



Multilateral Trade Talks in the World Trade Organization: The Issue of Process Design

Negotiation is an area where the couplings between theory and practice are particularly strong, as compared with other research topics in the social-scientific domain. *Training* of negotiators and *facilitation* of a negotiation process represent two elements of the bridge between theory and practice. A research project that has recently started at the Swedish Institute of International Affairs argues for a third approach to take advantage of the results of negotiation research for practical purposes—*process design*. In particular, process design must be more systematically integrated into projects of *institutional design*, when international institutions like bodies of the United Nations (UN) family or the World Trade Organization (WTO) are reformed. The essence of process design is to deliberately construct, or reconstruct, regime elements—for example, rules, norms, principles, or

procedures—for the purpose of sustaining or increasing the effectiveness of recurrent negotiations in a particular setting concerning particular issues, if by *effectiveness* we mean the capacity to reach a constructive negotiated outcome. Generally acknowledged goals pertaining to the setting of the recurrent negotiation represent criteria for what is a constructive outcome. Multilateral trade talks in the context of the WTO offer a case of demonstration of the general idea of process design.

The Difficulties of Launching the First WTO Round

In early November 2001, a Ministerial Meeting of the WTO is expected to make a decision to formally begin a new round of multilateral trade negotiations. This first WTO round has been difficult to launch. Recall the manifestations and violence on the streets of Seattle in December 1999 that accompanied and highlighted the abortive attempt to start a Millennium Round. Thus, political turbulence and international opinion

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From the PIN Steering Committee

International negotiations are made up of an ongoing stream of negotiations where parties strive to find new adjustments and more effective forms of cooperation. It is a slow and continuous process, occasionally interrupted by accidents. This is what happened recently with a fraction of the Muslim world.

The concept of conflict management devised and carried out by the terrorist networks generated an armed riposte from the victims. Thus, parties left the terrain of discussion for that of violence. However, negotiation is not absent. It has been used to build a coalition, to establish a broad consensus on the type of actions to be taken. Negotiation is also being used to reduce the resistance of countries hesitating to take sides or to engage themselves. Here we can observe a carrot-and-stick approach played out by the most influential.

At some point, negotiation among the major players will have to restart in order to ensure a necessary coexistence among the parties who have not decided that the only way to settle the conflict is to destroy one another. Tomorrow, the new balance of the world will have to be rebuilt on a gravity center whose anchoring point must be negotiated by people of good will, if perpetual disruptions and dramatic crises are to be ruled out.

The new design will not be easy to establish, because it does not appear obvious to conceive a game with a Pareto optimum. However, even if the course proves difficult, all players must get out of the lose-lose game that has been so poorly played until the recent tragedy.

Rudolf Avenhaus
Franz Cede
Guy Olivier Faure
Victor A. Kremenjuk
Paul Meerts
Gunnar Sjöstedt
I. William Zartman

building have evidently disturbed the preparations of the multilateral trade talks. However, more profound obstacles have probably had a stronger obstructive impact. For example, *leadership failure* has seemingly been an important factor in this connection. Earlier multilateral trade negotiations—the GATT rounds—depended on a determined US leadership for their initiation, their conduct, and not least their successful conclusion.¹ In the preparations for the first WTO round, Washington has not wanted, or been able, to drive the negotiations in the same forceful way as it has done in the past. Neither the European Union, nor Japan, nor any coalition of trading nations has been able to substitute for lacking—or failing—US leadership.

Continued, increased complexity is another basic difficulty that has to be managed in a new round of WTO trade talks. Complexity is multidimensional and pertains to both actors and issues. Only around 100 countries took part in the Uruguay Round (1986–1994), compared with the approximately 150 current member states of the WTO. In the GATT Rounds very strict rules and policies helped to keep the participation of other international bodies in the trade negotiations at a very low level. For example, only a handful of inter-governmental organizations took an active part in the Uruguay Round (1986–1999), in which the participation of global civic society was virtually nonexistent. As a general rule, non-governmental organizations (NGOs) were simply not given access to the GATT talks. In the new WTO, NGO involvement has increased dramatically. Hundreds of NGOs have been accredited in the preparatory process of the first WTO round.

The number of issues covered by the multilateral trade talks has also grown significantly over the years. The Kennedy Round (1964–1967), as well as all earlier GATT negotiations in the 1950s, focused on tariffs. Thereafter, the agenda of the GATT talks expanded considerably. The Tokyo Round (1973–1979) addressed the important Safeguard Clause (Article XIX in GATT) and introduced a whole range of nontariff barriers to trade. The

Uruguay Round was concerned with all the issues that had been addressed in earlier GATT talks but also integrated a few “new” trade issues into the agenda: services trade, trade-related intellectual property rights, and trade-related foreign investments. The agenda of the scheduled first WTO round is designed to become even larger.

“*Complexity*” offers an avenue for analytically interlinking more numerous (and often more difficult) issues with a mounting number of participating actors involved in the multilateral negotiations on world trade. Like other multilateral negotiations coping with technically difficult topics, trade talks in GATT/WTO have always been complex for negotiating parties. As emphasized by I. William Zartman in a recent PIN book on multilateral negotiations, the main challenge confronting parties in such a context is precisely to manage complexity in a constructive way.² Now, there are indications that the challenge of complexity in the WTO context talks has become so overwhelmingly large that it must be met with new approaches and policy instruments. This situation is complicated, however, by the fact that some of the factors contributing to the problem of complexity also have important positive effects. One important example is the rapidly increasing number of participants in the WTO negotiations.

The Democratic Problem of Multilateral Trade Negotiations

Those who have undertaken legitimate, or violent, actions directed against the International Monetary Fund, the WTO, and other forms of world economic cooperation have often criticized what they call the “undemocratic” nature of these institutions. They assert, for example, that GATT and its successor the WTO have in reality been controlled by a small circle of industrialized countries dominated and led by the United States. Developing countries have not been able to promote their real interests in the WTO sufficiently, and representatives of the international civic society have been effectively kept

outside this institution. Therefore, the opposition to globalization has argued that the decisions attained in the GATT/WTO negotiations do not represent truly legitimate international law, but are only a reflection of rather limited party interests.

For those who share these concerns, recent developments in the WTO should have had a general positive significance. The WTO has adopted a policy on NGO participation that is largely in line with UN principles. Hence, hundreds of organizations that were earlier effectively barred from participation now have an opportunity to supply information and put forward views that would have been totally ignored in a GATT round. It is also fair to claim that developing countries have much more say in the current WTO context than they had in the GATT rounds. Hence, many more developing countries have been involved in agenda-setting activities in the first WTO round than in any of the trade negotiations in GATT.

Wider participation of state and private actors in the multilateral trade negotiations is obviously positive, and not only from the purely philosophical/normative point of view: that democracy is generally desirable. There is seemingly a significant positive association between, on the one hand, *patterns of participation* and, on the other, the *effectiveness* of the multilateral trade negotiations, particularly with regard to their capacity to expand *the reach* of the WTO free trade regime. True commitment to the rules and policy prescriptions of an international regime ultimately requires voluntary acceptance of these institutions, which is typically acknowledged in an agreement produced in an international negotiation. Accordingly, more extensive participation in a WTO round is likely to improve the conditions for a wider adherence to a negotiated outcome, thus strengthening free trade institutions in the world.

However, it may also be argued that wider participation in the multilateral trade talks, particularly by NGOs representing narrow, specific interests, may complicate WTO negotiations and make it more difficult to attain trade liberalization accords of the same magnitude as those reached in the

GATT rounds. These encounters at the negotiation table were undoubtedly highly undemocratic in the sense that asymmetry of influence and asymmetry of responsibility across negotiating partners were recognized as legitimate conditions for the conduct of the international trade negotiations. Actually, the origin of this norm can be traced back at least to the introduction of the linear approach to tariff negotiations in GATT, which was first used so successfully in the Kennedy Round but which had also been tried out in the abortive Dillon Round around 1960.

The main idea of the “linear” approach was that the actual negotiations on tariff cuts should be conducted only by the “principal suppliers” in a given product area. The results attained in each particular negotiation of “principal suppliers” were eventually shared by all parties to the GATT round, in line with the GATT norm of nondiscrimination, which has often been referred to as “the most-favored nation clause” in textbooks on international trade policy. In the same spirit, informal negotiation groups with a restricted membership—including especially influential or interested parties—have performed a highly important role in the last GATT rounds. Decision making in the multilateral trade negotiations was guided by similar norms and

principles. The statutes of GATT/WTO allow decision by vote, but this procedure has only been used in exceptional cases. Normally, the real collective, political decision to accept negotiated commitments to reduce trade barriers is taken by consensus that makes it possible for a minority (in terms of numbers) of strong trading nations to prevail over a majority (in terms of numbers) of much weaker countries involved in the GATT talks.

The Issue of Process Design

There is agreement in many quarters that the WTO, as well as other bodies for intergovernmental economic collaboration, undergo continued reform. One principal reason is the undisputed need to find ways to accommodate into the negotiation process not only more governments but also a large number of NGOs. Institutional design represents one practical approach to accomplishing this objective. There is a large—and growing—literature discussing exactly how NGOs and other representatives of the international civic society may best become integrated into the negotiation process. The democratization objective is highly important and needs to be pursued with constructive determination. However, improving, or at least retaining, the effectiveness of the WTO negotiations is also a highly important task that cannot be neglected. There is

no evident formula suitable for a trade-off between *democratization* and *negotiation effectiveness* in terms of *trade liberalization*. Nevertheless, such an accommodation cannot be avoided. One element in a solution to this dilemma would be *institutional design*, or rather redesign, in order to facilitate the access to the WTO system of the international civic society, as well as its active participation in this context. One possible approach might be to draw lessons from the experiences of NGO participation in UN institutions.

However, efforts of *process design* also have been made in order to safeguard the effectiveness of the WTO negotiation machinery. For example, new or modified negotiation instruments and techniques must be tried out to permit considerably larger participation of actors, national governments, and NGOs—particularly in problem-solving negotiation groups—in forums that traditionally have had a highly restricted membership.

Gunnar Sjöstedt

Notes

¹ As a result of the Uruguay Round, the General Agreement on Tariffs and Trade (GATT) was transformed into the World Trade Organization in 1994/1995.

² Zartman, I.W., (ed.), 1994, *International Multilateral Negotiation. Approaches to the Management of Complexity*, Jossey-Bass Publishers, San Francisco, CA, USA.

Negotiating the Future of the European Union

The Treaty of Nice, which marks the completion of the last Intergovernmental Conference, has adapted the ways in which the European institutions operate, making it possible for the European Union (EU) to admit new member states. The EU now faces the biggest challenge in its history: moving from a relatively compact and cohesive group of 15 member states to an organization of nearly 30 states. It is obvious that the biggest enlargement will test the EU’s capacity to reform its institutions and the very procedures by which the negotiating processes are

carried out in Brussels. The present mechanisms are ill-adapted to meet the gigantic challenges posed by the fundamental changes on the horizon.

The prospect of enlargement and the consequent need for institutional reform call for totally new approaches to the ways and means by which future negotiations are to be conducted on matters of European integration. The growing disenchantment of the citizens of the member states, and their frustration with the bureaucratic features of the EU and what they perceive as the Union’s “democratic deficit,” have led to the conviction at the highest

political level that the future of the EU will have to be built on a completely new negotiating basis.

Therefore, at the European Council in Nice in December 2000, the Heads of State or Government called for a broad and detailed discussion of this question. They invited the citizens of Europe to play a major part in the debate so that their aspirations could be better taken into account beyond the Treaty of Nice. It was in this context that a declaration on the future of the Union was annexed to the Treaty of Nice. The following subjects were selected to be considered within the

framework of a large debate involving the European Parliament, national parliaments, politicians, the business world, academics, and representatives of European civil society and the applicant countries:

- *Simplification of the Treaties*—Reorganizing the basic provisions of the four treaties into a single treaty, to be presented in a clearer, more readable form.
- *Demarcation of Responsibilities*—Who does what in the EU? What powers must be exercised at the EU level? What powers must be exercised by the member states? How can we ensure that the different levels of legislative and administrative action complement each other more effectively?
- *The Charter of Fundamental Rights*—What is the Charter's status in the treaties after its proclamation in Nice?

- *National Parliaments*—What is their role in the institutional architecture of the EU?

Following in certain respects the innovative mechanisms developed to elaborate the Charter of Fundamental Rights, a consensus has developed concerning a new negotiating framework designed to prepare the next Intergovernmental Conference of the EU. It involves a "Convent"—consisting of representatives of the member states, the European Parliament, the national parliaments, and the Commission—which will be given the mandate to work out options for the draft amendments to the EU Treaty. Provision will also be made to involve the applicant countries in some fashion in the work of the Convent. In parallel, a forum of civil society will be established as a "structural network" with the purpose of consulting to the Convent.

As a process of international negotiations, the future reform of the EU thus promises to become a laboratory of new ideas. The Convent and its interaction with the forum of civil society will certainly depart from the trodden paths of the previous procedures in many ways. They were lacking the "pre-conference" element that the Convent provides. A wholly new system of negotiating the future of the EU is thus taking shape. It will doubtless exert a significant impact on long-established mechanisms.

It is to be hoped that the new two-stage procedure (Convent, Intergovernmental Conference), which involves civil society, the European Parliament, the national parliaments, and the applicant states, will indeed alleviate some of the concerns that the EU has become too bureaucratic and too distant from its citizens.

Franz Cede

Second Call for Proposals: Negotiating European Union

Six members of our PIN Network have reacted favorably to the idea of writing a chapter for the upcoming reader on European Negotiation Processes as announced in the last issue of *PINPoints*. To create a substantial book, we need at least another six contributions. Of course, the authors themselves should decide what the topic of their chapter will be. *PINPoints* 16/2001 discusses the structure and content of the chapters, and mentions that contributions should at least discuss such factors as context, interests, actors, process, procedures, strategies, and tactics. It is vital that authors address negotiation in a European Union (EU) context *per se*. Much has been written on decision making, lobbying, committology, and institutions of the EU. This book should be on negotiation processes, however, as this has hardly been studied and is of the utmost importance to the development of European integration in its broadest sense.

We currently have proposals for the following chapters. Paul Meerts, co-editor, will write an introduction on EU

negotiation processes. The second chapter will be on cultural diversity and flexibility, and the third will concern the perception of EU negotiation behavior through the eyes of an (Iranian) outsider. The fourth chapter will be on the behavior of the President in a multicultural setting, and the fifth covers the President as a crucial actor in the organized and integrative bargaining of the EU. The sixth chapter will concern the role of power and the significance of the weight of member states in the negotiation process. The seventh chapter will be about quantitative methods for calculating possible outcomes of these processes. The book will end with a conclusion written by the other co-editor, Franz Cede.

The last meeting of the PIN Steering Committee produced a list of important issues in EU negotiation processes. The following options for papers remain:

- The relationship between structures and processes,
- The problem of complexity and the connection between bilateralism and multilateralism,

- The role of lobbies and corridor work,
- Special strategies and tactics used in EU negotiation processes,
- The Commission as an actor,
- Sovereignty.

At its next meeting, in mid-January, the Steering Committee will review the situation. Authors will receive final information in mid-February and will be asked to submit their chapters before 1 June 2002. In that month they will be asked to present these chapters at the PIN summer conference. Please let us know if you would like to write a chapter for this interesting work!

All correspondence should be directed to

Ms Ulrike Neudeck, PIN Project, IIASA, A-2361 Laxenburg, Austria. Phone: +43 2236 807 267, Fax: +43 2236 71313, E-mail: neudeck@iiasa.ac.at with a copy to pmeerts@clingendael.nl

Paul Meerts

No Negotiation—No Conflict Resolution: A Seminar on the Trans-Dniester Conflict

Last October in Odessa, Ukraine, a seminar on the perspectives of the conflict around the Trans-Dniester Republic took place. It was organized by the Ukrainian Institute for Strategic Studies together with the F. Ebert Foundation of Germany in order to probe possibilities for progress in this event, which at first glance appears not highly important, but nonetheless tragic. Its tragedy lies in the fact that, in the days of the war between the government of Moldova and the forces of the Trans-Dniester Republic, thousands were killed and wounded, or lost their homes and had to join the ranks of refugees.

As is known, the war in the area was ended in 1993 as the result of a powerful intervention by the then Commander of the Russian 14th field army deployed in Moldova, General Alexander Lebed. Since then, the conflict has been kept within peaceful limits, but there is no movement ahead.

Ukrainian institutions together with the German foundation have decided to carry out an overview of the state of the conflict and possibilities for its settlement. Present at the seminar were nongovernmental experts from Moldova, Trans-Dniester Republic, Ukraine, Russia, and the United Kingdom. The Romanians declined to participate. All were present only in their personal, nonofficial status, which made possible an open and sincere exchange of opinions. The conflict has acquired a stable and resolute impasse: no one talks to anyone else, but, irrespective of that, all know each other's positions and do not agree with them.

Under the conditions of the 1993 agreement that put an end to the hostilities, Russia, Ukraine, and Romania dispatched forces that were supposed to serve as peacekeepers. In reality, the remnants of the Russian 14th Army play that role—remnants because, by Russian-Moldovan agreement, the 14th Army is to be withdrawn from Moldova. In the absence of a fixed date, it is gradually reducing its size, destroying the weapons that cannot be taken to Russia, and, to the

extent possible, serving as a barrier between the armed forces of Moldova and the Trans-Dniester Republic.

Ukraine and Romania, although pledged to send forces to keep the peace, instead actively intrigue against Russia, calling its presence “provocative,” “destabilizing,” etc. An answer to the question, “what happens once the Russian troops leave?” simply does not exist. Hopes that when the Russian troops withdraw, the government of the Trans-Dniester Republic will become more cooperative are irrelevant.

The real problem with this conflict is that it is at loggerheads with itself: first, it sleeps (and as long as it sleeps, there are chances that it will cease to exist one day), and second, in order to move toward a solution, something must happen. Perhaps the Organization for Security and Co-operation in Europe (OSCE) will intervene, or Russian-Moldovan dialogue may push the whole thing ahead (although the last summit between Moscow and Chisinau failed to do so), or the Romanian government will decide something in the absence of a Moldovan initiative. It is simply hard to imagine what might happen to break the current stalemate.

The peculiarity of the situation is that, in the absence of something like formal negotiations and contacts between the governments of Moldova and Trans-Dniester, real life is going on; and both sides are actively cooperating in economies, education, and civil affairs. It seems that conflict resolution is being made, not by the official agencies, not by international bodies, but by the citizens of both sides who are tired of waiting expectantly for official institutions to help them. It is unusual when, in the absence of formal negotiation, a conflict resolution approach has been spontaneously worked out and implemented by ordinary people whose lives depend directly on the state of relations.

This is not the first occurrence of this type. Similar events have happened in some other conflicts in the post-Soviet space: in Nagorno-Karabakh, Southern Ossetia, and Tajikistan. To explain

briefly, ordinary people accustomed to centuries of living together have not gained anything from nationalistic conflicts. They try to restore the status quo as it existed in Soviet times. The new leaders who have created and used the period of nationalistic upheaval in order to come to power now block each other's effort and can neither win the conflict nor bring it to an end.

The real conflict resolution effort in this type of situation, as the seminar in the Trans-Dniester Republic showed, comes from the citizenry. These people are disillusioned with the nationalistic aspirations of authorities who came to power together with ethnic conflicts and they are ready to find some single solution to the conflict. Will their leaders read this important turn correctly?

Victor Kremenyuk

Dutch PIN Group Meets at University of Amsterdam

For the fourth time in 10 years the Dutch PIN group assembled, invited to the University of Amsterdam by Rob van Es, a Dutch scientist who wrote his thesis on negotiation and ethics. The Dutch member of the PIN Steering Committee chaired this roundtable. David Pinto, professor of intercultural affairs, began with a lecture on the rationale of cultural differences. Contrary to Hofstede and Trompenaars, Pinto uses only one main dimension: high context versus low context, or—as he called it—tightly or not tightly knit. The first kind of culture prescribes precise implicit or explicit rules, the second focuses more on procedures. The factors that decide this are economic, social, or religious in nature. After his presentation, an intensive discussion between the 12 participants (all researchers or trainers

on aspects of the negotiation process) consumed most of the afternoon. They asked questions about the importance or unimportance of cultural differences in international negotiations.

The second part of the meeting was reserved for a discussion on future cooperation in research and training. Plans exist to publish a special issue of the Dutch (former polemological) journal *Peace and Security* on the subject of international negotiation. The question was put on the table as to whether there is a need for a Dutch handbook on international negotiation. It was mentioned that there have been discussions within the PIN Steering Committee about the usefulness of publishing a textbook on international negotiation as a supplement to the 'Kremenyuk Book,' but focusing on the needs of university students. It was also

mentioned that a book on European Union negotiating processes is in the making and that more authors were needed (three of them were present in this meeting, and on 30 October a presentation on this topic was held for interested staff members of the Clingendael Institute). It was agreed that experts in fields like mediation and conflict management should be drawn into the activities of the Dutch PIN group, which has about 20 active members now. The trainers present said that they will strive for more interchange on their programs and experiences. So far there have been three exchange visits to workshops of trainers belonging to the Dutch PIN group. The next meeting will be held on 17 December in Utrecht. The theme will be "mediation and negotiation."

Paul Meerts

Book Review

Victor M. Sergeev. *Demokratiya kak peregovornyy protsess (Democracy as a Negotiation Process)*. Moscow: Moscow Public Science Foundation, 1999, 148 pp.

Even now, after democratic changes and market economy reforms have significantly changed life in Russia, negotiations are regarded by most Russians as an exotic area, mainly dominated by diplomats or large corporations. Unlike people in the West, who are accustomed to negotiating almost every day on housing, insurance, and purchases, Russians and other post-Soviets still cannot defend their interests via negotiations in their day-to-day lives.

This fact complicates both the study and teaching of negotiations in Russia, because most of those who are interested in the subject are officers in the Ministry of Foreign Relations. If one looks attentively into the state of affairs in the area, however, one finds that the interest in negotiation literature is growing among both the business community and those consumers who try to bargain over their purchases.

Professor Victor Sergeev of the Institute for Foreign Relations in Moscow has found a totally new approach (at least for Russians) to the subject of negotiation: its role in the organization of the political process in the country. In his book, published under the aegis of the prestigious Public Science Foundation, Sergeev attempts to present the process of negotiation as crucially important to the emergence of the civil society in Russia.

Basically, his subject is democracy. This is an important topic because the Russian public in general and Russian politicians in particular have a vague idea of democracy and very often confuse it with anarchy (and, vice versa, they confuse the rule of law with dictatorship). Sergeev's essay gives an overview of the theory of democracy, its essential features (legitimacy, typology, hierarchy), and its historical evolution. Because its volume is limited, this book cannot be regarded as a classical thick-volume monograph; nonetheless, it provides the interested Russian reader with essential knowledge on the basics of democracy.

But what makes the book extraordinarily innovative, even for a Western reader, is its heavy emphasis on the link between the basics of democracy and the essence of negotiation. Though negotiation may bear a heavy imprint of coercion (see J. Rubin and I.W. Zartman, eds., *Power and Negotiation*), it is still a highly democratic procedure because it leads to a negotiated solution where the interests of all sides are represented and respected. The whole process of negotiation—with its respect for the sovereignties of the participants, strong legal basis, and attempt to achieve an agreement—is deeply entrenched in democratic practices and reflects the ripeness of democracy as a political system.

Attempts similar to Sergeev's approach have been made in the West (i.e., in some of R. Putnam's works), but for Russia and for the Russian public, Sergeev's work sounds like a revelation, a fresh and unexpected view of two important subjects: democracy and negotiations.

Victor Kremenyuk

Negotiation Studies in Japan

Negotiation studies in Japan are still at an “embryonic stage of development,” said Shoji Mitarai of Sapporo University in his introduction to a panel at the June 2001 congress of the International Association on Conflict Management (IACM) in Cergy-Pontoise, France. At the panel, presentations were made by Mitarai, vice president of the Japan Institute of Negotiation and professor at Sapporo University (mitarai@sapporo-u.ac.jp), Hiromoto Doi, vice president of the Japan Institute and professor at the International Christian University (doi@icu.ac.jp), and Tadashi Fujita, president of the Japan Institute and professor at Tokyo International University (fujita@tiu.ac.jp). The presentations concerned Japanese research on negotiation in cross-cultural studies, decision analysis, and bullying among schoolchildren.

Despite the early stage of development, a review of Japanese contributions to research on negotiation with cross-cultural studies is appropriate, as some of the earliest work, dating from the late 1960s, was conducted by Kinhide Mushakoji (QWD00105@niftyserve.or.jp), a leading figure in Japanese political science then at Gakushuin University, on Western versus non-Western negotiating styles. Another senior figure, Hiroshi Kimura, professor at the International Research Center for Japanese Studies in Kyoto, has approached negotiation from the angle of Japanese–Soviet relations,

from which he has sponsored broader studies into the concepts of negotiation. Decision analysis and development has been the approach of another senior scholar, Mikoto Usui (m_usui@nifty.ne.jp), formerly at Tsukuba and Keio Universities and now at Shukutoku University, who has written on multilateral negotiation.

Perhaps the most intense focus of Japanese interest in negotiation comes from business, which provides the main source of membership in the only Japanese organization devoted to the study of negotiation, the Japan Institute of Negotiation, organized and presided over by Professor Fujita. The Institute holds seminars and publishes a small annual journal. Other institutions that hold occasional seminars on negotiation include the Institute of Advanced Studies at the United Nations University in Tokyo, where Professors Fujita and Usui teach; the Defense Department’s National Institute for Defense Studies, where Dr. Seiichiro Takagi (stakagi@nids.go.jp) is a department director; as well as the Japan Center for Preventive Diplomacy (www.jcpd.gr.jp/index_e.htm), headed by Yasushi Akashi, former UN Special Representative of the Secretary-General.

The elder generation of scholars has trained a younger group who are scattered throughout the country in research institutes and universities, but they do not as yet constitute a critical mass of interest and scholarship. Younger scholars conduct their work

on a range of negotiation aspects in other institutes, such as

- Japan Institute of International Affairs (JIIA) (www.jiia.or.jp): Ken Jimbo, fellow;
- Research Institute for Peace and Security: Yuji Uesugi (fvvg1130@infoweb.or.jp), researcher;
- Universities, often distant from the center, such as Kitakyushu University: Norichika Kanie (kanie@kitayu-u.ac.jp), law school teacher;
- Government ministries, such as the Ministry of Health, Labor and Welfare: Takashi Hattori (hattori-takashi@mhlw.go.jp), deputy director of employment development.

There is also scattered work on game theoretic portrayals of negotiation at Kyoto University (Fumiko Seo), Iwate University (Masatoshi Sakawa), and Hitotsubashi University (Setsuo Ohnari).

In sum, the material for important contributions to the study of negotiation is present, but widely scattered, both in physical location and analytical approaches. A younger generation of negotiation professionals is trained but also scattered. Professor Fujita aspires to create a faculty of negotiation in a new university, and we wish him well. In the meantime, we look forward to the creation of a PIN Network around this community of scholars in Japan.

I. William Zartman

Researchers! Join the Research Program on the Processes of International Negotiation (PIN)

An Invitation to the YSSP PIN Program

Are you a young graduate student working on a project on international negotiation? Then you may be interested in applying for acceptance into the Young Scientists Summer Program (YSSP) in the Processes of International Negotiation (PIN) Program. Details about this exciting summer program are outlined below. Any endeavor falling within the frame of international negotiation will be considered. It might, however, be an advantage if the YSSP candidate's research addresses issues related to the topics of recent, current, or planned PIN book projects.

Relevant themes are how to attain forward-looking outcomes in a negotiation, the impact of professional culture, negotiation in the European Union, risk and negotiation, quantitative methods of negotiation, and training and negotiation.

Another category of priority research themes focuses on international negotiation but also addresses substantive issues that are on the agenda of other research programs or projects at IIASA. These concern complex issues about climate change and other environmental problems, world population, land use, or the transition from state-controlled economies to free market systems.

The Research Area

The PIN Program is an international and interdisciplinary group of negotiation experts undertaking research in the form of book projects concerning various aspects of international negotiation. YSSP participants will work closely with current members of the PIN Steering Committee, experts such as Rudolph Avenhaus, Franz Cede, Guy Olivier Faure, Victor Kremenyuk, Paul Meerts, Gunnar Sjöstedt, and I. William Zartman. The most recent publications of the PIN group are *International Economic Negotiation: Models vs. Reality*,

V.A. Kremenyuk and G. Sjöstedt, eds; *Power and Negotiation*, I.W. Zartman and J.Z. Rubin, eds; and *Preventive Negotiation: Avoiding Conflict Escalation*, I.W. Zartman, ed. Publications on professional cultures, nuclear negotiations, and negotiated risks are expected over the coming months.

The Research Organization

The International Institute for Applied Systems Analysis (IIASA) is an interdisciplinary, nongovernmental research institution sponsored by a consortium of National Member Organizations in Asia, Europe, and North America. Generally, IIASA's research focuses on sustainability and the human dimensions of global change and provides timely and relevant insights for the scientific community, policy makers, and the public.

The Program

IIASA's annual YSSP is a three-month (June through August) research program for advanced students whose interests correspond with IIASA's ongoing research. In most cases, those accepted are fully funded by one of the Institute's National Member Organizations (NMOs). Guided by senior scientists, participants develop and expand their research topics. In mid-summer, they present preliminary research findings at a workshop with other participants and IIASA staff. The program provides a unique opportunity for participants to acquire international experience, enhance their own research skills, and become part of a worldwide network of specialists with broad interdisciplinary and cross-cultural perspectives. A program of seminars and lectures by short-term visiting scholars and collaborators provides exposure to research being done on global problems within IIASA and at other research institutions around the world.

Each participant in the YSSP completes a paper or report on his or her research activity. These reports may be considered for inclusion in IIASA's Interim Report series. Aurelio Peccei and Vladimir S. Mikhalevich Scholarships are awarded to those participants whose reports are considered superior and whose general participation in the program is judged to be of high quality. The awards provide an opportunity to return to IIASA for an additional three-month period of work and study.

IIASA's scientific resources include the research projects, numerous visitors from other research institutes around the world, an excellent research library, and computer services. The Institute helps participants find reasonable accommodation. Since the beginning of the program in 1977, more than 1,000 graduate students from 45 countries have benefited from their participation in IIASA's scientific work and enhanced their own perspectives and career opportunities.

How to Apply

Interested candidates can learn more by visiting the YSSP Web page at www.iiasa.ac.at/Admin/YSP/IIASA_YSSP.html. On the YSSP home page, you'll find a link called National Member Organizations (NMOs). It lists the organizations in member countries where candidates may apply for sponsorship. Those without Internet access may write to

Ms Margaret Traber, Young Scientists Summer Program, IIASA, Schlossplatz 1, A-2361 Laxenburg, Austria.

Gunnar Sjöstedt

Arms Control and Disarmament Verification

In multilateral arms control and disarmament (ACD) treaties, States undertake obligations to engage or not to engage in specified activities. These obligations are in effect the objectives, or goals, of each treaty. They range from prohibiting production and use of specified weapons to destroying existing ones to limit the number of specific items like missiles, aircraft, and tanks. Similar objectives are set forth in other categories of treaties dealing with the environment, safety, etc. Those States that sign and ratify a treaty commit themselves to taking the necessary steps for achieving the objectives of the treaty. In arms control agreements concluded during the past few decades, States agree to be subjected to monitoring and verification according to rules specified in each treaty.

1. The incorporation of verification regimes in arms control treaties has always given rise to arguments on whether a particular treaty is *verifiable*. We recognize that international treaties, in particular ACD treaties and recently also environmental treaties, evoke strong emotional and partisan reactions during negotiations and after ratification. There are many public and, generally, inconclusive debates about the merits and importance of such treaties, or the lack of such qualities, between their proponents and opponents. As is frequently the case with issues evoking strong emotions, the discussions are based on broad assertions, preconceived notions, and ulterior motives. Invariably, they contribute little toward understanding the issues and contributing to the achievement of the goals of a treaty. One of the reasons may be that the negotiating process has no provisions or mechanisms for treating an international agreement as an integrated system, which is expected to operate in a regional or global environment and to generate outputs upon which the States Parties may rely. Although controversial issues will always evoke strong partisan emotions, the scientific and technical community can contribute to the development of a rational basis for

discussing the merits of a treaty. In seeking to develop such a basis, one has to ask whether objective measures and criteria could be devised for answering questions such as

- Are the objectives of a treaty feasible?
- Given that the objectives are feasible, how can compliance be measured or evaluated?
- Do the verification objectives reflect the objectives of the treaty itself?
- What is the minimum information necessary for evaluating compliance, and can the monitoring regime specified by a treaty provide sufficient information to evaluate compliance?
- Given that the objective of the verification regime could be reached in principle, and the minimum information necessary for evaluating compliance could be provided, would the resources required to achieve these objectives be realistic in terms of cost, manpower, etc.?

Examination of such questions would lead to the broader question of whether, in negotiating future treaties or reviewing existing ones, the aim should be to set feasible and measurable objectives, instead of idealistic, broad and, in practice, unattainable ones.

2. Treaties requiring monitoring are not so different from other physical processes for which models are developed and variables measured. The existence of models would allow a more dispassionate approach for analyzing the performance of a treaty. The results of such analyses could yield important information about what a new treaty could or could not achieve and at what costs. Thus, a systems approach is proposed which could also be instrumental in identifying directions where new research activities would need to be undertaken. Examples for ACD treaties considered here include

- the Treaty on the Non-Proliferation of Nuclear Weapons (NPT),
- the Treaty on Conventional Forces in Europe (CFE),
- the Chemical Weapons Convention (CWC), and

- the Comprehensive Nuclear-Test-Ban Treaty (CTBT).

These and other similar treaties consist of the following major components: activities within States covered by each treaty, obligations assumed by the States, measurement systems, monitoring activities, and evaluation mechanisms for deciding whether the activities are consistent with the obligations of the State. In the following, some ideas on goals and verification in terms of their completeness and interrelationship are discussed.

3. Treaty goals may be classified as either *qualitative* or *quantifiable*. The latter refer to attributes or processes that have measurable characteristics. Conversely, the former, lacking precise definition of their meaning in the context of the treaty, are subject to as many interpretations as the number of people making the interpretation. Table 1 lists the two categories of goals for the four treaties listed above.

In the case of the NPT, one could argue that State A, a nuclear weapons State, is in violation of its obligation not to “induce other States to acquire nuclear weapons” by continuing its possession of nuclear weapons. State B, feeling threatened by State A’s possession of nuclear weapons, is induced to undertake development of its own nuclear weapons. Also, the broad nature of the obligation of nuclear weapons States to “pursue negotiations on...complete nuclear disarmament” can easily be used to justify continuing possession of nuclear weapons, while claiming adherence to the treaty goals.

With respect to the CWC, State C may have violated its obligation to “not assist in, encourage, or induce in any way the manufacture of chemical weapons” by awarding a doctorate in chemical engineering to someone, who, subsequently, would direct a chemical weapons program in State D. It could be argued that common sense would or should reject that interpretation. Unfortunately, “common sense” is not one of the criteria governments use to make decisions.

Table 1. Goals or reference inputs.

Treaty	Obligations of States Parties	
	Qualitative Goals	Quantifiable Goals
NPT	<ul style="list-style-type: none"> • Not in any way assist, encourage, or induce other States to acquire nuclear weapons • Not seek or receive any assistance from other States to acquire nuclear weapons • Pursue negotiations on cessation of nuclear arms race and on complete nuclear disarmament 	<ul style="list-style-type: none"> • Not manufacture • Not transfer • Not receive nuclear weapons
CFE	<ul style="list-style-type: none"> • Not threat or use force against territorial integrity, or political independence of any State • Prevent any military conflict in Europe • Achieve greater stability and security in Europe 	<ul style="list-style-type: none"> • Maintain a secure, stable and balanced overall level of conventional armed forces in Europe • Eliminate capability for launching surprise attack
CWC	<ul style="list-style-type: none"> • Not engage in any military preparation for chemical warfare • Not assist, encourage, or induce in any way the manufacture of chemical weapons 	<ul style="list-style-type: none"> • Destroy chemical weapons • Not acquire chemical weapons • Not use chemical weapons
CTBT	<ul style="list-style-type: none"> • Refrain from causing, encouraging, or in any way participating in the carrying out of any nuclear weapon test explosion or any other nuclear explosion 	<ul style="list-style-type: none"> • Not carry out any nuclear weapon test explosion • Prohibit and prevent any nuclear weapons test

Consider now the class of quantifiable objectives. By definition, they are (theoretically) feasible, because they are measurable. Thus, all quantifiable objectives of the NPT and the CWC listed in Table 1 are feasible. For the CFE, the objective to maintain the overall level is feasible, whereas the feasibility of the objective to eliminate the capability for launching a surprise attack is questionable. The goal is feasible, if surprise attack is interpreted to mean large-scale offensive action. However, surprise attacks can also be undertaken with small units or through coordination of two or more States. Finally, considering the CTBT, both the objectives not to carry out and to prohibit weapons tests are feasible, whereas to prevent such tests is not feasible because the starting point of the action “prevent” cannot be defined.

For some goals, the question of practical feasibility must be raised. Closely associated with measurements are accuracy and cost. If the state of the art for the required measurement

tools (equipment, procedures, human resources) for some treaty goals is such that the accuracy of the measurements is low, those goals are not feasible in practice. Similarly, if the cost of measuring and achieving some goals is prohibitively high, the feasibility of those goals is also questionable.

One then is led to the conclusion that feasible and non-feasible objectives should be regarded as distinct concepts within the modus operandi of a treaty. The former would be regarded as obligatory and the latter as desirable. The non-feasible objectives could then be used as guidelines for the future evolution of the treaties.

4. Verification is perhaps the most controversial issue in arms control treaties. The role of a verification regime is to assure States whether or not and to what degree other States abide by their obligations under a treaty. For the four treaties under discussion, the monitoring components of the respective verification regimes are listed in Table 2. To provide such assurances, the monitoring systems

and the evaluation procedures should be designed to inspire confidence in the results they provide.

In evaluating a verification regime, the first question that needs to be asked is whether the verification objectives reflect the objectives of the treaty itself. Consider those goals that are quantifiable and, therefore, measurable. They may be separated into two categories. One contains goals that may be considered to be short-term actions, such as explode a weapon, destroy a weapon, etc. This category also includes goals involving counting or itemization, such as number of treaty-limited entries. The second category consists of goals specified as processes, that is, sequences of activities occurring over time. Examples of such goals are the obligation not to manufacture nuclear weapons, or the obligation not to develop, produce, or otherwise acquire chemical weapons. (In a purist interpretation, a short-term action is an instantaneous value of a process. Consequently, it could be argued that the first category is a subset of the second.)

Table 2. Monitoring.

Treaty	Monitoring
NPT	<ul style="list-style-type: none"> • Data reporting required • Quantitative measurement of flows and inventories of nuclear material • Containment and surveillance measures • Special inspections, e.g., for search of undeclared facilities
CFE	<ul style="list-style-type: none"> • Data reporting regimes • On-site inspections of declared military sites • Special inspections • national technical means
CWC	<ul style="list-style-type: none"> • Data reporting requirements • On-site inspections of declared facilities • Special inspections
CTBT	<ul style="list-style-type: none"> • Seismic • Hydroacoustic • Infrasound • Radionuclide measurements • On-site inspections

Nevertheless, since the treaties identify short-term actions and itemization as explicit goals, we will adhere to the classification described above for the purpose of consistency and clarity.

For goals specified as instantaneous events, compliance can be measured by establishing whether an event has or has not taken place regardless of time. A nuclear test, or the launching of a projectile filled with toxic chemicals, both denote noncompliance, regardless of when the actions occur. In the case of the CFE, increasing treaty-limited items above the specified levels also denotes noncompliance.

For the goals, which are processes, a different perspective is necessary in order to understand the meaning of verification of compliance. Assume

that a process has a beginning, duration, and end. For example, one way to manufacture a nuclear weapon is to start with the raw material, natural uranium, go through the intermediate steps of enrichment, and end with the production of a nuclear bomb. A similar process can be identified for the production of a chemical weapon.

Verifying compliance for a goal, which is a process, implies the collection of measurements over time. One then needs to determine the number of variables to be measures and the frequency of measurements. To detect diversion of nuclear materials, the materials balance approach has been applied to the entire nuclear fuel cycle. On the other hand, in the CWC, although one of the goals is the detection of diversion of dual use chemicals, for a number of those chemicals, there is no measurement system in place for detecting diversion. The complexity of the CWC makes detection of diversion a much more difficult problem than that for the NPT. In such cases, one would have to raise the question of what should be a verification objective.

Another issue that must be addressed regarding the definition and, consequently, detection of noncompliance is the significance of values of quantifiable objectives. For example, if the maximum number of treaty-limited items in the CFE runs in the thousands, what is the meaning of noncompliance when the maximum number is exceeded by one, two, three, one hundred, or one thousand items? Or, for the NPT, what is the significance of not accounting for one gram, ten grams, one hundred grams, or one kilogram of plutonium per year? Is one tank as significant as one thousand tanks? Is one gram per year as significant as one kilogram per year? To answer to these questions one would have to introduce weighting factors in the various measurements and the element of risk in the process of evaluating compliance. An effort in that direction has been made in the CWC, where one of the criteria used to put chemicals in different schedules is the risk they pose to the convention.

5. If treaties with open-ended or unmeasurable objectives contain provisions for unattainable verification objectives, there is a serious danger that confidence in the effectiveness of such treaties would erode. Therefore, the basic idea of the ongoing work presented here is to develop a formal methodology for analyzing ACD treaties which should serve two purposes: (1) for existing treaties a mechanism would be provided for proper allocation of resources for monitoring; (2) for future treaties, such as the Biological Weapons Convention, they would provide guidelines for setting goals and assessing the value of monitoring systems. If the goals of the treaties were limited to those for which an effective monitoring system could be designed, verification could be achievable and credible. If, for a given goal, a verification regime were not feasible, one would have to question the value of including such a goal in a treaty that incorporates provisions for monitoring and demands compliance.

*Rudolf Avenhaus
Nicholas Kyriakopoulos*

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Road Show in Belgium

The PIN Steering Group held its latest road show at the Catholic University of Louvain (UCL) at Louvain-le-Neuve, Belgium, in support of the reintroduction of a course on Negotiation taught by Dr. Valerie Rosoux. The following topics were addressed: international negotiation as a subject of research/Russian negotiation style (Victor Kremenyuk), The Legal Perspective on International Negotiations (Franz Cede), Forward-Looking Outcomes in International Negotiations (I. William Zartman), Problems of

Negotiating Risks (Gunnar Sjöstedt), Negotiating in China: The Cultural Dimension (Guy Olivier Faure), and Entrapment as a Strategy of the Weak in International Negotiations (Paul Meerts).

The program lasted the afternoon of 31 May, and the presentations were followed by a wide-ranging discussion among the 50 participants, who were faculty and students of UCL and a number of other Belgian universities. The audience was particularly interested in the determinants of Russian,

Chinese, and European negotiations, and the relations between forward- and backward-looking negotiations, but the discussion also touched on other aspects of the theory and practice of negotiation in international relations.

In the days following the road show, the Committee also held the second workshop on its current study, the Forward-Looking Outcomes Project (FLOP), and met to advance work on other projects and plan new ones.

I. William Zartman

A Dialogue about Conflict Theories and Practices Across Paradigms and Cultures

On 24–27 June 2001 the International Conference on Conflict Management held its 14th conference in Paris. It was organized at ESSEC Business School and facilitated by IRENE, an institute set up to promote research and education on negotiation in Europe. IRENE, which means “peace” in Greek, has always made conflict resolution its top priority, according to its director, A. Lempereur.

More than 300 scholars and practitioners gathered, presented papers, and

exchanged experiences over four days. G. Hofstede gave the keynote address and I.W. Zartman received a lifetime achievement award.

Forty different topics related to conflict theories and practices were discussed. Among them, themes such as emotions in negotiations, trust, mental models, values, temporal dimensions, turning points, and metaphors in mediation raised considerable interest. More classical but essential themes such as ethnic-political

conflict, culture, media in conflict escalation, coalitions, environmental conflicts, asymmetrical negotiation, motivational orientation, and gender elicited a number of interventions.

For most of the participants, this conference was an exceptional moment both in substance and in form. Detailed information on the content of the conference can be obtained at iacm-irene@essec.fr.

Guy Olivier Faure

Road Show for Directors of Diplomatic Academies

Five members of the PIN Steering Committee gave a road show on the occasion of the 29th Meeting of Directors and Deans of Diplomatic Academies and Institutes of International Relations. PIN’s presentations took place in morning and afternoon sessions at the Diplomatic Academy of Vienna on 18 September. Paul Meerts, a member of both the Steering Committee and the Directors Meeting, chaired these sessions. The morning session started off with a presentation by Victor Kremenyuk on the role and history of PIN and the importance of IIASA in PIN’s development. Rudolf Avenhaus explained the usefulness of formal models in teaching negotiation, and Gunnar Sjöstedt shed light on the differences in negotiation behavior between diplomats and other profes-

sional groups. Guy Olivier Faure gave insights into the intercultural factor in international negotiation processes, using as examples his experiences in negotiating with the Chinese. Finally, Paul Meerts—who has been a lecturer at the Diplomatic Academy for several years now—gave a talk on the design and implementation of training programs on diplomatic negotiation. After these presentations, the PIN Forum had to take so many questions from the very interested audience that the session had to be prolonged until the afternoon. At the very end, the Steering Committee members tossed the 50 directors into a half-hour self-assessment exercise on negotiation style as an example of modern PIN training techniques.

Paul Meerts

PIN  *Points*
The Processes of International Negotiation Project

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International Institute for
Applied Systems Analysis
A-2361 Laxenburg, Austria
Telephone: +43 2236 807 267
Telefax: +43 2236 71313
E-mail: neudeck@iiasa.ac.at

Managing Editor: Guy Olivier Faure

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