

Breaking Deadlocks in International Institutional Negotiations:

The WTO, Seattle and Doha

John S. Odell

Forthcoming in *International Studies Quarterly* 2009

Abstract

Negotiations among members of international institutions often stalemate yet the outcomes vary. Sometimes talks end in impasse and other times in agreement. Several familiar theories are unable to explain the contrast between two prominent outcomes in the World Trade Organization—its 1999 deadlock in Seattle and its 2001 agreement in Doha, Qatar on an agenda for a new round. Extensive original evidence from these cases documents mechanisms that can tip the negotiation process between impasse and agreement in any institution, not only economic ones. The study illustrates benefits for international relations research of building on the relatively neglected tradition of negotiation analysis, a substantial part of which is outside political science.

Negotiation between states remains one of the most central recurring processes of international relations. Negotiations between members of international institutions often hit deadlocks yet the subsequent outcomes vary. Sometimes the governments break through and reach agreements while other times talks end in impasse. Why this variation? What are some causal mechanisms that tip the process one way or the other?

This study explores these general questions in the World Trade Organization. The WTO is one of the most significant institutions available for the governance of globalization, for better or worse. It opened for business in 1995, succeeding the General Agreement on Tariffs and Trade (GATT). Two prominent WTO negotiations in 1999 and 2001 ended with contrasting outcomes--one a deadlock, the other an agreement. Each was an effort to launch a new round of negotiations and set its agenda.

Early in 1999 member states accounting for a large majority of world trade said they wanted their third ministerial conference in Seattle to launch another large-scale round that would extend the sequence of eight that had liberalized trade and elaborated international rules since World War II. Critics used Seattle to organize a large protest, which became chaotic. Police allowed protestors to block the delegates from entering the convention center the first day. Once they began meeting the 135 ministers had serious problems inside the hall independent of the protests. Four days later they ended their talks in impasse. They left without agreeing even on the usual communiqué pledging to keep working together. A few ministers publicly condemned the organization and the United States for the way they had been treated. The debacle left protestors jubilant,¹ hosts embarrassed, and market participants confused. "The WTO's credibility is lower than it has ever been," said *The Economist* on 11 December.

The same states sent negotiators to their fourth ministerial conference in Doha, Qatar, in November 2001 with a strikingly different result. The politicians agreed to launch a new round with a complex agenda covering twelve issues. Most got something they valued into a package deal. No minister denounced the WTO for excluding him or her from real decision-making. The organization's credibility and legitimacy rose.²

This study aims to make three significant contributions: to reveal mechanisms through which two prominent, complex multilateral negotiations reached different outcomes, a difference several popular theories cannot explain; to develop and illustrate causal propositions that may also apply in many other institutions; and to suggest the potential of the relatively neglected tradition of negotiation analysis for future international relations research. An ultimate goal is to help improve practice. Here priority goes to developing theory about things negotiators and mediators can do in the short and medium terms, without denying the value of understanding structures and long-term changes as well.

Negotiation analysis focuses on behavior at the delegation level, in contrast to much IPE and other IR research.³ Three simple propositions built from this tradition identify processes that helped break this deadlock and help explain the 2001 deal. In summary: 1. If a party perceives that its outside alternative has worsened, it will shift strategy in the integrative direction, and vice versa. After 1999 the EU, US and other delegations perceived that their alternative to agreement had worsened, and each trade giant decided to shift from a distributive negotiating strategy to a mixed-integrative strategy and lower its resistance point. 2. The odds of breaking a deadlock will be greater the more the parties depart from strictly distributive tactics toward mixed-integrative tactics. In response to this shift by the giants, smaller players eventually reciprocated with integrative moves of their own, closing gaps between positions. 3. The odds of breaking deadlocks will rise, in a negotiation that involves a mediator and agreeing to a text by consensus, as the mediator consults more inclusively and proposes a bolder negotiating text or formula. After 1999 WTO mediators also shifted from more selective and cautious tactics to more inclusive tactics and they proposed a bolder constructed focal point, which facilitated changes in state positions and convergence on a deal.

The next section develops the main ideas and considers several alternative explanations. Next will come two narratives, designed to investigate mechanisms that contributed to this outcome difference. The conclusion discusses qualifications to these arguments and highlights interesting questions they raise for future research.

Theoretical framework

The main dependent variable is the outcome of a negotiation among members of an international institution. The negotiation process is a sequence of actions in which two or more parties address demands, arguments, and proposals to each other for the ostensible purposes of reaching an agreement and changing the behavior of at least one actor (Iklé 1964, 3-4; Odell 2000). A deadlock is a period during a negotiation when parties stand firm on inconsistent positions. In addition to the primary question whether a negotiation ends in impasse or agreement,⁴ there is secondary interest in the terms of any resulting deal. Payoffs include intangible as well as tangible gains and losses. These cases also suggest that the negotiation process can make a significant difference to an institution's credibility and legitimacy.

Alternative explanations of impasse and agreement

This contrast is puzzling to several influential theories that point to factors that did not change significantly between these episodes. This case selection increases the plausibility of the main arguments by removing what otherwise could be six possible threats to their validity.

First, some might ask whether the commercial interests of the states were incompatible in the first case and compatible in the second. But here we have the same set of states with essentially the same commercial interests. In 1999 the member states could have agreed to negotiate exchanges of market-access concessions and exchanges regarding the common rules. Economists and international organizations had estimated that world welfare gains of \$400 billion annually or more could be realized,⁵ and many governments had said they believed gains were available. In January 1999 even the leading opponent of a new round, the Indian delegation, believed the boosters would succeed in Seattle.⁶

Second, some negotiation theories emphasize negotiators' contexts such as the cultures they represent, but the same mix of cultures engaged with one another. Other contextual theories concentrate, third, on variations in international structures within which delegations work. The hegemony hypothesis proposes that a structure dominated by a single superpower favors cooperation. Power in the trade system in 1999 was extremely skewed in favor of two giants, the European Union and the U.S., whose shares of

world trade were roughly equal and far larger than number 3 and the rest. But the trade power structure did not change significantly in this interval.

Fourth, functionalist institutional theories have argued that introduction of an international regime or changes in institutional design can improve negotiations' efficiency and facilitate cooperation (Martin and Simmons 1998). Here we have the same organization with the same rules and design. Efforts were made to link issues in both cases but they failed in one and succeeded in the other for some reason.

Special features of the WTO made negotiating agreements more difficult than in many organizations. The membership was quite large and heterogeneous, and decisions were made by consensus rather than voting, which gave the smallest member the authority, at least, to block the whole. Many more developing country delegations were organized into coalitions and active in defending proposals in both cases than in the GATT before 1995. At the same time the member states kept the authority of their Director General and Secretariat more limited than that of other IO leaders. Moreover, unlike the IMF, the World Bank and many UN organizations, the WTO lacked a small formal representative body that could be a site for private efforts to break impasses. But all these special features were just as challenging in 2001 as in 1999.

Much attention has been devoted, fifth, to domestic democracy as a source of cooperation (e.g., Mansfield, Milner and Rosendorff 2002 and many others). But none of the 30 WTO members that conducted the largest shares of world trade, and together accounted for 82 percent, changed between democracy and autocracy. The only changes registered by the Polity IV index occurred in four states with shares of world trade less than 0.25 percent each. None of these played a noticeable role by itself in these negotiations.⁷

A long tradition explains differences in foreign economic policies by pointing to differing mixes of domestic interest group pressure. Milner (1997), using an information rationale, proposes that if no major interest group endorses a potential deal, the country's legislature is less likely to ratify it. This tradition suggests asking whether interest-group demands for a WTO round might have been absent in 1999 but present or stronger in 2001 or endorser's information was more favorable, at least in the most

powerful members. Actually the main observation in this regard by several commentators is that demand from organized business for a new round (beyond agriculture and services trade, on which the members had already agreed to begin discussions) was relatively weak throughout--weaker for instance than in 1986 when GATT states launched the previous round (e.g., *World Trade Agenda (WTA)*, 26 March 2001, 3). It is also difficult to find any notable shift in the European Union or the U.S. in the mix of interest group positions favoring or opposing new WTO negotiations between 1999 and 2001 (Dür 2006; Destler 2005).⁸

Three primary propositions

Next let us focus the microscope on the negotiation process at the delegation level. This pair of cases suggests three propositions that help interpret them and that may be relevant in many other cases. These ideas build on the multidisciplinary tradition of negotiation analysis--established since the 1960s but relatively neglected in international relations--while simultaneously attempting to improve on this tradition. Much of it has developed outside political science--in business, law, and psychology. It is concerned with negotiation in general, from divorce settlements to business deals to world politics. It has developed through many case studies and experiments. During the 1980s and 1990s the research program became partly institutionalized through *Negotiation Journal*, *International Negotiation*, the Program on Negotiation headquartered at the Harvard Law School, and the Processes of International Negotiation Project based at the International Institute of Applied Systems Analysis.⁹

The first proposition is that if a party perceives that its alternative to agreement has worsened, its negotiator will shift strategy in the direction of lowering demands, softening distributive tactics, and adding integrative tactics. Conversely, a perceived improvement in the outside option will shift strategy in the opposite direction, on average and other things being equal.¹⁰

The logic begins by assuming any negotiator has at least one alternative to a negotiated agreement, even if unattractive.¹¹ The best outside alternative (the "batna") determines the party's resistance point inside the talks--the worst deal it prefers to accept. By *strategy* is meant government officials' actions or tactics that are observable in principle and associated with a plan to achieve some

objective through negotiation. It is not assumed that a strategy necessarily specifies all moves to be taken under all contingencies, or that only one strategy is compatible with a given set of interests. The negotiator's menu is conceived as a continuum varying from strictly distributive through mixed to purely integrative strategy.¹² *Distributive strategy* refers to a set of tactics that are functional for claiming value from others and defending against such claiming, when one party's goals are partly in conflict with others.¹³ A purely distributive strategy runs the risk of generating reciprocity by others, a conflict spiral, and impasse.

At the other pole, a purely *integrative strategy*, an ideal type, refers to tactics instrumental for attaining goals that are not in fundamental conflict, for making both parties better off or at least neither worse off. Integrative tactics include efforts to reduce subjective barriers to agreement, offers to exchange material concessions, and moves to change the game by adding or subtracting parties, issues, or a mediator, all in ways intended to benefit the actor itself as well as others. Integrative does not mean appeasing. If state A gave up a concession to B and received nothing in exchange, this would be part of a distributive shift of value from A to B rather than an expansion of the pie. Relying on integrative tactics alone would, however, expose the party to risk of exploitation. In practice international negotiators attempt to protect their conflicting objectives by mixing in distributive tactics, either simultaneously or sequentially.

This argument captures one form of learning from the environment and interactions with others. The reasoning is that if A estimates that the value of its alternative has fallen toward or below the value of a potential deal on the table, standing firm on a strictly distributive strategy risks provoking similar behavior by others and being forced to accept the poor outside option. A strategy mixing in at least some integrative moves will facilitate agreement and avoid this loss or realize a larger gain for A. And the converse should be true. This proposition would be disconfirmed if it were found that governments tend in general to react to a worsening *batna* instead by redoubling efforts to defeat others despite evidence of failure, possibly because of bias against integrative strategy or reluctance to acknowledge failure before an audience.

A second simple proposition holds that the odds of breaking deadlocks will rise on average to the extent that parties depart from strict distributive strategies toward mixed-integrative strategies, whenever parties have an objective in common. Labor-management field studies find support for this idea (Walton, Cutcher-Gershenfeld, and McKersie 1994, chap. 8-11). Negotiation experiments document integrative tactics that break deadlocks and achieve agreements with greater joint gain. These experiments also show, however, that subjects including experienced business executives do not always use tactics that generate the largest gains (Thompson 2001, chap. 4).

These trade cases illustrate two individual-level causal mechanisms that lead from mixed strategies to agreement in some cases and that have been identified by the negotiation literature. First, when a deadlock is due partly to subjective barriers such as lack of information, distrust, or bias, the negotiator takes steps to address the sources—for example by establishing personal relationships with individuals on the other side, offering arguments and information to counter biases, or framing what looks like a prospective loss as a gain for the other—and the other relaxes its resistance. Second, since delegations' public positions may reflect deliberate misrepresentations to strengthen commitments, the integrative negotiator initiates private discussions to discover any differences in true preference order that might be exploited by exchanging concessions. After partial information sharing, A proposes that if B would give up y , A would give up x . If the two privately rank x and y in the opposite order, B agrees to the logroll. Analogous exchanges unfold tacitly or through a mediator. On the other hand, goes the logic, if parties adhere to strict distributive strategies, they discourage one another from initiating integrative moves and fail to uncover gains that might be achieved through these steps.

This proposition does not claim that integrative tactics are necessary or will always work. In some situations a strong party may gain more if it made a credible threat to worsen others' alternatives and others decided to knuckle under. But proposition 2 maintains that even in such situations, the odds of settlement will be higher if the strategy mixes in some integrative elements that allow others to collect gains or reduce losses. This proposition has not been tested in a comprehensive way in international

relations, but it would be disconfirmed if purely distributive strategies were found to break deadlocks equally or more often than mixed strategies.

If a mediator is involved, outcomes can also vary with the mediator's choices. A third idea suggested by these cases is that the odds of breaking deadlocks rise on average--in negotiations that involve a mediator and agreeing to a text by consensus--to the extent that the mediator uses more inclusive tactics and proposes a bolder informal single negotiating text, and vice versa.

Research on mediation in peacetime regime negotiations is in its infancy (Young 1991; Antrim and Sebenius 1992; Odell 2005; Tallberg 2006). The logic here begins with the fact that self-interested parties often introduce mutually inconsistent texts and delay concessions. If a party proposed a compromise draft, it would undermine the credibility of its commitment to its preferred position. But as each conceals space it has for falling back, collectively they make it difficult to coordinate their expectations about how each would behave regarding a potential settlement. Thus states seeking agreement sometimes give a mediator a special capacity for gathering information privately from all, reducing subjective barriers, making proposals in the common interest, and managing the process.

Doing so introduces an additional complex mechanism that can tip the process between impasse and agreement. Mediators are assumed to lack full information about parties' bottom lines and mediators may have biases. Less inclusive or biased consultation is likely to increase suspicions and reduce the odds of agreement, beyond the effects of state strategies. In contrast, a negotiator from the Uruguay round group that set dispute settlement rules illustrates a process that facilitated agreement:

Ambassador [Julio] Lacarte [of Uruguay] was a great chair. He listened very carefully. He went to great lengths to give everyone a sense of being included. Then he also called in each delegation, or spokesmen for several delegations, for what he called "confessionals." He also traveled to some capitals. Essentially he said, "Trust me. Show me your cards." I'm not sure how many really did. But he tried to test, to feel, to probe for where you had flexibility and where you really had none. And once he found something where you really had no flexibility, he took that on board as something you

were going to have to have. On other issues, he expected you to sit silently and cooperate when it was something the other guy had to have.¹⁴

A cautious path to a common text, such as publishing together the competing proposals on each issue, can have value but risks freezing delegations' positions. Once a delegation sees its text in an official document, it will feel it has won something in public, and then many will have to lose something to produce a consensus. Prospect theory tells us people will take greater risk (here risk of deadlock) to avoid a loss than to achieve a gain of the same magnitude.

A bolder tactic is to propose an informal single negotiating text. The mediator makes choices and assembles a single package of elements covering each issue, meant to achieve joint gains and seem balanced. It is informal in that no delegation has accepted it formally. Once this procedure has been announced, parties have greater incentive to initiate compromises themselves since otherwise the chair will take the matter out of their hands (Buzan 1981). The proposal attempts to create a new focal point and serves as a vehicle for subsequent negotiations if the parties accept it as such. And if the broker reports after confidential soundings that this text represents the closest these parties can come to consensus, she raises the perceived cost of rejecting it, framing their alternatives in a new way more favorable to agreement. The second case also illustrates that if a mediator or party suggests subtracting a particularly divisive issue from a package, it can help parties settle on the rest.

The obvious risk of a bold intervention is that some parties will reject the text even as a basis for further talks. By definition no mediator has authority to force parties to terms. Even the most respected WTO mediators emphasize the serious risk of miscalculating because of incomplete information.¹⁵

This probabilistic proposition does not claim that mediators always succeed or that a mediated agreement will satisfy all delegations equally. A package could allocate gains and losses unequally, because of personal biases or demands from powerful states, and still achieve consensus if the dissatisfied decide that blocking would be even worse for them. This proposition could be refuted if it were found that mediators who use less inclusive tactics, use more cautious tactics, or avoid proposing single texts, are associated with an equal number or better agreements.

In many institutions, members give this role to the chair of their negotiating body. During WTO talks at the Geneva headquarters, the chief mediators are the Director General, the chair of the WTO General Council (a national ambassador serving for one year), and ambassadors chairing negotiating groups for particular issues. During ministerial conferences, the chief mediators are the Director General, the minister chairing the conference, and other ministers specializing on difficult issues.¹⁶

An alternative game-theoretic logic

For clarity, how does this analysis overlap or contrast with the logic of game models of the negotiation process? Games of limited information represent a limited form of learning in models that assume rational decision and reservation values that are fixed during bargaining. These models attribute bargaining impasses to one rational player's uncertainty about the second's true willingness to fight. The second player has incentives to bluff, and miscalculations can result. In some models an early round provides new information, the first player updates its probability estimate and modifies its position, and they converge on agreed terms.¹⁷

By comparison, negotiation analysis incorporates more dimensions of the process, which sometimes leads to different results. It has always assumed that subjective reality includes more than information. New information is filtered and interpreted, and perceptions and interpretations vary according to values, expectations, emotions, biases, and others' tactics.¹⁸ Negotiation research has documented that overconfidence, distrust, and self-serving assessments of fairness all distort learning, and sometimes block agreement when parties have identical information (Arrow et al. 1995, chap. 1; Babcock and Lowenstein 1997; Thompson 2001). Experts, by the way, are not immune to biases. Confirmation bias leading to overconfidence in one's model has been documented (Rabin 1998). Thus negotiators and mediators commonly use framing tactics to counter biases and influence others. Framing is characterizing an event or prospect in light of some reference point. Selecting a different reference point puts the information in a different frame and can change beliefs and behavior (Tversky and Kahneman 1986).¹⁹

Another fundamental difference is that the present approach does not accept the assumption of fixed reservation values. Such models miss changes that are often decisive in breaking deadlocks. The international case literature has reported many successful efforts to persuade counterparts to move their resistance points and hence reach agreement.²⁰ Iklé (1964, 191) reports that in international political negotiations, “objective minimum positions normally do not exist.” Diplomats’ goals and their criteria for evaluating offers are “nothing but beliefs held by diplomats, their government colleagues, and various bystanders, and they are continually modified by the bargaining process.” Walton and McKersie (1965, 24, 42) defines resistance points in labor-management talks as involving both objective resources such as money and subjective utilities, and reports for example on tactics by which management bargainers attempt to raise the union’s beliefs about strike costs and thus lower the union’s resistance point.

In the WTO one veteran negotiator declares flatly, “Most delegations don’t know their own bottom lines.”²¹ Many ambassadors from developing countries have only vague instructions on technical issues. The EU Council’s mandate for its negotiator is also often loose, and when directives are more precise, they are not legally binding. The Commission has authority to return with a deal below the bottom line and persuade the Council to ratify it (Meunier 2005, 34-37). A veteran US trade negotiator explains how the process often changes even precise resistance points, even of the United States.

I have often found that these decisions [about what should be our bottom line for a prospective agreement] are made by policy makers before they have had to think about what they would do in the worst case. At home we talk to the Congress and constituency groups and decide what we need, but this is talking only among ourselves. And actually, few constituency groups will really tell you *their* bottom line. Even other actors in the government will give you a fake bottom line. Then we get into negotiations, and when we are pushed by others, we have to take another look at it. I can’t tell you how many times we have ended up with something below our bottom line.²²

The present approach assumes that the delegation’s resistance point reflects both objective facts and subjective judgments that can be changed during negotiation. The process can

change what a party perceives as its alternative and thus its resistance point, as well as its negotiating positions within this limit. In the WTO we will see evidence of information acquired, interpretations framed, biases and distrust addressed, and resistance points changed.

IR constructivist contributions

Also for clarity, how does this analysis compare to related constructivist contributions? They parallel this analysis in some respects but also differ substantially.²³ One branch of constructivism (not designed to focus on the international negotiation process as such) calls attention to transnational campaigns by non-governmental networks to change state policies (Keck and Sikkink 1998). The present study finds an NGO campaign of this type that helped a group of states introduce one issue into the 2001 deal. More recently a few modern IR constructivists have turned their spotlight on the process of interstate negotiation itself. They join the effort to illuminate subjective and social aspects of the process that multidisciplinary negotiation analysis has been discussing for four decades. Several add valuable new evidence on arguments and changes of position in talks outside the WTO (e.g., Hawkins 2004; Hurd 2005). On the other hand, no constructivist work has studied a WTO negotiation to my knowledge.²⁴ None has emphasized changes in parties' outside alternatives, distributive or integrative strategy, or the mediation process to explain outcomes they study.

Almost no constructivist works on negotiation consider earlier negotiation analysis, and as a result they do not show they improve on it conceptually and they overlook many process features it has identified. Some of their conceptual frameworks also introduce disadvantages. For example, the largest and most ambitious empirical constructivist project to date reports original evidence and findings from six multilateral negotiations in several IOs other than the WTO (Deitelhoff and Müller 2005; Ulbert and Risse 2005).²⁵ Its conceptual foundation assumes negotiation consists of *bargaining* and *arguing*, defined as communication modes. Negotiation analysts often use *bargaining* as a synonym for all negotiation including material and discursive moves. But here and in other constructivist studies *bargaining* is reduced to a set of speech acts by parties with fixed preferences. The category also lumps together elements of distributive strategy (such as the threat) and elements of integrative strategy (such as

an offer of material reward) without distinguishing them. Since distributive strategy attempts to make one side worse off while integrative strategy can make both better off, this framework obscures a distinction between quite different strategies, making it difficult to study variations and their effects.

Arguing in its strong sense is defined as a process in which delegates reach a reasoned consensus by changing their minds in response to the better argument regardless of state power, as distinct from compromising without changing their minds, or shifting because their material incentives have changed. This notion seems to overlap earlier concepts--arguing from principle while listening with an open mind (Fisher and Ury 1981, 86-88), relatively open integrative bargaining, and persuasion through reframing. But the project does not recognize these similarities or show that its proposal performs better empirically than any alternatives, ideational or material. It does offer several plausible hypotheses about conditions that seem to make *arguing* (or integrative problem solving) more likely and effective.

This partial constructivist framework, concentrating on speech acts, misses other ways negotiators act--such as by improving or worsening their own or another's alternative to agreement, filing a legal complaint against another state, making a public move "on the ground" to establish a commitment, or paying a side payment. It overlooks integrative moves such as adding a party or mediator whose interests favor agreement, for example.

Niemann 2006 is a rare work that investigates constructivist ideas alongside earlier ideas from the negotiation literature and thus benefits from more rigorous analysis. This case study of internal EU talks to set a position for WTO negotiations in the 1990s does find authentic deliberation, but only in a low-level sub-committee of the EU 113 Committee during the earliest phase. Later and above that level, even inside the EU, other behavior identified by negotiation analysis dominated.²⁶ Perhaps further research taking account of both these analytical approaches jointly will help identify and merge relative strengths of each.

Methods

This paper develops and applies its primary propositions to a new empirical domain using the comparative case study method. A thorough case study is necessary to even observe the process at the

delegation level, much of which is confidential and not recorded in official documents. In a single case study, however, variables of interest sometimes do not vary, and often many possible influences seem to be at work. A contrasting pair can add the analytical leverage that comes from comparison, and if they are selected so some potential causes do not vary, they permit the elimination of some inferences for these cases, and hence provide more rigorous support for the interpretation.

This study also seeks to improve on negotiation analysis in international relations. While some in this tradition have specialized in giving advice to clients, many other social scientists have designed empirical research to develop mid-range theory and explain negotiation. But many IR case studies have stopped short of formulating explicit causal hypotheses and considering how they could be falsified, though this has been changing recently. The case literature tends strongly toward single cases or sets of cases not selected to rule out alternative causes.²⁷ Few have supported their ideas with a set of cases selected as rigorously as in this paper.²⁸

1999

In the first episode, states relied almost exclusively on distributive tactics. In Geneva, mediation tactics were less inclusive and more cautious than in 2001. In Seattle the chair's tactics were also less inclusive and even reduced trust in the process.²⁹

Distributive state strategies

Not only did delegations open with largely distributive tactics, which is common, but they declined to mix in integrative tactics as talks continued. Many opened with lists of demands for others to concede while rejecting the others' highest priorities and stuck to these one-sided positions. The main issues proposed for the agenda were the implementation of past WTO agreements; possible new negotiations to reduce barriers to trade in agriculture, industrial goods, and services; rules regulating anti-dumping measures; technical assistance for developing countries; trade and the environment; electronic commerce; and several other new issues.

India's delegation and its coalition attempted to frame this negotiation with the argument that the way developed countries had implemented the 1994 Uruguay round agreements had been unfair to

developing countries. The poor had opened their markets in the expectation of gaining increased market access, especially in agriculture, textiles and clothing, but the rich had failed to deliver valuable openings in these areas. Special and differential treatment for developing countries had not been implemented concretely.³⁰ India's "Like Minded Group" demanded specific Northern concessions in WTO rules on subsidies, antidumping, sanitary measures, and investment measures, and promised no negotiating gain to the North.³¹ No new negotiations could start until many corrections were made.

The fifteen-nation Cairns group of farm exporters adopted another ambitious distributive strategy. This group wanted the EU and Japan to commit not only to further liberalize agriculture substantially—which the latter accepted—but also to ensure market access for farm goods “on conditions no worse than those applying to other goods,” which would have meant a dramatic loss for EU and Japan compared with prevailing rules. Likewise Cairns demanded complete elimination of farm export subsidies.³² They insisted on nailing down huge gains in the agenda before the round had begun, while showing little enthusiasm for the EU's priority proposals.

Brussels was equally firm in refusing to eliminate special agricultural protection or export subsidies in the agenda, while also demanding talks on four ambitious new issues that would impinge on domestic policies. The EU delegation made repeated attempts to persuade others that that new WTO agreements regulating policies toward foreign investment and domestic competition would create mutual benefit. These were two of what were termed the four “Singapore” issues. If so, the EU strategy could be considered partially integrative, but many developing country delegates distrusted these new ideas. In the previous round they had agreed to admit a seemingly minor agenda item, which the giants later expanded into something far more costly.

The United States team mixed one mutual-gains initiative with prominent distributive tactics. In the former category was its proposal for reciprocal bargaining over greater market access in eight industrial sectors. In agriculture the U.S. mostly demanded one-way concessions from the EU, Japan, and Korea. Washington opposed adding competition policy and showed little enthusiasm for WTO rules on investment. The Clinton administration parried India's implementation demands, replying essentially that

the 1994 package had been a balance of benefits and burdens that each member had accepted freely. Washington flatly rejected renegotiating the textile or antidumping agreements, high priorities for developing countries and Japan.

Other U.S. ideas that might have been intended as mutual-gains looked to others like losses. Washington and Ottawa continued to advocate making the WTO dispute settlement process more transparent to public participation. Most controversially, the Clinton administration and the EU repeatedly urged the WTO to devote greater attention to how countries treat their workers. Beginning in 1996 developing countries had reacted strongly against bringing labor rights into the WTO, fearing that doing so would create another way to restrict their exports. Still on 1 November 1999 Washington belatedly proposed that ministers agree in Seattle to create a new Working Party on Trade and Labor.

The two giants, then, clashed with each other over the agenda's scope, and their distributive tactics helped blocking coalitions maintain their unity. Meanwhile, many other governments prepared many other submissions too numerous to recount. As one illustration, 22 African delegations joined forces in submissions regarding the rules on customs valuation and trade-related intellectual property rights (TRIPS).

Selective, cautious mediation

Simultaneously, in 1999 mediation tactics in Geneva and Seattle were less inclusive, more cautious, and less well coordinated than in some earlier episodes and in 2001; some were even counterproductive. Seattle preparations were seriously delayed by a nasty fight over selection of a successor for Director-General Renato Ruggiero, due to retire on 30 April 1999. The organization went without any permanent Director General for five months until a grudging compromise was finally reached. As a consequence, two chief mediators were in unusually weak positions during the Seattle preparations. The winner, Mike Moore of New Zealand, began belatedly and under suspicion and had no Deputy Directors General until November. The General Council chairman Ali Mchumo of Tanzania also had lost the trust of many delegations by endorsing Moore during this fight.³³ The drafting phase finally got down to business only 8 weeks before the opening gavel in Seattle. The analogous phase to launch

the previous round in 1986 had taken more than 18 weeks. And the chair was faced with an unprecedented proliferation of proposals indicating many wide gaps.

On 19 October Mchumo laid on the table a sprawling 34-page draft ministerial declaration, full of square brackets indicating disagreements. It was not a single text; it presented three alternative positions each on implementation and services and four on agriculture.³⁴ Included was language implying renegotiation of many Uruguay round agreements—in 8 weeks. The chair even accepted provocative language that criticized members whose ministers would be asked to sign it. One high-level participant complained that “the October 1999 draft was a backwards way to try to build a consensus.”³⁵ The previous spring, the Central European countries and the Swiss had recommended starting simple and adding elements to a common text only after parties had worked out compromises. Mchumo’s cautious tactic inadvertently encouraged members to dig in their heels.

Much of the remaining time in Geneva was absorbed discussing agriculture and implementation.³⁶ Delegations took one another’s issues hostage to claim value. Malaysia, Pakistan, India, Egypt, Mexico, and others said they opposed negotiating over new rules until they had been satisfied on implementation of existing ones.³⁷ The Cairns group refused to talk about any other issues until they had been satisfied on agriculture. The EU insisted it could not show flexibility on agriculture until others had agreed to negotiate over its priority items. The U.S. refused to negotiate over antidumping or textiles under any circumstances.

The Director-General and delegates made informal mediation efforts outside the General Council room where, with more than 100 delegations at the table, it is virtually impossible to break deadlocks. The main efforts followed the selective GATT tradition, excluding most members and providing no mechanism for representing their views. Moore began holding small meetings in his “green room,” a conference room in the executive suite. The names of the 20-odd parties invited were not made public, but typically they included the so-called Quad—the EU, the U.S., Canada and Japan—and other members that account for the most trade, with some variation depending on product or issue to be discussed. Most

seats were occupied by larger developing countries as the EU absorbed more and more developed states. But 100 small countries were not informed that meetings were occurring or what was happening inside.

Delegates inside generally repeated the same distributive positions they were taking in plenaries.³⁸ It was becoming clear that Geneva was “full of developing country delegates insisting that they are not going to be ‘rolled’ this time, as they believe they were in the Uruguay round.”³⁹ Moore also called capitals, met bilaterally with many delegations, and asked former deputy director-general Anwarul Hoda of India to explore privately with delegations for a possible deal on implementation.⁴⁰ But short of time, Moore and Mchumo threw in the towel on 23 November. After a year of work, the best they could send to ministers was the 19 October hodgepodge that no one thought adequate for reaching agreement during a short conference. Geneva did not settle a single issue.

Later a prominent WTO Ambassador from a small member recalled:

One of the main things that went wrong for Seattle was the preparation. And I was as guilty of this as anyone. We agreed that we were going to have a proposal-driven process. We would all put forward all our ideas and then work it down into some agreements. So then we had this 30-page document full of multiple options and square brackets. Then we in Geneva seemed incapable of refining it, of seeing our piece go, of making compromises.⁴¹

It was decided that the US trade minister, Charlene Barshefsky, would chair the Seattle conference. Two special elements of the Seattle environment lowered the prospects for agreement. First, the hostility and chaos in the streets did nothing to raise hopes and deprived participants of one of the 4 days allotted. Second, as ministers began to negotiate on Wednesday, a Seattle newspaper published an interview with Barshefsky’s boss. After mentioning his proposal to create a WTO working group on labor rights, President Clinton volunteered, “Ultimately I would favor a system in which sanctions would come for violating any provision of a trade agreement.”⁴² His diplomats had repeatedly denied that the goal behind their study was to establish a new way to block imports from poor countries. Clinton’s intervention seemed to confirm U.S. hypocrisy and undermined trust in Barshefsky as mediator. “The worst thing in the process in Seattle,” volunteered a Southeast Asian diplomat who was there and

who favored agreement, “was President Clinton’s statement. It hardened the resolve of a lot of developing countries to resist. This statement was a godsend to those who did not want a round.”⁴³

One of the two chief mediators herself chose tactics that further lowered the odds of agreement. Any U.S. minister would have had difficulty gaining the trust of other delegates asked to share sensitive information, given the Americans’ wide range of commercial interests and strong lobbies. But Barshefsky made statements that amplified suspicions and resentment, one EU representative said.⁴⁴ In one on Thursday cited by many, she pressured the plenary working groups to reach agreements, threatening,

If we are unable to achieve that goal, I fully reserve the right to also use a more exclusive process to achieve a final outcome. There is no question about either my right as the chair to do it or my intention as the chair to do it. But it is not the way I want this to be done.⁴⁵

She spent more time defending firm U.S. distributive positions in press conferences than seeking consensus as a neutral broker in private. She even performed personally as the U.S. negotiator in one session,⁴⁶ further undermining any image of impartiality she might have cultivated.

On Thursday afternoon with 24 hours remaining, Barshefsky and Moore decided to commence a green room to work on remaining gaps. Excluded delegates from Jamaica and Guyana located the room and tried to force their way in. The Dominican Republic’s ambassador fumed: “They still think the WTO is a club. They still think 20 countries can decide for the rest of us.”⁴⁷ Some suspected Barshefsky was determined to force a U.S. agenda through the steering group, and then present a *fait accompli* to the rest at the last moment.⁴⁸

The 40-member African Group, who had spent months jointly preparing and whose leader, Kenya, had not been invited to the green room, preemptively announced on Friday morning they would block the whole.

There is no transparency in the proceedings and African countries are being marginalized and generally excluded on issues of vital importance for our peoples and their future. We

are particularly concerned over the stated intentions to produce a ministerial text at any cost including at the cost of procedures designed to secure participation and consensus... We will not be able to join the consensus required to meet the objectives of this Ministerial Conference.⁴⁹

The Caribbean ministers issued a similar statement denouncing the process.⁵⁰ It appeared that Africans and others had crystallized a process preference that became part of their bottom lines, as a response to the observed process rather than something predictable from commercial interests.

Meanwhile, surprisingly, plenary sessions were moving close to agreement on an agenda including at least five issue areas. The text on trade in services was virtually finished. Canada's Agriculture Minister, Lyle Vanclief, said, "good progress was made on agriculture ... We got down to millimeters away from a statement on export subsidies that we could all live with."⁵¹ Many governments had agreed to launch a round to cut industrial tariffs, though India and a few others continued to condition this issue on implementation.⁵² Hoda had been hard at work behind the scenes on implementation, and by Friday morning had a specific text that he believed might have been accepted if other elements of a package had fallen into place.⁵³ Even on the Singapore issue called transparency in government procurement, India was the only country that had not joined an informal consensus.⁵⁴ These informal accomplishments reinforce the impression that a more effective negotiation process all year would have made a significant difference despite conflicting positions and the protestors' campaign.

Late on the last day, green room discussion had been consumed entirely by agriculture and implementation. Neither Barshefsky nor Moore proposed a single text. Talks could not continue into Saturday because Seattle had promised the building to a convention of optometrists.⁵⁵ In 1986 in Punta del Este, agreement had required six days. This time the chief mediators had allotted only four, had squandered one, and had left themselves only the option of simply announcing that the conference had failed.

2001

After the Seattle debacle, negotiators for the giants and other states perceived that their alternative to agreement had now worsened, and early in 2001 both giants began to shift their strategies in the integrative direction (proposition 1). In 2000 WTO mediators began to use more inclusive tactics. In 2001 the main Geneva mediator created a new focal point in the form of a bold informal single negotiating text (proposition 3). Just before the deadline, other delegations reciprocated the superpowers' strategy shifts; governments tacitly exchanged fallbacks and converged on that focal point (proposition 2). Mechanisms identified by the three propositions helped tip the process toward agreement.

States' learning about outside alternatives and strategy shifts

After Seattle pro-trade leaders perceived the cost of a second ministerial deadlock as greater than it had seemed in 1999, because it had already happened once. EU chief negotiator Pascal Lamy now believed that a “second failed attempt to launch the Millennium Round would be disastrous” (Lamy 1999). Through 2000 and 2001 trade officials “repeatedly emphasized that maintaining the credibility of the WTO as the international arbiter of global commerce depends on erasing the memories of Seattle.”⁵⁶ Many trade leaders valued the WTO as a forum for negotiating solutions to problems that exceeded the reach of regional agreements, an institutional barrier to protectionist reversals, and a means for enforcing their rights. They feared a second highly public failure would decisively push businesses and governments to turn to alternative venues, or even allow strong protectionist forces to gain the upper hand inside key states.⁵⁷ Yet Brussels and Washington had also seen that many developing country delegations did not accept their proposals or traditional GATT procedures, and that many were becoming better prepared and organized players than in GATT days.

As a result of new information interpreted this way, negotiators for the two giants put two integrative mechanisms into motion—exploring for possible exchanges of fallbacks, and easing subjective barriers to agreement. Lamy clearly shifted strategy with some integrative moves early in 2001. He announced a material concession to try to buy the 28 least-developed members away from blocking coalitions. Brussels would cut its import duties to zero on all exports from these countries with a few exceptions. The EU and coalition partners also indicated they could fall back to weaker new rules on

competition and investment policy, in hopes of inducing reciprocal fallbacks.⁵⁸ Lamy refused to fall back on agriculture unless he got something on environment. He told a mediator privately, “No environment, no agriculture.”⁵⁹

The organization now also faced serious internal subjective barriers to agreement besides incomplete information. After Seattle, delegations that had been excluded felt resentful and suspicious. Lamy and his team also traveled during the year to several regional meetings of developing countries attempting to build trust and persuade them in person.

US strategy also became more integrative in 2001. The new Bush administration (and the EU) dropped the demand to discuss labor rights, making it easier to split blocking coalitions.⁶⁰ In July USTR Robert Zoellick instructed his Geneva ambassador that his top priority was to launch a new round.⁶¹ Zoellick also traveled personally to persuade ministers of blocking countries including India, where in August he announced duty-free treatment on \$540 million worth of Indian exports.⁶² The EU and US teams also began intensive talks between themselves and reached some preliminary agreements they had not reached before Seattle.⁶³

More inclusive and bolder mediation tactics in Geneva

Mediators also learned and in 2000 shifted to more inclusive tactics. Moore traveled extensively to counter suspicions and form relationships of trust directly with politicians. In Geneva, General Council Chair Kåre Bryn of Norway delicately explored for a more transparent process that might help dissolve suspicion among ambassadors. In July Bryn proposed in writing what they had been doing informally for weeks. Most meetings would be open to all delegations. When a smaller meeting was to be called, all members would now be advised of this decision, countries with an interest in the issue would be given the opportunity to make their views known, and the outcome would be reported to the whole.⁶⁴ These tactics began to relax resistance. In January 2001, an African ambassador observed:

The tone has changed. Developing countries have had their ‘mourning period’ on implementation. No one thinks industrialized countries will give developing countries

more to ‘rebalance’ agreements without something in exchange. Now people are talking about solutions.⁶⁵

Bryn’s successor in 2001, Ambassador Stuart Harbinson of Hong Kong-China, followed Bryn’s lead and began Doha preparations from the bottom up, first suggesting only a list of topics to be covered in a declaration. Once those were approved, he worked in informal meetings issue by issue—checking support for members’ proposals and feeding information back, testing declared resistance points, and experimenting with ways around stalemates. Diplomats in Geneva surmised that “the prospects for a success in Qatar are pretty much in his hands.”⁶⁶ At a July plenary Harbinson reported on issues where differences were narrowing as well as positions that were failing to achieve consensus--attempting to correct partisan overconfidence. Declaring that talks were not going well enough, he announced he was going to construct a draft declaration in his own name.

On 26 September, Harbinson laid on the table a single text including very few square brackets, a risky compromise intended to look balanced.⁶⁷ He subtracted the implementation issues, where it seemed there might be no agreement zone, and put them in a separate declaration. Naturally this disadvantaged those seeking to gain on implementation by holding the rest hostage, but it helped tip the process toward agreement. Harbinson and Moore announced their judgment that something like this package represented the greatest chance for achieving a political consensus that year.⁶⁸ With this constructed reference point they attempted to frame delegates’ thinking in a way more favorable to agreement. At first, many delegates publicly criticized these texts for departing from their instructions.

To persuade principals back home to change a clear resistance point, a negotiator often needs first to “get a black eye” abroad, and a mediator’s text can provide this service. Geneva consultations showed, for instance, that the US was one of only two states resisting the antidumping item; 142 wanted it in.⁶⁹ Harbinson included it, signaling to Congress that if Zoellick rejected all deals that included that item (to satisfy their steel industry), he would block a round that could benefit many other US sectors, and likewise with other countries on other issues.⁷⁰

Trade ministers from 22 countries met informally in Mexico City in August and in Singapore in October. For the first time Gabon and Tanzania, members of the African coalition that had felt so affronted in Seattle, were included.⁷¹ One of the best-informed ambassadors later volunteered, “I don’t think Doha would have been a success without” these mini-ministerials, first “for building relationships between people. This way you didn’t show up in Doha and shake hands for the very first time. . . And second, they were important for putting things in a political context. Pascal Lamy would say things like ‘You’ve got to understand that I have *got* to have something on environment.’ These were all politicians and they all understand political demands. And so I heard some say, ‘Well, I don’t like what you are doing and don’t agree, but I hadn’t quite thought of it that way.’”⁷² This increased confidence that an acceptable deal could be reached.⁷³

On 4 October a large coalition of 60 developing countries—including the Africans, Brazil, Thailand, and India—proposed a new issue (which changed the game from 1999). They wanted the ministers to declare that “Nothing in the TRIPS agreement shall prevent members from taking measures to protect public health.”⁷⁴ The impetus came from the AIDS pandemic and desires to break patents to get cheaper medicines. The intellectual property agreement already provided limited authority for overriding patents during a national emergency. Yet Washington had threatened or filed WTO complaints against Thai and Brazilian measures, citing TRIPS. Global pharmaceutical firms had filed suit in South Africa against a 1997 law allowing compulsory licensing and parallel importing of medicines at cheaper prices. NGOs and health ministries had responded with a loud transnational media campaign to reframe TRIPS as a threat to public health.⁷⁵ This campaign had attracted public attention and emotion to this issue to a degree that even US and other northern politicians decided they could not ignore.⁷⁶

The US and Switzerland, homes to pharmaceutical MNCs, opposed this sweeping new language and offered a substitute declaration that would have only reaffirmed the agreement’s existing flexibility.⁷⁷ Washington also offered least developed countries an extra ten years (until 2016) to implement TRIPS for pharmaceuticals at home. But no members of the coalition defected to accept the separate deal. Harbinson could find no satisfactory middle ground on this issue. Brazil’s Ambassador Celso Amorim,

negotiating for the coalition, calculated that politicians would be more sensitive than ambassadors to political pressure in his favor. He told Harbinson his large coalition would block the entire Doha package if its “Nothing shall prevent” principle were not included at least in brackets in the chair’s text going to ministers.⁷⁸

The threat evidently was credible. On 27 October Harbinson circulated a new draft declaration on TRIPS/health that included both alternatives in brackets, along with second drafts of his two main texts.⁷⁹ On agriculture Harbinson added that the goal of the talks would include “reductions of, with a view to phasing out, all forms of export subsidies”--despite the EU’s firm public rejection. The Least Developed members also rejected these drafts as biased against their interests, and a few vehemently protested Harbinson’s sending them to ministers without explicit approval.⁸⁰ But the Harbinson texts were now the only focal point, and they had not been produced by states alone. These bolder drafts created fewer incentives to dig in heels and a much more persuasive reason to accept than the 1999 composite.

More inclusive mediation and tacit exchanges in Doha

Management of the conference environment and mediation tactics were also much more favorable for breaking deadlocks in Doha than in Seattle. The choice of this city made it difficult for many NGOs to attend, and the government prohibited public demonstrations. The Secretariat and the host government planned for this meeting to run past its deadline, which it did. The chief mediators avoided interventions that would have strengthened blocking coalitions or undermined trust.

For the first two days many delegations forcefully advocated conflicting positions in hopes of claiming additional value. Several overlapping sets of countries organized coalitions to shift the terms in their directions. On the first day South Asian and African ministers repeated their rejection of agenda items on investment or competition policy.⁸¹

But on the last three days, first the U.S. and then others mixed in additional integrative tactics, and parties exchanged fallbacks having differential value to each. With the TRIPS/health coalition holding together and time running out, Zoellick decided to settle for a slightly modified version of the

coalition's position, over objections from his pharmaceutical producers--to collect gains valued more highly elsewhere in the package (negotiations to cut barriers to many US farm, industrial and service exports). The health declaration was regarded as a victory for the coalition. It provided soft-law language that dispute settlement panels might cite, and probably encouraged weaker governments to exercise their rights.⁸² One critical impasse had been broken and hopes rose. Zoellick then dropped another equally significant concession on the table, agreeing to accept the antidumping item after all.

On the last day, six African ministers went together to the Director General and firmly threatened to block the conference unless they were satisfied on two other issues having small costs for most others-- technical assistance to help them defend their interests in the round, and a WTO waiver for a new preferential pact between the African, Caribbean and Pacific (ACP) states and the EU.⁸³ This waiver was not part of the ministerial declaration but Ecuador, Philippines, and Thailand were blocking it. The ACP got the promise of assistance and the waiver, and in return, fell far back to accept the rest of the agenda.⁸⁴ That day Japan, South Korea and Norway reluctantly fell back to the Harbinson language on agriculture. This left the EU alone in opposition to the pledge to phase out export subsidies.⁸⁵

Beginning at the deadline, midnight November 13/14, Moore called a green room at which 16 of the 22 ministers were from developing states (Moore 2003,129). At 0300 EU delegates reluctantly accepted the Harbinson language that committed the Community for the first time to phase out export subsidies (with no date specified), despite French threats to walk out.⁸⁶ But Lamy insisted again that he could not sell this package in Europe unless he gained something on two issues—environment and investment. Zoellick and Hiranuma supported adding both to the agenda.⁸⁷ India's Murasoli Maran and a few other ministers continued objecting especially to beginning negotiations on the Singapore issues at the next ministerial conference.⁸⁸ A participant recalled that other ministers argued essentially:

Look guys, we all know this meeting has got to be a success. Another breakdown would be terrible. So let's cut the haggling over small stuff. Let's all go out there and sell it to our constituents as the best we could get. After all, we are only talking about the beginning of a negotiation.⁸⁹

Unlike in Seattle, Moore called their bluff, adjourned the green room, and called a final plenary session.⁹⁰

Yet “even on the last morning,” according to one of the most powerful ambassadors, “it wasn’t clear that we were going to get a deal.”⁹¹ While ministers were giving speeches, Maran still held firm even after British Prime Minister Blair had called Indian Prime Minister Vajpayee to plead for flexibility. Now Secretariat leaders thought, “We were sunk. No one knew what to do. We had done everything.”⁹² Then Moore took several ministers outside the room. Maran finally agreed not to block in return for a statement read by the conference chair but not included in the declaration, stating Minister Hussain Kamal’s understanding that any state could block the launching of talks on the new Singapore issues at the next ministerial conference.

The main declaration pledged to put the needs of developing countries at the heart of the new round. For them the package effectively included the public health declaration, technical assistance for needy states, and the waiver for the ACP. On implementation, the weak fell far back to accept a mostly symbolic declaration taking note of their concerns, and they accepted the market opening agenda. In the main declaration, all members agreed to negotiate to liberalize agricultural trade substantially, increase access to markets for industrial goods, provide special and differential treatment for developing countries, promote trade in services, improve disciplines concerning antidumping and countervailing measures and regional trade agreements, improve their dispute settlement rules, and to negotiate over the relationship between WTO rules and those of multilateral environmental organizations. Regarding the Singapore issues, they declared that negotiations will begin at their next ministerial conference but only “on the basis of a decision to be taken by explicit consensus” then.⁹³

No state blocked this time, whether from genuine satisfaction or fear of bilateral power. No ministers denounced the WTO or its negotiating process as illegitimate. On the contrary, Nigeria’s Minister Mustafa Bello concluded, “Unlike in Seattle, Africa has been satisfied with all the stages in consultations and negotiation processes in Doha.”⁹⁴

A comparison of the Doha texts⁹⁵ with the mediator’s October drafts highlights the effects of the Geneva mediation. Ministers, after additional distributive attempts, settled on declarations whose

language was almost entirely identical to that of Harbinson's second drafts. This time an intermediary had created a particular bold focal point that helped parties break their deadlock. Several participants cite this mediator's tactics as a major reason why they reached agreement.

The 9/11 interpretation

Several trade diplomats cite the terrorist attacks on New York and the Pentagon on 11 September as a special alternative explanation for the Doha agreement.⁹⁶ On closer examination, while these events may have helped, they simultaneously discouraged agreement in Doha in a tangible way, and they probably were not necessary. On one hand, this security information was interpreted in many capitals as further increasing the intangible cost of a second trade deadlock. On 22 October the *Financial Times* reported that since 11 September, launching a round

is increasingly considered essential for symbolic and psychological reasons as much as for economic ones. Doing so would send a powerful political signal of countries' determination to make common cause in the face of adversity.⁹⁷

Actually these interpretations may have been due partly to the way advocates framed the attacks. Economists had forecast that the attacks would slow the US and hence the world economy for one or two quarters. This expected slowdown could have been a reason for delaying talks about greater market opening until weak economies were better prepared for stronger competition. Or the attacks certainly could have been framed as irrelevant for WTO decisions. Any belief that a deal in Doha would calm or boost the world economy in the short term was mostly illusory. No binding pacts having tangible effects on business would be reached until 2005 at the earliest and implementation would take longer. Any notion that agreement to begin a trade round would deter violent jihadists also seems far-fetched. Yet Lamy, Moore, Zoellick, Singapore's Trade Minister George Yeo, and others did publicly frame the attacks and slowdown as additional reasons to rally around trade objectives they had already set.⁹⁸

Meanwhile, President Bush declared a global "war against terrorism" and announced ominously: "Every nation, in every region, now has a decision to make. Either you are with us, or you are with the terrorists."⁹⁹ One implication was that if a small country was not "with us" in the WTO, it could be

blamed for damaging the world economy or even the “war against terrorism” at a tense moment. One leading African ambassador, who had been working to exclude the Singapore issues and was present in Doha, reported that this framing had intimidated some African ministers into acquiescence.¹⁰⁰ In February 2002 another delegate added: “As you can see, they are using the events of September 11 in a really rotten way, to put pressure on us. . . Nobody wants to come out and risk their necks” (Kwa 2003, 42). This framing can be seen as an opportunistic attempt to raise the subjective maxima of trade ministers who were being urged to swallow unwelcome agenda items.

On the other hand, war in Afghanistan made agreement in Doha less likely. The conference was all but canceled because many trade diplomats were apprehensive about traveling to Qatar. The WTO’s entire staff of interpreters declined and had to be replaced with substitutes. The US delegation itself declined to confirm that it was going until just hours before the plug was about to be pulled.¹⁰¹

In fact, many changes favorable for breaking the deadlock had already occurred before 11 September. Seattle had already made the cost of a second failure appear dangerous to the WTO. That summer Zoellick had told his staff that launching a round was his top objective and he believed it was possible—without 9/11. Both giants had already shifted strategy and settled many of their differences, and integrative mechanisms were starting to show effects. Many developing countries had given up implacable resistance. In August the Indian press had judged that some agreement was likely in Doha, and warned (accurately) that their government was in danger of finding itself alone at the end with little to show for its assent (*The Hindu*, 11 August 2001). Mediators had begun a new bottom-up process, scheduled two mini-ministerial meetings, and planned to propose a balanced single text in September—the one that states essentially accepted. Gaps between positions still remained on 11 September but some tactical posturing until the last moment is normal. If the attacks had not occurred, the EU and the US might have needed to fall back somewhat further than they did to win over reluctant players. But it seems most likely that they would have done so if necessary to avoid a second failure. In any event, every historical case is complex and more than two are always needed to test any general proposition.

Conclusions

This study makes three significant contributions. First, it identifies a contrast between two prominent WTO outcomes that several influential theories cannot explain, and provides extensive original evidence revealing mechanisms that tipped these complex talks from deadlock to agreement. The analysis strongly suggests that overlooking the negotiation process among delegations misses an important part of political-economic reality. In 1999 had negotiators and mediators employed strategies and tactics all year like the ones used in 2001, they probably would have reached agreement to launch some new round in Seattle, even if all else had been the same including street protests. Had the two superpowers led with more mixed strategies, had stronger, more experienced mediators been in place, and had the Geneva preparations been more inclusive and chair-driven with a single negotiating text, more gains would have seemed within reach in Geneva, making it more costly for delegates to sit firmly on uncompromising positions. By the same token, in 2001 had the giants continued their 1999 strategies, or had the Geneva chair offered another cautious composite text, which some members demanded and which was within his authority, it is unlikely the ambassadors would have settled many issues in Geneva, and unlikely the ministers would have settled them all in a few days.

The issues linked in the Doha package and the distribution of gains and losses also would be difficult to explain without understanding the negotiation process that led away from other combinations that were equally or more predictable from prior national positions. Why for example did the agenda include one item the Americans swore they could not stomach—the antidumping rules—and exclude another—the textiles rules? Strong US industries opposed each. The WTO coalition pressing for antidumping was much larger and included the EU, Japan, and Korea, so its threat to block was more credible. Why did the deal include contradictory decisions both to negotiate on four new behind-the-border issues, and also not to negotiate on them unless a decision were made at a later meeting? The EU wanted immediate talks; a large group opposed talks at all; each settled in classic fashion for an ambiguous compromise so it would not lose gains elsewhere in the package. Why did the African-Caribbean coalition settle for a side payment—the waiver—that would have no value after 4 years, rather than clearly excluding unwelcome new rules that would affect them indefinitely? Other parties were

more likely to concede the former. These cases also illuminate how issue linkages and focal points are actually constructed, reasons why such attempts succeed and fail, how negotiators and mediators play two-level games, and how negotiation can affect organizational legitimacy.

Second, the paper develops and provides evidence for three general propositions.

1. If a party perceives that its alternative to agreement has worsened, it will shift strategy in the integrative direction, and vice versa.
2. The odds of breaking a deadlock will be greater if parties use some integrative tactics than if they use strictly distributive strategies.
3. The odds of breaking deadlocks will rise, in a negotiation that involves a mediator and agreeing to a text by consensus, as the mediator consults more inclusively and proposes a bolder negotiating text or formula.

This research design takes account of numerous possible alternative explanations, providing more rigorous support for these propositions than is found in many case studies. This outcome variation could not have been due to changes in the trade power structure, the international institution, the regime types of participating states, or the mix of lobbying, for instance, since case selection had ruled out those alternatives. Outcomes are not determined completely by structure; they also vary with process.

The usual caveats apply. While scholars need case studies to observe the international negotiation process at all, we cannot be certain these cases are representative before checking others. No pair of cases is sufficient to establish causality or eliminate all alternative interpretations with airtight certainty. It is difficult to disentangle factors such as negotiator and mediator behavior when they vary simultaneously, especially when they interact.

This view from negotiation analysis also reveals much that is missing from game-theoretic and constructivist models of the process. Assuming that bargaining is limited to exchanging material concessions and adding information misses other integrative tactics that participants report have been important, such as steps to frame information, reduce subjective barriers besides incomplete information, and create a particular focal point.

A theory assuming fixed resistance points also misses the way negotiations often change or even create those points in the first place. This point is overlooked by many papers on bargaining. In 1999 the US government was not bluffing, according to the best available evidence, in saying an agenda that included antidumping measures and reducing tariff peaks and tariff escalation was too high a price to pay.¹⁰² Yet learning during the process over the following two years led Washington to raise its resistance point and accept them. In 1999 the European Council did not set precise limits for its delegation.¹⁰³ It instructed the Commission to propose the Singapore issues and evidently did not authorize it to agree to phase out agricultural export subsidies. Yet in 2001 its negotiator with the same mandate did agree to phase them out, and on the Singapore issues settled for an ambiguous formulation which, later experience would show, failed to get most of them into the Doha round (Kerremans 2003, 8; van den Hoven 2004). In 1999 many African governments did not know their own bottom lines on several technical issues with precision and certainty. But they invested in a serious process of learning during the talks. In December 1999 for the first time they crystallized a clear decision to block the entire WTO if the process, at least, did not treat them with greater respect. In 2001 they set additional resistance points as a group for the first time. The 2000-2001 negotiation also changed the game by adding a new issue, which required all governments to estimate resistance points they had not had in 1999. Thus theoretical ideas generated by negotiation analysis, while sharing some elements with game theory, enable us to trace the effects of more aspects of the negotiation process, which enables more accurate explanation and greater practical utility. The three propositions also go beyond what constructivist accounts of international negotiation have found.

A third contribution is to illustrate the potential of the multidisciplinary negotiation tradition for future IR research. Several examples suggest that these propositions might well be found valid in cases outside the WTO. Regarding proposition one, in 1998 in the UN Security Council the UK and US shifted strategy over sanctions on Libya for the Lockerbie bombing. When the two perceived their *batna* had worsened, they agreed to suspend UN sanctions in return for less from Libya than they had been demanding (Hurd 2005). Regarding proposition two, talks over the founding of the European

Community and SALT I appear to be other cases in which states' integrative tactics helped overcome deadlocks (Zartman and Berman 1982). Such tactics by the U.S., West Germany and others also helped produce the 1987 Montreal protocol to protect the earth's ozone layer (Benedick 1991). Regarding proposition three, in 1978 during a persisting deadlock in the UN Law of the Sea talks, the chair of a seabed negotiating group intervened boldly behind the scenes, and the parties settled on his formula for a partially integrative outcome (Antrim and Sebenius 1992). During the 1995 UN World Conference on Women, chairs' interventions helped resolve some divisive issues (Wagner 2008, 95-105).

Future research could also attempt to improve on these propositions by, among other things, identifying predictable limits on the hypothesized relationships. Some parties whose batnas decline do not shift in the integrative direction, even if the odds do rise on average, and when they do shift these tactics sometimes fail to produce agreement. Bolder mediator intervention does not guarantee agreement. Research might explore more complex scope hypotheses like the following, as illustrations: (1) for proposition 1: a party will not shift to integrative tactics if its trust in other parties is below a certain minimal level, or if it has a bias against integrative strategy. (2) For proposition 2: the scope for the process to change bottom lines and break deadlocks will diminish the more precise and binding the proposed deal becomes. There will be less scope for adjustment in talks over binding final terms than on an agenda. The history of the Doha round after 2001 illustrates these difficulties. (3) Integrative shifts by parties also will be less likely in the absence of a mediator, or less likely when presented with a biased or cautious intervention than with an inclusive, bolder one. Simultaneously, for proposition 3, it is possible that (4) a mediator's single text is less likely to attract a consensus the fewer the partial deals parties have negotiated informally among themselves when it is issued.

Negotiation analysis also suggests a host of interesting research questions beyond these propositions for scholars of international institutions and IPE. For example, even if partly integrative strategies pay off in some circumstances, under what conditions does the strictly distributive strategy benefit the state or coalition, including weaker states? What institutional designs encourage or discourage the use of integrative strategies? Can we generalize about processes of making and breaking

international negotiating coalitions? How do negotiations shape the direction of institutional change? Which propositions are valid across all issues, and which are special to negotiations over economic, environmental, human rights or security issues? While each of these questions has received some thought, many doors remain open.

More effort is needed to improve mid-range theory about the central process of international negotiation. Along the way, negotiation analysts, game theorists, and IR constructivists could each experiment more with new insights developed by the others. Eventually, improved negotiation theory might give more help to states, international organizations, and NGOs operating on behalf of citizens who suffer and gain from their deadlocks and agreements.

References

- Antrim, Lance, and James Sebenius. 1992. "Formal Individual Mediation and the Negotiators' Dilemma: Tommy Koh at the Law of the Sea Conference." In *Mediation in International Relations*, ed. Jacob Bercovitch and Jeffrey Rubin. London: Macmillan, 97-130.
- Arrow, Kenneth, Robert Mnookin, Lee Ross, Amos Tversky, and Robert Wilson. 1995. *Barriers to Conflict Resolution*. New York: Norton.
- Babcock, Linda, and George Loewenstein. 1997. "Explaining Bargaining Impasse: The Role of Self-Serving Biases." *The Journal of Economic Perspectives* 11 (1):109-126.
- Benedick, Richard. 1991. *Ozone Diplomacy*. Cambridge, Mass.: Harvard University Press.
- Buzan, Barry. 1981. "Negotiating by Consensus: Developments in Technique at the United Nations Conference on the Law of the Sea." *American Journal of International Law* 75 (2): 324-348.
- Deitelhoff, Nicole, and Harald Müller. 2005. "Theoretical Paradise – Empirically Lost? Arguing with Habermas." *Review of International Studies* 31 (1):167-79.
- Deese, David. 2007. *World Trade Politics*. London: Routledge.
- Destler, I. M. 2005. *American Trade Politics*, 4th edition. Washington: Institute for International Economics.
- Dür, Andreas. 2006. "Economic Interests and the Making of EU Trade Policy." Paper presented at the workshop on Economic Interests and the Construction of Europe, Edinburgh.
- Elsig, Manfred. 2002. *The EU's Common Commercial Policy: Institutions, Interests and Ideas*. Aldershot: Ashgate.
- European Council. 1999. Preparations of the Third WTO Ministerial Conference--Draft Council Conclusions, 20 October 1999 (12092/99).
- Fisher, Roger, and William Ury. 1981. *Getting to Yes: Negotiating Agreement Without Giving In*. Boston: Houghton Mifflin.
- Frieden, Jeffry, and Lisa Martin. 2003. "International Political Economy: Global and Domestic Interactions." In *Political Science: The State of the Discipline*, ed. Ira Katznelson and Helen

- Milner. New York: Norton, 118-146.
- Hawkins, Darrell. 2004. "Explaining Costly International Institutions: Persuasion and Enforceable Human Rights Norms." *International Studies Quarterly* 48 (4):779-804.
- Hurd, Ian. 2005. "The Strategic Use of Liberal Internationalism: Libya and the UN Sanctions, 1992-2003." *International Organization* 59 (3):495-526.
- Iklé, Fred. 1964. *How Nations Negotiate*. New York: Harper & Row.
- Jönsson, Christer. 2002. "Diplomacy, Bargaining, and Negotiation." In *Handbook of International Relations*, ed. Walter Carlsnaes, Thomas Risse, and Beth A. Simmons. London: Sage, 212-34.
- Keck, Margaret, and Kathryn Sikkink. 1998. *Activists beyond Borders*. Ithaca: Cornell.
- Kerremans, Bart. 2003. "Who Cares about Modalities? The European Commission and the EU Member States as Interdependent Actors in the WTO Negotiating Process." Presented at EUSA conference, Nashville, March.
- Kremenyuk, Victor, and Gunnar Sjöstedt, eds. 2000. *International Economic Negotiation: Models versus Reality*. Cheltenham: Edward Elgar.
- Kwa, Aileen. 2003. *Power Politics in the WTO*, 2d ed. Bangkok: Focus on the Global South.
- Lamy, Pascal. 1999. "World Trade Organisation Ministerial Conference in Seattle: Appraisal and Prospects." Speech to European Parliament Plenary Session, Strasbourg, 13 December.
- Lax, David, and James Sebenius. 1986. *The Manager as Negotiator: Bargaining for Cooperation and Competitive Gain*. New York: Free Press.
- Mansfield, Edward, Helen Milner, and Peter Rosendorff. 2002. "Why Democracies Cooperate More: Electoral Control and International Trade Agreements." *International Organization* 56 (3):477-513.
- Martin, Lisa, and Beth Simmons. 1998. "Theories and Empirical Studies of International Institutions." *International Organization* 52 (4):729-58.
- Meunier, Sophie. 2005. *Trading Voices: The European Union in International Commercial Negotiations*. Princeton: Princeton University Press.

- Milner, Helen. 1997. *Interests, Institutions, and Information: Domestic Politics and International Relations*. Princeton: Princeton University Press.
- Moore, Mike. 2003. *A World Without Walls: Freedom, Development, Free Trade, and Global Governance*. Cambridge: Cambridge University Press.
- Moravcsik, Andrew. 1999. "A New Statecraft? Supranational Entrepreneurs and International Cooperation." *International Organization* 53 (2):267-306.
- Narlikar, Amrita, and John S. Odell. 2006. "The Strict Distributive Strategy for a Bargaining Coalition: the Like Minded Group in the World Trade Organization, 1998-2001." In *Negotiating Trade: Developing Countries in the WTO and NAFTA*, ed. John S. Odell. Cambridge: Cambridge University Press, 115-45.
- Niemann, Arne. 2006. "Beyond Problem-Solving and Bargaining: Genuine Debate in EU External Trade Negotiations." *International Negotiation* 11 (3):467-97.
- Odell, John S. 2000. *Negotiating the World Economy*. Ithaca, N.Y.: Cornell University Press.
- Odell, John S. 2002a. "Bounded Rationality and the World Political Economy." In *Governing the World's Money*, ed. David Andrews, Randall Henning, and Louis Pauly. Ithaca, N.Y.: Cornell University Press, 168-193.
- Odell, John S. 2002b. "The Seattle Impasse and Its Implications for the World Trade Organization." In *The Political Economy of International Trade Law*, ed. Daniel L. M. Kennedy and James D. Southwick. Cambridge: Cambridge University Press, 400-29.
- Odell, John S. 2005. "Chairing a WTO Negotiation." *Journal of International Economic Law* 8 (2): 425-48.
- Odell, John S. 2008. "Three Islands of Knowledge about Negotiation in International Organizations." Presented at a conference on Negotiation Theory and the EU: the State of the Art, at University College Dublin.
- Odell, John S., and Susan K. Sell. 2006. "Reframing the Issue: the WTO coalition on intellectual property and health, 2001." In *Negotiating Trade: Developing Countries in the WTO and*

- NAFTA, ed. John S. Odell. Cambridge: Cambridge University Press, 85-114.
- Rabin, Matthew. 1998. "Psychology and Economics." *Journal of Economic Literature* 36 (1):11-46.
- Raiffa, Howard. 1982. *The Art and Science of Negotiation*. Cambridge: Harvard University Press.
- Schelling, Thomas. 1960. *The Strategy of Conflict*. Cambridge: Harvard University Press.
- Sebenius, James. 1992. "Negotiation Analysis: A Characterization and Review." *Management Science* 38 (1):18-39.
- Sell, Susan, and Aseem Prakash. 2004. "Using Ideas Strategically: The Contest between Businesses and NGOs in Intellectual Property." *International Studies Quarterly* 48 (1):143-76.
- Sjöstedt, Gunnar, editor. 1993. *International Environmental Negotiation*. London: Sage.
- Steinberg, Richard. 2002. "In the Shadow of Law or Power? Consensus-Based Bargaining and Outcomes in the GATT/WTO." *International Organization* 56 (2):339-74.
- Tallberg, Jonas. 2006. *Leadership and Negotiation in the European Union: The Power of the Presidency*. Cambridge: Cambridge University Press.
- Thompson, Leigh. 2001. *The Mind and Heart of the Negotiator*, 2d edition. Upper Saddle River: Prentice Hall.
- Tversky, Amos, and Daniel Kahneman. 1986. "Rational Choice and the Framing of Decisions." In *Rational Choice: The Contrast between Economics and Psychology*, ed. Robin Hogarth and Melvin Reder. Chicago: University of Chicago Press, 67-94.
- Ulbert, Cornelia, and Thomas Risse. 2005. "Deliberately Changing the Discourse: What Does Make Arguing Effective?" *Acta Politica* 40:351-67.
- Van den Hoven, Adrian. 2004. "Assuming Leadership in Multilateral Economic Institutions: The EU's 'Development Round' Discourse and Strategy." *West European Politics* 27 (2):256-83.
- Wagner, Lynn. 2008. *Problem-Solving and Bargaining in International Negotiations*. Leiden: Martinus Nijhoff.
- Walton, Richard, and Robert McKersie. 1965. *A Behavioral Theory of Labor Negotiations: An Analysis of a Social Interaction System*. New York: McGraw-Hill.

- Walton, Richard, Joel Cutcher-Gershenfeld, and Robert McKersie. 1994. *Strategic Negotiations: A Theory of Change in Labor-Management Relations*. Boston: Harvard Business School Press.
- Wolfe, Robert. 2004. "Crossing the River by Feeling the Stones: Where the WTO is Going after Seattle, Doha and Cancún." *Review of International Political Economy* 11 (3):574-96.
- Wriggins, Howard. 1976. "Up for Auction: Malta Bargains with Great Britain." In *The 50% Solution*, ed. William Zartman. Garden City: Anchor Books, 208-234.
- Young, Oran. 1991. "Political Leadership and Regime Formation: On the Development of Institutions in International Society." *International Organization* 45 (3):281-308.
- Zartman, I. William, and Maureen Berman. 1982. *The Practical Negotiator*. New Haven: Yale University Press.
- Zeuthen, Frederick. 1930. *Problems of Monopoly and Economic Warfare*. London: Routledge.

¹*Los Angeles Times (LAT)*, 5 December 1999, A18; *New York Times [NYT]*, 5 December 1999, 14.

² Much can be learned from this contrast even though the Doha round later ran into repeated deadlocks. China also became a WTO member on 11 December 2001.

³ Many IPE theories and empirical studies have abstracted from the process at this level, though much attention has been paid to strategic interaction in general. See Frieden and Martin (2003). Recently more studies have been documenting the process. See the Economic Negotiation Network at www.usc.edu/enn.

⁴ Selecting points to define as outcomes for case studies is a matter of judgment in an institution in which states talk almost continuously. All parties regarded these conferences as deadlines for agreeing on an agenda, and this article assumes they are reasonable and comparable operationalizations of negotiation outcome.

⁵ *Financial Times (FT)*, 26 May 1999, 6; *Journal of Commerce*, 21 September 1999, 19; *AFX-Asia*, 14 November 1999, reporting an OECD study.

⁶ Interview with an Indian negotiator, Geneva, 8 June 2000. Almost all interviewees spoke on condition of anonymity.

⁷ Côte d'Ivoire and Croatia shifted from autocratic to democratic between 1998 and 2000, and Peru and Ghana shifted from weakly to more strongly democratic in 2001. Index accessed at earthtrends.wri.org on 11 September 2005.

⁸ Each of these authors, who specialize on interest groups in European and US trade policy respectively, adds in personal correspondence that he has not seen evidence of a shift in the mix during this period.

⁹ Jönsson (2002) and Odell (2008) review this multidisciplinary research program, which generally uses “bargaining” and “negotiation” as synonyms. Thompson (2001) synthesizes many findings of its experimental psychology branch. Sebenius (1992) reviews the early phase of a line that makes informal use of some game theoretic concepts, pioneered by Schelling (1960), Walton and McKersie (1965), and Raiffa (1982).

¹⁰ This reference to an individual negotiator or delegation is not meant to imply that these individuals are always free from constraints from their bureaucracies or domestic politics. How states aggregate decisions from the individual to the national level is an important complexity beyond the scope of this paper.

¹¹ This concept has deep roots in both the economics of bargaining and negotiation analysis (Zeuthen 1930; Fisher and Ury 1981; Raiffa 1982).

¹² This concept of a strategy continuum was first proposed in Odell 2000, and builds on but goes beyond Walton and McKersie (1965) and Lax and Sebenius (1986). Its purposes here

are to describe and explain behavior, not to render a normative judgment. While it is possible that a negotiator or state will act without any conscious strategy, this study assumes that it will be useful to describe official behavior using these concepts.

¹³ Odell (2000) gives operational definitions for these strategy concepts. Concretely, distributive tactics include opening with high demands, refusing to make concessions, exaggerating one's minimum needs and true priorities, manipulating information to others' disadvantage, taking others' issues hostage, worsening their alternatives to agreement, filing a legal complaint against others, making threats, and actually imposing penalties. A defensive distributive strategy consists of analogous steps to protect against losing value.

¹⁴ Interview, Washington, 19 June 2000.

¹⁵ Interviews with two veteran WTO chairs and an experienced negotiator, July 2004.

¹⁶ Here chairs' actions are treated as variable elements of the negotiation process rather than as features of the international institution, which is treated as part of the negotiation's context. WTO rules did not specify how the consensus-building function should be performed and performance varied significantly from time to time.

¹⁷ These models were not, however, the first to generate insights about beliefs during bargaining. The negotiation analysis tradition had introduced such insights in the 1960s, a decade before game theorists added incomplete information and Bayesian updating to their models, and a generation before IR constructivism was born.

¹⁸ Odell (2002a) argues for basing both IPE and constructivist research on the assumption of bounded rationality in Herbert Simon's sense.

¹⁹Experimental studies on negotiation find, for instance, that when there is considerable uncertainty about interests, the worse the opening bid by A, the worse the deal B believes is likely. Lax and Sebenius (1986), 135.

²⁰E.g., Iklé (1964, 182-190) on Western wartime negotiations with Stalin; Wriggins (1976) on 1970s military base negotiations; Odell (2000, chap. 6) on 1980s EC trade negotiations.

²¹ Interview, Florence, Italy, 3 July 2004. I believe this veteran did not mean delegations are ignorant of objective facts about their economies. Iklé goes too far when he seems to deny that objective reality makes any difference at all to resistance points.

²² Interview, Geneva, 12 June 2006.

²³ This section concentrates on empirical studies that have applied constructivist ideas to the interstate negotiation process. IR constructivism has of course made contributions on other subjects, including long-term changes.

²⁴ As a partial exception, Odell and Sell (2006) takes an early step toward merging related insights from negotiation analysis and constructivism.

²⁵ Ulbert and Risse (2005) introduce the study by attempting to reduce existing knowledge to a straw man: "Studies on international bargaining have overwhelmingly focused on the material context of negotiations" (353). This surprising claim sweeps under the rug a long line of work on non-material elements including the cultural context, already cited in part.

²⁶The EU probably is the most favorable IO of all for pure problem solving or deliberation, since EU members are committed to much deeper pooling of sovereignty than members of any other IO, and are more similar than members of world-wide organizations like the WTO.

²⁷ E.g., the sets of cases in Sjöstedt (1993) and Kremenjuk and Sjöstedt (2000).

²⁸ Milner (1997) is an exception.

²⁹ This section draws upon Odell (2002b). Steinberg (2002), Wolfe (2004) and Deese (2007) also discuss these cases.

³⁰ Communication from India, *Concerns regarding Implementation of Provisions relating to Differential and More Favourable Treatment of Developing and Least-Developed Countries in Various WTO Agreements*, WTO document WT/GC/2/108, 13 November 1998.

³¹ *International Trade Reporter [ITR]*, 9 June 1999, 967-968.

³² Cairns Group proposal on market access, 10 November 2000, G/AG/NG/W/54; proposal on export competition, 16 June 2000, G/AG/NG/W/11.

³³ Interviews with participating Geneva ambassadors, Geneva, June 2000.

³⁴ *Inside US Trade (IUST)*, 22 October 1999.

³⁵ Interview, Geneva, 7 June 2000.

³⁶ *WTA*, 22 November 1999, 8.

³⁷ *IUST*, 5 November 1999, 16.

³⁸ Interviews with three Secretariat leaders and two delegates, Geneva, June 2000.

³⁹ *WTA*, 8 November 1999, 9.

⁴⁰ *IUST*, 5 November 1999, 4, 15.

⁴¹ Interview, Geneva, 21 November 2002. Many other Geneva participants agreed.

⁴² *Seattle Post-Intelligencer*, 1 December 1999, 1.

⁴³ Interview, Geneva, June 2000.

⁴⁴ *WTA*, 8 December 1999, 6.

⁴⁵ *IUST*, 3 December 1999, 4.

⁴⁶ Interviews with two members of the US delegation, Geneva, 25 June 2000.

⁴⁷ *LAT*, 5 December 1999, A20.

⁴⁸ *ITR*, 10 December 1999, 11-12.

⁴⁹ Statement of Dr. John Abu, Minister of Trade and Industry of the Republic of Ghana, on behalf of African Ministers of Trade, in Seattle, 2 December 1999. Provided by Permanent Delegation of the Organization of African Unity in Geneva, 2000.

⁵⁰ *IUST*, 6 December 1999, 2.

⁵¹ *ITR*, 9 December 1999, 1997; *IUST*, 3 December 1999, 4-5; *NYT*, 4 December 1999, A6

⁵² India, Ministry of Commerce and Industry, *India and the WTO*, Nov.-Dec. 1999.

⁵³ *Annex: Possible Decisions at Seattle on Implementation*, 0545 hours, 3 December 1999, courtesy Anwarul Hoda and Balkrishan Zutshi. See also *NYT*, 4 December 1999, A6.

⁵⁴ *WTA*, 8 December 1999, 8.

⁵⁵ Interviews in Washington and Geneva, June 2000.

⁵⁶ *NYT*, 14 November 2001, A29.

⁵⁷ *FT*, 22 October 2001, 21; *NYT*, 9 November 2001, C1; *NYT*, 14 November 2001, A29; *NYT*, 15 November 2001, A12; correspondence with EU delegate, January 2003. In Doha Brazil's agriculture minister declared: "If we fail, this is the end of the WTO" (*NYT*, 14 November 2001, A13). Activists with the same information but anti-trade beliefs did not evaluate this prospect as disastrous.

⁵⁸ *IUST*, 23 February 2001, 5; 13 April 2001, 4. *IUST*, 30 March 2001, 13; *WTA*, 9 April 2001, 2; interview in Tokyo, 7 December 2001.

⁵⁹ Interview with the mediator, Los Angeles, 1 April 2003.

⁶⁰After Seattle it was obvious to Democrats too that this demand was toxic in WTO negotiations. If internationalist Albert Gore had occupied the White House, it seems likely he and his trade diplomats also would have been concerned about a second failure's costs for the multilateral trade order, giving a Democratic president the same reason to change strategy.

⁶¹ Interview, US Mission in Geneva, November 2002.

⁶² *FT*, 9 August 2001; *The Statesman* (India), 9 August 2001.

⁶³Interview with a participating EU negotiator, Geneva, 13 November 2002.

⁶⁴“Internal Transparency and the Effective Participation of Members,” Chairman’s Statement, WTO General Council, 17 July 2000, provided by Ambassador Bryn.

⁶⁵*FT*, 30 January 2001.

⁶⁶ *WTA*, 26 March 2001, 5.

⁶⁷ JOB(01)/140.

⁶⁸ *ITR*, 4 October 2001, 1547.

⁶⁹ *IUST*, 5 October 2001, 18; interview with a US negotiator, Geneva, 1 November 2002.

⁷⁰ Moravcsik (1999) questions the importance of supranational leadership, believing that the main barriers to interstate agreement occur at the domestic, not the interstate, level. Yet this case illustrates a common situation in which a mediator helped states overcome both interstate and domestic barriers, and where states did not overcome them without mediation.

⁷¹ *Bridges*, 16 October 2001, a news digest viewed at www.ictsd.org/weekly/index.htm on 3 June 2002.

⁷² Interview, Geneva, 1 November 2002.

⁷³ Interview with a Japanese participant, Tokyo, 7 December 2001.

⁷⁴ WT/GC/W/450, 4 October 2001.

⁷⁵ Sell and Prakash (2004) describes the campaign.

⁷⁶ Interviews, Geneva, October and November 2002.

⁷⁷ *IUST*, 9 September 2001, 11; *ITR*, 10 October 2001, 1687; *WTA*, 10 October 2001, 1.

⁷⁸ Interview with Ambassador Amorim, London, 19 December 2002. Later the coalition also shifted to a mixed strategy and fell back from other ambitious demands, in tacit exchange for assent to this principle.

⁷⁹ JOB(01)/155, JOB(01)/139, Rev.1, JOB(01)/140,Rev.1.

⁸⁰ Interviews, Geneva, fall 2002.

⁸¹ *Bridges Daily Update*, 13 November 2001.

⁸² Odell and Sell (2006) analyze the strategy of this developing country coalition and how it managed to avoid fragmentation despite efforts to split it.

⁸³ Interview with a participant in the meeting, Geneva, 24 September 2002.

⁸⁴ *South China Morning Post*, 14 November 2001; *Bridges*, 15 November 2001.

⁸⁵ *Bridges Daily Update*, 13 November 2001.

⁸⁶ *Wall Street Journal*, 15 November 2001.

⁸⁷ Interviews, Tokyo, 7 December 2001 and Geneva, 23 September 2002.

⁸⁸ *Wall Street Journal*, 14 November 2001. India's coalition had fragmented by then, unlike the TRIPS/health coalition. Narlikar and Odell (2006) analyze why the LMG achieved few of its aims.

⁸⁹ Interview with a participant, Geneva, 23 September 2002.

⁹⁰ Interview with a Japanese delegate, Tokyo, December 2001.

⁹¹ Interview, Geneva, 1 November 2002.

⁹² Interview, Geneva, 19 September 2002.

⁹³ WT/MIN(01)/DEC/W/1, 14 November 2001.

⁹⁴ WTO, *The Road to Doha and Beyond*, 11

⁹⁵ WT/MIN(01)/DEC/W/1, WT/MIN(01)/DEC/W/2, WT/MIN(01)/DEC/W/10.

⁹⁶ Interviews, Geneva, fall 2002.

⁹⁷ *FT*, 22 October 2001, 21.

⁹⁸ *Washington Post*, 20 September, A35; *Business Times Singapore*, 12 October, 7; *South China Morning Post*, 13 October, 4; *Straits Times*, 13 October 2001, 29.

⁹⁹ Address to a Joint Session of Congress and the American People, 20 September 2001. Office of the White House Press Secretary.

¹⁰⁰ Interview, Geneva, 4 November 2002.

¹⁰¹ Interview, Geneva, 19 September 2002; Moore 2003, 122.

¹⁰² Interviews with US negotiators 2000 and 2006, and with a senior secretariat leader on the inside in Seattle, Geneva, 9 November 2002.

¹⁰³ European Council 1999; Elsig 2002, 148-49; interview with a participating EU negotiator, 13 November 2002.