

Full Length Research Paper

Toward Sub-Sahara African negotiations and strategic interactions in the WTO

Amadou Amdy Fall

Ecole Supérieure Polytechnique, Cheikh Anta Diop University of Dakar, Senegal.

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The Multilateral Trading System (MTS) has faced challenges in streamlining the flow of goods and services around the world. The World Trade Organization (WTO) has aimed, as had its forerunner, the General Agreement on Tariffs and Trade (GATT), to create a rules-based forum that oversees global trade. The WTO governance structure, which is based on some basic principles and rules, including the adoption of decisions by consensus (capacity of any Member to veto a deal), the rule of "One Nation, One Voice" (although voting has never been resorted to in the WTO), the fact of being a member-driven organization, the use of the variable geometry, the concept of single undertaking, have been considered. The objectives of this article are twofold: first, to understand the strategies developed and implemented by WTO members to achieve their trade policy objectives; second, to analyze the participation of the Sub-Saharan African countries in WTO negotiations and in general in the MTS. In that regard, a distinction was drawn between WTO Open Diplomacy and the WTO Hidden Diplomacy with a view to identifying tools used by countries in trade negotiations. Given the absence of any coherent diplomatic approach to the WTO negotiations and the lack of information on the models developed by countries and groups, a model of assessment and audit of the economic diplomacy. The conclusions drawn have enabled empirical work to be undertaken. For any country, the strategies of negotiation developed in the WTO are the reflections of the nature of its external trade and the level of its Economic Diplomacy. Thus, countries advocate their interests and build negotiating systems composed of at least 2 structures: a Back Office Negotiation (BON, in their Capital) and a Front Office Negotiation (FON that leads the negotiations in Geneva). The organization functioning and communication between these 2 structures have direct impacts in WTO negotiations. However, the range of the products and the size of a country's market could also have a bearing on WTO negotiations.

Key words: Negotiation, economic diplomacy, WTO, GATT, GATS, game theory, strategy, variable geometry, single undertaking, Africa, trade.

INTRODUCTION

Theory on skills and strategies in negotiation

Basically, the negotiation process must be separated

from the framework in which it takes place. They (the process and the framework) must be clearly distinguished in order to catch better the meaning and the scope.

E-mail: Amdy.Fall@esp.sn, fallamdy@gmail.com.

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Negotiation is a set of sequences of actions in which two or more parties express proposals and demands to each other for the purposes to reach an agreement.

The purposes are mainly ostensible and outward due to the fact that communication is a basic vector in human exchanges. In some cases, one may need to develop an adjustment of the general (or a particular) behavior of at least one actor or party in the negotiation.

The term bargaining is also commonly used at the place of negotiation. Moreover, the word haggle is used to mean negotiate or bargain. It depends on the field in which we are involved, and how formal the negotiation is. For example, in the market and in the family business the term bargaining is very used. Some people think that bargaining is used for oral or non-oral communication (power, war, etc.), while negotiation is used only for oral communication.

The process consists of which "stratagem" or plan, the negotiators may choose. It depends on the angles of analysis, whether the expectations are normative, descriptive or prescriptive. Moreover, it determines how the frameworks and the negotiators are influencing each other, whether negotiators shift or add tactics in order to achieve their aim. However, it is relevant at the early beginning to know how to implement strategies, tactics in order to face the challenges and to reach the objectives.

In the negotiation process, we have a set of alternatives, and in each alternative there is a set of options. Therefore, the alternative is the choice either to take the path named A, either the path named B or else. During the negotiation process, one party has to take one alternative otherwise he will appear irrelevant and unaware. While the option in the alternative is a lane of the main issue (with some defined hypotheses), one party can take different options to overcome and achieve its purposes. Previously to its deployment, the option must be clearly defined, presented with its benefits, and awkward. At this stage of the study, we have to recall some developments commonly cited which have been presented by some recognized authors or/and academics.

Thus, it is useful to show the importance of the researches led by the International Institute for Applied Systems Analysis (IIASA) in the project of Processes of International Negotiations (PIN). The IIASA is an international research organization created in 1966 during the cold war. Its main objectives were to conduct inter-disciplinary surveys on economic, environmental, technological, and social issues.

The IIASA's goals are¹:

To choose problems solutions for which will benefit the public, the scientific community, and national and

¹ From www.iiasi.ac.at, the International Institute for Applied Systems Analysis

international institutions;

To address critical issues in an innovative manner;

To provide timely and relevant information and policy analysis.

However, the IIASA charter was signed in 1972 and it is located in Austria. Moreover, Professor Howard Raiffa, who wrote many books on Negotiation, was its first director.

The notorious Professor William Zartman² is one of the most important people involved in negotiation researches since the last decades. He published several books and a big number of articles devoted to negotiation. He has made a lot of development on negotiation (useful device for practitioners and theorists) and he has applied it to many fields from business to conflict resolutions. Recently, he has presented some researches on negotiation and terrorism.

Moreover, Professor Victor Kremenyuk³ has also written many books and articles on negotiation. His main topics are focused on International Negotiation and International Business Negotiation. We will mention his findings during the development of the second part of the thesis.

In the *diplomatic dictionary*⁴ the object of a negotiation is supposed to be not necessarily the achievement of a resolution of the dispute. The object may simply be to put an idea in the public regarding a defined theme. It implies the relativity of the vision and the approach that some people may have while they begin a process of negotiation. Because negotiating is not equal to reaching an agreement, but the willpower to achieve it must be noticeable.

Thus, the negotiation process is applied and is developed in the following area:

1. Business (board of directors, the relations between unions and employers, merger, acquiring, stock exchange ...);- Non-profit making organization such as NGO, IGO; 2. Government (with unions, chambers, private sector ...);- Warfare;- Terrorism;- Hostage;- Tribunals, in the legal proceedings (plea-bargaining ...);- Among Nations;- Social bias (racial, suburbs' disturbance, religious issues ...);- Family matters such as marriage, divorce, and parenting.

The aim of the negotiation process is generally to get agreement between actors. However, the involved actors conserve their issue leverage from the beginning to the end of the process. The strategy shaped depends on

²Zartman William is a professor of International Organization and Conflict Resolution and Director of the Conflict Management Program at the John Hopkins University in the USA. He is a PIN member.

³Kremenyuk Victor is deputy director at the Institute for the USA and Canada studies, Russian Academy of Sciences. Since 1988, he has been an IIASA research associate in the Processes of International Negotiations (PIN) Project.

⁴Freeman Chas, *Diplomat's Dictionary*, (ed) Diane publishing, Minnesota, 1995, Page 238

The scope. These actors are those steering all the processes or have the ability to influence. Depending on the situation and the importance of the problem, the parties may be two or more. Each party constitutes a team in which we can have a Back Office Negotiation (BON), and a Front Office Negotiation (FON).

In the back office negotiation, we have the experts, the consultants (whether in-house or not of the organization), collaborators, superiors to whom they report, etc. The Back Office Negotiation may act before or after the real negotiation where parties make their exchanges. When the negotiation is happening before the negotiation, during what is commonly called the pre-negotiation, the BON gives advices, explains the situation, and specifies the payoffs and the losses of each alternative and of each option. The BON can also act after the negotiation in what is called post-negotiation. The interest and the quality of the work of the BON will entail the benefits that a party will have during the negotiation process.

In family's concerns, the direct neighborhood (kin, kith, classmate, etc.) usually represents the BON. Consequently, they are supposed to listen, to advice, and to support (psychologically, financially, materially or else) their relative or neighbor. Thus, the people who have a good, franc, and sincere BON, are those who make fewer mistakes and who fail less. For human bargains, the Back Office Negotiation is not always necessary. Therefore, for organizations and states, the BON is fundamental and is usually confronted with many problems (resources, strategies, etc.) during its evolution.

In company's affairs, the elements such as the employees, consultants, board of directors, and other partners (the shareholders, the stakeholder, etc.) can compose the BON. It prepares the strategy of the company and participates in its implementation. Nonetheless, the members of this informal BON are not acting at the same stage or the same mandate. Moreover, they are not expected to have the same level of information. This BON has generally the mission to gather information, make surveys on the current and future issues, and decide on the alternatives and the options of the negotiation.

Finally, regarding the government, we have obviously the biggest BON. This latter's width does not depend on the importance of the organization but on the consequences which may result from a specific problem. In the government affairs, we can mention that the elements of the BON are the involved ministries (plus the Finance and treasury usually), the presidency, some civil servants who are experts of the matter, some external consultants, some unions, the parliament, the private sectors, some civil society groups, etc. In addition, according to the matter, some members of this informal BON may not participate in a government negotiation process, because of the craftiness, the sensitivity, the confidentiality, the interest, etc. of the problem.

Unlike the Back Office Negotiation (BON), the Front Office Negotiation (FON) is the part of the team that

leads the effective negotiation. The ruler and the leader compose the FON that will speak on behalf of the organization or the concerned institutions. The formation of the FON depends on the organization (the individuals) and its functioning culture. While, in some Asian organizations, the FON is constituted by the elders due to their experience, skills and position; in western organizations, in the contrary the FON is the preserve of experts whatever their age.

The object of the negotiation is the second element that must be analyzed because of its links with the purposes. It will involve the choice based on the team (in the BON and in the FON), and the strategies to adopt.

Moreover, we can evoke what Howard Raiffa named the ProAct⁵ in the decision making process. This acronym used to analyze and to prepare decision means:

Identify the Problem;
Clarify the Objectives;
Generate creative Alternatives;
Evaluate the Consequences;
Make Tradeoffs.

This ProAct describes the main stages of the decision. This is an important part and must be developed before the negotiation in the BON.

Unlike the preparation of the pre-negotiation with the Back Office Negotiation (BON), the real negotiation is conducted by the Front Office Negotiation (FON). This latter will be confronted with counter-arguments, and counter-strategies during its process to implement its defined strategies (the taken position in the BON). Red-lines or/and guide-lines are defined by the BON, for the FON.

Alternative Dispute Resolution⁶ (ADR) expects to settle the disputes without going to the courtroom or the battlefield (economically or militarily). Basically, the ADR avoids the waste of time and substantial costs in prosecution and in waging warfare. The main ADRs defined by the specialist are the negotiation, the mediation, the arbitration, and the conciliation.

Distributive negotiation is also called "value claiming", "zero-sum", or "win-lose" negotiation. It is considered as a competitive negotiation strategy that is used to decide on how to distribute a fixed resource, such as money, asset, territory, and position (job). Obviously, the parties assume that there is not enough to share, and the more one side gets, the less the other side gets. Thus, in this situation one party gains what the other loses. Moreover, the distributive bargaining is important because there are some issues that cannot be solved in any other way.

⁵Raiffa Howard, Richardson John and Metcalfe David, *Negotiations Analysis, The science and art of collaborative decision making*, (ed) Belknap Harward, Cambridge, 2002

⁶ Ibid, Raiffa Howard, Richardson John and Metcalfe David, *Negotiations Analysis, The science and art of collaborative decision making*,

In this case, it is not possible for the parties to win at the same time. Usually if the stakes are high such as a problem involving and threatening state's interests, the distributive approach is more recommended.

According to Odell⁷, thinking in terms of Best Alternative to a Negotiated Agreement (BATNA)⁸ is better than thinking in terms of bargaining power. Odell argues that the resistance during the bargaining process may entail a bad agreement.

The Integrative negotiation is also called "value creating", "positive-sum", or "win-win" negotiation. Therefore, it is the strategy focused on the development of reciprocal favorable agreements based on the interest of all the parties. Thus, the interests include the needs, the wishes, the avoidances, and the fear of each side. These aspects are the main causes why people become involved in a conflict. Regarding the aims previously mentioned, we can define the integrative negotiation as the negotiation in which, the parties are willing to act in order to find the best solution to their issues (that does not hurt any party). To achieve this solution that satisfies all the parties, the protagonists must have the willpower to make concessions and tradeoffs.

Scope of the research

The present study is expected to analyze the negotiations in the WTO. The main approaches are based on the rules and bargains during the period of the first WTO Ministerial Conference in Singapore in 1996 after creation of the WTO in 1995, and 2006 after the Hong Kong Ministerial Conference in 2005. During these ten years of trade negotiations, the expectations of the WTO to regulate, monitor, and administer global trade were higher. Moreover, there were many economic policies interactions and conflicts between states. The leadership of the WTO during this period was strong and countries strove to comply with its rules and agreements.

We will restrain our study only to the Sub-Saharan Countries. Therefore, we will define this encompassed area and its politico-economic features, in order to better keep the path of the survey. Known with unemployment, diseases, problems of feeding and nutrition, public wealth, embezzlement, drought and paltry crops, the Sub-Saharan Africa is steadily confronted with good governance, political instability, and welfare problems.

Many points of view can be launched, according to the interest and the impact of this institution in the external business of a defined country or a defined region. The notion of legitimacy is much related to the manifold capacities of the WTO to organize the Multilateral Trading System and to enforce the Agreements signed by the member states.

Odell John, *Negotiating Trade, Developing Countries in the WTO and the NAFTA*, (ed) Cambridge University Press, Cambridge, 2006

⁸BATNA is a concept developed by Roger Fisher and William Ury

Objectives and problematic

We expect first to understand the strategies developed by countries in the WTO negotiations (in the Multilateral Trading System⁹ (MTS)). Secondly, we wish to analyze how the SSA countries can improve their Negotiating participation and their benefits in the MTS. And finally, we will analyze how the SSA can link the WTO negotiations and their Capital requirements (for the purpose of the commercial development). These general goals are presented in the context of the WTO Diplomacy¹⁰, including the WTO Open Diplomacy (negotiations taking place in the TNC, in the BSD, in the WTO Committees, etc.) and the WTO Hidden Diplomacy (negotiations happening in the restrained rooms (Green Room, room E, room D), bilaterally, regionally, on the fringe of the plenaries, in the Capital, etc.).

Empirically, we have expected:

1. First of all to make a diagnosis of the multilateral negotiations in the WTO;
2. Secondly, to identify the process of negotiation developed and underway by the Sub-Saharan Africa and the commercial leading nations;
3. Thirdly, to make a benchmarking with the processes of negotiation developed by other countries or Regions of the world (e.g. Western Nations, South East Asia);
4. And finally, to attempt (whether it is relevant) to define a Sub-Sahara African Business Negotiation Model (framework, welfare, integration, bargaining chip, and styles) for the multilateral trade negotiations.

On the theoretical plan, we have analyzed clearly these points:

1. Specification of the WTO (functioning, Governance, the size of its power, negotiation assemblies or meetings, legitimacy, Variable Geometry¹¹, etc.);
2. Presentation of the economic negotiation processes (strategies, types, constraints, features);
3. Analyses of the Economic Diplomacy (ED);
4. Geopolitics of the Sub-Saharan Nations.

Therefore, we have been asked the following questions of research:

⁹The Multilateral Trading System is defined in the WTO website as following: "The Multilateral Trading System is an attempt by governments to make the business environment stable and predictable."

¹⁰The WTO Diplomacy is the interactions between the WTO members in the MTS. In general, Diplomacy have 2 aspects : the Open Diplomacy which is the negotiations taking place in public or publicized, and the Hidden Diplomacy (or Close Diplomacy) which is developed in privacy or only attended by limited counterparts without disclosing the deal (negotiations developed in locked rooms). Deborah Goodwin has presented an article in which she argues that the "hidden diplomacy refers to any form of negotiation or diplomatic initiative that takes place behind closed doors".

¹¹The Variable Geometry in the WTO Negotiations is the fact of using the specifications of a country in the MTS, its socio-economic situation, to provide it some facilities (SDT, GSP, etc.) or to attend some meetings (Room E, Room D, Green Room, etc.).

1. What are the organization and process required to negotiate international issues, specially the trade ones?
2. How African countries organize their resources (Human, Financial, Technical, etc.) and sharp strategies in the WTO negotiations?
3. How do Nations (Developed Countries, Groups) make influence?

METHODOLOGY OF THE STUDY

It is mainly an exploratory survey, because no study through the angle of strategy has been led regarding the SSA negotiations in the WTO. This study seeks to pave the way for further surveys about the African economic negotiations, and becomes a basic work for researchers and decision makers. It will strive to link the theoretical concepts and the practitioners' skills gathered through the readings, interviews, conferences and workshops that we have attended. Therefore, beyond the abilities in research, it will be a useful device for the African negotiators in general and specially the Sub-Saharan ones.¹² Consequently, Africa has witnessed common mistakes and mishandling practices in the politico-economic strategies, and is exposed to important challenges in the economic negotiations. It will therefore take more profit with a sophisticated approach. It must be a priority for the African Institutions and Governments to know what to do in order to tweak the chance to develop the external economic affairs of their region. Hence, it will have much repercussion in the social (unemployment, brain drain, etc.), economic (poverty alleviation, etc.), political (stability) levels.

The gathered data have been treated and analyzed qualitatively due to their heterogeneous nature and the necessity to investigate on the position of the countries or the groups (benchmarking analyses will be done). Moreover, a quantitative approach will not have a good effect in the analyses, because the number of countries developing a model does not justify its quality (because of the non-transferability of the international models).

The current most important issue for the SSA is agriculture, with its Offensive and Defensive Interests. We are opposed to the way that the African agriculture is negotiated as a bloc of issues (what we call "Meta-issue").

Due to the challenges of this work, we have required more information about the WTO and the contents of the past schemes of multilateral economic negotiations, since the first rounds of the GATT. In order to gather the information we need, we had many interviews with a sample composed of representatives of WTO Member States¹³ and the European Union. The study permits the understanding of the real motivations of the negotiating policy. We have noted that some countries (basically some poor ones) have not deployed multilateral trading strategies. This second level of information (primary information) has necessitated a stay in the WTO¹⁴. Thus, we have interviewed delegates (whether Ambassador or not) and some WTO experts in charge of the issues listed previously. Then, we gathered the data about the last meetings whereby the Sub-Saharan Nations were involved, and organized the information in a data mining system.

¹² Wangwer Samwel and Rweyemamu Dennis, *Human Resources and Institutional Development in Africa: an overview*, (ed) ESRF presented at the first pan African Capacity Building Forum in Bamako, Mali, on October 22nd - 24th, 2001

¹³ We have done the maximum of interviews possible with delegates from the SSA but also from the Non-African countries such as Brazil, India, European Union, Japan, United States, some Arabic countries, etc.

¹⁴ We have been selected in the WTO Doctoral Programme that has enabled us to be supported by the WTO, and to have a stay in the WTO in Geneva. The stay of 6 months has allowed us to develop the required researches.

Among the 53 African countries, there are 48 in the Sub-Saharan Africa. Moreover, there are 9 of the SSA which have not yet been member of the WTO. And among these 39 remaining African members, there are 7 which have no representation in Geneva (see IV.2.4 Global analysis and assessment of the WTO Diplomacy of several countries (whether SSA or non-SSA countries)). Then, it remains only 32 WTO SSA members with representation in Geneva. We have interviewed (among these 32 Nations) 26 Sub-Saharan African countries member of the WTO with representation in Geneva. Finally, we have also interviewed 12 non Sub-Saharan African countries in our sample, from three different continents (Europe, Asia, and America).

FINDINGS AND DISCUSSION

While entering into force on January 1995, the main rules of the WTO exist since 1948. The original mission of the WTO (GATT at the beginning) was to pave the way for a system that controls and organizes the international trading system after the WWII. The current and fundamental roles of the WTO are:¹⁵

To administer WTO trade agreements;
To provide a Forum for trade negotiations;
To handle trade disputes;
To monitor national trade policies;
To assist technically and train the Developing Countries;
To cooperate with other international organization;
Etc.

These relevant objectives of the WTO have not the same understanding by the people because of the disequilibrium in the international economy. It is important to note that developed countries are claiming "Freer Trade" in order to accede to international market, and are against trade barriers. Moreover, some developing countries are asking for "Fairer Trade" that integrates the social criteria (e.g. geometry variable) and assemblies (such as Green Room) in the negotiation process. Obviously, the nations have not the same interests in the Multilateral Trading System.

The principles of any international institution are the cornerstone of its existence and its governance. The articles are shaped through the spirit of making the global trade stable and predictable. The basic principles of the WTO are analyzed in the following paragraphs and are fundamental for the WTO law.

Non-discrimination principle

The non-discrimination principle is composed by the most favoured nation and the national treatment.

Most Favored Nation

The Most Favored Nation (MFN) principle aims to make

¹⁵ www.wto.org

the international trade as fair as possible, and provides to the countries more international grants than the bilateral ones. Its exceptions are usually the case of the agreement within a Free Trade Area, or some covenants that support the Least Developed Countries (LDCs). Bearing in mind its importance in the international basis, the MFN principle is presented in the first Article of the institution. It runs in this following lane:

“Any advantage, favour, privilege or immunity granted by any contracting party to any product originating in or destined for any other country shall be accorded immediately and unconditionally to the like product originating in or destined for the territories of all other contracting parties.”¹⁶

National treatment

The National Treatment principle expects to conduct the foreigners in the market as local citizens regarding the business activities. This principle is against any form of protectionism in order to daunt the aliens' affairs. In practice, there are some tradeoffs between nations in order to avoid some commercial discrimination. The National Treatment principle is defined in the Article III of the GATT.

Freer trade

The basic and first missions of the WTO are focused on the aim to have a liberal international market. Thus, the struggles against the trade barriers (whether tariffs barriers or not) are the core purpose of the organization. Therefore, this principle expected the liberalization of the world economy (imports, exports of goods and/or services) and will entail the growth of an organized international business without any trade distorting systems.

Since 1948, we have recorded an average of decrease on the tariffs (exception to oil products) around 37% during the four GATT rounds.¹⁷ This means all the achievements of the GATT/WTO on this core issue.

Reciprocity

Reciprocity means that one country can develop the same policy toward the others. They can use rules in an equal way, unless one country decides to help developing or least developed countries, such as the case of the

African Growth and Opportunity Act (AGOA), the case of “Everything But Arm (EBA)”, etc. It also implies that a WTO new member state must commit to equivalent obligations as those undertaken already by the existing members.¹⁸

Transparency

This basic principle seeks to make the negotiation process fair, clear in the respect of the articles of the WTO. Transparency does not mean open diplomacy or communication on all, because agreement can be reached lawfully in the secrecy. The Transparency is in the Article X of the WTO. Some countries are claimed to abuse on the use of some measures (e.g. SPS, Anti-dumping, etc.) for protectionist reasons.

Special and differential treatment (SDT)

The provisions of the Special and Differential Treatment (SDT) are organized into five main groups with the following purposes:¹⁹

1. *To increase trade opportunities through market access;*
2. *To safeguard the interest of Developing Countries;*
3. *To allow flexibility to Developing Countries in rules and disciplines governing trade measures;*
4. *To allow longer transitional periods to Developing Countries;*
5. *And to develop Technical Assistance.*

Therefore, it means that it is recognized the “positive discrimination” towards the Developing Countries because of the unequal economic power. Moreover, this principle enables the assistance and the support of the LDCs in order to have relatively longer adjustment period.

Exceptions of these principles²⁰

Although these previous principles bound the WTO member states due to the necessity to have an international trade that is free and more organized. There are some exceptions, which need to be pointed out:

1. *The priority of the national protection;*
2. *The security of the state and the population;*
3. *The Regional issues, FTA measures, and Preferential treatment;*
4. *The Balance of Payment adjustment;*

¹⁶Wilkinson Rorden, *Multilateralism and the World Trade Organization. The architecture and extension of international trade regulation*, (ed) Routledge, London, New York, 2000

¹⁷www.boku.ac.at university of Natural Resources and Applied Life Sciences, Vienna

¹⁸ Idem

¹⁹ Committee on Trade and Development, *Special and Differential Treatment for Least-Developed Countries*, (ed) WTO, Geneva, October 2004

²⁰Pimchanok Vonkhorporn, *The role of the WTO Towards Trends of Economic, Social and Health Development*, (ed) Ministry of Commerce Thailand, 2002

5. *The struggle against dumping system;*
6. *The struggle against any kind of subsidies;*
7. *Etc.*

Functioning of the WTO

The most important instance in the decision making process of the WTO is the Ministerial Conference, which is the highest stage of the institution. Then, at the second level, we have the General Council (GC). The GC meets with the Dispute Settlement Body (DSB) and the Trade Policy Review Body (TPRB). These latter are technical bodies and deal with the agreements and the respect of the international rules defined by the WTO members and/or the UN. At the third level, there are the Council for Trade in Goods, the Council for Trade of Service, and the Council for Trade Related Aspects of Intellectual Property Rights (TRIPS). The Committee on Trade and Development, the Committee on Balance of Payment Restrictions, the Committee on Budget, Finance and Administration, and the Committee on Trade and Environment, etc. represent the fourth level. Finally, we have the Director General of the WTO and his secretary that administrate the institution and, organize the good walk of the international trade negotiations and the implementation of the WTO rules.

On the fringe of the WTO regular assemblies and plenaries, there are other informal meetings held by groups of countries. There is the powerful assembly called Quad²¹ with EU, Japan, Canada and US. We also have several others: groups composed of developed countries, groups composed of developing countries, and groups composed of developing + developed countries. All these groups meet together and use each its bargaining chip during the negotiations in the WTO. We have the African Group²² composed by the African countries member of the WTO.

There are the Cairns Group, the G20, the Group of some Developing Countries G33 (it is a group of 45 countries, South Africa is not in the G33), and the Least Developed Countries group²³. There is also the big group of the more unfortunate and smaller countries of the world: the G90 composed by the African Group, the LDCs and the ACP. However, new comers in the WTO have their group called Recently Acceded Members (RAM), where we have currently China Taipei, Saudi Arabia, Former Yugoslav Republic of Macedonia, Vietnam, Tonga, Ukraine, etc.

²¹ Quad comes from quadruped

²² African Group has been created in 1995, by Dr. ChieduOsakwe (current WTO Director of the DDA Special Duties Division, at that time delegate of Nigeria), Mr. IbrahimaNdiaye (Senegal), Mr. Lechab (Marrocco), Mrs. Magda Shain (Egypt), and a Tunisian delegate. We have gathered this information from our interview with Dr. Osakwe.

²³ Australian Commodities, *Forecast and issues*, (ed) Abare, volume 12, numero 1, march 2005

Moreover, we have among other groups, the African Group, the Small Vulnerable Economies (SVEs). We have also in the WTO, the G4 and the C4 in the WTO. The Cotton 4 (C4) is mainly working and has its economy depending on cotton (Chad, Burkina, Benin, Mali); and the G4 regroups 4 powerful trading countries (EU, United States, Brazil and India). There is also the G6 with the USA, the EU, Brazil, India, Japan, and Australia. The G6+1 (or G7) adds China to the former G6. The grouping has mainly nothing to do with the grouping system in other spheres. The G7 are the Leading Nations of the Multilateral Trading System. When the G7 gets agreement, the rest is mainly easy to manage despite the WTO governance.

However the legitimacy of the Green Room was (and is still) in question, it has facilitated the outcomes of the Hong Kong Ministerial Meeting.²⁴ The Director General Pascal Lamy has changed the Green Room policy, with the integration of the system of Variable Geometry²⁵. Thus, according to the agenda settings in the Green Room, some developing countries may attend the meeting. It is for example the case when in the Green Room, the discussions turned around the Cotton, and Burkina Faso has been invited.

Unlike the Green Room that is consultative and horizontal, there is the Room "E" where every Group is represented by 2 or 3 delegates, and where the decisions concern all the WTO member states. In the Room E, there are around 35 persons assisting. Furthermore, this inner circle of thirty something delegations that negotiates selectively, gives the opportunity to present drafts that will be used during the meetings (such as TNC, etc.) and during the ministerial meetings. It was the case in 1996, when 34 of the 128 member states prepared the documents of the Singapore round. Negotiations in the Room E and the Room D are in a vertical manner. Nevertheless, a decision in the Room E or the Room D must be accepted in the Trade Negotiation Committee (TNC). Then the decision must be adopted by the General Council in order to become legally binding.

The process to take a decision in the World Trade Organization is the target of many kinds of critics. Some researchers and politics say that the WTO decision making process is unfair and based only on the interest of the powerful and richer countries. The necessity to reform the decision process through the WTO is very frequent in the debates and experts' analyses. In the future, because of the increasing number of member states, the institution will present may be other decision processes that will satisfy the interest (and the needs) of all the member countries without any bias. Unlike the International Monetary Fund and the World Bank which use a system of weighing vote (based on the economic

²⁴ From our Interview with a Chinese Delegate

²⁵ The Variable Geometry is the fact of using the specifications of a country in the MTS, its socio-economic situation, to provide it some facilities (SDT, GSP, etc.) or to attend some meetings (Room E, RoomD, Green Room, etc.).

Table 1. Voting principles in WTO.

Voting	
Principle	One member, one Vote
Primary Aim	Consensus
If No Consensus	Majority Vote
Interpretation of agreements	3/4 in favour
Amendment to agreements	2/3 in favour
Propose Amendments	Countries and Councils

weight), the WTO is focused on the One-Member-One-Vote system. Moreover, in the IMF and the WB, the decisions are taken in an 85% of the majority. Thus, the USA which represent 17.5% of the IMF and the WB, it has the power to veto anything in these institutions.

Unlike the International Monetary Fund and the World Bank, the WTO has not the power to act autonomously. As we have developed in the previous paragraphs, the decisions in the WTO are taken by the members and are based on the consensus. That meant the decisions of the WTO are those of all the members states. In the WTO, the negotiations are inclusive (only States are involved in the process of negotiations). Moreover, the agreements and articles of the WTO bind only the member states. Table 1 highlights the features of the decision making process within the WTO.

However, the voting system exists; it has not yet been resorted to in the WTO. Only the decisions approved by all the countries in a consensus manner are legally binding despite the fact that there are many restrained rooms (Green, C, D, E, etc.). There is not a provision in the WTO articles that compels a Nation to join the institution or to agree on a position. Thus, the WTO is important for the members for four main reasons:²⁶

1. *Trade is conducted according to rules formulated and agreed upon by members;*
2. *There is a system for resolving disagreement between members;*
3. *There is opportunity to help formulate future rules and trade policies;*
4. *The equal voting power (one Nation, one voice. No state or group of states can dominate).*

The Doha round is also called Doha Development Round or Capacity Building Round because of the important number of Developing and Least Developed Countries in the WTO, and its objective to contribute to the development of the poor countries²⁷. Moreover, for the new understanding of the international business, good trading system is synonym of economic growth and fight

against poverty. During this conference, 144 WTO member Nations were present. This round has been pursued some years after the ministerial conference because of its impacts and purposes (and mainly the difficulties to have an agreement on the negotiated issues). China and Chinese Taipei among nine countries were accepted members during this conference. The case of China has been concluded after several years of negotiation on some prerequisites. The Doha agenda ran around 21 subjects. During this only round of our period of work (1996-2006), there were two aspects, firstly the negotiations (single undertaking²⁸, and others) and secondly, the implementations.

WTO, Big Nations and Multinational Enterprises

Through the forum of trade negotiations in the WTO, the influence of the "Big Nations" is manifest due to their economic power. We will explain some cases and how these countries are dealing in the WTO, and how did they achieve their purposes²⁹. Then, we will analyze the different characteristics of the involvement of the Multinational Enterprises (MNEs). The MNEs and companies in general are really among the most important concerns in the business which are negotiated in the WTO. The Nations negotiate rules and legislation that they will apply.

WTO and the Big Nations

In this part, we will present and will analyze the relations, and the strategies developed by some Big Countries in the negotiations in the WTO. Therefore, we will analyze with the available data, the cases of the USA, the EU, Japan, and Russia that do not yet belong to the WTO.

²⁶ Ibid, Mitsuo Matsushita, Thomas Schoenbaum and Petros Mavroidis, *The World Trade Organization: Law, Practice, and Policy*, ...

²⁷ Somesh.K.Mathur, *Multilateral Trading System: Doha Round and Beyond*, (ed) ----, 2003

²⁸ The principle of the system of negotiation is based on the fact that the bargain is focused on a package at a whole. As the WTO has mentioned in its website : « Single Undertaking : Virtually every item of the negotiation is part of a whole and indivisible package and cannot be agreed separately. " Nothing is agreed until everything is agreed " ». The Single Undertaking has been used since the Uruguay Round.

²⁹ Tilzey Mark, *Neo-liberalism, the WTO and the new modes of agricultural environmental governance in the European Union, the USA, and the Australia*, (ed) International Journal of Sociology of food and Agriculture, sept 2006

The interesting aspects of the cases will be developed through the items of the multilateral trade negotiations in the second party of this study. The strategies they use are not the same, but the result is always to take profit and to sway in the WTO assemblies. In addition, substantial amounts are concerned by the international trade and are affecting the GDP and the GNP of the countries.

WTO and USA

Important member state of the WTO, the United States of America has an atypical way of complying with the international rules according to its situation. Throughout the international institutions, the USA imposes its power and sways the other powerful countries in order to achieve its purposes.

Furthermore, the main issues in which it is involved in the WTO are related to the Dispute Settlement Body, the Agricultural subsidies, and the market access. From the Government Subsidies to the Trade Related Aspects of Intellectual Property Rights (TRIPs) with the patents, the USA has its own approach, organization, and strategies. However, the USA has a crew of high level and skilled negotiators, who know how to reach their forecasted objectives.

We may remind the Banana war between the USA and the Latin American Countries³⁰ because of the Preferential Treatment between the African Caribbean Pacific and the EU. There was also the Beef war between the USA and the European Union, due to the hormone treated meat or the European origin.

Wide range of WTO member states have blamed and claimed the dumping policy developed by the USA. Agriculture is at the core of the disturbances between United States and the rest of the world. The American "Farm Bill" is usually attacked in the WTO. It proposes an increase of \$ 20 billion, 2012 hence, while they are expected to decrease the agricultural subsidies an amount of \$ 20 billion.³¹ The volume (number and value) of files in the WTO DSB, regarding the USA is more important than any other country. Finally, the non-respect of the ecological purposes in favour of its economic purposes shows the commitments of the USA as far as international interests are concerned.

The US has set up a system of negotiation based on an organization named the United States Trade Representative (USTR) with more than two hundreds experts³². The USTR has also office in Geneva. Moreover, the USTR conducts the day to day negotiations in the WTO. They have in charge of the negotiations on the

bilateral, the regional, and the multilateral trade issues. They are negotiating with some experts of the Department Agriculture, of the Department of Commerce, and the Department of States who are also in the same office in Geneva. The Department of Agriculture conducts the agricultural related negotiations, led by the Chief Agriculture Negotiator. Due to the importance of the Doha Negotiations for the USA, the USTR announced the appointment of a Special Doha Agricultural Envoy.³³ The USTR has more than 40 Geneva-based experts. There are also other US administrations influencing in the WTO negotiations, such as the Federal Trade Commission, the US Court of International Trade, the Small Business Administration, etc. Likewise the EU, in those US structures, there are many agents who have held a PhD degree. However, most of them have got a master degree with a very good experience.

WTO and the EU

The important case of the EU has been developed previously through the II.4 Benchmarking with other Regions regarding the economic negotiations. Those analyses have shown globally that the EU is more "legalist" than any other country or region in the approach of the WTO rules. However, we can remember the influence of the European Community in the WTO, because of unifying the voice of its 27 member countries:

1. A bargaining power;
2. A harmonization of the decision;
3. A capacity to weigh and to sway during the negotiation process;

The EU has the tendency to change or to review the WTO policy when it deems disfavoured or less advantageous for it. As the USA, the EU has a group of negotiators well educated and skilled in International Management. Moreover, the EU has the necessary means, the vision, and the willingness to impact in the multilateral negotiations.

WTO and Japan

As far as international trade is concerned, the Dispute Settlement Body of the WTO is currently involving many Developed Countries. Japan has brought lot of cases or has been claimed in the DSB. Japan and the EU strove to enhance the WTO rules and system with the actions

³⁰ Atul Kumar, *Dispute Settlement Body (WTO): Battleground of Developed Countries*, indlaw.com, ---

³¹ Faujas Alain, Le monde, "*L'OMC peine à libéraliser les produits manufacturés*", 07 June 2008

³² See the USTR website

³³ All these Ambassadors, Chief Negotiators, Envoy or Head of Services in these US's structures have Phd graduation in Trade, Business, Economics, International Relations, Agricultural Economics, etc. The USTR hires the best fellows in these listed branches, and provides to them salaries 150% more than the salary in the International Organization, while SSA gives 3 times less than the International Organizations' staff. They also receive string of perks to motivate them.

against the US policy under the Section 301 of the US1974 Trade Act³⁴.

Davey and Adams [2000] have mentioned that Japan has brought during the GATT only two panels (one against the European Community (EC), and one against the dumping issues). They added that Japan has brought the following cases in the WTO:

1. *Against discriminatory tax and tariff regimes in the Indonesian automobile sector (with the EC and the US);*
2. *Against a discriminatory regime in the Canadian automotive sector (with the EC);*
3. *Against the Massachusetts law disadvantaging companies doing business with Myanmar (with the EC);*
4. *Against the 1916 US antidumping law (with the EC); and*
5. *Against certain US antidumping duties on hot-rolled steel.*

The agricultural, anti-dumping issues became relevant cases in the Dispute Settlement Body of the WTO, and Japan was usually in the core of its actors.

The Japanese MITI (Ministry of International Trade and Industry) conducts the international, regional and bilateral trade agreements. The MITI is working closing with the Foreign Affairs Ministry, the Ministry of Finance, the Ministry of Agriculture, the Patent Office of Japan, etc. The functioning structures are basically organized and well established for the good achievement of their purposes³⁵. The Japanese system is efficient and based on the direct report to the Ministry of origin and to the listed Ministries involved in trade. Moreover, the Agriculture experts in Geneva are reporting to their Ministry and are conducting the agricultural issues. Unlike, the NAMA experts and the Rules experts in Geneva are reporting to the MITI. There are more than 30 experts in the Japanese delegation in Geneva for WTO issues.

Japan grants big importance to its commercial relations with East Asian Nations, throughout the Free Trade Area ASEAN. Thus, the ASEAN + 3³⁶ has built relevant harmony with regard to their Economic Partnership Agreements and trade pledges. Moreover, this region believed more in its unilateral relations than in those developed in the WTO. Likewise, regarding the investment issue, Japan has proposed the establishment of the Asian Monetary Fund (AMF), which will vie with the IFM. However, the AMF did not yet overcome to have credibility.

WTO and the Multinational Enterprises

The WTO is an Inter-Governmental Organization and it

does not allow other organizations (such as the private one) to participate directly in its decision making process. However, everyone knows that the big companies sway in the Economic Diplomacy in one way or another.

Therefore, we will analyze the influence of the MNEs in the taken decisions of the entrance of some countries in the WTO. Furthermore, we will analyze how the MNEs influence also other decision in the WTO, and then we will see the international environment hued by the globalization.

Multinational Enterprises and Country accession to the WTO

Usually, Governments are striving to fetch out the best alternatives whereby their nationals and their companies (whether states owned companies or private companies) could reach achievements. Consequently, the interests of the nationals should be the core motivations of the WTO accession decision. For example, many non-Chinese companies have contributed to its entry in the WTO, because they wanted to invest in China (with its FDI growth) or to have fair trade relationships³⁷. Moreover, the Chinese companies have also expected to see their country member of the WTO, because they do not want to be banned somewhere or to see any kind of export restrictions³⁸ (market access motivations).

Furthermore, in regard to the accession to the WTO, the companies of the applicant country must comply with the norms, must comply with the WTO law, and must upgrade the standards of their technologies.

Multinational Enterprises and their influence in the WTO

Although not direct negotiator in the WTO conferences, the MNEs have the power to sway in the decision making process within the WTO. They really influence before, during, and after the WTO negotiations. They support, whether financially or technically, their country (when necessary, e.g. in the DSB, etc.). However, only the Developed Countries and the Emerging Countries are supported by their companies. This situation logically justifies the fact that those countries are advocating the interest of their own nationals. The big issue is that these MNEs are those of the Developed Countries (EU, USA, Canada, Japan, Australia, Switzerland, etc.) and some Emerging Countries such as Brazil, China, and India.

From the anti-dumping measures to the subsidies and

³⁴ Davey William and Edwin Adams, *Japan and WTO Dispute Settlement & the Millennium Round*, (ed) ---, Sept 2000

³⁵ www.miti.go.jp is the MITI website

³⁶ ASEAN+3 is ASEAN with China, Japan and South Korea

³⁷ Mao Frank, Yi Wang and Lingli Wu, *Analysis on China's Auto Industry Strategy in the New Century*, China Business Review(Journal),Inc.,USA, May 2004

³⁸ Frisbie John, *China's WTO entry : the view of US Companies*, (ed) The US-China Business Council, Sept 2006

the TRIPs issues, the MNEs are influencing their states in order to have more incomes from the findings of the WTO deals. The cases brought toward the DSB are presented and defended by the countries or Regional Institutions. The Trade Related Aspects of Intellectual Rights (TRIPs) are usually called because of the use of some patents (by some Developing Countries' industries) of these MNEs. Albeit these MNEs have invested substantial amounts on Research and Development, the poor cannot purchase as the rich in satisfying their basic needs.

WTO and globalization

The Information and Communication Technologies (ICT) have influenced the system of consumption around the world. The world has become a planetary village where the notion of distance is shortened more and more. The ICT have been a very profitable sector, but the regulation body (whether national or regional) has played a big role. The launches of Internet, the free software, and the open source have shifted the consumption (information, broadcasting, purchasing, etc.) because of their availability and the facilities they have provided.

Since the September 11, with the attacks of the World Trade Centre, the war against terrorism has been one of the priorities of the international institutions and the big nations. The international transactions are today watched more than ever, because of the financing network. At the same time, the assets laundry of the money coming from the drug or human organs trafficking is one of the governments' priorities. The UN purposes which was the Peace and Security become mainly threatened in Africa, in Asia (especially in the Gaza strip), Eastern Europe, and in Latin America.

Because of the escalation of the price of crude oil, the petroleum non-producing countries are thinking about other sources of Energies. Thus, the Bio-energies, the sustainable-energies (wind, water, solar, etc), and the nuclear energies are the alternatives of the oil crisis. The enrichment of the nuclear for civil purposes is being control and accepted by the international community (e.g. France president Nicola Sarkozy is promoting it in Marocco, in Libya, in China, in South Africa, etc.). Some big countries such as France (with Areva) are making juicy business, but the nuclear management which is very demanding (in terms of monitoring, skills, behaviors, etc.)³⁹.

With the flow of clandestine population coming from the poorer countries (e.g. from Africa, from Eastern Europe, from Asia, etc.), the destination countries (in West Europe, in Northern America, etc.) are taking some draconic measures. The economic migrations are based on the research of wealth, but it is very difficult to control it (traditional boats, pilgrimage, etc.). The migrants used

to send back to their countries remittances. This point is currently much debated throughout the Mode 4 of the General Agreements for Trade in Services (GATS).

The companies integrate the importance of the culture. The intercultural management is the core element for those companies which are becoming international and employed international workforce. Moreover, the slogan in the global business is "think global and act local". The Emerging Countries such as China, Brazil, and India are upsetting the former configuration of the economic world. Nowadays, they are considered as threats in some strategic sectors. The World Bank released has printed that the GDP per capita of the Sub-Saharan Africa has decreased from USD 525 in 1970 to USD 335 in 1997⁴⁰.

Non-profit making organizations such as NGO are being more powerful and more numerous. They are claiming the current economic functioning system that the Governments and other institutions cannot afford to blame. They are largely present in development, health, poverty, education, and environment sectors. They do not spare any energy in order to have an influence in the WTO deals. Nevertheless, the WTO Governance is still the same and based on the same decision making system.

African Union and the WTO

African countries' organization in the WTO

Unlike the ACP which is more focused on the Generalized System of Preferences (GSP) and the Economic Partnership Agreements (EPAs), the African Union (AU) has more interaction with the WTO. The AU is a forum of economic negotiations that contribute to the preparation of the African Declaration for the Ministerial Conference of the WTO. We make the difference between the African Union and the African Group in the WTO. The AU supports the African Group in logistics, and other related help when requested. Therefore, the African Union marks its interest and follows closely these WTO issues:

The WTO Initiative "Aid for Trade" (A4T)

During the Hong Kong round in 2005, the WTO has taken the initiative to set up the Aid for Trade Task force. The task Force is composed by Barbados, Brazil, Canada, China, Colombia, the European Union, Japan, India, Thailand, the United States and the Coordinators of the ACP Group, the African Group, and the LDC Group.⁴¹ This Task has been in charge of the definition of a strategy that will launch the International Trade of the

³⁹ We can remind the Tchernobyl problem.

⁴⁰ Ana Christina Alves, *Emerging Postcolonial solidarities : China's new economic diplomacy toward Sub-Saharan Africa*, (ed) 16th Biennial Conference of Asia Studies Association of Australia in Wollongon, June 2006

⁴¹ From the WTO website: www.wto.org

Developing Countries. The Aid for Trade initiative is also working on the effectiveness of the DDA. It might give the Developing Countries the capacity to be more involved in the International Affairs and to take great advantages of the global markets.⁴² Aid for Trade is thus, a complement not a substitute for the DDA.

The Doha Development Agenda

We have already developed this part previously.⁴³

The Trade-Related Technical Assistance and Capacity Building (TRTA/CB)

The international community is aware of the necessity to assist the Developing Countries and to give them incentives that will enable them to carry their exports and their development. The importance of the quality of the human resources has entailed the WTO, the International Trade Centre (ITC), and the UNCTAD to create the Joint Integrated Technical Assistant Program (JITAP). The JITAP aims to train the maximum of African Officials and businessmen in different matters such as International Trade, International Negotiation, etc.⁴⁴

The EPAs with the European Union

We have already developed this part previously.⁴⁵ However, the AU is trying to coordinate the position of the four (4) Sub Sahara African Regions (ECOWAS, SADC, COMESA, and CAEMC) which have negotiated with the EU, the EPAs.

The African Growth and Opportunity Act (AGOA) which is a unilateral Preferential Treatment proposed by the United States of America. The AGOA allows duty free to some African products mainly in textile industry, to enter in the USA. There are only some African countries which are eligible for this agreement. At this moment (8 years after its launch), none of those beneficiaries has really take advantage of this unilateral favor.

African Trade Ministers are generally chosen only because of their political belongings or their family of origin. For serious regret, their skills, competences, and background are scarcely integrated in their appointment.

Draft text sent to Ministers sometimes before the meetings are prepared in the WTO Secretariat. One can notice that the Western countries presence in the WTO

secretary staff, a percentage in the vicinities of 80%⁴⁶. Moreover, the second claim of Developing Countries is that the contents of the text (likewise the agenda settings of the round) do not match exactly with their aims, and their problems. However, long consultations were developed before shaping and issuing a draft. On the fringe of the meetings, and conferences, there are lobbies room in WTO where delegates pursue their negotiations and may find solution in some points of their bargain. Those inter-relations have big effect during the plenary. However, we assume that SSA negotiators are incorruptible men; otherwise lot of things may happen indeed.

The Representation in Geneva (the Front Office Negotiation) is working mainly with the Back Office Negotiation in the Capital called Inter-ministerial Committee on International Trade, National Committee for multilateral negotiations, or Negotiation Committee for the WTO issues (NCWTO). However, the Stakeholders in the BON are coming from relevant Ministries, Private Sector, NGOs, Unions, Academia, Consumerist organizations, etc. All the SSA countries have almost the same system and way of proceeding as if has been dictated by some exogenous Powers. Usually, Civil Society and Academia have only sociological effects (strike, claims, etc.) but not effective incomes in the conduct of the Economic Diplomacy. They do not undertake studies, surveys, or pools for the success of the multilateral economic negotiations.

The African delegates used to meet themselves through the ACP Group, with their counterparts of the Caribbean and the Pacific. However, it is not under the ACP organization umbrella. They meet also in the African Group, the G33, the LDC, SVEs, etc.

In order to face the problems of the size of the delegation that represents a country and to optimize widespread information and data, the African Group has set up several focal points. The focal point who is compelled to attend the events related to his following subject, reports to the other African Delegates, during the forthcoming Tuesday (the day of African Group meetings in the WTO). Therefore, the African Group has created 9 focal points among which:⁴⁷

1. African Group Focal Point on Agriculture;
2. African Group Focal Point on Services;
3. African Group Focal Point on NAMA;
4. African Group Focal Point on Rules;
5. African Group Focal Point on Trade Facilitation;
6. African Group Focal Point on Development Issues (Aid For Trade, etc.);

⁴² From the International Centre for Trade and Sustainable Development, Geneva, Switzerland

⁴³ In the III.2 WTO rounds from 1996 to 2006

⁴⁴ From the www.jitap.org

⁴⁵ In the relations with the EU, II.4 Benchmarking with other Regions regarding the economic negotiations

⁴⁶ Information related to WTO staff is available in the WTO website. With the origin and the nationality of the WTO staff.

⁴⁷ The focal points help too much the weak delegations of 1 or 2 persons, which cannot attend all the meetings. The focal points provide them that information that could acquaint them on the evolution of the negotiations in the covered issue.

Regarding the presidency of the African Group, it is circulating and is lasting one year. Likewise the Focal Points are rotating, but they are for only 6 months.

However, these Focal Points are somewhere criticized by some African delegates or some experts that we have met, on their skills which are deemed insufficient. Therefore, the questions of the effectiveness of the coordination and the quality of the assignment of the persons in charge of the Focal Points are mainly pointed out.⁴⁸

Main problems of the SSA representation

The first answer when we ask to delegates in general, the problem of the Sub-Sahara African economic negotiation is the quality of the negotiator. Even though most of the interviewees (whether from Africa or not) have recognized the improvement of the SSA human resources since the beginning of the WTO, there are still many items in which the lack of capacity is blatant. African delegates are doing their best in the WTO deals; nevertheless, their best is not yet sufficient. It is the case in the Sanitary and Phitosanitary measures (SPS), the market access, the TRIPs, etc. Regarding this aspect, we have recorded that countries like Nigeria, South Africa, and Mauritius are doing very well.

The people sent to Geneva have scarcely good profile; they are either diplomat or coming from the trade minister. Having the best profile in the Capital does not mean having a good profile for the WTO diplomacy. They have seldom both skills in international trade and diplomacy. Unlike the western representation or some Emerging Countries such as Brazil and India, the SSA delegates are not usually motivated to go deeper in their analyses or to make profound surveys before going to the negotiation table. Most of them read the document inside the negotiation room, while bargaining. Capacity Building is a serious issue for the SSA countries, not to be only involved in theory but to change their fate and to save their future generations.

After the quality of the representation, the problem of the number of delegates per SSA country has been raised. Most of SSA Nations have two (2) or one (1) person in charge of the WTO negotiations. In Geneva frequently, the Sub-Sahara African delegate who negotiates the WTO issues is at the same time in charge of the WIPO, the ITC, the UNCTAD, and other relations with IGO (ICTSD) or NGO (South Centre), etc. Within some representations, the lack of delegates is such that the Geneva delegate follows at the same time the negotiations in Vienna or/and in Brussels. Only in the WTO, we have said previously that there is around one thousand meeting per year. Each day, there are 4 or 5 meetings at least at the same time. The delegates have pointed out that they are working with priority and

arbitration, according to the current interests of the country. Contrarily to the Developed or Emerging Countries that have one person at least devoted to each issue of the WTO, who reports and follows closely the file. It impacts obviously the results, the effectiveness, and the efficiency of the participation in the WTO deals. One other problem which is crucial is the reactivity of the Capital, when they are asked to intervene for a position or to analyze a situation. The National Committee presented hereinafter is supposed to analyze and to define the position of the country. Just based on FASHION, the SSA National Committees are not working well. They are making more shows than accomplishing actions⁴⁹. And the gap between the Capital and Geneva is so great, that one may wonder whether the negotiations in the WTO interest the politics in the Capital.

The last problem of the SSA is the fact that they have more DEFENSIVE interests and that they claim every time for Aid and Financial support. To have OFFENSIVE interests, SSA has to propose a bigger offer of products in the international market. Thus, the SSA has to manufacture and has to develop its industry according to the international standards. It has to develop its processes, and to propose a wide range of products and a string of services in the international market. The SSA countries are almost all NET Importing countries of everything.

Assessment and strategic applications

For the present study, we will only show the assessment based on the criteria by using inwardly the sub-criteria. The fact is each criterion will be associated to a weight which depends on its importance. Thus, the mark allocated will be multiplied with the weight, and we have the final sum S . S is the value of the country's negotiating system assessed. The more S is high, the best it will be, and the Economic Diplomacy of the country is better. We have the following weights (w_i)⁵⁰:

1. Organization of the FON in Geneva $w_1 = 12\%$
2. Organization of the BON $w_2 = 10\%$
3. Education of the Negotiators $w_3 = 20\%$
4. skill and experience of the Negotiators $w_4 = 15\%$
5. General Strategy and the efficiency of the FON $w_5 = 13\%$
6. Reactivity and Effectiveness of the BON (NCWTO) $w_6 = 10\%$
7. Effectiveness of the BON to analyze issues $w_7 = 10\%$
8. Level of implication of the country (imports/ Exports)

⁴⁹The WAEMU has insisted and has advised the member states to set up this kind of Committee and implicated relevant ministries

⁵⁰The list of the weights is not exhaustive, one may increase their number. It only depend to the elements that one may judge important for the Economic Diplomacy in the WTO, or the WTO Diplomacy.

⁴⁸ From the interview that we had with SSA Delegates

Table 2. Analyses of the SSA economic diplomacy with the WTO.

Country	Organization of the FON In Geneva w1	Organization of the BON w2	Education of the Negotiators w3	skill and experience of the Negotiators w4	General Strategy, and efficiency of the FON w5	Reactivity and Effectiveness of the BON (NCWTO) w6	Effectiveness of the BON to analyze issues w7	Level of implication of the country (Exports) w8	Quality of the Economic Diplomacy in the WTO S
Country A	16	15	16	14	14	14	15	14	14.84
Country B	12	14	14	15	13	12	12	14	13.38
Country C	5	7	12	4	6	8	8	10	7.68
Country D	5	5	14	10	8	8	8	8	8.84
Country E	10	8	15	14	12	10	10	12	11.86
Country F	10	8	16	14	7	10	8	8	10.81
Country G	15	15	16	15	14	15	14	15	14.97
Country H	8	8	14	14	10	12	11	13	11.56
Country I	6	6	12	8	10	8	8	9	8.72
Country J	9	8	13	12	10	8	7	8	9.88
Country K	12	9	15	15	8	9	9	8	11.23
Country L	8	6	14	14	9	8	8	8	10.03
Country M	7	8	12	12	8	7	6	8	8.98
Country N	10	9	16	14	9	10	12	13	12.07
Country O	8	7	12	10	9	8	7	9	9.13
Country P	10	10	13	12	6	9	10	12	10.48
Country Q	12	12	14	12	11	10	10	10	11.67
Country R	12	8	17	14	12	8	10	11	12.2
Country S	12	10	14	12	10	12	8	10	11.34
Country T	14	8	14	12	12	8	8	12	11.44
Country U	10	8	14	12	10	8	8	10	10.5
Country V	13	12	15	14	13	11	12	12	13.05
Country W	10	8	14	14	10	8	8	10	10.8
Country X	10	8	13	13	10	6	8	10	10.25
Country Y	15	14	16	15	14	15	15	16	15.07
Country Z	11	14	15	12	12	10	9	9	11.88

w8 = 10%

9. Quality of the Economic Diplomacy in the WTO: the Value is equal to the Total Sum

We have: w1 + w2 + w3 + w4 + w5 + w6 + w7 + w8 =100%

In the 8 criteria, if a country has respectively the values V1, V2, V3, V4, V5, V6, V7, and V8, then the value of the Quality of its Economic Diplomacy in the WTO (S) is:
 $S = (w1*V1)+(w2*V2)+(w3*V3)+(w4*V4)+(w5*V5)+(w6*V6)+(w7*V7)+(w8*V8)$

$(w5*V5)+(w6*V6)+(w7*V7)+(w8*V8)$

$0 < S < 20$

And $0 < Vi < 20$ for $i \in [1, 8]$

We will present in Table 2, the information gathered from interviews, discussions, observations; and will analyze them. Due to the

Table 3. Analyses of non SSA economic diplomacy with the WTO.

Criteria	Organization of the FON In Geneva	Organization of the BON	Education of the Negotiators	skill and experience of the Negotiators	General Strategy, and efficiency of the FON	Reactivity and Effectiveness of the BON (NCWTO)	Effectiveness of the BON to analyze issues	Level of implication of the country (imports/ Exports)	Quality of the Economic Diplomacy in the WTOS
Country	w1	w2	W3	w4	w5	w6	w7	w8	
Country α	15	16	16	17	15	16	16	17	16
Country β	16	16	14	16	14	15	15	12	14.74
Country γ	17	17	16	15	16	16	17	19	16.47
Country δ	16	14	17	17	18	16	17	18	16.71
Country ε	12	9	13	12	11	8	8	6	10.37
Country θ	15	15	16	15	17	16	15	17	15.76
Country λ	11	10	14	12	10	10	8	6	10.62
Country ρ	17	18	18	18	19	18	17	18	17.91
Country χ	17	17	16	17	16	17	17	17	16.67
Country φ*	15	14	16	15	12	14	13	12	14.11
Country ω**	10	12	14	12	13	10	12	13	12.19

*Country φ is an African country, but do not belong to the SSA. It is in the Maghreb.

**Idem

confidentiality and the sensitivity of the data, we will use Latin alphabet (A, B, ...) for the SSA Countries, and the Greek alphabet (α,β,γ,δ, ...) to identify the countries.

The countries A, B, G, V, and Y are English Speaking Countries; they are doing better in the Economic Diplomacy in the WTO, and are more effective. They also have a big and direct support of the Commonwealth in Trade Facilitation and Capacity Building. It results to our auditing system that the country Y, South Africa has the best Economic Diplomacy in Africa.

The difference regarding the management of the multilateral economic negotiations in the WTO, between the SSA and other Developed or Emerging Countries are obviously big as attested in Table 3. Likewise, we present hereinafter, the analysis of the Non-SSA countries selected in our sample.

The countries α, γ, δ, θ, ρ, and χ are truly among the biggest commercial nations. It is also noted that these countries are in the green room and the G6+1 (G7⁵¹ of the WTO). Thus, they are among the countries that steer and have the leadership of the multilateral trade negotiations. The countries ε and λ are among the GCC⁵², and are exporting only crude oil which is not yet in the WTO agenda of negotiation.

We have chosen in the research sample, Developed, Developing, and Emerging countries. In the sample of the non SSA, we have Asian countries, European Countries, and American Countries in order to print the features of their

⁵¹G6+1 is composed of EU, US, Japan, Brazil, Australia, India (G6) plus China.

⁵²Gulf Cooperation Council composed by Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and United Arab Emirates.

Economic Diplomacy in the WTO. It provides thus, a good view of the WTO Diplomacy.

Conclusion

Unlike the western countries, SSA countries are represented by a small delegation of one or two persons for all the WTO issues. Usually, they are in charge of WIPO, UNTACD, ICT, and the other economic organizations in Geneva. A few African countries, which are members of the WTO, do have not representation in Geneva (Togo, Sierra Leone, Guinea Bissau, Equatorial Guinea, Liberia, Malawi, and Gambia). The selection is sometimes based on relations (family, political party, clubs, lobby, etc.). That lays the problem of the quality of human resources, and the problem of the functioning of the Sub-Sahara African

Capital. The size of the SSA country's internal market and the size of the range of the SSA country's exporting products are also usually weak.

The integrative strategy (or value creating) and distributive strategy (value claiming) have been developed with regard to the science and the state of the research in this field. Negotiations in the WTO are inclusive (only among states) and the single undertaking system entails to negotiate a set of issues at the same time.⁵³ That situation stretches the length of the round, but facilitates the creation of tradeoffs (it is the principle to lose here and to win there).

The link between negotiation and game theory has been developed deeply. Moreover, we have analyzed how the game theory can be used in the negotiation in general, and we have presented some famous examples of the game theory (e.g. the prisoner's dilemma, the chicken game).

Conflict of Interests

The author has not declared any conflict of interest.

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⁵³Single Undertaking : « Nothing is agreed until everything is agreed. »

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