

RESEARCH ARTICLE:

The influence of culture in the process of negotiation and mediation

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ABSTRACT

The article currently aims to identify how a process of negotiation or mediation may be influenced by the cultural context in which they are made.

For this, the article starts from the identification of a set of definitions attributed to the concept of culture, which is then analyzed in terms of the communication process.

Cultural factors have an important impact on the process of the negotiation and mediation, most often being decisive in the success of these processes.

As negotiator or mediator knows better cultural context of the parties, he can adapt even easier, finding solutions that can be widely accepted and contribute to maintaining long-term relationships between the parties, and not just for reaching agreement in that particular situation.

KEYWORDS: *negotiation, mediation, intercultural communication.*

1. Introduction

Jeswald W. Salacusa considers culture as a sum of: behaviours, norms and values.

Behaviour, words and actions, represent the first thing that is seen when a negotiation is initiated, during a mediation process or separated from the mediation.

The second element is constituted by the attitude of the other party in relation to some more specific events - for example, the fact of being punctual to a meeting. Attitude begins to be evident after prolonged negotiations. The next element is represented by the rules adopted in specific situations. At this point, one of the party would realize that the strict punctuality of the other person would not actually derive from his culture.

Another essential element consists in values and norms. One of the main characteristics of the values is the individual faith/belief or collective faith/belief that certain behaviour is preferable to another. How to carry out meetings or election of representatives is normally based on the values of the people involved. Differences in values are normally difficult to detect and understand because they begin to be evaluated after signing the contract and when we begin working together. Problems resulting from this aspect are usually the most severe and often lead to agreement dissolution.

Oxford Dictionary defines culture as being:

1. The ideas, customs, and social behaviour of a particular people or society;
2. The attitudes and behaviour characteristic of a particular social group.

The Center for Advance Research on Language Acquisition, from University of Minnesota goes a step further, defining culture as shared patterns of behaviours and interactions, cognitive constructs and understanding that are learned by socialization. Thus, it can be seen as the

growth of a group identity fostered by social patterns unique to the group.

“Most social scientists today view culture as consisting primarily of the symbolic, ideational, and intangible aspects of human societies. The essence of a culture is not its artefacts, tools, or other tangible cultural elements but how the members of the group interpret, use, and perceive them. It is the values, symbols, interpretations, and perspectives that distinguish one people from another in modernized societies; it is not material objects and other tangible aspects of human societies. People within a culture usually interpret the meaning of symbols, artifacts, and behaviours in the same or in similar ways” (Banks & McGee, 1989).

“Culture is the shared knowledge and schemes created by a set of people for perceiving, interpreting, expressing, and responding to the social realities around them” (Lederach, 1995).

Faure and Rubin (1993) understand culture as “a complex of shared and permanent meanings, values and beliefs that characterize national groups or ethnic groups, which guide their behaviour”.

However, a good knowledge of the cultural space of the other party may help to avoid conflicts and lead to the success of negotiations.

2. Culture and communication

As mentioned Nobleza Asunción-Lande (1998), Professor of Communication at the University of Kansas, language and culture are embedded each other. On the one hand, language is conceived as a part of society and on the other hand, cultural background is the one that modelate practices and methods of communication. In almost all human behaviour it can be appreciated an expressive dimension and an communicative dimension. Meanings and cultural values are found in the behaviour and activities of daily life.

Anthropological studies such as those of Lévi-Strauss (1995) tries to prove that all cultures share certain common features that are called "universal". These include symbolic systems (language and non-verbal codes) systems of relationships (family and representation) and systems of beliefs and values. They also explained that the manifestations of these common features may be unique to a culture. Every culture has its own language and non-verbal codes reflecting its unique features of that culture. These various manifestations of cultural traits are not detected until a member of another culture does not come into contact with them.

Nobleza Asunción -Lande (1998) defines culture as a system of shared symbols, created by a group of people, in order to enable them to handle their space physically, psychologically and socially.

Miquel Rodrigo Alsina (2000), professor at the Department of Communication Theories from Pompeu Fabra University in Barcelona, indicates also that people internalize certain ways of thinking, feeling and behaving. At the same time, this person will be a constituent part of that culture and help in the transmission, preservation and transformation. In addition, we should consider the dynamic nature of culture and its changes as a result of communicative interaction that occurs within any community.

Therefore, we may say that this culture exists and will continue to exist due to the community and exactly through this interaction between people the culture is manifested preferentially. It should also be pointed out that human beings share a linguistic community, with a characteristic cultural background where they acquire some communication skills. The use of symbols, selecting themes and communication channels of a person can be affected by subjective culture. Also, interpretation is fundamental to the communication process because the form

in which it will interpret a message varies by culture and individual experience of the person and depending on the context and the situation in which communication occurs (Alsina, 2000).

3. Intercultural communication and negotiation

Asuncion-Lande (1988) defines "intercultural communication as being the symbolic interaction process which includes individuals and groups who have recognized cultural differences in perceptions and attitudes so that those changes will have a significant influence as the result of the meeting". Participants in an intercultural encounter interact relying on their own cultural assumptions that act as screens and perception of the messages that they send.

The success or failure will depend on the interaction of familiarizing participants with the interlocutor history, perceptions of differences that separate them and reciprocity of the goal. As our societies are becoming increasingly complex, a certain adaptability of interpretation is increasingly required (Asuncion-Lande, 1988).

Rodrigo Alsina (2000) notes that for an effective intercultural communication we need a new communication competence, and some knowledge of other cultures. The interpersonal communication is not just verbal communication. Often our communications are full of values that pass without being aware of it.

Although in the recent years the interest in intercultural communication has grown, this is not a new subject. Exchanges between different cultures were made with centuries before. However, the beginnings were more limited, affecting fewer people and were less complex. In addition, the flow of messages was usually unidirectional, for example, from the top to the bottom or from the strong to the weak. Currently, the nature of cultural meetings

has changed a lot. Increase in multiethnic coexistence in towns, international business projects, tourism or media influence, these are some of the factors that have created a strong interest in this area. Currently, governments and private or semi-private organizations are beginning to recognize the need to include intercultural qualification in their training programs for their staff management and in response to this need, various organizations have been established that provide training programs, workshops and seminars about interculturalism (Alsina, 2000).

In a market economy, or mixed economy, almost everything is negotiable. In fact, all of us are dealing with issues that involve negotiations, and fewer of us are satisfied with their results, however. Successful completion of a business, coordinating a group - larger or less large - depend on the knowledge and especially on the respect of rules, included in the value system of the organization, but also of society, communities or nations (Nita, 2003).

Negotiations are urged to respond to complex problems stemming from the objective need to continue the development of human relations, in particular, the economic ones. They serve a large extent, efforts to diversify the directions and business, serving to give solutions to complex issues that they involve. Negotiation should be regarded as an effective means of communication, having the advantage of achieving, in a short time, the intended effect and results that depend on the negotiating partners (Nita, 2003).

No one can be immune to the cultural impact and if this is not managed effectively, negotiations may fail. Therefore, it is necessary to understand the impact that cultural differences and national characteristics may have during a process or an international negotiation. It is essential that these differences be taken into account when a negotiation is done by

foreigners, to overcome the obstacles that may arise.

International negotiations, as any activity that occur in human beings and society, is related in one way or another to the cultural component. Due to their human condition, necessarily, the negotiators introduced in all their interaction the particularities, including culture ambiguity and complexity. Mainly due to the unclear concept and various approaches in terms of which was treated the term "culture", some authors attaches relatively little relevance as a factor that could influence international negotiation games. Although he do not completely eliminate the impact, Zartman (1982) states that it is possible that the impact of cultural factors to be neutralized by other specific circumstances of logic negotiation. However, other researchers, as Faure (1993), Rubin (1993) and Huntington (1996) with different analytical perspectives, they noted the importance of culture as a proven force in international politics, including reasonably, international negotiations.

4.The effects of culture on negotiation and mediation processes

Although in his analysis, Faure (1993) refers specifically to the negotiation process, the key elements listed below may apply to the mediation process also.

Culture distinctive effects can be linked to key elements of a negotiation / mediation: the parties involved, the structure of the negotiation / mediation, principles related to the process of negotiation and mediation, strategies and techniques of negotiation / mediation process itself and results - reaching agreement with maintaining long-term relationships where possible.

The parties involved, depending on the level at which the negotiation or mediation take place, may be individuals, groups, organizations or nations. These parts are different in terms of power and authority,

personality and their position. They may belong to different cultures, which - as we discussed earlier - could affect their particular understanding of the situation. They may have personal goals that do not necessarily coincide with those of the people they represent. Ethics is also included to the negotiating table and the line between what you should not do or tolerate varies from one culture to another.

Christophe Dupont (1996) states that there are five basic elements that define the negotiation process, namely:

- The object of negotiation - depends on the area where there is negotiation, being more or less complex or measurable degree of subjectivity and negotiator. Establishing clear objective negotiation is a crucial step to start the negotiation process.

- The negotiation context - a global one (political, economic, social, cultural, etc.) And one particular with many variables. "Antecedents" context, which can be positive or negative influence on the whole conduct of negotiation and relationship between the parties.

- The stake - fundamental element of negotiation, comprise interests, needs, concerns or risks perceived by the negotiators. These elements depend on the circumstances of negotiation and negotiator position is determined by subjective factors, and specific negotiation state of interdependence.

- The ratio of forces between negotiators - the resources and strengths that each party can put it on the advantage or disadvantage in relation to each other, creating state of balance or imbalance in the relationship between negotiating partners.

- Relational dynamics - the size of the communication process, which installs and develops between negotiators, the result of behavioural confrontations between them. It is considered a very important element, it

largely depends on the outcome of negotiations.

Negotiating style is influenced by cultural factors, such Bill Scott (1981) presents the features of the main styles of negotiation in his "Art of negotiations" book. It addresses the particularities of American style, considering it the most influential in the world. Russian style is characterized as firm but it lacks in transparency. Russian negotiators are making very few concessions, they are inflexible and negotiate hard. Chinese style is characterized by the use of experts agree on general principles, the concessions are made only at the end of the negotiation. The Islamic negotiators are not inclined to compromise, using exaggeration, delays, and interruptions to achieve its purpose. Although English style is characterized by flexibility, their style is considered inferior comparing to the American style. German negotiators are characterized by being inflexible and reluctant to make concessions, while the French negotiators are firm, and their negotiations are long-term target as they want to preserve relations (Nita, 2003).

Mediation is considered an "extension of the negotiations, where the parties choose to seek help from a third party not directly involved in the conflict in order to resolve disagreements without invoking the courts" (Bercovitch, Jackson, 2001), a bargain at which is assisting a third party called mediator.

Mediation is guided by the principles underlying this institution, each mediation principles contributing intrinsic to the value and proper functioning of mediation and to confidence-building between parties and at the general public implicitly grants these ways give to managing conflict.

The principles underlying mediation have legal support throughout the implementation process and results.

This neutral third person, the mediator, participates collaboratively with

stakeholders in conflict analysis and in finding ways to resolve disagreements. The mediator is neither judge nor negotiator, but a creative analyzer of the situation. He directs the whole process, but the parties are the main actors who can choose how they manage differences and seek the best ways of collaboration.

Once it was decided to seek the intervention of a mediator, the parties will interest what is this process involving, and mediator which must be familiar with specific strategies and tactics, using his skills will be able to mediate discussion highlights and deadlock.

All conflicts, at first glance seem unsolvable but it all depends on harnessing those key moments of mediation. Mediation is an art, that not everyone can own and those who succeed have something that sets them apart from others: the vocation.

5. Conclusions

The concept of culture and its effects can help build tools that can provide a means for better control of the process of negotiation and mediation and, consequently, of its results.

Assembly of values, norms, attitudes and behaviors specific to a culture, can be a real barrier to communication. We can not communicate effectively with people from another culture if we do not know even the basics of defining culture with which we interact.

We live in the XXI century, and the world is still a scene of conflict. People consider that the best way to solve problems is to impose its own solution but it does not mean that the their imposing will be accepted by the other parties.

Negotiation as a means of resolving conflict is the critical situation in which two or more interdependent parties recognize differences in their interests and try to reach an agreement through communication. Each parties have their own resources, but in order to fulfill a certain need, they and are willing to pool these resources or to make various concessions.

The success of the mediation process is due to principles that define it. These principles have been established both by the Code of Professional Ethics, and Law 192/2006, subsequently modified and the new law: Law 192/2006 on mediation and the mediator profession (Law 115/2012).

REFERENCES

1. Alsina, M. G. 2000. *La comunicación intercultural*. Available at: http://www.portalcomunicacion.com/uploads/pdf/1_esp.pdf.
2. Asunción-Lande, N. C. 1993. *Comunicación Intercultural* Available at: <http://www.lie.upn.mx/docs/Diplomados/LineaInter/Bloque3/Politic/Lec3.pdf>
3. Banks, J. A., McGee, C. A. (eds.). 1989. *Multicultural education*, Needham Heights, MA, US: Allyn and Bacon.
4. Beltramino, J. C. (Coordinador). 1997. *Jornadas sobre requerimientos y tendencias actuales de la Negociación Internacional*, Buenos Aires: Argentina: Consejo Argentino para las Relaciones Internacionales.
5. Bercovitch, J. & Jackson, R. 2001. *Negotiation or Mediation?: An Exploration of Factors Affecting the Choice of Conflict Management in International Conflict*. Available at: <http://www.cadair.aber.ac.uk/.../Negotiation%20or%20Mediation,%20Jackson.pdf>
6. Dupont, C. 1996. *A model of the negotiation process with different strategies. International Business Negotiations*, Pergamon/Elsevier Science
7. Faure, G. O., Rubin, J. (eds.) 1993. *Culture and Negotiation*, Newbury Park, Ca.: Sage Publications.
8. Lévi-Strauss, C. 1995. *Antropología estructural*. Barcelona: Paidós Pub. Available at: www.iade.org.ar/modules/descargas/visit.php?cid=7&lid=158
9. Nita, A. M. 2003. *Tehnici de negociere*, Bucharest, Romania: Ed. SNSPA-FCRP, București.
10. Salacuse, J. *Teaching International Business Negotiation: Reflections on Three Decades of Experience*, in *International Negotiation*, no. 15, 2010. Available at: <http://fletcher.tufts.edu/~media/Fletcher/News%20and%20Media/2010/Feb/Op-Ed/Salacuse%2002%2010.pdf>
<http://www.oxforddictionaries.com/definition/english/culture>
11. Scott, B. 1981. *The skills of negotiating*, Aldershot, UK: Gower Publishing Limited.
12. Zartman, I. W. 1982. *The practical negotiator*, New Haven CT, US: Yale University Press.
13. Zimmermann, K. A. 2015. *What is Culture? Definition of Culture*. Available at: <http://www.livescience.com/21478-what-is-culture-definition-of-culture.html>
14. Law. No. 192/2006 on mediation and the organization of mediator profession, Published in the Official Journal of Romanian no. 441, 22 May 2006.

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