Developing Countries and the Trade Negotiation Process

Introduction

John S. Odell

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Comments and suggestions are most welcome. Email: odell@usc.edu

Global economic governance depends on frequent negotiations among national governments and nonstate players. These negotiations determine how financial crises, environmental stresses, and trade conflicts are managed and who receives the gains and bears the costs, with powerful consequences for local communities around the world. Yet social science still does not understand the process of negotiation, as distinct from the issues on the table, well enough. In particular, negotiation scholarship has under-represented the experience and needs of developing countries.

These countries have become far more active in multilateral and bilateral trade negotiations in recent years, yet negotiation scholarship has not kept up. What happens inside these negotiations between delegations and what difference does it make? What determines the outcomes? Do strategies of developing country negotiators make any difference, considering the power disparities they face? Is it possible to generalize about this complex international process?

At one level these are social-scientific questions, analogous to other questions about the behavior of markets and politics that social scientists attempt to answer. At another level, the answers could have practical significance as well. We often read about a shortage of communication between practitioners of international relations and academics, at least political scientists. Our group of political scientists wishes humbly to take up that challenge. It is widely agreed that many, especially in least developed countries, still need substantial improvements in their negotiation capacity, presumably including the capacity to understand how the process works. One of our goals is to add to the body of empirically grounded scholarship on the economic negotiation process that is available to support the world of practice. Thus this book is written for interested readers in both worlds.

Its unifying theme is that the content of developing countries' international trade agreements varies with the process of negotiation that produces them. This chapter summarizes how we develop this theme. By *the international negotiation process* we mean a sequence of actions in which two or more governments address demands and proposals to each other for the ostensible purpose of reaching an agreement and changing the behavior of at least one party.[1] The central feature is the behavior of official negotiators and mediators. But trade negotiations may also involve more than government officials; they also interact with markets, constituents, and sometimes international officials, mediators and nonstate actors.

The negotiation process intervenes between other causal conditions and the outcomes. Those other conditions that are largely or partly exogenous to the process--such as technological change, market trends, power structures, international rules, and

[1] The terms "negotiation" and "bargaining" are used interchangeably here. This process is more general than trade; it also observed when governments bargain over military-security matters, human rights issues, financial flows, and environmental problems. Some generalizations that apply to trade negotiations in particular are almost certainly valid more generally as well.

domestic institutions--are also important for outcomes. But our premise is that such conditions in the negotiators' environment do not pre-determine any official outcome completely. They leave significant space in which choices by delegations, including those from developing countries, tip their collective outcomes toward impasse or agreement and shape the distribution of costs and benefits. We attempt to offer something distinctive by exploring this space, by zeroing in on what negotiators and consensus builders do and could do, rather than abstracting from their choices and behavior as much political economy research has done.

We analyze two types of trade negotiation here. In complex episodes like the Uruguay round and the Doha round, dozens of governments seek to reach multilateral agreements to regulate market access and write rules for the world trading system. In the second type, two or a few governments attempt to negotiate settlements to disputes taking place in the shadow of these rules. When WTO members file legal complaints attempting to achieve fuller compliance, they often engage in settlement negotiations with the defending states simultaneously. In fact most disputes brought legally under the GATT and WTO have been settled by negotiation before the adjudication process has run its full course.[2]

This chapter sets the scene by highlighting major changes in the participation of developing countries in trade negotiations in the recent years and briefly noting what has already been published about them. Next the chapter introduces key analytical terms that appear throughout and help integrate the papers. Finally, our specific contributions are summarized.

I. Participation Explodes, Negotiation Scholarship Lags

After 1990 developing country participation in dispute settlement talks increased, and their participation in multilateral trade negotiations exploded. During and after the Uruguay round (1986-1994) more developing countries shifted their policies toward reliance on international markets for development. After establishment of the World Trade Organization, more countries established or reinforced their missions in Geneva. Most notably in 1999, during preparations for the WTO's Seattle ministerial conference, developing countries voiced their concerns and injected dozens of formal proposals into the negotiation process. This participation explosion drew in many smaller trading countries that had been largely passive or not signatories at all prior to 1994. Many increased their investment in training their officials for international commercial negotiations, with the help of UNCTAD, the WTO and regional organizations. Many formed or joined bargaining coalitions to defend common negotiating positions through direct coordination. Almost every member state sent its minister to Seattle and again to Doha in 2001 and Cancún in 2003. These events and developing countries' role in them became front-page news worldwide.

[2] Busch and Reinhardt 2003.

Newer organizations are now part of the negotiator's context as well. The South Centre and AITIC are intergovernmental organizations created to support developing countries in trade negotiations. Non-governmental organizations have become quite active not only in public protests but also behind the scenes in some cases, supplying applied analysis and proposals to developing country delegations. One of our chapters documents such a case.

Meanwhile, developing countries were targeted as defendants in far more legal disputes under the WTO than under the GATT. From 1995 through 2000, they were defendants in 81 cases--amounting to 37 percent of all disputes--which was dramatically higher than the 8 percent of disputes that had targeted developing countries during the GATT period. Each of these cases, in addition to the others in which a developing country initiated a complaint (64 cases during 1995-2000),[3] created an occasion for a possible settlement negotiation.

Simultaneously developing country governments were also busy negotiating over trade inside their regions. The Association of Southeast Asian States (ASEAN) and the South American countries of the Mercado Común del Sur (MERCOSUR) launched free trade areas in the early 1990s. The Andean Pact and the Central American Common Market were reactivated during that time. The Caribbean Community and Common Market (CARICOM) has existed since 1973. Western hemisphere states began to negotiate a Free Trade Area of the Americas in 1994. In 1997 the South Asian Association for Regional Cooperation agreed to make itself into a free trade area. The African, Caribbean, and Pacific Countries engaged in continuing talks with the European Union. African states have negotiated a variety of sub-regional and region-wide trade and monetary pacts since the 1960s. They launched the continent-wide African Economic Community in 1991 and the African Union in 2002.[4]

Negotiation scholarship, however, has not kept up with this participation explosion. Reasons are not difficult to find--for the relative shortage of empirically grounded analyses of the process itself, even studies of richer countries' experience. Insiders seldom have the inclination, liberty, and time to publish what they have learned about negotiation strategy and tactics, especially not in societies where such talents are extremely scarce and needed for other purposes. Outsiders find it virtually impossible to observe intergovernmental negotiations directly, and alternative methods must be devised. The best methods for indirectly discovering what occurs—reading archives and interviewing participants scattered over several continents—involve costs high enough to deter many scholars. Others shy away from empirical study of this process because they prefer to limit themselves to claims that can be supported with quantitative data, and no such data exist on negotiating strategies and other process elements.

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[3] Busch and Reinhardt 2002.
[4] World Bank 2001. The present project does not attempt to cover regional negotiations.

Thus a reader searching the library for descriptions and analyses of how developing country delegations operate in trade negotiations and with what results, finds nuggets of knowledge embedded in publications focused on other primary subjects, as well as some empirical studies dedicated to these questions. But the most direct studies tend to work in different conceptual frameworks and thus are not integrated or cumulative, and in any case they simply leave huge gaps. One finds little description of the strategies negotiators use or explanation of why strategies vary as they do. Little effort has been made to identify the tactics and conditions most favorable and unfavorable for achieving gains with each type of strategy. One finds little evidence about how properties of international institutions affect negotiator beliefs, strategy, and response, or about how coalitions are formed, conditions under which they hold together or splinter, and what difference they make.

We do build on a base of previous empirical and theoretical knowledge and this section will describe a sampling from that base.[5] Histories and memoirs of GATT rounds sometimes touch on roles played by developing parties, though they are not meant to make sustained attempts to answer our analytical questions.[6] A few studies describe and analyze particular developing country trade negotiations from earlier years--for example when newly independent African states first bargained with the European Community,[7] textile exporters faced demands for restrictions in the 1960s and 1970s,[8] Latin American governments and South Korea faced the United States during that period,[9] and developing countries as a bloc campaigned in the United Nations for a new international economic order.[10] During the Uruguay round as some poorer countries developed and as their governments shifted policies and became more active in Geneva, a few works concentrating on their bargaining options and experience began to be published.[11]

Excellent statistical studies of GATT and WTO dispute settlement have illuminated which countries have filed the most complaints, which have gained the greatest policy change at which stages of the proceedings, and reasons for the observed differences.[12] These studies, however, are by nature limited to information that is publicly available for hundreds of cases, and thus are prevented from analyzing what happens between the parties inside any settlement negotiation. Few empirical studies describe how dispute negotiators behave and explain how their process may affect the outcome.

[5] Subsequent chapters cite additional previous studies not mentioned here.

[6] Preeg 1970; Evans 1971; Winham 1986; Oxley 1990; Hampson and Hart 1994; Paemen and Bensch 1995; Croome 1999

[7] Zartman 1971

[8] Destler, Fukui, and Sato 1979, Aggarwal 1981

[9] Odell 1980, Yoffie 1983, Odell 1985, Bayard and Elliott 1994

[10] Rothstein 1979; Zartman 1987. Also see Hoda 1987.

[11] E.g., Hamilton and Whalley 1989; Nau 1989; Whalley 1989; Winham 1989; Tussie and Glover 1993; Arriola 1994; Shukla 1994; Stephenson 1994; Raffaelli and Jenkins 1996; Winham 1998. Higgott and Cooper 1990 first described and analyzed the Cairns group. Additional studies are cited in later chapters.

[12] Hudec 1993; Busch and Reinhardt 2002; Busch and Reinhardt 2003.

Political scientists shed light on why international organizations are formed, why their structures vary, and on background conditions that are associated with variations in compliance with their rules,[13] but often without much evidence on the back-and-forth between delegations. Many economists and legal scholars analyze the issues under negotiation. The latter research documents trends in goods and services markets and policies and the content of the international rules, and forecasts likely economic effects of proposals. Yet few of these works are designed to analyze evidence about the process of interstate negotiation that will determine whether these proposals are adopted.

This book springs from and contributes to a scholarly tradition that has come to be called negotiation analysis. Schelling 1960, Walton and McKersie 1965, Raiffa 1982, and Zartman and Berman 1982 offer pioneering formulations of this mostly verbal, rather than mathematical, tradition.[14] These ideas are developed further by Lax and Sebenius 1986 and Kremenyuk 1991 in general, and Odell 2000, Hoekman and Kostecki 2001, and others regarding international economic negotiations. Developing countries' trade negotiations undoubtedly differ from other types of negotiations, but exactly how they differ, and the extent to which general principles apply in this domain, are matters for investigation.

One nearly universal idea, in common sense as well as political science, is that power differences will determine international bargaining outcomes. WTO member states are extremely unequal when it comes to international power for trade negotiations, ranging from the two trading giants--the European Union and the United States—to tiny poor countries that lack even fundamental political and institutional stability at home. At first glance it may seem, in fact, that the weak will gain little or nothing and only suffer losses at the hand of the strong when their objectives are in conflict. At least it might be expected that the payoff distribution will not be equal or fair as seen by the weak.

A small stream of research has nonetheless documented examples of earlier international negotiations in which weaker states gained something from the strong, or where outcomes varied for reasons other than the objective power structure. Zartman 1971 finds that when the EEC was willing to negotiate with African states in a positive-sum spirit, the latter reaped some gains. Zartman catalogues typical tactics used by both

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[13] See Milner 1992, Hasenclever, Mayer, and Rittberger 1996, Martin and Simmons 1998, Simmons 1998, Koremenos, Lipson, and Snidal 2001.

[14] After Howard Raiffa, one of game theory's founders, had a chance to participate personally in international negotiations, he says he "never really used the techniques of game theory—concepts and ideas, yes, but techniques, no." "The qualitative framework of thought was repeatedly helpful—not its detailed, esoteric quantitative aspects." He was "constantly impressed with the limitations of iterative, back-and-forth, game like thinking" in dealing with actual negotiators. Those people "certainly weren't satisfying the prescriptive ideals of 'rational economic man'" (1982, 3-4). He titled his new book *The Art and Science of Negotiation*. The sequel twenty years later was *Negotiation Analysis* (2002).

sides in this process.[15] Keohane 1971 notes that small allies of the United States like Taiwan and Israel achieved "big influence" under certain conditions, partly by developing close ties with certain US government agencies and organized private groups. Odell 1980 examines 25 industrial trade disputes between the United States and Latin American countries during the 1970s, and Odell 1985 investigates 13 trade disputes between South Korea and the US. Despite the fairly constant power disparity, the outcomes vary due partly to differences in the negotiation process. Generally, though, each of the academic studies in this stream on "the power of the weak" is partial and they have not been followed through or integrated. Recent publications prepared for delegates to the Doha round agree that inequalities continue but some see prospects for gain through negotiations.[16]

III. Main questions, assumptions, methods

Needless to say, no one project can fill all these gaps by itself. Our effort concentrates on two analytical questions or dependent variables. The ultimate question is what determines the outcome of a trade negotiation involving developing countries. Any outcome has two dimensions--whether the process ends in deadlock or agreement, and which parties receive which gains and losses. A practical version of this question, from the standpoint of developing countries, is "How can we gain more or lose less in future negotiations"? Assuming the process of negotiation is one influence on the outcome, the second question then, moving backward up the causal chain, is what shapes the negotiation process? Practical versions of this question might ask, "How can we use international rules or the mass media to shape others' strategies or responses to our moves?" "Could changes in our domestic institutions permit us to use a wider range of external strategies?" For some of our chapters, the main dependent variable is an aspect of the negotiation process. In most chapters, the process is an intervening variable and main dependent variable is the outcome. Our studies are tied together to some degree by use of a common conceptual framework drawn from the negotiation analysis literature, particularly as represented in *Negotiating the World Economy* (2000).

Our primary research method is the single case study or the focused comparison of two or three cases of negotiation. Most authors choose this established method because a key research goal is to add more accurate observations and descriptions of the actual process of negotiation. Without careful case studies it is difficult for an outsider even to know what happens in trade negotiations, let alone explain or generalize about the process. We seek more than mere descriptions of a few episodes, however; we also attempt to generate hypotheses and lessons that may be promising for investigation and use in other cases. We hope this research will contribute to the larger projects of

[15] Zartman and Rubin 2000 analyzes 9 more recent international negotiations (though none a trade negotiation involving a developing country) and identifies other general tactics weaker parties used to claim value.

[16] For diverse perspectives see Das 2002, Hoekman, Mattoo, and English 2002, Steinberg 2002, Kwa 2003, Page 2003.

improving empirically grounded negotiation theory and improving practice. We do not aim, however, to test any hypothesis here. Larger numbers of cases selected neutrally would be needed for true tests. At this stage there are no quantitative data measuring negotiation strategies or other elements of this process. Developing such data would be a worthy but a large-scale undertaking, and case studies should be valuable prerequisites for efforts to create valid measures and models.[17] One paper, rather than using a case study, experiments with the innovative technique of observing how developing country delegates operate in WTO training simulations.

Game-theoretic modeling is an equally well-established method for generating insights about bargaining.[18] We believe modeling and case studies can be complementary. Some of us have used modeling techniques elsewhere, we have learned from modelers' efforts, and we hope they find valuable ideas here.

Assumptions

To frame answers to these two main questions, we begin with two assumptions. First, the players in trade negotiators make decisions using *bounded rationality*. They are rational in the sense that they aim to achieve objectives as effectively as they are able. But this study, unlike some others, assumes they lack complete information and they also lack the ability to perform the computations needed to determine true optima. They lack full information, for instance, about other countries' reservation values, true priorities across issues, and domestic politics. The others have well-known incentives to misrepresent some information. For that matter, the trade negotiator may often lack precise knowledge about the true priorities and reservation values of his or her own chief executive. The chief executive often delegates the initiative regarding details to the negotiators, yet that executive or the legislature or both will need to ratify the detailed decisions in the end. At the outset of a multilateral trade negotiation, delegates cannot know exactly which issues will be on the agenda and exactly how they will be framed. These features will be determined by negotiation. With respect to specific technical proposals laid on the table, many negotiators have no way to know precisely how proposed deals would affect their countries' economies and interests, at least not until detailed research is conducted.

A boundedly rationality player cannot deduce a single optimal strategy simply and directly from material "interests." Even if she could specify every possible course of action available to her country, she is unable to forecast exactly what would happen with each alternative. The outcome in multiparty talks will depend on how parties B, C and D respond to each alternative, not to mention how markets would respond. How C responds often depends on how B responds. How government B responds will in turn depend on how its citizens value the alternative outcomes, which depends on their

[17] In 2002 *International Negotiation* published a special issue (volume 7, number 1) exploring the difficulties and possible remedies.

[18] To sample works that focus on trade negotiations, see McMillan 1990, Milner and Rosendorff 1996, Luterbacher and Norrlöf 1999.

objectives and priorities. Constituents and bureaucracies often disagree on such matters, and so how B responds will depend partly on domestic politics inside B's country as well.

Similarly, identifying a government's reservation value empirically is far too complex and uncertain an operation to permit exact computation. The *reservation value* (also called the *resistance point* or *security point*) means intuitively the worst deal a party would prefer to accept; the party would reject any worse deal in favor of its best alternative outside this negotiation. The parties' reservation values collectively determine whether they have a positive *zone of agreement*--a set of deals that would be preferable to no deal for all parties. Self-interested negotiators have well-known incentives to misrepresent their true bottom lines. Identifying the true value exactly would require putting some exact value on the best course of action the party could take if this negotiation ended in breakdown. Choosing one outside alternative as best (also known as the *batna*—best alternative to negotiated agreement*)* implies knowing what other governments and markets would do in each scenario. If the outside alternative is a conflict, how likely is it and what would be the costs and any benefits? Judging which deal is the minimum also implies estimating which deals could be sold in domestic politics. That will depend on how many political resources leaders spend to secure ratification, which will depend in turn on the other demands on those resources at the time. The number of combinations to evaluate escalates quickly beyond the computation capacity of even the most developed government.

In this world, the only way to make timely decisions is to use mental short cuts--to consider only a few alternative strategies, overlook many complexities, and make rough subjective judgments about the resistance points, risks, and odds of success. Since such judgments and strategy choices are unavoidably subjective, they are subject to biases and persuasion—in short, the negotiation process. Biased judgments (in developed as much as in developing states), channeled by pressures from special interests, can easily drive players into deadlocks when theorists would say their countries face a positive bargaining range.[19] Persuasive and coercive tactics frame the choices in particular ways and influence a negotiator's judgment about what would happen to his country if she refused the deal on the table. In the boundedly rational world, the reservation value is not fixed and exogenous; it is subjective and partly endogenous to the negotiation process. In fact, one reason governments send delegates to negotiations is to learn more about their own interests and how much can be achieved. The boundedly rational actor is also subject to socialization over the long term, rather than an atom isolated from social influence.

A second primary assumption is that international institutions like the WTO and UNCTAD are products of negotiation in the first place and also may influence later negotiations. In the academic jargon, institutions are endogenous to the negotiation process and subsequent negotiations are endogenous to the institutions under which they occur. As long as the discussion remains at such a high level of abstraction, however, it

[19] Arrow et al. 1995.

is next to impossible to document more specific causal relations. Many international relations scholars have attempted to make progress by abstracting from what delegations and mediators do, pretending temporarily that this process does not matter, in order to study how background conditions and fixed institutional properties may affect outcomes. This book's approach is analogous but from the opposite direction. Most of the time we simplify by abstracting from the institutional context, setting aside variations of that type temporarily, in order to study the intervening process and its effects. This is not true of every chapter, however. At some points we introduce institutional variation to see what difference it might make as well.

We refer to negotiators[20] as individuals since inevitably individuals are the primary actors and hence the natural focus for a theory of negotiation. This simplification is not meant to imply that agents are completely autonomous from their principals and their bureaucracies, or that personal idiosyncrasies and relationships will necessarily determine policies. These too are matters for empirical investigation and they undoubtedly vary. Trade negotiators are embedded in agencies and governments, and some of their perceptions are shared by fellow citizens rather than purely idiosyncratic. At least in some cases negotiators are instructed and the instructions are products of domestic bargaining. The role of international negotiator is played by officials at various levels, from the middle up to the ambassador, the cabinet minister, and occasionally the head of state at summit meetings.

Elements of the process

For developing generalizations about this process it would be helpful to have a typology for classifying courses of action available to negotiators in a uniform manner regardless of the issue. Sometimes the term *strategy* is used but its meaning often shifts according to the goal sought. We read that one country in international relations followed a "containment strategy," another a "liberalizing strategy," and so forth. Used this way, the meaning can in principle vary infinitely. Without some uniformity of meaning, it is difficult to compare multiple attempts to use the same strategy, to ascertain conditions when it is more or less successful, in short to use the concept in generalizations.

Suppose instead that the behavioral options vary along a conceptual continuum between two polar ideal types: distributive or "value-claiming" behavior, and integrative or "value-creating" behavior. We call the options along this continuum *strategies*. Here a strategy is a set of behaviors or tactics that are observable in principle and associated with a plan to achieve some objective through bargaining.[21]

[20] The term "diplomat" sometimes replaces "negotiator" simply for relief. It means any economic negotiator, not only those employed by foreign ministries.

[21] That is, "strategy" here does not carry all the connotations that are customary elsewhere, such as in game theory. A strategy does not necessarily specify every possible response to every conceivable contingency. Still others often define "strategies" according to the goal sought, so that the very meaning of "strategy" shifts from case to case. This slippery usage makes it difficult to generalize about strategy

On one end of the spectrum, a *purely distributive strategy* is a set of tactics that are functional only for claiming value from others and defending against such claiming, when one party's goals are partly in conflict with those of other. Specifically, these tactics include opening with high demands, refusing all concessions, exaggerating one's minimum needs and true priorities, manipulating information to others' disadvantage, taking others' issues hostage, worsening their alternative to agreement, filing a legal complaint, making threats, and actually imposing penalties. A defensive distributive strategy consists of analogous behaviors to offset these and protect as much as possible against losing value. This strategy is not restricted by definition to the most powerful. When a weaker state asks others for benefits and refuses to grant any negotiating gain to others, it is attempting a strict distributive strategy. Defensive value claiming, such as delay and refusal to make concessions, is common among all states. This strategy can also include the tactical retreat—agreeing to accept less than demanded earlier or give up more than conceded earlier. A purely distributive strategy runs the risks of discouraging the discovery of opportunities for mutual gains and provoking deadlocks and conflict.

A *purely integrative strategy* would be a set of tactics instrumental to the attainment of goals that are not in fundamental conflict and hence can be integrated for mutual gain to some degree. One subset of these tactics involves sharing information relatively openly to explore common problems or threats in a search for mutual gain solutions. A different common move is proposing an exchange of concessions or fallbacks that might benefit more than one party (as opposed to demanding a concession without compensation). Legislative logrolling is a well-known example. In GATT talks, proposing a formula for cutting all tariffs, including those of the speaker's state, embodies such an exchange of concessions. A third subset of so-called value-creating tactics involves reframing the issue space itself in a way that eases impasses.[22] These are behaviors for gaining (through cooperation with others), not ways of giving up value to others. Simply yielding concessions under pressure without any compensation is part of a process of shifting value from one to another rather than creating joint gain. But integrative tactics, used exclusively, will expose the player to at least some risk of exploitation by others.

Experienced negotiators often attempt to overcome the risks of each pure type by blending tactics into a mix. Tactical elements from the two ends of the continuum may be mixed either simultaneously or sequentially. Thus the conceptual spectrum runs from purely distributive, to mixed-distributive (including a minority of integrative elements), to balanced, to mixed-integrative. Purely integrative strategy is difficult to find in international negotiations. An appendix to this chapter provides operational definitions for classifying behavior along this spectrum.

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options, to compare attempts, and to carry lessons from one to another. The present concept is offered as a more general tool defined to have the same meaning in every case.

[22] These are elaborated further in Odell 2000, chapter 7.

This typology refers to only one party's behavior; it does not assume other parties will necessarily match its strategy. To describe a party's strategy is also not to make a claim about whether it succeeded; it describes an attempt. Nor does it amount to a judgment that the strategy was good or bad. The typology only aims to describe the observed negotiating behavior. Making evaluative judgments is more complex; it requires specifying the standard by which to judge and considering alternative courses of action. The same strategy could be judged preferable in some circumstances and inferior in others. The proposed typology is not the only conceivable alternative, but it does have the advantage that the options are defined in terms of observable behavior and are not restricted to particular goals.[23]

In multilateral talks, another common element of the process is coalition formation. For us, a *coalition* is a set of governments that defend a common position in a negotiation by explicit coordination. We would not include in this category a set of states that happen to act in parallel without explicit coordination, or a set of delegations that exchange information and meet to seek compromises but do not defend a common position. For us, a coalition may be defined according to a common product interest or a common ideology. Some coalitions are relatively informal and short-lived while others last longer with a title and a regular schedule of meetings. Thus a complex multilateral strategy may include tactics for forming and unifying coalitions, for splitting rival coalitions, and defending against efforts by outsiders to break one's own.[24] Two of our papers compare developing country coalitions' efforts in multilateral talks, and one touches on a coalition in dispute settlement talks.

Any international negotiation process takes place in a *context*, meaning aspects of the situation that are normally beyond the influence of trade diplomats, at least in the short term, and are taken as given. The context includes the cultures of the states involved in the talks; their military-security situations; relevant domestic political institutions; and relevant international institutions. Although all these elements can influence a given trade negotiation, we generally abstract from possible context variations

[23] In practice a negotiator or delegation may not choose a strategy all at one time and in a self-conscious way. Some may choose one step at a time and accumulate a set of actions without considering them as a set. But even if so, our premise is that it will still be useful to classify observed behavior using these concepts, for purposes of research and improving general knowledge of negotiation.

[24] For early works on coalition formation in GATT and WTO negotiations, see Hamilton and Whalley 1989, Kahler and Odell 1989, Higgott and Cooper 1990, Kumar 1993, and Dupont 1994. More recently, see Wang and Winters 1997, Luke 2000, Duran 2001, Bjornskov and Lind 2002, Narlikar 2003, and Drahos forthcoming. Other works of pure theory generate interesting conjectures about coalition formation. A large sub-literature in political science investigates the formation of coalition governments at the national level. Much of this research, however, assumes a body that makes decisions by majority vote, hence the concern with identifying winning coalitions. In the WTO, which makes multilateral decisions under the consensus rule, the only coalition that can win must consist of all members. But there too, coalitions can influence the process leading up to the decision, as this book will show. In another setting these have been labeled "process coalitions."

in order to concentrate on process variations. As exceptions, two of our papers examine effects of variations in the international institutional context.[25]

The outcome

The *outcome* of an international negotiation is either an impasse or a ratified agreement between governments.[26] The outcome refers to the terms of the official agreements. The value of an outcome to a government, its gains or losses, vary by degrees rather than simply between success and failure. Gains and losses are almost impossible to measure precisely, however, even in trade. Some negotiations end with agreement on an agenda for another negotiation, so that the ultimate value of a gain in agenda formation--keeping an item out or getting one in--depends on later events. Some outcomes take the form of changes in international rules, and efforts to forecast their effects carry inherent uncertainty. Some final gains and losses are intangible. We attempt to classify and compare outcomes qualitatively.

Any notion of gain or loss implies some reference point. In this book the primary reference point is the status quo before negotiations. In the end, was the country or coalition better off or worse off than before, and how much so? In several papers, two outcomes will be compared with one another for purposes of generating hypotheses.

What counts as a gain for a country will be defined in light of the objectives of the country's government rather than the authors' personal values. In particular, trade negotiators have long followed the convention that reducing or binding a barrier is considered a negotiating loss, not a gain, for the liberalizing country. Trade negotiators from all cultures strive doggedly to achieve the greatest possible reductions by others relative to their own reductions. Liberal economists always object that lowering one's own barrier should be considered a gain for the liberalizing country's welfare, and making this argument is a common tactic of liberals in domestic as well as international politics. Others have long been skeptical of this liberal ideology, and some argue that liberalization causes a net loss for economic development in some conditions. This controversy is still alive, despite the general victory of liberalism in the last decade. Because we negotiation analysts aim to remain neutral with respect to these controversies, we follow the negotiators' own convention in rating gains and losses. Estimating welfare effects is also important work but we leave that work to others. The negotiation outcome for present purposes also excludes the behavior of markets after the agreement, even though players participate in order to influence trade flows. Trade flows vary for reasons other than negotiated agreements, analysis of trade is itself a substantial enterprise, and many others supply it.

[25] This chapter presents only elements of negotiation analysis that are used in this book, rather than a comprehensive framework.

[26] A third possible category is a signed agreement that fails of ratification, like the 1948 charter for the International Trade Organization. This book does not explore any such cases.

IV. New contributions

Working within this framework, we argue that developing countries' trade agreements are not determined simply by conditions in the negotiators' environment such as fixed national preferences and power distributions. Several of our papers attempt to explain an aspect of the negotiation process in general rather than a particular outcome. For most papers, however, a particular outcome is the main thing to be explained.

Explaining the international negotiation process

The parties' strategies are key elements of the process and each country presumably determines its own strategy. But the government negotiator's choice may be constrained by domestic institutions and politics. Jongryn Mo suggests that an inefficient domestic system for aggregating interests will bias the external strategy toward an inflexible distributive one. He develops the example of the Republic of Korea's strategy during the Uruguay round, when the agricultural sector was able to exercise a veto. A regime in the early stage of democratization may be especially subject to this constraint. But certain bureaucratic institutions and domestic leadership tactics, if adopted, will tend to mobilize pro-trade constituencies to offset veto groups, he argues, thereby permitting the government to implement a more mixed external strategy functional for the negotiation of joint gains with partners. Mo sees signs of a trend in this direction in Korea recently. The general point may be relevant in other countries as well.

When delegations begin to negotiate with one another, they all attempt to influence the thinking of others--defensively, offensively, or both. The subjective elements of the process can tip its direction and thus influence the outcome in a boundedly rational world, even given the constraints of commercial interests and domestic veto groups. Four new studies touch directly on the subjective level. One common tactic for claiming value from others is to attempt to frame the issues by offering a reference point or principle favorable to the negotiators' side. The tactical goal is to persuade others to evaluate rivals' positions or proposed deals in light of this favorable reference point rather than alternative frames. Mexico's delegation used framing tactics to defend against US demands during the 1989-92 negotiations to create NAFTA, as described in a paper by Antonio Ortiz Mena. In 2001 governmental and non-governmental advocates of a ministerial declaration on Trips and public health attempted to reframe TRIPS in the mass media—evaluating it by reference to public health values rather than property rights values--as described in a paper by John Odell and Susan Sell.[27]

Another possible subjective element in the process is threat credibility. A distributive strategy can include a threat, such as a threat to block a consensus in the

[27]Reframing can also be part of a more integrative strategy. Negotiators, mediators and consensus builders like WTO council chairs sometimes attempt to reframe a contentious set of issues, carving up the issue space itself along different dimensions, in an attempt to break an impasse and broker a mutual-gains deal.

WTO unless one's position is satisfied, or to walk away from the table in either multilateral or bilateral talks. A threat's effect on bargaining behavior depends on its credibility. Does the other side believe it is likely to be carried out? Thus negotiators take steps to attempt to influence those beliefs, to establish or increase their threats' credibility, and the relative success of those steps can tip the process in one direction rather than another. Forming a coalition is one means of increasing credibility, and splitting a rival coalition is one means of undermining its credibility. Credibility tactics and their comparative results are illustrated by Mexico's bargaining with the US to create NAFTA in 1992, the Like Minded Group in WTO talks, and the TRIPS/health coalition in the WTO in 2001.

To estimate the odds that a threat will be implemented, the receiving side would like to know the threatening side's reservation value, and they attempt to learn as much as possible during the negotiations. Complex learning is more than collecting new information; it is also imposing meanings on and drawing inferences from data. Previous experimental research has provided evidence that negotiators, much like scholars and all other people in other uncertain situations, exhibit certain predictable learning patterns and cognitive biases in making such inferences.

Here a paper by Cédric Dupont, Cosimo Beverelli, and Stéphanie Pézard, extends that research by generating new evidence for the case of developing countries and international trade. This ingenious study observes the changing beliefs of developing country trade officials while they are participating in a three-day training simulation. Officials are organized into four country delegations negotiating over tariffs and subsidies, and play roles representing those found in actual WTO talks. This evidence suggests that developing country officials manifest some of the same cognitive and learning patterns that have been found in laboratory experiments. Trade negotiators do learn about one another's reservation values and the bounds of a zone of agreement during successive rounds, and their separate beliefs converge in some respects toward common knowledge. In addition, like subjects in earlier experiments, players in these simulations also demonstrate self-serving biases, which can channel learning in particular directions. It is also found that the tactics of individuals playing key roles can have a strong effect on beliefs of other delegations about the prospects for agreement and how cooperative each country is likely to be. This paper points to types of questions that could be developed further by both formal modelers and case study authors.

The foregoing papers generally take the institutional context as given. Two other papers suggest how modifying that context can change the negotiation process. Creating the GATT and then the WTO, with their dispute settlement procedures, gave members an additional tactic for claiming value from others in a bilateral dispute negotiation, as highlighted by Christina Davis. If states A and B are not members and if A complains to B about its trade practices, B has some alternative to satisfying A with a negotiated agreement. If both are WTO members and A decides to file a legal complaint under WTO rules, doing so is likely to worsen B's perceived alternative to negotiated settlement, whenever the rules can be interpreted as prohibiting B's practice. Now if B stands firm, the costs of impasse may well be greater. Davis suggests that this effect is likely to be greater when the complaint also raises the odds of the WTO setting a precedent that could jeopardize other trade measures as well.

One feature of the 1994 WTO rules enabled a new distributive tactic. A winning complainant may be authorized to respond to a failure to comply with one WTO agreement by retaliating under a different agreement. James McCall Smith describes the first use of a threat to cross-retaliate (not actual cross-retaliation), by Ecuador in 1999, to influence dispute settlement bargaining with the European Union.

Explaining outcomes

Several papers focus directly on explaining particular outcomes. J. P. Singh asks why, in the Uruguay round outcome, developing countries made greater gains and fewer concessions to the North in GATS than in TRIPS. At the outset, it seemed that developing countries had a better alternative to the agreement on intellectual property rights, he says, and the developed countries did not have a unified position. He contends that the intervening negotiating process is an important part of the explanation. He emphasizes differences in agenda setting and coalition formation between the two areas.

Three papers argue that a mixed strategy is likely to gain more for developing countries than a strict distributive strategy, at least under common conditions. Mexico followed the former strategy in its negotiations to create NAFTA and gained more than if it had followed the latter, according to Antonio Ortiz Mena. His paper depicts a situation in which developing country negotiators sought to negotiate a favorable agreement with a more powerful country but faced unwelcome demands. Most significantly, the US team pressed repeatedly for Mexican liberalization of investment and trade in the energy industry, yet the Mexican team secured a NAFTA outcome satisfactory to them without conceding on petroleum. How did they do this? In addition to the general strategy choice, this case illustrates tactics with which the Mexican team compensated for its own judgment biases and protected its batna in case of no deal. Ortiz Mena also finds certain domestic and international conditions here that were relatively favorable for defense and whose absence might reduce the odds of success.

A contrast between two coalitions in WTO talks—the TRIPS/health coalition and the Like Minded Group in 2001--also suggests risks of a purely distributive strategy. One risk is impasse with no gain if others decide the coalition's terms are inferior to their alternatives to agreement. The second risk is that the coalition will fragment in the face of free riding and outsiders' splitting tactics. Illustrating the latter risk is a paper by Amrita Narlikar and John Odell. The Like Minded Group demanded that Northern countries concede changes in the existing rules in favor of the South before launching a new round, threatened to block consensus otherwise, and refused overtures toward integrative bargaining, as a group. The EU and US used mixed strategies and separate deals to split the coalition, which lost its credibility, collapsed into acquiescence in Doha, and came away with relatively small gains and a major loss, as a group. There are conditions in which a strict distributive strategy will gain more but they are not easy for poorer countries to arrange.

In contrast, the 2001 coalition on TRIPS and public health used a mixed-distributive strategy and gained more. This group managed to persuade the ministerial conference to adopt a political declaration affirming that the WTO rules do not prevent member states from taking measures to protect public health, over the opposition of multinational pharmaceutical firms. According to John Odell and Susan Sell, this coalition also benefited from particular elements of its strategy and situation. It was a larger coalition in the WTO and hence more credible, as long as it maintained its unity. An associated NGO campaign framed its WTO proposal in Northern mass media as a necessary response to the AIDS pandemic, and certain changes in market conditions weakened its rivals' position.

Two final papers focus on bilateral trade disputes and illustrate how the prevailing rules and strategic choices by members can shape the negotiation process and outcomes there. In the first place, not being a member of the WTO clearly puts a developing country at a bargaining disadvantage compared with a developing member state. Christina Davis reports a focused comparison of Vietnam's recent dispute bargaining with the United States and Peru's with the European Union, both concerning labeling of fishery exports. US practices harmed Vietnam's catfish exports and Hanoi proposed to negotiate, but Washington virtually refused to negotiate in this case. Except for one brief period, the US resorted to its outside alternative--unilateral actions inconsistent with WTO rules. Because Vietnam was not a WTO member it did not have access to the distributive tactic of filing a WTO complaint to worsen Washington's perceived alternative to agreement. Meanwhile Peru's sardine exports were damaged by European labeling practices. Peru, a member state, chose to file a WTO case. While the proceedings were underway, these two sides attempted to negotiate a settlement but could not come to agreement. After the panel and the Appellate Body ruled in Peru's favor, Brussels and Lima settled on an agreement that gave Peru less than it had demanded but a significant improvement over the status quo ante. Peru clearly gained more than Vietnam. The paper notes other differences that were also relevant to the outcome difference in these particular cases.

James McCall Smith also concentrates on bilateral negotiations over compliance with the rules. Ecuador, after winning its legal case against the EU banana scheme, pursued an aggressive distributive strategy to induce larger EU concessions in the compliance phase. Not satisfied with the initial European response, Ecuador made the first threat to impose cross-retaliation, by withdrawing intellectual property rights of Europeans in Peru. Smith finds that Ecuador's strategy eventually yielded surprising gains over the status quo ante, and a better outcome than those of other similarly positioned Latin American exporters that did not use the same strategy. He speculates that this conclusion might be generalized to other developing member states in future cases.

Conclusion (to be written)

The process through which developing countries' trade agreements are negotiated is a significant influence on the outcomes, in both multilateral and bilateral settings. These studies, though only partial, help extend negotiation scholarship to an empirical domain that has been neglected. Their findings have implications for practice today as well as future research. [A final chapter will summarize the practical implications and point to possibilities for further research.]

Appendix

An operational definition for classifying and describing negotiating behavior

A. DISTRIBUTIVE OR VALUE-CLAIMING STRATEGY. Code a party's strategy as "pure distributive" if any of the following tactics are observed and no more than a small minority of the behavior fits the definition of "integrative strategy."

BOTH DEFENSIVE AND OFFENSIVE VARIANTS. The negotiator

- criticizes the other country's or countries' actions or arrangements, blames them for the problem under discussion;
- attempts to exclude from the agenda issues on which her own country would probably have to make concessions;
- rejects or ignores demands for concessions or delays their consideration;
- avoids saying her own country is partly responsible for the problem under discussion, avoids expressing concern for the other's objectives or a desire for a mutual-gain outcome, avoids making a proposal characterized a beneficial to other parties or the world as a whole;
- manipulates information for her own advantage: avoids revealing information about own genuine objectives and priorities; makes arguments whose effect is to support her demands or refusal to concede and does not present information or arguments that are inconsistent with that position; e.g., argues that the other's alternative to agreement is worse for them than they realize, that our alternative is better than they realize, or that the other's forecasts showing future improvement for us (in absence of agreement) are not convincing, or that she simply does not have the capacity to deliver what is demanded; or that the other's proposal would harm our side or others;
- establishes a commitment to a particular outcome, by means of some public action tied to that outcome such that accepting less would be costly to the negotiator or her country;
- denies that he or she believes the other's commitments

OFFENSIVE VARIANT: The negotiator also:

- demands concessions for the benefit of his or her own country without offering concessions in exchange;
- takes steps to worsen the other's alternative to agreement and improve her own--e.g., unilateral actions or negotiations with third parties that would help compensate it for a breakdown in relations with the other or provide itself with a superior alternative, or raise the cost of a breakdown for the other; actions could include introducing draft legislation for official consideration at home or "talking the national currency down";
- files a legal complaint against another state under global or regional rules and demands a change in current policy or practice that will benefit the complainant. The complainant typically perceives this move as responding to and righting a wrong done earlier. In any case, relative to the status quo and from a neutral standpoint, the move's effect on the negotiation process would be to help shift value from the respondent to the complainant rather than to make both better off as they see it.
- launches an antidumping or similar complaint through its national institutions, which could be done for external bargaining purposes as well as for the stated purposes;
- threatens to take action harmful to others unless they yield the desired concessions;
- actually imposes such penalties and implements its alternative to agreement.

DEFENSIVE VARIANT. The negotiator also:

- brings a counter-complaint under international rules against a state that has filed a complaint against it;
- threatens or imposes counter-threatens sanctions.

C. INTEGRATIVE OR VALUE-CREATING STRATEGY. Code a party's strategy as "pure integrative" if the following tactics are observed and if no more than a small minority of the behavior fits "distributive." The negotiator

- states that the parties have an interest in common or expresses concern for an objective held by the other;
- proposes negotiations designed to benefit both many sides, usually aiming to agree on a joint approach to a common problem or an exchange of concessions;
- praises the other and avoids public statements criticizing the other country or blaming it for the problem or issue under discussion;
- invites the other to state frankly its genuine concerns and objectives and their priority order, as distinguished from its demands and proposals;
- proposes and implements a series of meetings whose only or main purpose is to engage the parties in joint study of problems and objectives they have in common;
- uses and refers to information about the issue or problem without shaping it to her own side's advantage; engages in an "even-handed" discussion of all the facts whether favorable or unfavorable to her side;

- proposes an exchange of concessions for mutual benefit or accepts a mediator's proposal that entails such an exchange
- argues that a different conception of other's interests or a redefinition of the issues themselves could lead to an agreement that would benefit both parties;
- proposes a formula or agreement described as helpful to other parties as well;
- agrees to abide by binding arbitration, which can shorten a conflict and reduce its costs for all parties.

C. MIXED OR COMBINED STRATEGY. Code a party's behavior in a conflict or negotiation as a "mixed" strategy if distributive and integrative tactics are mixed in some proportion, either simultaneously or in a sequence dominated by claiming in one phase and value-creating in another.

References

Aggarwal, Vinod K. 1985. *Liberal Protectionism: The International Politics of Organized Textile Trade.* Berkeley: University of California Press.

Arriola, Salvador. 1994. La Ronda Uruguay: una experiencia de consulta y coordinación de América Latina y el Caribe. In *La Ronda Uruguay y el Desarrollo de América Latina,* ed. Patricio Leiva. Santiago: CLEPI/PNUD.

Arrow, Kenneth, Robert H. Mnookin, Lee Ross, Amos Tversky, and Robert B. Wilson, eds. 1995. *Barriers to Conflict Resolution.* W. W. Norton.

Bayard, Thomas O., and Kimberly Ann Elliott. 1994. *Reciprocity and Retaliation in US Trade Policy*. Washington, D.C.: Institute for International Economics.

Bjornskov, Christian, and Kim Martin Lind. 2002. Where Do Developing Countries Go After Doha? An analysis of WTO positions and potential alliances. *Journal of World Trade*.

Busch, Marc, and Eric Reinhardt. 2003. Developing Countries and GATT/WTO Dispute Settlement. *Journal of World Trade* 37, no. 4: 719-35.

Busch, Marc L., and Eric Reinhardt. 2002. Testing International Trade Law: Empirical Studies of GATT/WTO Dispute Settlement. In *The Political Economy of International Trade Law,* ed. Daniel L. M. Kennedy and James D. Southwick. Cambridge: Cambridge University Press.

Croome, John. 1999. *Reshaping the World Trading System: A History of the Uruguay Round,* 2d and revised edition. Geneva: World Trade Organization.

Das, Bhagirath Lal. 2002. *Strengthening Developing Countries in the WTO.* Trade and Development Series, No. 8. Third World Network. Viewed at www.twnside.org.sg/title/td8.htm.

Destler, I. M., Haruhiro Fukui, and Hideo Sato. 1979. *The Textile Wrangle: Conflict in Japanese-American Relations, 1969-1971*. Ithaca, NY: Cornell University Press.

Drahos, Peter. forthcoming. When the Weak Bargain with The Strong: Negotiations in the WTO. *International Negotiation*.

Dupont, Christophe. 1994. Coalition Theory: Using Power to Build Cooperation. In *International Multilateral Negotiation,* ed. I. William Zartman. San Francisco: Jossey-Bass, 148-77.

Duran, Esperanza. 2001. *The Participation of the Latin American and Caribbean Countries in the Multilateral Trading System.* Geneva: Agency for International Trade Information and Cooperation.

Evans, John. 1971. *The Kennedy Round in American Trade Policy.* Cambridge, Massachusetts: Harvard University Press.

Hamilton, Colleen, and John Whalley. 1989. Coalitions in the Uruguay Round. *Weltwirschaftliches Archiv* 125: 547-62.

Hampson, Fen Osler, and Michael Hart. 1994. *Multilateral Negotiations: Lessons from Arms Control, Trade and the Environment.* Baltimore: Johns Hopkins University Press.

Hasenclever, Andreas, Peter Mayer, and Volker Rittberger. 1996. Interests, Power, Knowledge: The Study of International Regimes. *Mershon International Studies Review* 40: 177-228.

Higgott, Richard A., and Andrew Fenton Cooper. 1990. Middle Power Leadership and Coalition Building: Australia, the Cairns Group, and the Uruguay Round of Trade Negotiations. *International Organization* 44, no. 4: 589-632.

Hoda, Anwarul. 1987. *Developing Countries in The International Trading System*. New Delhi: Allied Publishers Private Limited.

Hoekman, Bernard, Aaditya Mattoo, and Philip English, eds. 2002. *Development, Trade, and the WTO: A Handbook.* Washington: World Bank.

Hoekman, Bernard M., and Michel M. Kostecki. 2001. *The Political Economy of the World Trading System: The WTO and Beyond,* 2d edition. Oxford: Oxford University Press.

Hudec, Robert E. 1993. *Enforcing International Trade Law: GATT Dispute Settlement in the 1980s.* Salem, New Hampshire: Butterworth Legal Publishers.

Kahler, Miles, and John S. Odell. 1989. Developing Country Coalition-Building and International Trade Negotiations. In *Trade Policy and the Developing World.* ed. John Whalley. Ann Arbor, Michigan: University of Michigan Press, 146-70.

Keohane, Robert O. 1971. The Big Influence of Small Allies. *Foreign Policy* 2.

Koremenos, Barbara, Charles Lipson, and Duncan Snidal. 2001. The Rational Design of International Institutions. *International Organization* 55: 761-800.

Kremenyuk, Victor, ed. 1991. *International Negotiation: Problems and New Approaches.* San Francisco: Jossey-Bass.

Kumar, Rajiv. 1993. Developing Country Coalitions in International Trade Negotiations. In *The Developing Countries in World Trade: Policies and Bargaining Strategies,* eds. Diana Tussie and David Glover. Boulder, Colorado: Lynne Rienner, 205-24.

Kwa, Aileen. 2003. *Power Politics in the WTO,* 2d edition. Bangkok: Focus on the Global South. Viewed at www.focusweb.org.

Lax, David A., and James K. Sebenius. 1986. *The Manager as Negotiator: Bargaining for Cooperation and Competitive Gain*. New York: The Free Press.

Luke, David F. 2000. OAU/AEC Member States, the Seattle Preparatory Process and Seattle: A Personal Reflection. *Journal of World Trade* 34, no. 39-46.

Luterbacher, Urs, and Carla Norrlöf. 1999. The New Political Economy of Trading and Its Institutional Consequences. *International Political Science Review* 20, no. 4: 341-58.

Martin, Lisa L., and Beth A. Simmons. 1998. Theories and Empirical Studies of International Institutions. *International Organization* 52: 729-58.

McMillan, John. 1990. The Economics of Section 301: A Game-Theoretic Guide. *Economics and Politics* 2, no. 1.

Milner, Helen V. 1992. International Theories of Cooperation among Nations: Strengths and Weaknesses. *World Politics* 44, no. 3: 466-96.

Milner, Helen V., and B. Peter Rosendorff. 1996. Trade Negotiations, Information, and Domestic Politics: The Role of Domestic Groups. *Economics and Politics* 8: 145-89.

Narlikar, Amrita. 2003. *International Trade and Developing Countries: Coalitions in the GATT and WTO.* Routledge.

Nau, Henry R., ed. 1989. *Domestic Trade Politics and the Uruguay Round.* New York: Columbia University Press.

Odell, John S. 1980. Latin American Trade Negotiations with the United States. *International Organization* 34, no. 2: 207-28.

———. 1985. The Outcomes of International Trade Conflicts: The U.S. and South Korea, 1960-1981. *International Studies Quarterly* 29: 263-86.

———. 2000. *Negotiating the World Economy*. Ithaca, NY: Cornell University Press.

Oxley, Alan. 1990. *The Challenge of Free Trade.* New York: St. Martin's Press.

Paemen, Hugo, and Alexandra Bensch. 1995. *From the GATT to the WTO: The European Community in the Uruguay Round.* Leuven: Leuven University Press.

Page, Sheila A. 2003. *Developing Countries, Victims or Participants: Their Changing Role in International Negotiations*. London: Overseas Development Institute. Viewed at www.odi.org.uk/iedg/index.html.

Preeg, Ernest H. 1970. *Traders and Diplomats: An Analysis of the Kennedy Round of Negotiations Under the GATT*. Washington: Brookings.

Raffaelli, Marcelo, and Tripti Jenkins. 1996. *The Drafting History of the Agreement on Textiles and Clothing*. Geneva: International Textiles and Clothing Bureau.

Raiffa, Howard. 1982. *The Art and Science of Negotiation*. Cambridge, MA: Harvard University Press.

Raiffa, Howard, John Richardson, and David Metcalfe. 2002. *Negotiation Analysis: The Science and Art of collaborative Decision Making*. Cambridge, Massachusetts: Harvard University Press.

Rothstein, Robert L. 1979. *Global Bargaining: UNCTAD and the Quest for a New International Economic Order*. Princeton: Princeton University Press.

Schelling, Thomas C. 1960. *The Strategy of Conflict*. Cambridge, Mass: Harvard University Press.

Shukla, S. P. 1994. The Emerging International Trading Order: A Story of the Uruguay Round. In *World Economy in Transition: An Indian Perspective*, ed. G. S. Bhalla, and Manmohan Agarwal. New Delhi: Har-Anand Publications, for the Indian Institute of Advanced Study at Shimla.

Simmons, Beth A. 1998. Compliance with International Agreements. in *Annual Review of Political Science*. ed. Nelson W. Polsby, 75-93.

Stephenson, Sherry M. 1994. ASEAN and the Multilateral Trading System. *Law and Policy in International Business* 25, no. 2.

Steinberg, Richard H. 2002. In the Shadow of Law or Power? Consensus-Based Bargaining and Outcomes in the GATT/WTO. *International Organization* 56 (2): 339-374.

Tussie, Diana, and David Glover, eds. 1993. *The Developing Countries in World Trade: Policies and Bargaining Strategies*. Boulder: Lynne Reinner Publishers.

Walton, Richard E., and Robert B. McKersie. 1965. *A Behavioral Theory of Labor Negotiations: An Analysis of a Social Interaction System*. New York: McGraw-Hill.

Wang, Z. K., and L. A. Winters. 1997. *Africa's Role in Multilateral Trade Negotiations*. Policy Research Working Paper, 1846. Washington: World Bank.

Whalley, John, ed. 1989. *Developing Countries and the Global Trading System*, 2 vols. London: Macmillan.

Winham, Gilbert R. 1986. *International Trade and the Tokyo Round Negotiation*. Princeton: Princeton University Press.

———. 1989. The Prenegotiation Phase of the Uruguay Round. in *Getting to the Table.* ed. Janice Gross Stein.

———. 1998. Explanations of Developing Country Behaviour in the GATT Uruguay Round Negotiation. *World Competition Law and Economics Review* 21: 109-34.

World Bank. 2001. *Trade Blocs*.

Yoffie, David B. 1983. *Power and Protectionism: Strategies of the Newly Industrializing Countries*. New York: Columbia University Press.

Zartman, I. William. 1971. *The Politics of Trade Negotiations Between Africa and the European Economic Community: the Weak confront the Strong*. Princeton: Princeton University Press.

Zartman, I. William Zartman, ed. 1987. *Positive Sum: Improving North-South Negotiations.* New Brunswick, NJ: Transaction Books.

Zartman, I. William, and Maureen R. Berman. 1982. *The Practical Negotiator*. New Haven, Connecticut: Yale University Press.

Zartman, I. William and Jeffrey Z. Rubin, eds. 2000. *Power and Negotiation*. Ann Arbor, Michigan: University of Michigan Press.