

RËNDËSIA E NEGOCIATAVE NË DIPLOMACINË PUBLIKE

ВАЖНОСТА НА ПРЕГОВОРИТЕ ВО ЈАВНАТА ДИПЛОМАТИЈА

THE IMPORTANT OF NEGOTIATIONS IN PUBLIC DIPLOMACY

Abstract

Diplomatic negotiation will remain a country's main instrument, both inside and outside international organizations, for representing its interests and dealing with the problems that it encounters. Diplomatic negotiation will become more important as globalization enhances interdependency and provokes regional and global conflicts. Interdependency is vital for negotiation. Without it, diplomatic negotiation processes could not function.

The paper highlights the types, sort, and forms of negotiations which the parties used during the negotiations, as well as the reasons for their use by the negotiating parties. Further, the reasons are emphasized that is factored that influence during the negotiation process and which determine the conversion of negotiations.

Keywords: negotiations, diplomacy, mediator, international organizations, conflict.

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1. Introduction

This paper deals with the issue of negotiations, including the time interval of their use, application, extension, and application in everyday life, including each segment in the social relations between the parties. The following is the reason, namely the purpose of the use of negotiations by the parties, the interest in their use, while the focus is on the study of negotiations with the international community in a scientific context within the framework of international law. Definitions were given by various authors on the meaning, definitions on negotiations, among other things, and the author's conclusion on the meaning of negotiations.

In addition, the role and importance of negotiations within diplomacy, that is their use of regional and interregional mechanisms as a peaceful tool in resolving conflicts and disputes, are discussed.

Then, their inclusion in the internal statutes of international organizations and their implementation with priority within their activities in the negotiation process was elaborated. The cooperation of international organizations, the first positive effects in resolving disputes and conflicts through negotiations, is briefly reflected.

Regarding to the importance of negotiations, we concluded about the importance of negotiations, the advantages of this process and in the end, what will be the result in case we do not negotiate.

The following is a brief description of the conflict, the era that described the Cold War, with the new dynamics and trend of the conflict after it, the damage caused and the use of negotiations as a necessity and urgent need in the negotiation process.

The paper highlights the types, sort, and forms of negotiations which the parties used during the negotiations, as well as the reasons for their use by the negotiating parties.

The meaning of negotiations is elaborated, as well as the process of conversion of negotiations during the negotiation process. Further, the author emphasizes the reasons, that is factored that influence during the negotiation process and which determine the conversion of negotiations.

2. Understanding negotiations

All human beings, without distinction, negotiate with each other, develop in the family, and expand into social, professional, business, political and international relations. We negotiate almost every day, they are a part of our life and our history, and they are in the human

nature of problem solving. In the time interval of the application, the negotiations are as old as the history of humanity itself, and by nature they are part of the human source, behavior and actions. In everyday life, these are forms of conversation, communication, and dialogue between two or more parties.

But the question arises as to what prompted the subjects to conduct the negotiations, what was the purpose: The answer is simple, stemming from the need to reduce and avoid tensions, contradictions, possible conflicts, and wars. The purpose of the negotiations clearly fits to reach agreement on a particular issue or problem. Unlike the interest in their application in everyday life, which is ancient, in the context of scientific studies, within the framework of international law, ie diplomacy, negotiations appeared three centuries ago. "From the early years of the eighteenth century until today, the study of negotiations has been an "emerging industry", both by scientists and scientists in various fields (Sherifi, Q, 2011, p.12)."

Numerous definitions of the meaning and definition of negotiations are given in public international law. According to the authors Schatzki M & Coffei R, M, negotiations are defined "as an exchange between people for the purpose of fulfilling their needs (Schatzki M & Coffey R, M, 2005, p.18)." In addition, negotiations are defined as "A process of exchange to resolve conflict and reach a mutually beneficial agreement (Gosselin, T, 2007, p.2)." Further, according to the authors (Carthy M, A & Hay,S, 2015, p.3) "The essence of negotiation is compromise, so before you begin any negotiation, you should ask yourself and any other people in your corner if you are all ready, willing, and able to compromise." Furthermore, according to the author Ikle, "negotiations are a process in which explicit proposals are submitted at first sight, to reach an agreement with the exchange or realization of common interests, where opposing interests are present. (Sherifi, Q, 2011, p.13.cited Iklé, F, Çh , p. 39)."

This implies that the parties have started negotiations with a clear and detailed position on a particular issue, leaving no room or doubt in their fair and clear claims. Obviously diametrically opposed to the claims and views, but to reach an agreement in the common interest.

Within the framework of international law, negotiations have entered the group of peace-diplomatic means for resolving conflicts and disputes. They take place by the will of the parties to resolve the dispute, to reach an agreement, without establishing dominance over each other,

without loss, but victory of both parties. Victory on both sides means that each party must offer something or give something to get something. Of course, the perception of the parties that something must be offered to reach an agreement can lead to questions and dilemmas in the negotiations, but avoiding this process is indisputably and undoubtedly harmful. Former US President John F. Kennedy elaborated on the issue of participation in negotiations in this way “Never negotiate without fear, but never be afraid to negotiate (Bashkurti, L. 2007).”

“So, negotiations are the art of solving problems and crises through bilateral or multilateral talks. (Bashkurti, L, 2007. p. 390).”

As such, negotiations prove to be a functional instrument and highly effective in diplomacy, which should be understood as a continuous movement and an unlimited process.

3. The importance of negotiations

In almost all disputes, problems between the parties, it is necessary to use negotiations and other diplomatic means to resolve them. In the absence of the use of these funds, the parties will naturally use other forms, including conflicts between them, but also the imposition of economic, political, and military sanctions. From the practice so far, the lack of use of diplomatic means has always proved the high cost of resolving them.

The world is a witness to what it experienced during the two world wars, but also during the Cold War, that is, the number of conflicts and damage to the economy, and above all of humanity in the absence of negotiations.

Due to their importance, negotiations as a diplomatic tool in resolving conflicts, disputes are provided by the statutes of many mechanisms, international organizations, and intergovernmental within their scope. As such, the negotiations are emphasized in the Charter of the United Nations (hereinafter: the UN), the Charter of the Organization of American States (hereinafter: OAS), the Charter of the Organization of the African Union (hereinafter: the OAU) etc. An example of the cause, in Chapter VI, Art. 33, priority is given to resolving disputes by diplomatic means, including negotiations. Inter alia, Art.43, Chapter VII and Art. 59, Chapter X, to implement any agreement between the parties, set a time limit, as well as the manner of their implementation in the relevant legislation by ratification of the agreement. Further, the

Security Council is authorized to present itself as a body of reconciliation to maintain peace and security. (**UN Charter**).

Negotiations, as a peaceful means, otherwise we can call them a "silent" form within the framework of diplomacy for resolving conflicts, mutual disputes, have been given space and priority according to the OAS Charter and the OAU Charter. Negotiation as a priority in the process, quiet manner, and peaceful procedures for resolving problems, as well as direct negotiations within the members of the Organization, are an opportunity available to all members in any conflicting circumstances that arise, or in any dispute born within the members. This is emphasized in the framework of the OAS Charter, Chapter V Silent dispute resolution, Art. 24, Art. 25, i.e., the OAU Charter, Art.III Neni 24.

Negotiations within the diplomatic means for resolving conflicts and disputes, the process of membership in the international mechanism, the simultaneous deviation from that mechanism, are envisaged, emphasized and put into function by other regional and intergovernmental organizations. The Organization for Security and Cooperation in Europe like (hereinafter:OSCE) NGO, is one of the largest inter-regional organizations, in terms of both membership and cross-continental alignment, also envisioned negotiations as a means within the diplomatic means for the peaceful settlement of conflicts.

In fact, in the 1999 Istanbul document, as part of the OSCE's adoption of the Charter on European Security, negotiations were among those means that would facilitate the peaceful resolution of the conflict (OSCE-Istanbul document, p.10). Also on The Treaty on European Union (TEU) within Art.50, a clause is included for the voluntary and unilateral withdrawal of a member State from the Europe Union. (hereinafter:EU).

It sets out the withdrawal procedure, according to which the Europe Union shall negotiate the withdrawal and conclude an agreement with the departing Member State (TEU). The EU was also one of the key actors in the liberalization of multilateral trade through negotiations with the United States in the framework of international trade (Jorgensen K, Erik, 2009, p.26). It has been proven that negotiations within diplomatic means for resolving conflicts, settlements, but also problems of various natures are without priority, have been placed in their statutes and have been put in the function of regional and inter-regional mechanisms. This testifies to the importance of negotiations in their use both in the internal domain of the Problem-Solving

Organization and outside it in any new circumstances that result in disagreement or conflict.

But in fact, what is the effect, namely the result of negotiations in resolving conflicts and disputes in the international community. The period after the Second World War shows a pronounced polarization in international relations, accompanied by high tensions between the two blocs, especially the North Atlantic Alliance and the Warsaw Pact, and indirect participation in many armed conflicts. Around the world, but also on the brink of direct conflict.

The first effect of the negotiations, which took place after the Second World War, belongs to the period of 1948 in resolving the Berlin crisis, and was carried out by the former UN Secretary General Lie. His approach, as behind the scenes sending letters to the United States, the Soviet Union, the United Kingdom and France, calling for ongoing negotiations, despite the United States not reacting, may have at least eased tensions. This form of communication may have been transferred in the later crisis between the United States and the Soviet Union and was probably consolidated in the practice of the general secretaries in the Cuban Missile Crisis. Former UN Secretary-General Lie wrote about his efforts “None of these efforts brought immediate results, but their effect was greatly to moderate the tension, reduce the danger of war, and gain time for other factors tending to a settlement to make themselves felt. (Ramcharan G, B. 2008, p.81).”

The end of the Cold War marks a new era of development in the international community, in a multidimensional sense. As a result, different peoples have increased their appetite for independence, weapons of mass destruction have spiraled out of control, the world has been engulfed in numerous interethnic and interstate conflicts, and terrorist attacks have made remarkable progress. Even though negotiations as a process were present during the Cold War, the way of resolving conflicts in most cases was realized by military victories on the ground, excluding negotiations as a priority in that regard. While the peculiarity of the period of the nineties and the time periods between 2000 and 2005 is in that “there were four times as many negotiated settlements as victories. (Srirami L, CH. 2008, p.8 cited to Human Security Centre, Human Security Brief 2006, p.19).”

In principle, negotiations provide faster solutions for the parties to the conflict, because they essentially avoid getting out of control of the process and avoid situations along the way. But practice shows that

the negotiation process in some cases leads to an extension of the time to achieve success, which means that investments are needed to reach an agreement to resolve the conflict.

Example of an example, within the Conference on Security and Co-operation in Europe (CSCE) In 1989, it began negotiations between NATO and the Warsaw Pact on arms control, namely the reduction of conventional forces in Europe. The original Treaty on Conventional Armed Forces in Europe (CFE) was negotiated and concluded during the last years of the Cold War and entered into force on 17 July 1992. "The Adapted Conventional Armed Forces in Europe Treaty is a post-Cold War adaptation of the Treaty on Conventional Armed Forces in Europe (CFE), signed on 19 November 1999 during the OSCE's 1999 Istanbul Summit. (Gheciu, A. 2008, p.218)."

The ten-year period of reaching the point goal of the parties towards the agreement is a proof of a long way and invest in this process, but despite that, the benefit is indisputable in every respect. Negotiations carried out in the last years of the Cold War, and then, in fact marked evident results, agreements, the cessation of long civil war thus avoiding the loss of life of millions of people.

In the Sudanese conflict, during a civil war that lasted nearly two decades, about two million people lost their lives and about four million people were displaced from their homes. "Following two years of intense negotiations, representatives of the Sudanese government and the rebel Sudan People's Liberation Movement (SPLM) signed a peace settlement on 9 January 2005 ending Africa's longest-running civil war. Encouraged by Kenyan mediators, the current US administration. (Mason, D & Meernik D. James. 2006, p.31)."

Important actions in the international community were followed by other actors in the framework of mutual cooperation, in the context of global security through the use of diplomatic means, that is, negotiations. "Progress reached at this Summit Meeting in the Georgian-Russian negotiations on the reduction of Russian military equipment in Georgia." (OSCE-Istanbul Document p.49). Further, a very important factor in the relations between the EU and the UN was the cooperation on the Iranian issue regarding the requirements of the latter in the search for nuclear weapons. The EU agreed on a single European approach to security, thus expressing the central role of the Security Council and the International Atomic Energy Agency, and its intention to persuade Iran to cooperate with ONEA (Erik K, J. 2009, p.46). Especially during the

Cold War, but also after it, despite the beginning and use of negotiations in many disputes and conflicts that tormented the world, we are witnessing great losses that have been caused. We have had “over 150 armed conflicts which claimed approximately 25 to 30 million lives. In this climate of East–West competition the mechanisms and strategies to manage and resolve conflicts relied on coercive political negotiations in the context of the prevailing superpower rivalry (Murithi, T. 2009, p.82). Then we will naturally ask ourselves why negotiations are important, but also necessary. When diplomatic means are silenced, other means will necessarily be applied, namely punishments of a political, economic, and military nature.

In essence, the importance of negotiations in resolving any dispute, conflict, with the premises of a permanent agreement in the future, is a saving of time, or again in time to avoid escalation of the situation. Saving on penalties of various forms resulting from the conflict, reducing costs and, above all, avoiding the loss of human lives (Bashkurti, L.2007, p.390). What if we do not negotiate, in fact what will be the next solution, the answer will be more than clear.

Lack of will to negotiate or no attempt to develop them, and ultimately the failure of negotiations, are the greatest evils that can happen in this process. Of course, negotiation isn't the only way to resolve conflict, but one of the most important.

4. Types of negotiations

Throughout their history, negotiations have been continuous. In our time, they have managed to outline their main types. Types of negotiations differ in the number of negotiating parties involved, to date four types of negotiations have been formed: bilateral negotiations, multilateral negotiations, mixed negotiations, and parallel negotiations.

4.1. Bilateral negotiations and multilateral negotiations

Almost every day, in everyday events that accompany the international community, the term "bilateral agreement" or "bilateral diplomacy" is emphasized, but what does the term bilateral means. The etymology leads us to the information that the term itself originated bilaterally from the Latin language, from the word *bis* which means two and the word “*latus*” meaning sides. So bilateral is an adjective used to denote that which is bilateral, reciprocal, or directed to opposite sides.

In diplomacy, bilateral negotiations date back to ancient times, namely from the beginning of the application of diplomacy. Bilateral negotiations usually take place when the parties know the problem, the parties could solve the problem, it is clear what they want to achieve negotiations and above all have the will to resolve disputes. By their nature, such negotiations are simpler and more manageable (Bashkurti, L. 2007, 392).

Multilateral negotiations emerge later than bilateral negotiations, as such, they play an increasingly important role in international relations. They not only determine the evolution of international law, but also have an impact on the development of the dialogue, as well as resolving open issues in the mutual interest.

Multilateral negotiations by the nature of development are much more complex, more complex to manage and reach agreement.

Involvement in the negotiations of many actors naturally determines the diversity of values, but also the interest that naturally arises from the difficulties in reaching consensus. Multilateral negotiations have usually dealt with issues considered to be of particular importance, in practice they have dominated in the past in terms of security, example causa European countries in the case of the Peace of Westphalia, in which case the ambassadors of the Great Powers took the oath of allegiance at Rathaussaal, than the Congress of Vienna and the League of Nations with an intercontinental reach.

Despite the complexity of multilateral negotiations, the practice proves that the general interest prevailed in frequent cases. An example of caucas, after several statements, conferences like the one from Dumbarton Oaks, the Conference of the Three Greats (Yalta Conference) was held during the Second World War, from June 25 to 26, the United Nations Conference was signed in San Francisco.

This conference marks one of the most important multilateral agreements in terms of maintaining peace and security and the largest agreement in terms of the number of signatories (Gruda, Z. 2003, p.322).

4.2. Mixed negotiations and parallel negotiations

The practice of negotiations has shown that negotiations can begin bilaterally or even multilaterally, but in the absence of the will to move things forward, they change the format in the process. The tense situation in bilateral negotiations, new incompetence, lack of trust and the will to move the negotiation process forward, determine the need to

involve other parties in the process and move to mixed negotiations in order to unblock the negotiation process.

But this process is vice-versa, it means that we have cases when the conversion of negotiations from multilateral to bilateral is done. This comes as a result of the contradictions, the numerous interests of the negotiating parties, as well as the negotiators themselves, thus making it impossible to reach an agreement. (Bashkurti, L.2007, p.394). Achieving this phase of the negotiation process calls into question the outcome of the process, which raises the need to simplify the negotiations, practically by converting the negotiation process between the two sides.

Parallel negotiations are being held on the same issue, namely the problem or the crisis, while on the other hand bilateral negotiations are already underway.

The reasons for this parallelism of multilateral negotiations by the actors, other mechanisms come as support for the same subject of negotiations, monitoring in the negotiation phase by the parties directly involved in the negotiations, enabling and exerting influence in decision-making (Bashkurti, L 2007, p.395).

Such a form of application of parallel negotiations was followed by the international community in the event of a conflict, a war between Kosovo and Serbia. Parallel negotiations were conducted by separate groups for Kosovo, called the Kosovo Contact Group, as well as the UN Security Council (Tahiri, E, 2001, pp.40&41).

5. The sorts of negotiations

In addition to the four types of historically formatted negotiations, several specific sorts of negotiations have been highlighted in the history of negotiations. So, we have formal state negotiations, private negotiations (in terms of private entities or in terms of personal negotiations), formal negotiations, informal negotiations, public negotiations, secret negotiations.

5.1 Formal state negotiations and private negotiations

Formal state negotiations are those conducted by the subjects of relations and international law or their representatives. Formal state negotiations can take place at different levels, from heads of state, heads of government, foreign ministers, ambassadors to technical experts from various state institutions (Gruda, Z, 2003, p.415). Given the fact

that the states were the first and only function in the report, namely in international negotiations, and this practice continues today, then they will continue to be the most important subjects of relations within the framework of international public law.

Private negotiations are those that are conducted between private entities, or even state negotiations, but initiated and conducted in a private manner. Such entities are persons who do not represent official policies and institutions, nor are they officially authorized or accredited by the state and its high authorities and legitimate representatives (Bashkurti, L. 2007, p.397). The reason for the involvement of private negotiators in the process lies in the inability to start negotiations directly by the conflicting conflicts, because of hostility and lack of mutual trust.

This form of reporting to bilateral negotiators is done when the parties are in a whirlwind from which they can never get out due to the consequences of the past and thinking about the current situation. Therefore, to escalate the situation, when the conditions for the start of bilateral negotiations mature, private negotiators move to the status of official state negotiators.

5.2 Formal negotiations and informal negotiations

Negotiation style can be formal or informal. The degree of formality will be determined by the nature of the negotiations. Formal negotiations are preceded by a known agenda, the exact time and place where they will take place and when they will end, all arranged according to internationally recognized procedures (Bashkurti, L. 2007, p.398). When it comes to formal negotiations, it means opening other issues that are discussed, it is not put on the agenda, and it is because the parties must strictly adhere to the rules and protocol procedures. "Formal negotiations can be open or closed, but they are always obligatory in order to have a certain relationship between the media and public information (Sherifi, Q, 2011, p.20)."

Although informal negotiations can take place in places far from the eye and attention of the public, taking advantage of every opportunity that arises. The purpose of this negotiating style is to prepare for formal negotiations. It is used in all kinds of events, dinners, walks, trips, etc. As such informal negotiations do not stop developing in principle - they exist in international relations.

5.3 Public and Secret negotiations

Negotiations are called public because of transparency, which means that they are open to public opinion and the media. As for the application form, they were born relatively late in the history of negotiations and occur because of the democratization of society, states, development, and modernization of international law.

The public negotiation process is characterized by transparency at all stages of development, based on the composition of the parties representing the negotiations, the time, date and place of the negotiations, the issues to be discussed and the process of progress in the negotiations. What is very important, the public is aware of the agreements reached. "Of course, public negotiations do not apply in all circumstances.

They are applied in cases when the place and role of public opinion do not endanger negotiations, but encourages and promotes them, or in cases when the sensitivity of public opinion and the media to negotiations is very high and as such cannot be neglected. (Bashkurti, L. 2007, p.401)."

Naturally, public diplomacy is accompanied by advantages and disadvantages. The priority is support, namely the legitimacy of the team negotiating by the people, who facilitates the process before any decision is made, considering compromise in some cases. At the same time, it is a relief for negotiators to walk with the will of public opinion. Public negotiations carry and derive with them a dose of risk, due to the possibility of opposition, but also the manipulation of public opinion about the progress, purpose of negotiations and external interference in the negotiation process. In certain cases, there were large protests due to dissatisfaction with the purpose or even the outcome of the negotiations. On "July 2005 G8 summit in Gleneagles, Scotland – ostensibly dedicated to reducing the loan debts of African countries and to addressing the problem of global warming – drew an estimated 250,000 protestors from around the globe. The protestors ultimately were disappointed with the results of the summit. (Ojeili, Ch & Hayden A, P. 2006, p.101)." Another shortcoming of public negotiations stems from the danger of mixing different media, analysts, commentators in the details of the negotiations, which calls into question the negotiation process in general.

The application of secret negotiations does not belong to modern times, in fact, they date back to the beginning of the application of diplomacy in the international community. By "secret", we are referring to an absence of public awareness of the existence of the talks (IFIT :

2019, p.1).The reasons for their application were different, which informed people about the issue to be negotiated, their development through the phases, as well as their final result. The development of this type of negotiations could have happened because of many factors, especially it was characterized by internal social regulation that is state regulation. Politics ranged from elected elite monarchists, courtiers, and aristocrats to the conclusion of agreements and their implementation. Everything was confidential, behind closed doors, and the people, or nations, learned the truth only when they were attacked by the implementation of the agreement. “Unlike secret negotiations from the past and totalitarian regimes, secret negotiations in modern times and in democratic environments cannot remain closed forever. (Bashkurti, L. 2007, p.403).”

Today, there is no possibility for negotiations that go through three phases, beginning, development and end, to be crowned by the public, in the interest of those who lead and to the detriment of people, because in special phases secret negotiations will be made public.

6. The forms of negotiations

During birth and development, negotiations took a clear and well-defined direction, that is, they were shaped in terms of organization. In this context, we distinguish them in several forms, such as: direct negotiations, negotiations with intermediaries and negotiations with the shuttle

6.1 Direct Negotiations

The process of direct negotiations is characterized by some specifics in relation to other forms of negotiations. The parties were accompanied in advance by a report on mutual trust, negotiating culture, full will of the parties for political negotiations, compromise, and agreement and at the same time the obligation to strictly implement the agreement. This form of negotiation takes place without the presence of a third party, as well as the role and mediation of any other party. The peculiarity of this form of negotiation is a high degree of maturity, followed by a high degree of civilization, which naturally derives this situation from high economic development and high cultural level (Bashkurti, L. 2007, p.405).

6.2 Negotiations with a Mediator

Negotiations with mediators convey another characteristic, because there is a third party in direct talks between the parties. This comes because of contradictions between the negotiating parties, lack of trust, etc.

The role of the mediator in this process is to facilitate negotiations between the parties to the conflict, through advice, suggestions, monitoring the requests of one party and vice versa, and intervening to approximate the positions of the parties (Gruda, Z. 2003, p.418).

As a third party, the mediator is sought by the interested parties, i.e., he is involved in the understanding of the parties, with the competence to act within what he is called to do. His approach is and should be neutral on the issue to be negotiated by the parties.

6.3 Shuttle Negotiations

Shuttle-type negotiations belong to a not-so-early era, namely, the emergence during the Cold War. This form of application of negotiations is expressed because of extreme polarization in international relations, and thus the creation of high tensions during this period. This resulted in the creation of a climate that did not offer minimum conditions for direct negotiations, on the contrary, not that there were no results of the negotiations, but in certain cases they were completely counterproductive. Basically, this form of negotiation is accomplished through a mediator, which means “done using a third party, a special envoy, to receive and disseminate information from one negotiating party to another (Bashkurti, L. 2007,408).” This form of negotiation was first applied in the 1970s by the former US Secretary of State. Henry Kissinger flew to the Middle East for months to establish peace during the Arab Israeli war.

From all this we have emphasized in connection with the negotiations, we conclude that the types, sorts, and forms of negotiations are not static during their implementation by the parties. Negotiations are a process that differs from the first phase and that their variability during development is influenced by many factors. Skills of the negotiating parties, time factor, current circumstances, new situations that arise, different values, attitudes, and interests of the parties during the negotiations, the influence of opinions, media, etc which determine the process.

Considering all these factors, as a process through which negotiations go, it is possible to roughly predict their beginning, including the purpose of their maintenance, while the end and the result are not known.

Conclusions

Negotiations are an inseparable part of use in everyday life, they are forms of conversation, communication, dialogue and voluntary two or more. The purpose of the negotiations is clear, the need to reduce tensions, avoid conflicts and achieve problems or resolve conflicts. As for the time of use, they date very early, while in the context of scientific studies, in the function of international public law, some three centuries ago.

In essence, we describe negotiations as a process in which the parties enter because of a dispute, attitudes, and diametrically opposed demands on a particular issue.

The essence of negotiations is reaching an agreement, which is described without the dominance of either party during the negotiation process, without the loss or victory of both parties. Avoiding this process is indisputable and harmful, so negotiations are the art of solving problems and crises, they have proven to be an instrument in function and high efficiency in diplomacy, which should be understood as a continuous movement and unlimited process.

The lack of negotiations in solving the problem imposes the putting into operation of the means of sanctions, economic, political, military, and as a result always at the high cost of their solution. Due to their importance, negotiations as a diplomatic tool in resolving conflicts and disputes are provided for in the statutes of many mechanisms, international and intergovernmental organizations within their scope.

The first positive effect on the negotiations of international organizations belongs to the UN in the possible conflict between East and West in 1948 is resolving the Berlin crisis.

The end of the Cold War marks a new era of events in the international community, the world has been gripped by numerous interethnic and interstate conflicts. Even though negotiations as a process were present even during the Cold War, the peculiarity of the 1990s and the period between 2000 and 2005 is there were four times as many negotiated settlements as victories.

Practice shows that the negotiation process in some cases leads to a time delay in achieving success, for example the twenty-year conflict in Sudan, it took two years of intensive negotiations to achieve peace, also the achievement of the so-called arms reduction pact, it took ten years for approval, in fact the pact was signed during the OSCE's 1999 Istanbul Summit.

As a result of cooperation and negotiations between international organizations, several other agreements have been reached, for example case, progress made during the Georgian-Russian summit talks on reducing Russian military equipment in Georgia, the UN-EU agreement on Iran's nuclear program, etc.

The lack of negotiations testified to the great losses caused in the past, and of course we conclude that negotiations are important, necessary, save time, avoid escalation of the situation, save from penalties, reduce costs and more, and avoid loss of human life. The failure of negotiations, or even the failure to try to carry them out, is the greatest evil that can happen to the process. Of course, negotiations are not the only way to resolve the conflict, but one of the most important.

In practice, we have several types, sorts, and forms of negotiations. Negotiations during the development between the parties were present, so today we have four types: bilateral negotiations, multilateral negotiations, mixed negotiations, and parallel negotiations. In addition to four types of negotiations, the history of negotiations includes some special sorts of negotiations, such as: formal state negotiations, private negotiations (in terms of private entities or in terms of personal negotiations), formal negotiations, informal negotiations, public negotiations, secret negotiations.

From the moment of birth and the process of development, the negotiations have taken a clear and well-defined direction, that is, they have been shaped in terms of organization. In the context of the organization, we distinguish them in several forms, such as: Direct negotiations, negotiations with intermediaries and shuttle negotiations. Negotiations are a process that differs from the first phase, and that their variability during development is influenced by many factors. Skills of the negotiating parties, time factor, current circumstances or new situations that arise, different values, attitudes, and interests of the parties during the negotiations, the influence of opinions, media, etc.

So, considering all these factors, as a process through which negotiations go, one can roughly predict their beginning, including the purpose of their maintenance, until the end and result are unknown.

Reviewers:

Prof dr. Nano Ruzhin
Prof dr. Afrim Osmani

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