trying to alter the balance of power’. The strategies encompass a variety of theoretical elements ranging between notions of traditional conflict management to ways of handling deadlock in multilateral negotiations. The strategies place in the model along the axels of assertiveness on the y-axis, depicting how states attempt to satisfy their own goals, and cooperativeness on the x-axis, displaying the extent to which states attempt to satisfy the goals of others (in this case the challenging partner). The strategies are also connected to the integrative and distributive dimension that, simply put, shows how strategies relate to common versus self-interest.

To answer the question of what strategies states *do* use in multilateral negotiations in relation to challenging partners semi-structured interviews were used to collect data from the case of negotiations in the CoE surrounding the situation in Ukraine, depicting Russia as the challenging partner. Ten member states, selected on different grounds to ensure variation in strategies, partook as respondents in interviews answering questions on how they behaved in the negotiations and how they argue when choosing a strategy to approach situations of conflict with challenging partners. With the use of the developed analytical tool their answers were analysed and categorized according to the theoretical model.

The analysis of the interviews shows evidence of member states’ strategies being placed mainly within three out of the five theoretical strategies and also demonstrates overlapping in practice between strategies. The three strategies mainly used were the strategies of ‘Competition, exclusion and worsening the BATNA’, ‘Compromise and finding a ZOPA’, and ‘Circumvention and trying to

alter the balance of power'. The overlapping in practice show that all combinations (where elements from more than one strategy were used) contained features from the strategy of compromise. Looking at this result in the setting of the negotiations it could point to that member states in an organisation hitherto characterized by consensus might be more prone to find compromise solutions even in negotiations with challenging partners.

The analytical chapter further holds a discussion of the results and elaborates on implications for theory where the severity of the situation and the behaviour of the challenging partner is depicted to have an impact on the result, as only three out of five theoretical strategies are used in practice. The discussion within the analysis further demonstrates both key elements uniting the respondents and lines of division that came across as decisive for member states when choosing strategy. How states viewed risk-taking, possibilities of promoting change through negotiation and how to best uphold legitimacy was found to play a role in separating member states belonging to different strategies. Detecting and exploring lines of division has helped to further distinguish between the strategies used in practice and has value for further theorizing on factors that can impact states' choice of strategy. The discussion of lines of division also begins to touch upon answers to the question why states choose one strategy over another when negotiating in conflict situations with challenging partners. The final section of the analysis further elaborates on the why-question by looking at factors mentioned during interviews that can impact on the choice of strategy such as image of the challenging partner, historic ties, trade, size of the country and bilateral relations. To stay within the scope and keep the right focus of the study these factors were discussed briefly with the intention of opening up for further research.

Besides answering the posed research question the empirical material collected in the study has also proven the relevance of the theoretical concept of challenging partners and further explored the nature of unwritten principles of consensus in multilateral organisations. This thesis has also confirmed the adequacy of combining theories from political science and organisational theory when studying conflict management and ways to solve deadlock in multilateral negotiations. Proving the fruitfulness of the thesis' combination of theories is directly linked to the presented aim of making analytical generalizations and drawing conclusions on theories recognized as relevant in the scientific discourse. As presented among the methodological considerations of this thesis it is important to reflect upon the degree to which the studied situation in the CoE matches other situations when considering possibilities of generalisation. Generalizing the results of this study can be done in two different ways. On the one hand the theoretical framework has been developed 'context free' as far as to be able to apply to any multilateral negotiation setting where states are negotiating a conflict situation with a challenging partner. On the other hand generalizing the results of the analysis can only be done considering the context of the studied negotiations in the CoE comprising for example rules and traditions of negotiations and impacts of severity of the issue being discussed.

6.1 Further research

As stated by the heading this section will hold a short discussion on the possibilities of future research following the topic of this thesis. In relation to the original Kilmann and Thomas model dating back to 1976 multiple researchers have asked what factors could dictate the use of the conflict modes of forcing, avoiding, compromising, problem solving and accommodating (Wall - Callister 1995: 539). As the model has been developed (Thomas 1992) and in this thesis modified and complemented to fit into the multilateral context dealing with the issue of how to negotiate in conflict situations with challenging partners there is also call for a re-evaluation of the research giving answers to why states pursue one strategy over the other in the provided 'new' model. Such a discussion has been initiated under heading 5.4 in this thesis but is welcomed and needed in a more comprehensive manner in the future. The revelatory aspect of the thesis' purpose has been served by confirming the possibilities and the need for further research in the area of multilateral negotiations with a focus on negotiating in conflict situations with challenging partners. My hope is that this thesis has laid a solid foundation inspiring other scholars to continue on the explored path.

7 References

- Aberbach, Joel D. - Rockman, Bert A. (2002) "Conducting and Coding Elite Interviews" *Political Science and Politics*, 35(4): 673-676.
- Avenhaus, Rudolf - Zartman, William (2007) "Introduction: Formal Models of, in, and for International Negotiations" in Avenhaus, Rudolf - Zartman, William: *Diplomacy Games*, Springer Berlin Heidelberg, New York
- Bercovitch, Jacob - Lutmar, Carmela (2010) "Beyond negotiation deadlocks: the importance of mediation and leadership" in Narlikar, Amrita: *Deadlocks in Multilateral Negotiations: causes and solutions*, Cambridge University Press, Cambridge
- Blatter, Joachim - Haverland, Markus (2012) *Designing Case Studies: explanatory approaches in small-N research*, Palgrave Macmillan, New York
- Cede, Franz (2012) "Lessons for practice" in Faure, Guy Oliver: *Unfinished Business: why international negotiations fail*, University of Georgia Press, Athens
- Council of Europe 1 = The Council of Europe official website, About us – Did you know? [Electronic] Available: <http://www.coe.int/en/web/about-us/did-you-know> Download date: 12-05-2015.
- Council of Europe 2 = The Council of Europe official website, About us – Values [Electronic] Available: <http://www.coe.int/en/web/about-us/values> Download date: 12-05-2015.
- Council of Europe 3 = The Council of Europe official website, About us – Structure [Electronic] Available: <http://www.coe.int/en/web/about-us/structure> Download date: 12-05-2015.
- Cybriwsky, Roman (2015) "Kyiv's Maidan: from Duma square to sacred space", *Eurasian Geography and Economics* 55(3): 270-285.
- Dür, Andreas - Mateo, Gemma (2010a) "Bargaining power and negotiation tactics: the negotiations on the EU's financial perspective, 2007 – 2013", *Journal of Common Market Studies* 48(3): 557–78.
- Dür, Andreas - Mateo, Gemma (2010b) "Choosing a bargaining strategy in EU negotiations: power, preferences, and culture", *Journal of European Public Policy* 17(5): 680-693.
- Donmoyer, Robert (2000) "Generalizability and the single-case study" in Gomm, Roger - Hammersley, Martyn - Foster, Peter: *Case Study Method – Key Issues, Key Texts*, SAGE Publications, London
- Elgström, Ole - Jönsson, Christer (2011) "Negotiation in the European Union: bargaining or

problem-solving?” *Journal of European Public Policy* 7(5): 684-704.

Elgström, Ole (2000) *Images and Strategies for Autonomy*, Kluwer Academic Publishers, Netherlands

Esaiasson, Peter et.al (2012) 4th ed. *Metodpraktikan*, Norstedts Juridik, Stockholm

Faure, Guy Oliver (2012) *Unfinished Business: why international negotiations fail*, University of Georgia Press, Athens

George, Alexander L. - Bennett, Andrew (2005) *Case Studies and Theory Development in the Social Sciences*, Belfer Centre for Science and International Affairs, Cambridge

Haukkala, Hiski (2015) “From Cooperative to Contested Europe? The Conflict in Ukraine as Culmination of a Long-Term Crisis in EU-Russia Relations”, *Journal of Contemporary European Studies* 23(1): 25-40.

Hopmann, P.T. (1974) ”Bargaining in arms control negotiations: the Seabeds Denuclearization Treaty”, *International Organization* 28(3): 313–43.

Iklé, Fred Charles (1964) *How Nations Negotiate*, Harper & Row Publishers, New York

Jackson, William D. (2004) “Russia and the Council of Europe: the perils of premature admission” *Problems of Post-Communism*: 51(5): 23-33.

Jorgensen, Knud Erik (2009) *The European Union and International Organizations*, Routhledge, New York

Jönsson, Christer - Aggestam, Karin (2009) “Diplomacy and Conflict Resolution” in Bercovitch, Jacob - Kremenyuk, Viktor – Zartman, William: *The SAGE Handbook of Conflict Resolution*, SAGE Publications, London

Kremenyuk, Victor (1991) *International Negotiation: Analysis, Approaches, Issues*, Jossey-Bass Inc. Publishers, California

Kremenyuk, Victor (1991) “The Emerging System of International Negotiations” in Kremenyuk, Victor: *International Negotiation: Analysis, Approaches, Issues*, Jossey-Bass Inc. Publishers, California

Kvale, Steinar - Brinkmann, Sven (2009) *Den kvalitativa forskningsintervjun*, Studentlitteratur AB, Lund

Leech, Beth L. (2002) “Asking Questions: Techniques for Semistructured Interviews” *Political Science and Politics* 35(4): 665-668.

Lijphart, Arend (1971) “Comparative Politics and the Comparative Method”, *the American Political Science Review* 65(3): 682-693.

Lindell, Ulf (1988) *Modern Multilateral Negotiation*, Studentlitteratur, Lund

May, Tim (2011) 4th ed. *Social Research: issues, methods and process*, Open University

Press, UK

Mnookin, Robert H. (2003) "Strategic Barriers to Dispute Resolution: A Comparison of Bilateral and Multilateral Negotiations" *Journal of Institutional and Theoretical Economics*: 159(1): 199-220.

Narlikar, Amrita (2010) *Deadlocks in Multilateral Negotiations: causes and solutions*, Cambridge University Press, Cambridge

Naurin, Daniel (2010) "Most Common When Least Important: Deliberation in the European Union Council of Ministers" *British Journal of Political Science* 40(1): 31-50.

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

Odell, John S. (2000) *Negotiating the World Economy*, Cornwell University Press, New York

Odell, John S. (2012) "Negotiation and Bargaining" in Clarsnaes, Walter – Risse, Thomas - Simmons, Beth A., 2nd ed: *Handbook of International Relations*, SAGE Publications, New York

Onuch, Olga (2014) "Who were the protesters?", *Journal of Democracy* 25(3): 44-51.

Persson, Stefan (1992) *Dödlägen i internationella förhandlingar*, Studentlitteratur, Lund

Prantl, Jochen (2010) "The role of informal negotiation processes in breaking deadlocks: the UN Security Council" in Narlikar, Amrita: *Deadlocks in Multilateral Negotiations: causes and solutions*, Cambridge University Press, Cambridge

Pruitt, Dean G. (1981) *Negotiating Behaviour*, Academic Press, New York

Raiffa, Howard (1991) "Contributions of Applied System Analysis to International Negotiation" in Kremenjuk, Victor: *International Negotiation: Analysis, Approaches, Issues*, Jossey-Bass Inc. Publishers, California

Smith, H.W. (1975) *Strategies of Social Research: The Methodological Imagination*, Englewood Cliffs, NJ: Prentice Hall

Schofield, Janet Ward (2000) "Increasing the generalizability of qualitative research" in Gomm, Roger - Hammersley, Martyn - Foster, Peter: *Case Study Method – Key Issues, Key Texts*, SAGE Publications, London

Tanasescu, Tudor (2014) "The Council of Europe and its consecration regulations and protection of human rights" *AGORA International Journal of Juridical Sciences*: vol. 4: 172-181.

Teorell, Jan - Svensson, Torsten (2007) *Att fråga och att svara*, Liber, Stockholm

Thomas, Kenneth (1976) "Conflict and Conflict Management" in Dunnette, Marvin D.: *Handbook of Industrial and Organizational Psychology*, Rand McNally College Publications, Minnesota

Thomas, Kenneth (1992) "Conflict and Negotiations Processes in Organisations" in Dunnette, Marvin D. - Hough, Leaetta M., 2nd ed. 3rd vol: *Handbook of Industrial and Organizational Psychology*, Consulting Psychologists Press, California

Touval, Saadia (1989) "Multilateral Negotiation: An Analytic Approach" *Negotiation Journal*: 5(2): 159-173.

Trost, Jan (2010) *Kvalitativa intervjuer*, Studentlitteratur AB, Lund

Wall, James A. – Callister, Ronda Roberts (1995) "Conflict and Its management" *Journal of Management* 21(3): 515-558.

Wanis-St.John, Anthony (2012) "Nuclear Negotiations: Iran, the EU (and the United States) in Faure, Guy Oliver: *Unfinished Business: why international negotiations fail*, University of Georgia Press, Athens

Womack, Deanna F. (1988) "Assessing the Thomas-Kilmann conflict mode survey", *Management Communication Quarterly* 1(3): 321-349.

Yin, K. Robert (2014) 5th ed. *Case Study Research – Design and Methods*, SAGE Publications, California

Yin, K. Robert (2009) 4th ed. *Case Study Research – Design and Methods*, SAGE Publications, California

Zartman, William (2009) "Conflict Resolution and Negotiation" in Bercovitch, Jacob - Kremenyuk, Viktor – Zartman, William: *The SAGE Handbook of Conflict Resolution*, SAGE Publications, London

Zartman, William (2008) *Negotiation and Conflict Management: Essays on Theory and Practice*, Routledge, New York

Zartman, William (1994) *International Multilateral Negotiation: Approached to the Management of Complexity*, Jossey-Bass Publishers, San Francisco

Zartman, William (1988) "Common Elements in the Analysis of the Negotiation Process" *Negotiation Journal* 4(1): 31-43.

Organization documents

COSCE Working Party 13th December 2013, Meeting document 26/13, Origin: EEAS (European External Action Service), 6th December 2013

Committee of Ministers Decision 19-20 March 2014, CM/Del/Dec(2014)1195/1.7E "Situation in Ukraine" – 21st March 2014

Committee of Ministers Decision 17 September 2014, CM/Del/Dec(2014)1207/1.5E "Situation in Ukraine" – 19th September 2014

Committee of Ministers Decision 22-24 October 2014, CM/Del/Dec(2014)1210/1.6E "Situation in Ukraine" – 28th October 2014

Information documents CM/Inf(2014)14E “The situation in Ukraine (November 2013 – May 2014) Overview of action by the Committee of Ministers – Document presented by the Chair” – 2nd May 2014

Information documents CM/Inf(2014)12 “Stocktaking of the Austrian chairmanship of the Committee of Ministers of the Council of Europe (14 November 2013 – 14 May 2014)” – 2nd May 2014

Report by the Secretary General of the Council of Europe SG(2014)1E “State of Democracy, Human Rights and the Rule of Law in Europe” – 9th April 2014

Working Document 26th February 2014 “Rapport från extrainsatt ställföreträdamöte den 26 februari 2014 om situationen i Ukraina” – Permanent Representation of Sweden to the Council of Europe

Working Document 19th March 2014 “Rapport från 1994:e ställföreträdamötet den 12-14 mars 2014” – Permanent Swedish Representation to the Council of Europe

Participant observations

Meetings in the Committee of Ministers:

10th September 2014, 1206th meeting of the Ministers’ Deputies

16th September 2014, 1206bis meeting of the Ministers’ Deputies

17th September 2014, 1207th meeting of the Ministers’ Deputies

8th October 2014, 1209th meeting of the Ministers’ Deputies

22nd October 2014, 1210th meeting of the Ministers’ Deputies

24th October 2014, 1210th meeting of the Ministers’ Deputies – continued

12th November 2014, 1211th meeting of the Ministers’ Deputies

19th November 2014, 1212th meeting of the Ministers’ Deputies

26th November 2014, 1213th meeting of the Ministers’ Deputies

2nd December 2014, 1213bis meeting of the Ministers’ Deputies

10th December 2014, 1215th meeting of the Ministers’ Deputies

17th December 2014, 1215bis meeting of the Ministers’ Deputies

EU-coordination meetings between the 1st September 2014 and the 15th December 2014
(Dates secluded due to the informal nature of the meetings)

Appendix

List of respondents

Respondent A	Interview, Strasbourg - March 23 rd 2015
Respondent B	Interview, Strasbourg - March 23 rd 2015
Respondent C	Interview, Strasbourg - March 24 th 2015
Respondent D	Interview, Strasbourg - March 24 th 2015
Respondent E	Interview, Strasbourg - March 24 th 2015
Respondent F	Interview, Strasbourg - March 24 th 2015
Respondent G	Interview, Strasbourg - March 25 th 2015
Respondent H	Interview, Strasbourg - March 26 th 2015
Respondent I	Telephone interview - April 10 th 2015
Respondent J	Telephone interview - April 14 th 2015

Interview guide

The setting of the negotiations

If you imagine elements of a standard negotiation or discussion in the Council of Europe, would you say that the negotiations and discussions surrounding the situation in Ukraine have been different? If so, how?

- a. *Could you give examples of elements that have made these negotiations different?*

Respondents' strategy

Relative your standard approach to negotiations, and given Russia's position in this particular negotiation, did you feel that you had to adjust your strategies and negotiating behaviour (way of negotiating)? If so, how?

What stance did you take, meaning how did you behave and go about, to implement your strategy during the negotiations and discussions? Could you give practical examples of how you went about/behaved?

- a. *When it came to taking stance and deciding on behaviour, how did you reason?*
- b. *In relation to the position of Russia, what would you say the goal and intention of your behaviour was?*
- c. *Did your stance and behaviour change over time? What made it change? (If one makes a distinction between the firsts months of 2014 and the later)*

Strategy by others in the organisation

To handle the Russian position in the negotiations, what different stances and behaviours would you say were used among other members?

- a. *What different goals and intentions, in relation to the Russian position, would you say could be linked to these behaviours?*

Place in the diagram

Regarding your behaviour during the negotiations to handle the position of the Russian Federation, where along the lines of assertiveness and cooperativeness in this model would you place your strategy?

- a. *Can you explain your thoughts when making this choice?*
- b. *Where along the lines in this model would you place Estonia, the United Kingdom and Belgium?*
- c. *Where would you place Russia in the model?*

Image of Russia

What is your image of the Russian Federation in the CoE? (What is your view of Russia as members of the CoE?)

- a. *Regarding the membership of the Russian Federation, what thoughts and hopes do you have for the future?*
- b. *Beyond the CoE organisation, i.e. in the international system, what is your image of Russian Federation?*
- c. *How would you describe the relations between your state and Russia?*

Other

Is there anything that you would like to add that you feel we haven't addressed?

Diagram shown to respondents during interviews

