**Internal Coordination in Complex Trade Negotiations**

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**Abstract**

Complex trade negotiations call for elaborate internal coordination and adept negotiating actors. In successful cases, these actors develop reciprocal dependent behaviors. Recent business and trade negotiation experiences testify to the development of process mechanisms in a variety of settings that demonstrate the capacity of the negotiators’ role to expand. Constraints are acknowledged, essentially, the fact that the negotiator is a mandated agent and acts within a timebound context. Still, as drivers, negotiators practice their trade creatively to promote internal coordination, restructure the context, reframe and help solve micro-negotiation conflicts, and create conditions for the observance of reciprocating behaviors. The French term *endroit* is used to describe the venue in which collaborative negotiation is conducted.

**Keywords**

Drivers, internal coordination, negotiator role expansion.

**Power and Negotiation**

Complex trade negotiations often pit developing nations against economic powers in asymmetric bargaining situations. As Zartman and Rubin (2002:3) write, “An age-old puzzle in negotiation is the structuralist’s paradox: how can weaker parties negotiate with stronger parties and still get something? Or more specifically: how do known (or perceived) weaklings negotiate at all with known (or perceived) heavyweights and emerge satisfied with the results?”

Their first case is authored by Winham and DeBoer-Ashworth in *Asymmetry in Negotiating the Canada-US Free Trade Agreement 1985–1987*. Following a rigorous analysis of the relative bargaining positions of the United States and Canada and of the attendant dynamics of their Free Trade Agreement negotiations, Winham and DeBoer-Ashworth (2002: 50) state that

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negotiation tends to create an equality in the currency of interest-seeking behavior… when the United States commenced a negotiation with Canada, it put itself in a position of becoming interested in what an ostensibly weaker party had to offer. As a result, the power relationship at the bargaining table allowed for specific actions or exercises of power that rendered the negotiation less asymmetric than we might have assumed from perceptions based on the comparative size of the countries’ economies. This requires ‘concentrating attention’ and strengthening the internal front.

Their study focuses on the coordination of negotiators and third parties1 as they come to the table.2

Zartman and Rubin (2002: 271–291) draw four conclusions in their analyses of cases:

(1) It is difficult to judge the impact of power asymmetry since the symmetry or asymmetry of outcomes is not beyond controversy; (2) The power of the weaker parties derives from their ability to draw on a broad array of resources; (3) Most of the cases have demonstrated that things are not as easy as they seem and that one’s aggregate power position, power as drawn from resources, is not an accurate indicator of either the relevant issue power of parties going into negotiations or of mutual perceptions of existing power relationships”, and also “this study lends support to the broad proposition that, in any position or perception of power, there are appropriate tactics available that equalize power, defined as a move by one party intending to produce movement by another toward a mutually agreeable outcome;” and (4) “This study has demonstrated that negotiation, like all social activity distinct from the phenomena of natural science, is composed of observable regularities of interaction and matters of free will and imagination.

My article reflects on such ‘observable regularities of interaction and matters of free will and imagination’ as they appear in diverse aspects of internal coordination in complex trade negotiations, especially in the relationship between negotiating actors as they develop prescriptions and commitments for action.

I delve into how improved levels of preparation may be attained through forums, singularly designed as preambles to the bargaining process itself, in order to balance position in the playing field.3 I conclude by commenting on the expanding role of international trade negotiators as they assume the role of “driver” (Sjöstedt, Spector, and Zartman 1994), designers of interventions who contribute to the development of in-house coordination. The article examines three interventions during which conjoint action was complemented with technical, economic, legal, and social elements. In summary, it suggests that we need to look into the social dynamics of the negotiator’s role, taking advantage of successful experimentation during sessions which pave the way for a new rule-making

1) By third parties we mean "persons making inputs into the negotiation in order to enhance the harmony of the exchange and the probability of agreement; their presence and the behaviors they undertake contribute significantly to the situational variety of the negotiation” (Wall 1985: 116).


venue. Given the fact that “they produce not only legal commitments, but also political and moral commitments” (Lang, 1996: 67), I will suggest that these venues be called *endroits*.

**Constraints**

Numerous restrictions constrain the negotiator’s role. First, negotiators are *mandated agents* and, as a rule, act on behalf of those who issue instructions. In intergovernmental negotiations they receive instructions from some higher authority, while in business negotiations they receive instructions from top management. The stringency of these instructions and their implementation may vary according to different cultures, as considerations of leadership and hierarchy may differ from one national culture to another.

Second, the *human factor* and the *cultural factor* impact the negotiating process directly to the extent that instructions leave some leeway for the negotiator to act. Some built-in margin of maneuver may remain, where the higher authority leaves it to the negotiator to decide certain issues at a lower level. The role of culture in international negotiation is mitigated by instructions that are governed mainly by considerations of political or economic interest (Lang 1993).

Complex organizations are also often fragmented; sectors work in isolation and are traditionally organized top down. Hierarchy and divisions of labor are the norm, and negotiation within such organizations can be counter-intuitive. While practitioners indicate that the articulation of the interests of different parties within a negotiating consortium can help to explain success in complex international negotiations, it is difficult to attain coordination of efforts and contributions. Besides, government and corporate organizations award different weights to political and administrative rationality.

Lastly, other *sociocultural factors* also affect the performance of the negotiator’s role, among them, *power distance* as it affects negotiators’ delegation of authority. It is defined as “the extent to which the less powerful members of institutions and organizations within a country expect and accept that power is distributed unequally. Power distance is thus explained from the value systems of the less powerful members” (Hofstede 1997: 28). The levels of inequality in a society rest both on leaders and followers and reflect the manner in which each society interprets situations of inequality. Societies characterized by low levels of power distance de-emphasize such inequalities and devote themselves to creating reasonable conditions of equity in the distribution of power and wealth.

**Safeguards and Opportunities**

Sabra assigns a key role to *negotiator teams*. “They have access to more information and ideas than one negotiating party; they analyze situations better than
single negotiators; its analyses are more explicit; and the exchange of ideas and opinions confer greater degrees of objectivity” (1999: 32–35). In addition, “being part of a team confers significant psychological advantage. At the same time, risks exist, in the form of… fragmentation of strategies, authorized concessions; procrastination in response giving; the risk and probabilities of deadlock.” Sabra reviews the negative consequences of not giving due respect to the preparation and revision of negotiation sessions, of not formalizing minimum and maximum levels on each issue prior to negotiation, of not developing exhaustive and convergent question and answer sessions, of starting negotiations without clear notions of what the first offer is likely to be, and of not valuing the creation of an appropriate negotiating climate for information exchange. As well, difficulties often arise when a diplomat’s instructions have to be inferred from analyses of President’s and Cabinet Ministers’ public speeches and pronouncements.4

Dupont emphasizes the importance of coalition building in complex negotiations and stresses that “another function of coalitions in multilateral negotiations is to give power to their members to help them achieve their objectives’ (Dupont 1996: 49–51). He summarizes, “the two main functions of coalitions are complexity reduction and power enhancement derived from uniting dispersed forces” (Dupont 1996: 61).

Bartos (1996: 40) suggests that “since the formal agenda the negotiators must consider epitomizes their differences, it is important not only that they meet outside the formal session, but also that the atmosphere be as different from the conflict-ridden atmosphere of the session as possible.” Informal consultations among negotiators are an essential element. Kelman (1996: 117) proposes the metaphor of interactive problem solving for negotiation and suggests “creating special arenas for micro-level interactive problem solving as an integral part of the larger negotiation process.”

The need to develop sites for exchange and learning processes to evolve is well captured by the experience of the ‘Green Room,’ the informal title of the WTO’s Director-General’s conference room used for meetings of 20–40 delegations and where compromises are frequently arrived at. Ultimately, decisions have to be taken by all members and by consensus. However, no one has been able to find an alternative way of achieving consensus on difficult issues, because it is virtually impossible for members to change their positions voluntarily in meetings of the full membership. More recently, however, in his analyses of deadlocks in multilateral WTO negotiations, Odell (2005: 445) stresses that “numerous obstacles to an agreement that are common in all multilateral negotiations are compounded by special features of (this) organization” and, as part of his

4) Interestingly, Jongryn Mo (in Odell 2003: 10–11) suggests that an inefficient domestic system for aggregating interests will bias the external strategy toward an inflexible distributive one.
recommendations, mentions that “virtually all governments acknowledge that informal consultations in smaller groups are essential steps in building multilateral consensus.”

Experience on the capacity to collaborate (Doz and Hamel 1998: 166–167) is available and growing. Advantages can be derived from the implementation of collaborative procedures that have been put to the test internationally and can be extended to avoid pitfalls (de Loach 1992; Snyder & de Souza Briggs 2003). This requires the development of ‘boundary spanning roles’ by practitioners who can apply their creativity to overcome known difficulties in negotiation.

**Lessons Learned**

Three recent cases, summarized here, offer lessons learned and suggest best practices for improving internal coordination.

**Chile’s Experience in its Negotiation for NAFTA**

The Director General of International Economic Relations of the Republic of Chile points to lessons learned and offers the following recommendations (Rosales 2003):

1. Develop goals based on national consensus – A large part of successful negotiations consists in understanding the importance of building national positions on the main issues under discussion. Building domestic consensus can be time-intensive and involve major political complications. Nevertheless, the effort can yield a high rate of return if negotiation decisions will be endorsed by the main economic and political actors.

2. Citizen participation – In all of the trade negotiations undertaken by Chile, there has been a permanent process of consultation with the business sector, with the aim of properly detecting and interpreting the interests of different production sectors which are included in the offers, especially on matters of tariffs and rules of origin. These were attained through (a) consultations for Chile-US FTA; and (b) an invitation to participate in the “room next door” (see below).

**Lessons from MERCOSUR**

Bouzas (2004) analyzes MERCOSUR’s trade negotiations and concludes “MERCOSUR has limited human and material resources, lack of experience, poor inter-agency coordination, a ‘reactive’ stance in the negotiations, difficulties in identifying interests in a broad and complex agenda, a poorly organized private sector, and problems of implementation.”

Lessons can be learned that refer to both the domestic and collective dimensions. With regard to the former, “(a) avoid overburdening the policy-making
process and the negotiating machinery; (b) develop appropriate mechanisms of
coordination within the public sector; (c) strengthen the technical support of the
negotiators; and (d) develop transparent and effective mechanisms for private
sector participation.” With regard to the collective dimension, Bouzas suggests
that “(a) regional negotiations can provide a catalyst for institutional change;
(b) identify a common agenda; and (c) select priorities to move forward on
solid ground.” He concludes that “as a consequence of failings in most of the
above, intra-MERCOSUR negotiations are an example of blurred priorities: in
North – South negotiations, MERCOSUR member states followed a ‘reactive’
and ‘defensive’ agenda.”

Lessons from UNCTAD

During the late 1990s, there was wide agreement that many developing countries
had to improve their capacity to participate effectively in trade negotiations.
There were major training efforts launched to familiarize new negotiators with
the multilateral rules and economic issues raised by negotiating proposals. How-
ever, what was generally absent were measures to improve the process skills of
developing country negotiators: how to conduct themselves effectively and avoid
recognized pitfalls (Odell and Ortiz Mena 2003). Scholars who study the inter-
national negotiation process (as distinct from the substantive issues on the table)
have under-represented developing countries as a rule. At the same time, develop-
ing country negotiators rarely take the time to publish lessons they have learned
from experience. In 2003, a group of scholars from developed and developing
countries launched a new research project to address this gap. They presented
preliminary findings at a conference at UNCTAD’s Palais des Nations in Geneva
in November 2003. Their text details specific suggestions for trade negotiation
practice, including (a) external negotiation strategies; (b) checks against biases;
and (c) managing domestic politics.

Questioning Basic Assumptions

Operational suggestions derived from these three cases stress the need to question
accepted limitations on the role of the negotiator in the process itself. Moreover,
Odell (2003: 9–10) says: “Any international negotiation process takes place in a
context, aspects of the situation that are normally beyond the influence of trade
diplomats, at least in the short term, and are taken as given.” As students of nego-
tiations, we can analyze and reconstruct the context in which each negotiation
took place to improve the process and internal coordination practices.
Exemplary Instruments

While the literature says little about the negotiation process, on each occasion, a diversity of hard and soft instruments were put to work. Three selected instruments that contributed to the preparation and coordination of internal negotiations in business and trade negotiations are presented next. Three exemplary instruments, the High Performance Platform which concentrates on mapping; the ‘room next door’ which covers the social dynamics of the negotiation process; and the Tavistock Event which analyzes the requirements for success in inter-group representation and negotiation, are applicable and relevant to international trade negotiations.

High Performance Platform

The High Performance Platform can be understood as the first stage in an internal-coordination development sequence. It is an online strategic commercial intelligence instrument used to research new markets, detect potential customers and competition, identify markets with favorable access, and obtain essential information to prepare positions in international negotiations. Its components include country maps, product maps, and market access maps, which, by taking advantage of data collection and processing in the charge of specialists, help to define negotiation strategies and tactics. The High Performance Platform has been developed to aid corporations and small and medium sized enterprises learn to accompany government negotiators. Country Maps contain graphs, figures and charts, and studies to help analyze a country’s trade performance from a strategic perspective – they are also benchmarking references for commercial performance, the national and sectoral competitiveness of a given country. Product Maps are positioning tools in the international market; they include trade data, statistics to analyze trade flows on a product-by-product basis, market size, import tendencies, and country-by-country market shares. They also allow observers to follow product performance in each cluster. Market Access Maps are interactive databases which include fees and market access barriers for each market; they allow the observer to estimate the relative weight of different ways of calculating fee structures and thus choose the most appropriate one in each negotiation.

Unfortunately, even though it has been widely presented in business circles and does not require sophistication, as with many similar management technologies, entrepreneurs and executives seldom use the High Performance Platform.

The ‘Room Next Door’

In the context of communications between official negotiators and corporate executives, the room next door begins to generate relationships. This instrument places diverse authorized private parties in a ‘room next door’ to the one used for
the negotiating process and allows negotiators and executives to exchange information. Thus, it applies a knowledge-building process to a specific case when it is necessary to hold permanent consultations between the private sector and the official negotiating team.

The success of the ‘room next door’ depends critically on the contributions of work groups, given that their representatives must maintain a continual presence in the negotiation process, following the official team of negotiators wherever negotiations take place. During the development of the ‘room next door,’ no written rules or formal statutes exist, but there is an implicit understanding between official negotiators and business representatives on points such as no radical modifications can be made to the government position without prior consultation with the private sector, government negotiators are to brief and consult with business representatives on a day-to-day basis throughout negotiating sessions and both sides are committed to keep confidential the character of the negotiations to prevent information leakages and to maintain a relationship of mutual respect. In this manner, through the ‘room next door,’ negotiators are accompanied by their constituencies, who consequently stay in close contact with the negotiation process and have a chance to influence it as they best see fit.

The Tavistock Inter-group Event

Within the framework of action research, De Loach (1998: 1–7) offers a synthesis of the Tavistock experience in the study and analysis of requirements for success in inter-group representation and negotiation, which is also applicable to international negotiations. De Loach bases his understanding on the premise that “the survival and progress of any group or enterprise depends on its constant participation in inter-group interactions; such interaction may be between local and mutually dependent groups, or between international and mutually distrustful entities.” He reviews the structural and psychological conditions that favor achievement of the desired results.

De Loach (1998:1–7) discusses (a) the management of structural boundaries and covert processes, as well as (b) the risks and unconscious or irrational elements in negotiation. Within the management of structural boundaries and covert processes, “the effectiveness of the representatives in inter-group negotiation depends upon their comprehension of the task and upon their complete authorization to carry it out; the clarity of the instructions given to the representative reveals the clarity of the definition of the primary task; the representative should be able to verbally communicate, to the satisfaction of persons represented, the vision of the task and the role that he carries to the negotiations; the group must specify the degree of freedom that the representatives enjoy; there must be a set of written instructions that permit representatives to clarify doubts and to establish, broaden, or restrict the range of their duties; in order to negotiate fruitfully, representatives
must rely on an exceptional degree of mental and emotional clarity of thought; when the representatives demonstrate they do not satisfactorily understand the instructions, the reasons are often to be found in the presence of internal conflicts within the group represented; persons selected to manage the negotiation must be capable of enduring a number of simultaneous obligations and concerns; representatives must be able to manage not only the rational topic and protocol of the negotiations but the underlying and sometimes stultifying complexity of the inter-group relations."

Within the risks and unconscious or irrational elements in negotiation, “the best preparatory and precautionary measures cannot eliminate the risks that exist for those who are sent to represent their group in inter-systemic dealings; the group represented must develop methods of timely communication with its representatives so that the latter may have opportune news of pertinent changes; the fluidity and punctual transmission of information, to and from the representatives, are essential; inevitably, whenever a group, subgroup, or representative is separated physically or is unaware of information pertinent to the whole system, psychological processes tend to establish an environment of distrust and irrationality; in the absence of its representatives, the represented often fear betrayal; inter-group negotiation requires the constant revision of goals and principles, organizational and personal; consciously and unconsciously, representatives wish to or attempt to win over, attract, seduce, or symbolically bribe representatives from another group; and so on.”

**Rule Drafting Experiences**

Recent experiences in private negotiations with consortia of multiple parties shed additional light on the tools to advance internal coordination. Conscious of the limitations of the traditional negotiator role and upon the occasion of complex business negotiations, meetings were called (and held by the Chair and negotiator facilitators) prior to the negotiations to (a) jointly construct an ’interest constellations map,’ that is, a listing of parties directly and indirectly involved, their interests and trade-offs, and (b) to structure a sequence of individual interviews and exchange encounters to determine their respective levels of understanding and the likelihood of information exchange. Work was carried out with representatives to understand *sobreentendidos*, implied understandings, to make forms of implicit knowledge explicit, and to reduce the impact of improvisation, surprise and irrelevant actions. This device was successful in the detection of opportunities and the acknowledgement of potential failings.

In a second case, knowing that trust would have to be developed as a preamble to the negotiation and that this would require multiple attempts, recourse was made to Doz and Hamel (1998: 166–167) who suggest that difficulties between
negotiating parties arise from gaps in frames, expectations, organizational context, confidence, skills understanding, task definition, information, and time perspectives. Each party was invited to hold internal meetings to discuss its own needs and interests within the Doz and Hamel scheme. Work sheets describing the types of gaps, why they mattered, their likely sources, and what to do about them were distributed to the parties prior to the negotiation. As a result of this pre-task, formal negotiating sessions were re-scheduled and this affected exchanges by creating a perceptual balancing effect and by developing a supportive political environment.

In comparing these two cases, experience shows it was easier to create and use these process techniques when the parties explained their desire to participate, goals were clarified and shared expectations were discussed, the system of incentives stimulated the knowledge building process, and members of the different teams were quickly involved in data collection, processing, and critical analysis of the diverse options. Methods devised for each negotiating session helped to strengthen internal fronts, develop interest matrices, and structure future forums within which to engage in negotiation. Kelman’s notions of interactive problem solving apply in these cases (1996: 99–123).

The Driver Role

Practitioners indirectly contribute to the generation of scientific concepts as they solve problems that affect individuals, groups, and organizations. Sjöstedt, Spector, and Zartman’s typology (1994: 11) includes the role of the driver, a leader “who tries to organize the participation to produce an agreement that is consonant with their interest.”

How does the negotiator operate in the driver’s role? Lewin (1951) suggests that process facilitation evolves within a field of stresses defined by the three central concerns of the social sciences – problem-solving, teaching, and researching. Within the same academic tradition, Bleger (1964: 65–68) emphasizes the complementarity between the clinical-soft and experimental-hard methods of practitioners; the soft approach is “that in which the diverse expressions of the object under study are integrated in a whole, without which each part of the expressions would have no meaning,” and the hard approach is “that in which the object under study is disintegrated in its diverse expressions so it can be recomposed on the basis of its most significant variables.” Pertinence lies within the virtual space constituted by such interwoven assignments. This space, and its attendant conflicts and dilemmas, can be pictured as in Figure 1.

As agents, negotiators do not choose between the roles of problem solver, teacher, and researcher; however, they must learn to be all three. Their experience helps them to define the balance they will maintain in each instance between these three components of their professional role.
Within this experimental field, negotiators are caught up in the dynamics of action research, “an activity that involves studying social systems by changing them” (Argyris, Putnam, and McLain Smith, 1990: 8). The areas close to the crowns of the triangle constitute positions that can be taken on by negotiators as they compete. It may be said that, strained between the three natural vertices of the task, they may alternatively occupy each of them at diverse stages, while they freely reconnoiter the open space of the virtual triangle. For example, in the extreme positions, they shall alternatively act as doers, teachers, or researchers. First and foremost as doers, i.e. problem solvers, when they search for efficiency, they restrict their view to specific case details in order to mollify discontent among their constituency. Simultaneously, as teachers and guides, they may suggest proven methods to frame a problem and prescribe ways drawn from accepted practice, i.e. from accumulated experience and technologies (as would professionals who dominate a field) and therefore contribute to the construction of knowledge. Lastly, as researchers they help others ponder expeditious concerns from a wider and more distant perspective and attempt to channel reflection, legitimizing

![Figure 1](image-url)
the freedom of other negotiating actors to open up to new approaches. These three extreme positions help to define a virtual triangle, a site of maximum joint liability, limited tenure, a low level of appurtenance, lacking organizational responsibility from which, nevertheless, an exploratory knowledge-building process may develop.

Negotiators learn to work within the confines of such an imaginary triangle. In fact, in trade negotiations, business representatives as much as official negotiators acknowledge, in their respective contributions, aspects from each of the facets.

On the basis of their interests and understanding of the case, negotiating actors will tend to understand the personal style of their counterparts according to how they fulfill these roles. Within their traditional role as mandated agents negotiators are not expected to be perceived as acting with generosity, and because they occupy a niche in the power structure of the organization they represent, counterparts often interpret this mutual position as a hurdle that inhibits taking on a mobile role themselves.

Within a given negotiation, however, negotiators change their location on this virtual space as a project evolves, at times assuming a problem-solving role by helping parties who have difficulty choosing a method; at other times by contributing knowledge of their craft through teaching; or also by acting as researchers, indicating how to extend the limits of the activity, allowing time for thought. They will thus elicit tacit knowledge and help to develop the shared repertoires that allow a given negotiation process to advance.

Moreover, the development of the diverse facets of the negotiator role is conditioned by the presence of others who may put strain on negotiator’s performances. These are tensions which come from principals in the form of requests for control, so as to channel resources safely and immediately towards problem-solving and conflict resolution, which when successful would translate into prestige for the principal, and/or constituencies represented, insofar as they further project closure. Consequently, negotiators try to balance their responses to the original request by ignoring the superfluous parts and attending to the larger implications of the request and by accepting institutional openings as they emerge. Second, tensions arise from their regard towards their own profession: negotiators question hypotheses in an imaginary dialogue with predecessors who drafted the rules and regimes they are working on. They do so with the intent of opening up the case because they may sense that prior responses are valid given the questions that the negotiation uncovers. As before, they oscillate between the application of orthodoxy and the invention of new approaches on the basis of new circumstances. Third, tensions can emerge from peers who wish to strengthen their authority in order to occupy new spaces in the political compact of their profession. Negotiators face such dilemmas, debate between the possibility of expressing themselves with the rudiments of the jargon of their trade and the opportunity
to innovate, adding multidisciplinary viewpoints that will modify language and alter prior understandings.

Negotiators maintain an unquiet balance between these demands. On behalf of their development, each one will tend to favor the residence of a specific pole or axis in a self-conscious approach towards the nebulous space from which they may perform better. By knowing about such discordances, they may be able to create an experimental space in the face of contradictory exigencies. We refer to this space as *endroit* because it generates the exchanges that constitute the basis from which the grammar of rule-making is formed. We see it as the shared venue within which negotiators come to solve joint problems and find mechanisms to facilitate their coordination on outcomes.

In an earlier paper (Altschul 2003b: 366–367), Figure 2 was presented to account for the dynamics between the role of the negotiator and the nature of the *endroit*.

**Endroits**

An *endroit* is created by negotiators when, through instinct and planning, they abandon the traditional aspects of their role and act as interactive problem solvers as they “treat the conflict or disagreement between the parties at the table as a problem that they have in common; negotiation is directed toward solving the problem shared by the parties; and negotiation is an interactive process” (Kelman 1996: 99–101). *Endroits* favor the development of reciprocally dependent behaviors.

Salacuse (2002: 255) states that “negotiators, by their very missions, are intensely practical persons.” It is their job to try to help make conjoint sense of things, no matter how complex and controversial the issues. They avail themselves of time to analyze their dealings before, during, and after, in order to develop making processes whose sentiment is clear to all parties involved. Whereas “the UN is a place” (Zartman, 2005), negotiating actors may build an *endroit*, a site where the basic tenets for reciprocally dependent behaviors are laid out. As such, *endroits* serve diverse types of negotiations, as, for example, in *Comités de Frontera* (Frontier Committees), where government and civil society participants agree to meet with a given frequency to discuss and arrive at decisions on issues of mutual interest when two countries share a border, or as in Encounter Zones, where it is hoped that members of different factions in war-torn zones may gather to initiate a negotiation process. In such cases, negotiators utilize hardware and soft-ware in a complementary fashion to institute the conditions for immediate rule drafting and ulterior rule compliance. Negotiators “produce, not only legal commitments, but also political and moral commitments” (Lang 1996: 67). The notion of encounters, as opportunities for
institutionalization, is central to the concept of law-making. The etymology of the French word for locality, endroit, elicits empowerment: the word is included under the Latin concept regere, to rule, to guide, to govern (Stappers 1929: 254).5 Mandated actors generate such spaces when they address deficiencies. Convened to express their concerns, they channel their aspirations so that, as a body, they may propose and eventually institute changes. “In an endroit, negotiators acknowledge a failing and are stimulated to evaluate the possibility of using that space without restrictions to weigh new forms of addressing an issue and implementing the consequences of a coming to terms” (Altschul 2003a: 95–96). Its potential legitimacy depends on the degree to which that which is talked about generates events outside that chamber. And that potential depends on a number of factors, but will hang on the quality of the delegation of authority and on the nature of the tolerated appropriation of such delegation. Thus, an endroit is an experimen-

5) Related etymologies can be found in the English words venue and bailiwick, but the French term carries with the strength of en droit, within the law.
tal, shared, time bound virtual space where participants install a minimal degree of conviviality as they maintain emotional dissociation. Sennett’s commentary could apply to the forum in which negotiations develop given that, “the scene of a conflict becomes a community in the sense that people learn how to listen and respond to one another even as they more keenly feel their differences” (Sennett 1998: 143).

Within the experimental context of the endroit, negotiators use the authority they derive from information retrieval to forestall and solve conflicts, or else use their influence to resolve them. In so doing, they go beyond role expectations that revolve around one issue or interest. Sense-making develops in endroit as participants enact initially equivocal conversations and analyze exchanges carefully; meaning is attributed to the process and its results are treasured as knowledge. As a store of information, negotiators occupy roles that cross borders and use the authority gained in the process of gathering information to prevent and resolve conflicts, or to exercise influence in achieving these goals. Such skills allow them to re-direct the process and strengthen the role of the other negotiators, who begin to act within the confines of a different jurisdiction, interact with stakeholders and constituents to provide data and value, and take on ‘boundary-spanning roles’ (Aldrich & Herker 1977). Among other activities, the negotiator maintains and energizes information flow, schedules informal exchanges held with others parties’ acquiescence, and places information in shared intranets.

Moreover, within this space, negotiators tacitly accumulate experience and apply it to new problem-solving techniques. The ensuing process is active and multi-dimensional; ad hoc social devices stimulate a greater degree of discernment, a major contributor to bridging gaps in actors’ expectations and interests, and thus pave the way towards creating complementary interest matrices.

Conclusions

The development of complex trade negotiations requires numerous contributions, among which are greater degrees of cohesion in the internal front and the articulation of the efforts between official and private negotiators. Hard and soft instruments help negotiators study the social system of the negotiation as they change it, and by so doing turn a lieu de passage – a cross-roads or transaction field, a place where one is neither in nor out, and as a consequence egoistic, aggressive, and defensive goals are emphasized (Schoenfield and Schoenfield 1991:15) – into an endroit, a site where negotiators set up and synergize to solve complex negotiation conflicts by agreeing on the basics for rule-making behavior.

International trade negotiations are inherently complex and call for elaborate internal coordination. Recent experiences testify to the appearance of mechanisms
that has been creatively developed in a wide variety of settings. This paper shows the expansion of negotiators’ roles as individuals creatively tap into and produce ad hoc social instruments. In so doing, negotiators structure a context in which skills develop within a virtual triangle, a field of strains drawn between the strictures and interests of principals, colleagues, and mentors.

“Negotiation, like all social activity but unlike the phenomena of natural science, is composed of observable regularities of interaction and of matters of free choice and imagination” (Zartman and Rubin 2003: 289). Experience will continue to widen the role of the negotiator; also, further research on the nature and dynamics of the site we have called an endroit is essential.

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