Diplomatic negotiation : essence and evolution

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CHAPTER XI

Simulating Diplomatic Negotiation

CHAPTER XI: SIMULATING DIPLOMATIC NEGOTIATION

Diplomatic negotiation processes can be simulated to provide the analyst with further insights into their character and conduct (Zartman, 1982: 9). Analysts in diplomatic negotiation have a problem as far as the observation of reality is concerned. This was elaborated upon in the first chapter of this thesis, where the cleavages between practitioners, researchers and trainers were discussed. Observing a simulated process can therefore be of great help. A simulation is an artificial structure that mirrors reality as much as possible, allowing the process of negotiation to be analyzed. In principle, people act in simulated processes as if they are negotiating in reality. In that sense, the process is as realistic as it can be. The characteristics of negotiation still apply. This is why university professors are often satisfied by analyzing the performance of their students, as was shown at the inaugural meeting of the Netherlands Negotiation Network (Meerts, 2009a: 17). However, simulations and games can also be useful to instruct the wider public in the usefulness and the mechanics of negotiation processes, for example through board games like 'Diplomacy' (Sharp, 1978), which can also be used for scientific analysis (Falger, 1994: 269–284) or just for political/historical entertainment (Meerts, 2008a).

Simulating is a technique of studying and experiencing processes and systems if reality does not allow for such experiments. Moreover, it is about a dynamic model, not a static one (Lipschits, 1971: 11). The source for modern simulation techniques has been war-games, allowing the military to experiment without inflicting damage on people and the environment. Chess can be seen as the oldest war-game, as a metaphor for war, allowing players to practise strategy and tactics on a limited scale in limited time. Since the 1950s, social scientists have been experimenting with various representational techniques in the study of international relations (Winham, 2002: 466). War-games can be divided into rigid and free variants. The free variants could also be labelled role plays. The simulations described in this chapter can be classified as role plays that allow for an analysis of diplomatic negotiation processes. These simulations can be very close or very far from reality. Being close to reality, and especially present-day reality, will help participants in such exercises to understand the game and therefore to negotiate as realistically as possible.

Conditions for the creation of a viable role-play simulation (Meerts, 1989: 135) of international negotiation processes are:

1. Selecting relevant issues that will probably not be resolved by the time the game will be played;
2. Writing a scenario and individual instructions on the basis of an internet search, foreign policy documents, journals, newspapers and interviews with policy-makers;
3. Introducing the simulation through lectures and literature, as well as by applying short exercises to prepare participants for the overall game;
4. Participants can be asked to write position papers, which will be discussed before the actual simulation starts;

5. These position papers can be used to inform other delegations about the content of the positions, which allows strategy and tactics to be prepared;
6. Debriefing on process, people and positions, and if possible comparing the content of the final outcome with a real-life document (Meerts, 2009d: 663–665).

It should be noted that it is important to distinguish between different types of participants who are in need of different kinds of simulation exercises (Meerts, 2002: 456). To be effective, it is necessary to prepare the simulation game through exercises on aspects such as negotiation effectiveness and style, culture and non-verbal behaviour, strategy and tactics, and bilateral and multi-party bargaining (Meerts, 2014a). The additional advantage of simulated diplomatic negotiation processes is their value in preparing diplomatic actors for the real negotiations in which they have to defend the interests of their countries. Because of its characteristics – learning by doing without the damaging effect of a failed negotiation in real-life bargaining – simulations function as an invaluable asset in training diplomats (Crookall, 1987; Stein, 1988; Boomen *et al.,* 2001; Hemery, 2005; Movius, 2008; Mans, 2010; Meerts, and Schalker, 1986; Meerts, 2012a, Mühlen, 2014).

For this chapter, three angles have been chosen in order to gain some insight into the viability and use of role-play simulations in understanding diplomatic negotiation processes and negotiators' behaviour. One angle is the role of the chairperson in such a process, as the chair is one of the main actors in diplomatic negotiations, helping to bring them to closure. The first part of this chapter thus analyzes the chairperson's role in simulated processes and in reality. The second part is on bilateral negotiation. This simulation exercise is of a special kind, a so-called 'table-top exercise', normally used in serious war-gaming, and in this case as a tool to experiment on processes to detect – illegal – underground nuclear testing. It was developed by the staff of the Preparatory Committee of the Comprehensive Nuclear Test-Ban Treaty Organization (CTBTO) in Vienna. By simulating the process, inspectors can be trained for real expeditions, the outcome of which will be reported to the Council of the CTBTO as a basis for their negotiations on decisions to be taken against perpetrators. The third part of the chapter presents a so-called 'Hexagame', which was developed by staff of the Clingendael Institute to confront diplomats and scientists of the Organization for the Prohibition of Chemical Weapons (OPCW) in The Hague with the consequences of their decision-making in the five years after the simulated situation.

UNILATERAL LESSONS FOR CHAIRING

The chairperson in multilateral negotiations is an important factor in diplomatic negotiation processes, although the role of presiding officers should not be overestimated. According

This section on 'Chairing' is based on Meerts (2009b), with additional insights from training sessions aimed at preparing UK and Polish diplomats and civil servants for their EU Presidencies with John Hemery in 2004–2005 and Wilbur Perlot in 2009–2010.

to Kaufmann, the importance of a chairperson's role is dependent on his or her experience, intelligence and grasp of the rules of procedures, the homogeneity of the actors in the negotiation group, as well as the chemistry between the chair and the secretariat, the rapporteur, etc. (Kaufmann, 1996: 71). The role of the chairperson is, of course, different according to the context in which he or she is operating. In the Security Council and the General Assembly of the United Nations, the chair has hardly any power and influence outside regulating the meeting in an orderly way. In the European Union, however, chairpersons do have some power and influence, and not only the President of the European Council, but also the rotating chairs of working and other groups. The first part of this chapter will therefore focus on the role of the chairperson in the European Union, as she or he has a more important role to perform than in other international forums. It should be noted that this disquisition could have been undertaken in the preceding chapter, but as it is such a specific topic based on direct observation, it was decided to integrate it into this chapter dealing with the behaviour of chairs and negotiators.

In a 2006 issue of *The Hague Journal of Diplomacy*, Jonas Tallberg analyzed the function of the chairperson in the European Union in managing the agenda, brokering deals, as well as representing the negotiation party to outside groups (Tallberg, 2006: 121–140). Tallberg focused on the chairperson's power resources: privileged information and procedural control; the options for the chair to exploit the chairmanship for private gains; and the positive and negative effects of the formal institutional environment. Tallberg concluded that the chairperson plays a vital role in multilateral negotiation processes as an instrument in managing complexity, as he or she is able to draw on their inherent legitimacy. In the journal's same issue, Ole Elgström summarizes some of the major characteristics of the EU chair: Presidencies sometimes have difficulty in taking a leading role; chairpersons-as-leaders prefer to act as entrepreneurial leaders; if they are defending their own interest they stress that this need is also in the EU's interest; while they will be criticized if they do not live up to the norms of being the chairperson, although this will not have long-term consequences (Elgström, 2006: 193). Also in the same issue, John Hemery and Paul Meerts conclude that their training of diplomats and civil servants for the United Kingdom's EU Presidency showed that thorough preparation is absolutely essential, as is the ability to handle time and procedures effectively, while individual and common interests will have to be balanced carefully (Hemery and Meerts, 2006: 206–208). As the chairperson has a central role in simulated diplomatic negotiations, this sub-chapter will further analyze its role.

What is it like to be an effective chairperson of international negotiations? Although there is literature on chairing meetings, publications on effective leadership of international multilateral bargaining are in very short supply. However, as EU member states feel that it is important to train diplomats and civil servants in preparation for their country's next EU Presidency, there have been some recent attempts to gain a better understanding of effective chairing in an international context. For example, the College of Europe, the European Institute of Public Administration (EIPA) and the Clingendael Institute have organized large-scale training session to give EU negotiators a more thorough insight into target-oriented chairing. These seminars have revealed many important aspects of negotiation chairing, as the participants were people with great experience

in EU negotiation processes. The seminars involved introductions on the subject matter, discussions, workshops, simulations and debriefings.

The following issues came out of the discussions. Effective chairpersons should prepare thoroughly. The chairperson must know the subject matter as well as the participating countries' positions, and must analyze these so that they are able to identify common ground. Ideally, the chairperson should have a draft agreement in his or her pocket before the negotiation starts. Knowing the positions is not enough. Information on the needs, bottom lines, possible concession patterns and specific problems concerning the negotiators' home front will help greatly. The chairperson should understand what the real problems are, who is going to negotiate, and how the negotiation might develop. The 'how' is very important indeed. During the planning phase, the chairperson will need to think about his or her main strategies and the tactics that go with it. Knowing the procedures is, of course, an important point, but knowing how to handle them effectively is even more important. In addition, of course, the chair will have to communicate – or at the very least have – a thorough understanding of the agenda.

During the face-to-face stage, the chairperson will need to manage the agenda in a subtle way. He or she must be firm in sticking to the agenda points, without becoming too rigid. The chairperson must show impartiality and fairness. In the European Union, this is achieved by separating the chair from its country's position. A state delegation will represent the interests of the country, while the chairperson remains impartial. This implies, however, that the delegation cannot separate itself too much from the chair, which has a moderating effect on its position.

Chairing in the European Union

In the European Union, the chairperson of the working groups will need to rely heavily on the Council Secretariat for support. In other forums, the creation of a 'friends-of-the-chair' caucus is often a vital element for success. To start a meeting by giving the floor to these 'friends' creates a cooperative atmosphere that is instrumental in setting the stage for a collaborative negotiation process. Managing time is vital. The chairperson will usually have to instigate a first phase of exploration to search for options that might lead to a synergetic and integrative outcome. This puts a lot of strain on the chairperson, who will have to see to it that the process moves in a certain direction, while at the same time avoiding premature outcomes that might forestall the agreement of more effective package deals. Setting clear objectives, having a good ear, using effective communication and keeping an eye on possible changes are vital in the context of the negotiation to keep the process under control. The extent to which pulling and pushing tactics are effective tools in any situation is the prerogative of the chairperson. An assertive chair is certainly an asset, but a bulldozing president is a nuisance to the negotiations – impartiality creates the legitimacy that the chairperson needs to be accepted as an honest-broker.

As negotiations move in the direction of an outcome, the chairperson will need to strike a balance between his or her own interests and those of the collective whole. It has already been noted that impartiality is important. However, complete neutrality leaves the interests of the country represented by the president virtually undefended. During the United Kingdom seminars, participants played the Clingendael 'Pentagame' in which

they had to rotate into the chair every twenty minutes. This proved that chairing could be a serious obstacle to effective negotiating. In one of the games, all of the chairs pushed forward the possible package deals like hot potatoes, delaying decision-making until they were relieved of the chairmanship. The effect of this was failure to reach a collective decision. In other words, the fear of losing too much in terms of individual interests through being responsible for a collective outcome blocked that very outcome. This created an interesting dilemma, as it implies that there will be more assured outcomes if chairpersons can legitimately maintain reasonable resistance to attempts to undermine their national interests. Complete neutrality is therefore just as damaging as one-sidedness. This raises the question of fairness and effectiveness and how these should be defined in connection with assured and unassured outcomes.

Participants learned that it was vital to hold the chair when the process was getting close to ripeness and that they should be able to take a strong national position again at the time of decision-making – thus avoiding being the chairperson at that moment. As this was not always possible, countries with extreme positions ran into difficulties. They therefore tried to push more moderate state representatives into the chairpersonship at the decisive moment. They also learned that a chairperson still has to protect his or her own interests without becoming unfair – this fine-tuning was of vital importance, both to effective chairing and effective negotiating, as they had to be merged within the behaviour of one person.

Four stages could be observed in chairing simulations of international negotiations: (1) the chairperson has to set the stage; (2) options must be explored in relationship to countries' positions; (3) the 'pre-decision stage', where packages were made ready for decision-making; and (4) decisions are finally hammered out into agreements. These stages should be observed, or the negotiations will end in mayhem with outcomes not being secured.

It can thus be stated that the chairperson is a negotiator with a specific role, or, to put it another way, a chairperson has the dual role of negotiator and mediator. His or her task is, first, to take responsibility for a collective process that will end with an acceptable outcome. To perform his or her role well, the chairperson will need to be fair. Fairness involves a substantial degree of impartiality, but at the same time, the chair has a responsibility to his or her own country or organization, the home front, so the interests of that party should not be too greatly neglected. As in mediation, impartiality is vital, but neglect of self-interest is fatal. The chair will thus need to balance these two contradicting roles using processes and procedures to maintain an acceptable equilibrium, and getting parties and people to accept him or her as the pilot of the negotiation process. Chairing an international negotiation process is mediating while negotiating. The chairperson is a mediating negotiator.

Representing both national and collective needs in a balanced way also depends, of course, on the nature of the processes and the procedures of the platform on which these negotiations take place. In the United Nations Security Council, the chairperson really has to combine collective and individual interests. The same is true for the EU Council Working Groups, but here at least a second representative will speak up for the chairperson's country position so that the president does not need to do that him or herself. In other

international organizations, chairpersons are drawn from the ranks of international civil servants and can therefore be more independent as leaders of negotiation processes.

All negotiations in international organizations and all multilateral conferences are chaired by member state representatives or supranational officials who have mandates to manage the agenda, structure the deliberations, and broker agreements. Yet the existing literature offers no coherent explanation of the sources of this institutional practice and its effects on negotiation outcomes (Tallberg, 2002: 2). It is indeed striking that literature on chairing negotiations is virtually absent, although we know of some insights (such as Lang, 1989; Kaufmann, 1996; Guggenbühl, 2004; and Meerts, 2005a).

Effective Chairing

Four elements of effective chairing can be distinguished, and chairpersons operate at each of these levels, which run parallel during the whole process of negotiation: *managing substance*; *procedure*; *process*; and *behaviour.* Although all four dimensions will have to be managed at any one time, there is a certain shift in intensity as the negotiation evolves. Procedure is a main issue at the beginning of the meeting (what are the rules and regulations?) and at the end (are we deciding by unanimity, consensus, or simple or QMV?). Managing the process pops up at regular intervals, especially if the negotiation becomes tense, for example, if a crisis is imminent. While the management of procedure and process is mainly done in and around the plenary sessions, people management is very much a question of lobbying. Chairpersons will have to be available to negotiators before, during, after and around the negotiation process. Issue management has to be done at all times, of course.

Managing substance is the aim of the negotiation process – the negotiations are conducted in order to achieve an outcome. For the chairperson, it is essential to have a thorough knowledge of the dossier with which he or she is dealing. The history of the issues has to be understood by the presiding officer, who will have to be capable of explaining the dossier's background to those negotiators who are new to the process. To acquire such a thorough knowledge, the chairperson will have to work closely with the secretariat of the conference and/or working group that he or she is managing.

Planning is of the utmost importance. It should be noted that effective planning can be done only if the chairperson is aware of the priorities of the countries involved and the possible concessions that they will be willing to make. Without understanding the rank and order, the chairperson will never be able to set a relevant agenda. As the negotiation process moves on, the chairperson should divide the substance into digestible parts – to put together bits and pieces into acceptable packages – and to know what to throw out if certain sentences appear not to be negotiable.

Understanding the problems and possibilities regarding substance gives the chairperson a chance to do some 'preventive' guidance. He or she should try to move unnecessary obstacles if possible, preventing any loss of face on the part of the national delegations on the substantive issues relevant to them. One of the major issues here is the need to have a thorough understanding of the position and interests of the chairperson's country.

Chairpersons have to coordinate their own delegation but should not identify with its needs. Chairpersons have to be fair, but their complete neutrality cannot be expected. After all, the chairperson's own delegation should not be defenceless, but the delegation should also be aware that it cannot take a very outspoken position without undermining the legitimacy of its fellow compatriot who is chairing the meeting.

It is understood, however, that it is much easier for chairpersons to be impartial if the interests of their delegation are close to the common ground of the negotiation (Tallberg, 2002: 31). This is why chairpersons from powerful countries are often not as effective as those from smaller countries that have less of a conflict of interests. Denmark, Finland and Ireland thus did a much better job in their roles as rotating Presidents of the European Union than France, Germany and Italy. It is difficult to strike a balance between the distance that a chairperson should take from the position of its own government: too far out weakens a chairperson's position, making it impossible for the chair to fall back on its own national delegation, but too close a relationship provokes interventions by the chairperson's government, leading to micromanagement by the home front – that is, bureaucrats meddling in the negotiation process and thereby, perhaps, hampering it.

Mastering procedure means being very well aware of the rules and regulations of the organization and the conference over which the chair is presiding. Here, the secretariat steps in again. After all, its members have a thorough and continuous insight into the procedures and their effectiveness. The chairperson will have to be firm, especially at the outset of the negotiation process, in implementing the procedures that have been decided upon. Yet at the same time, the chairperson has to be flexible in implementing them – assertive, but not unnecessarily bureaucratic. Culture plays a role in adherence to a strict or loose procedure. The chairperson will have to take into account that in some cultures procedure is not considered to be a very important facet of the negotiation process; it might even be seen as an obstacle to a smooth process. In other cultures, however, procedures are essential for saving the face of the chairperson and the negotiators. Rituals play a role in avoiding risk, which is especially important in collectivistic societies.

The stronger the institution, the more outspoken its rules tend to be. Paradoxically, however, the more integrated the organization, the less the need exists for strict rules. The continuity of the negotiating body, and the standards and values that it develops, create mutual understanding among negotiators, making life easy for the chair. Negotiators then 'automatically' adhere to the rules. There is no need for the chairperson to impose them. Trust also plays a role here: the more trust, the fewer rules are needed to protect the negotiators and the negotiation process. On the other hand, the procedures can be seen as a tool for the chairperson to use to compensate for a lack of trust.

Finally, there is the point of the decision-making procedure, which is different from organization to organization, and which has a decisive impact on the outcome of the negotiation processes. If unanimity or consensus is the rule, it will be difficult for the chair to reach substantive outcomes. If (qualified) majority voting is the decision-making procedure, however, the majority can outvote the minority, although the chairperson will, most of the time, conceal this by stating that he assumes that there is consensus. Those who are aware that they will be out-voted prefer not to show this to the public, so we then have the shadow of the vote: when there seems to be consensus, but it has been forged by the threat of an overruling majority. The chairperson can hence more easily

push for substantive outcomes. We also have mixed systems here, of course, as applied, for example, in the United Nations Security Council.

Managing the process is itself one of the best tools that chairpersons have at their disposal for reaching assured outcomes. If the chairperson mismanages the process, fruitful outcomes are hard to reach, so they have to be conscious of the most effective sequence of that process. If certain issues are decided upon too early in the process, more effective package deals might be blocked. Sub-optimal outcomes will be the result. Chairpersons thus have to allow for a stage of exploration, and culture comes in again here. In some cultures (such as Japan), the give-and-take is seen as a dangerous part of the process. The chairperson thus has a special task to protect the face of the negotiators, to be aware of so-called 'salami tactics' and the development of an entrapment situation. They also have to ensure that the process will be even-handed.

Management the end-game might be the most difficult job facing a chairperson. They have to use insight, knowledge and intuition. Is the time ripe for decision-making, is there a 'mutually hurting stalemate' (push) and a 'mutually enticing opportunity' (pull)? It is essential for the chairperson to keep an eye on the context of the negotiation process. It is all a matter of timing, but political developments may also further or hamper progress of the process. Here, again, the availability of the chairperson is essential, both inside and outside the actual process of negotiation.

Managing behaviour assumes that the chairperson should have some psychological competence and therefore diplomatic skills. The style of the chairperson is important here. Does the chairperson have an action-oriented style, or perhaps process-oriented, people-oriented, or idea-oriented? Can they adapt their overall style to the situation in which they find themselves? The same is true for their leadership style. Are we dealing with a dominant, avoidant, accommodative, compromising, or collaborative chairing style? And again, can the chairperson adapt his or her leadership style to the circumstances? The chairperson will have to develop formal and, especially, informal relationships with negotiators and also with their own delegation and the authorities back home. The atmosphere of the negotiations will have to be influenced by the chairperson in a way that will enhance the chances of a successful process. Being emotional is counterproductive, but not being empathetic will not make for a favourable climate in the negotiations either. The behaviour of the chairperson will be characterized by the different roles that he or she performs. Jonas Tallberg distinguishes the roles of a chairperson as representing the negotiation group, as an agenda-seller, and as a broker/mediator (Tallberg, 2004). The chairperson will have to be fully committed to the task, but over-commitment can be a burden for the group. Again, a balance will have to be struck.

Finally, the *behaviour* of the chairperson will have to be characterized by their ability to apply the most effective techniques. For example, a Dutch chairperson once applied the technique of writing a draft of his own as an informal alternative to the official text, which was marred by thousands of brackets. He said that every change was welcome, but only after consensus. Brackets were not accepted. After a few weeks, negotiators replaced the official text with the chair's informal draft as a final document. A less effective technique is the preparation of a final draft in consultation with only some of the negotiators. This raises suspicions among those who are left out, thereby lowering trust in the chair (Hauck, 2005:8).

BILATERAL LESSONS FOR PRACTICE

The Comprehensive Nuclear Test-Ban Treaty (CTBT) has not yet been ratified by a sufficient number of countries and thereby cannot be implemented. However, experts and diplomats should already prepare for the moment when the treaty will come into force as an internationally accepted instrument of control. Training on this topic will allow them to take action immediately. If they only start to deal with the matter once the treaty has been ratified, costly time will be lost, and time is of the essence in dangerous nuclear circumstances. In order to prepare for this situation, a simulated inspection mission to a simulated country was thus developed, as the actual process cannot yet be experienced. In essence, the process is bilateral: between the CTBTO (the not-yet ratified Comprehensive Nuclear Test-Ban Treaty Organization) – which is only a Preparatory Committee at the moment – and a host country that is suspected of violating the treaty by illegally exploding a nuclear device underground. The simulation exercise, which was named 'Table-Top Exercise' as it is played in different scenarios around a table onto which a map of the area has been projected, is a negotiation between an inspection team on the one hand and an inspected team of the country in question on the other, a so-called 'on-site inspection'. Although the negotiation is bilateral, there are, of course, internal negotiations in each of the two teams. A control team acts as game master.

The effectiveness of the CTBTO's on-site inspections not only depends on the willingness of states to comply, but as much on the CTBTO and its auxiliary staff's methods of implementation. Inspectors therefore need both human and technical means to gather relevant information that will assist in making a decision on whether the CTBT has been violated. As far as people are concerned, one of the most important skills at their disposal is that of bargaining (Melamud, 2013: 401–417).

Negotiation is a process of moving from A to B in a situation where parties have common and opposing interests at the same time. The effectiveness of parties will first of all be determined by the balance between the converging and diverging needs of actors involved. If they have a broad overlap of interests, the ensuing process will be rather effective and convenient. In such a case, parties will have to approach the negotiation process as much as possible from a cooperative perspective. Such an approach is expected to be the normal case during inspection if the Inspected State Party (ISP) has nothing to hide. But different situations may arise depending on the ISP's security requirements or the wish to hide non-compliance with the treaty. Competitive behaviour would unnecessarily poison the atmosphere and thereby the process of give and take. If the Zone of Possible Agreement between the parties is small, and their needs are sharply opposed, parties will have to choose a much more dominant initial stand, from where they can try to use the negotiation process to come closer to each other.

Common ground between the parties in situations where CTBT violation is suspected will be small by definition. It will also be quite artificial. The principal, and perhaps the only, common interest that the ISP and the Inspection Team (IT) will have is the need

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This section on 'Bilateral Practice' is based on Meerts and Melamud (2014).

(or will) to finish the inspection as fast as possible and get the IT out of the ISP's territory. There might not be any overlap of interests at all. Common ground, then, will merely be the fact that countries will be obliged to comply with the CTBT. In other words, what binds them together is a legal framework, not a material need, although one might add to this line of reasoning that compliance is in the interest of parties involved with an eye to the future. All states that are parties to the treaty have a need to be protected against a surprise nuclear attack by any other side and they therefore see a need to stick to the agreements made in the framework of the CTBT. Nevertheless, there are aspects of a so-called 'prisoner's dilemma' involved. While parties might have a long-term interest in compliance, they could have a short-term need to compete. Negotiations in the context of the CTBT are anyway by definition of a distributive nature, and hardly of an integrative one. Win–lose elements are dominant; the win–win axis will be quite weak and will have to be strengthened through the bargaining process itself.

As well as the problem of opposing interests, a second factor in table-top simulated bargaining is power imbalances. We can distinguish two kinds of power imbalances: structural; and situational. Some countries have many more power resources than others and it might be much more difficult to force great powers to comply than small ones. Smaller powers are so dependent on the bigger powers that, because of the fear of side-punishments, they might give in to fair on-site inspections. If these minor powers create too many problems, however, and if the major powers see on-site inspections (OSI) in these countries as a priority, non-CTBT issues can be used to force a lenient attitude towards OSI. This means, however, that pressure would be more or less absent if the suspected state party is a major world power, for just as the UN Security Council can condemn countries' actions, this is difficult if it concerns one of its own permanent members. However, even small states have a lot of situational powers in cases of on-site inspection. After all, they control the situation on the ground and have ample room for manipulation, which is partly allowed by the treaty itself. The treaty is, of course, a compromise in itself and has some in-built constructive ambiguity, which necessitates reaching an agreement on the ground through negotiation between the IT and the ISP.

The third factor complicating OSI bargaining is the nature of the parties involved. This occurs already during the bargaining stage in the Executive Council, which is the official body to approve an inspection, and relates to the state requesting the inspection and the state that it seeks to inspect. What is their state structure, and which societal, political and bureaucratic culture is dominant? Does the state party have internal problems, for example with minorities that are a majority in the country demanding inspection? Or does the inspected party act as a kin-state for a minority in the country requesting the inspection in order to control its neighbour on illegal testing? Regimes do matter. It will be more difficult to inspect an unwilling authoritarian state than a democratic state. The means to apply pressure on a dictatorial state are far less than in cases where public opinion and the parliament of the state party can be pressurized. On the other hand, it will take more time for a democratic country to decide on its politics concerning an OSI request than for a democratic state structure, especially if minority rights in the inspected region will have to be taken into account. Another point here is the question of (con)federalism or centralism. The state structure of the democratic state will also have an impact, and

culture of course. In societies where avoiding uncertainty is an issue, the mere demand of on-site inspections can be perceived as an offence and loss of face.

This issue of OSI bargaining very much concerns the people on the ground, both for the inspected party and within the IT. Some cultures are much more open than others, and this will make a substantial difference for the IT. But the IT is multi-party as well, being a multinational/multicultural team, whereas the ISP team is of a uniform structure and approach, which may contribute to power of the ISP team over the IT. Different people from different societal and professional cultures will have to work together and so far this has been one of the main problems for on-site inspections. The inspection is thus very much a two-level game and it might well be that internal coordination of the IT will pose more problems than cooperation with the host country that is the ISP. Perception determines reality and different views might create both synergy and miscommunication. Moreover, conditions on the ground might be very tough and will therefore put a lot of pressure on the IT. Tensions could arise, blocking effective negotiation and therefore efficient inspection. Inspections are not only haunted by geographic and weather conditions, but because of the conditions established by the CTBT, time and staff are limited. As a consequence, inspectors will have to deal with a lot of stressors and cultural divergences tend to become a major problem in stressed situations.

A fourth factor enhancing the problems of effective negotiation in an OSI context is the nature of the equipment to be used. This material aspect is of great importance. Without the instruments necessary for OSI, inspectors cannot do their work and will fail to collect the relevant data that may help in finding out whether there has been compliance with the CTBT. The instruments used are of a highly sensitive character and the ISP might oppose importing these machines for the inspection based on diverse reasons, reservations and national interpretations of the treaty provisions. Moreover, a logistical nightmare might arise if the infrastructure of the ISP is so weak that safe transportation of vulnerable machinery is made extremely difficult, particularly as the suspected test will probably be in a very rough and remote area. Material aspects also include the inspectors' living conditions, as they are often forced to live under difficult circumstances, which can have a very negative impact on the atmosphere of cooperation within the IT. Moreover, the ISP could try to make conditions as harsh as possible.

The Nature of Negotiation in an OSI Context

Negotiations are generally characterized by four overriding dimensions. Effective negotiators should, in principle, avoid mixing up these dimensions, as this will distort their efficacy. We can compare this to playing simultaneous chess with at least four other players. Someone who plays simultaneous chess should not mix up the situation on one board with that of the others, unless this will give him certain advantages – there are always exceptions proving the rule. The four strata are: procedures (rules and regulations); processes (flow and direction); the party (including people); and the product (outcome and substance). The strata in turn are delimited by six boundaries: geographic borders; systems; needs; resources; regulators; and time.

OSI negotiations are basically of a bilateral character, although there are multilateral aspects involved. The IT and its host will have to deal with each other on the ground.

The distance between their needs and positions will therefore impact on the negotiation itself. It seems self-evident that the two parties will have much more problem in reaching agreements if their aims are polarized, or if they are involved in a distributive bilateral negotiation, while it will be much easier if their needs and aims converge and negotiations take place in an integrative environment. We might postulate that an ISP that has tested a nuclear device will negotiate in a much more competitive way, while a country that did not test such as device will be quite cooperative. This does not need to be true, however, as an 'innocent' state might still have to hide other issues – or is offended by the call for inspection – and will therefore be as combative as a 'guilty' state party.

In OSI negotiations, procedures are of utmost importance. Some of these procedures have been determined by the state parties that formulated the CTBT, but many of them are still undetermined. Post-agreement negotiations between state parties on an operational manual are still incomplete. Even if these negotiations were finalized, they cannot possibly foresee all of the practical problems that may arise during actual inspection. This implies that parties on the ground will have to agree to certain procedures that have not been foreseen. This might not only lead to practical negotiation problems about procedures between the IT and the ISP, but could also raise issues between the inspectors themselves and between the officials of the inspected states. As all of them are accountable to their superiors and as these superiors are mandated by their leaders, they have to operate in a complex multi-level, multi-actor, multi-power and multi-political context. In that situation, they have to set priorities. One such priority is to have agreement on workable conditions, thus implying that parties will have to agree on certain procedures that state parties did not – yet – agree on or simply did not think about. In other words, many rules and regulations will have to be invented on the spot. Inspectors are thus working in a less regulated context than we would expect. On the one hand, this creates uncertainty and risk. On the other hand, it creates opportunities to solve problems without external mingling. It is clear that the absence of solid procedural agreements will greatly hamper effective OSI, but a procedural bureaucratic overload would have the same negative impact on effectiveness. We could conclude that procedures have to be set, but should be flexible at the same time.

Processes within the procedural context will be highly vulnerable to distortions if the distance between the parties is very wide. In other words, a distributive bilateral negotiation will be much more difficult to handle than an integrative one. Win–lose trends in OSI negotiation are a threat to the mission's success, and win–win outcomes cannot easily be reached. As already noted, the character of OSI tends to foster competitive behaviour, even if the ISP did not break the rules. Loss of face is an issue here, as well as national interests, as things might be found that the country does not want to show to the outside world. This can even be something as simple as the inadequacy of the host country's bureaucrats to deal with the inspection team, or the living conditions of the nation's population.

A process that is hampered by a small zone of possible agreement between the parties, or perhaps even the lack of such a zone, will demand excellent negotiation skills on both sides of the line. The need for compromise and compensation is evident. Creative negotiators can try to bridge the gap by exploring alternative options and acceptable half-way solutions. They might even have to forge package deals if trade-offs are the only way

to create an artificial zone of overlap. Without these aqueducts, the water will not flow and the process will go nowhere.

To complicate matters, several processes might develop at the same time. The multilateral context of this basically bilateral process will generate problems, but also options. It adds to the complexity of the negotiation process, where actors are striving for practical solutions. The slow flow of the negotiation process might frustrate them and have an impact on the climate of the negotiation. Processes therefore have to be taken seriously, as they are the means that we have to materialize what we want. Too much focus on the end-game and not enough feeling for the process itself might be a source of ineffectiveness and failure.

Inspectors are not diplomats. Inspectors are professionals who want a technical job to be done. But in cases of obstructed negotiation processes, the skills of diplomats are needed. Diplomats, however, are found in headquarters, not in the field. Irritations between the negotiators on the ground might spoil the effectiveness of the negotiation process and create tensions between the parties and within the parties. Leadership is then needed, but leaders are – in these situations – chosen because of their professional know-how or their country of origin. Inspectors are also selected because of this. This does not necessarily turn them into people who can deal with the emotions involved in polarized negotiation processes. They are there to do something, not to talk endlessly and fruitlessly. Cultural differences become involved. People will have to struggle with a host-country culture that is different from their own, but also with intercultural problems within their inspection team. The host country has an advantage here, as their receiving team will normally be culturally homogeneous, not only on societal culture, but also on bureaucratic culture. Yet there is a positive side to the nature of the inspectors' profession: technicians tend to understand each other. Professional culture often bridges the societal–cultural divide. Inspectors are part of teams who are steered by different parties with different interests, perceptions, intentions, structures and power, but these parties collide. There is also a moderating factor here. Parties might want to obstruct the process and have a short-term interest in this. However, in the long term they probably have an interest in the compliance of their partner states, otherwise they would not have signed and/or ratified the CTBT. We have the short-term/long-term dichotomy here, meaning that OSI negotiations might be bedevilled by prisoner's dilemma – or even 'chicken game' – features. We might conclude here that it would be wise to have some people in the inspection teams who are versed in negotiation, as diplomats are, although their endless talk could also be an obstacle to further progress.

Product, then, is an outcome of the inspection and of the processes of entry and post-entry negotiation. After all, we are negotiating about substance and about issues, as we are aiming at certain results and solutions. Countries do not want to allow nuclear testing because of the threat to peace, security and stability (as well as health risks) in the region, and in the globalized world. In essence, there are three possible outcomes. The first is when the negotiations have been successful but no test has been found. As was noted earlier, this does not necessarily mean that a nuclear test has not been done. The team might simply not have found it, perhaps a question of its own (lack of) effectiveness. The second outcome is when the negotiations could have been partially successful: some things could be negotiated; some not. An imperfect outcome of the negotiation process

will probably have a negative impact on the inspectors' effectiveness in finding what they are looking for. This is certainly true for the third possible outcome of failed negotiations. It is therefore absolutely vital to avoid complete failure of the OSI bargaining process, as this will result in the failure of the whole mission.

This point highlights the importance of successful OSI negotiations and therefore the importance of training inspectors for negotiation, as undertaken in regular seminars on negotiation techniques and table-top exercises in training for effective searches, in combination with negotiation strategy and tactics. We can also look at product from a different perspective. Table-top training is a product in itself. The fact that exercises take place anyway and that CTBTO staff are active in this field helps to create a CTBTO product, which in itself might foster efforts to create a *de facto* CTBTO reality. By taking action, the still non-formal organization gets a face and a place in the world of international organizations. We might therefore summarize by saying that a successful outcome of OSI negotiations is a prerequisite for a successful field mission.

Negotiations, and therefore OSI bargaining, are limited by several restrictive factors. Getting into the to-be-inspected state is the first factor. The geographic border issue is thus – after preparation logistics – the first step in the OSI negotiation processes. The state's sovereignty is the first problem to be encountered. The tension between competition and cooperation in international relations very much comes to the fore in this first stage of the negotiation process. It is a question of control, whereby the host country can dominate the 'guests' that they will have to receive. On a positive note, the geographic border is a clear first benchmark, helping the inspectors to focus and therefore to deal with issues that might later be an obstacle if not confronted head-on at the very beginning. Refusal to allow the inspectors into the country will probably create international upheaval and can therefore be used by the inspection team as a motor to mobilize powerful CTBT state parties, which might then pressure the to-be-inspected country to comply. On a negative note, a row over the border question might reveal dissent among the CTBT powers and could fortify the position of an unwilling host. It might show to the world the second hurdle in trans-boundary bargaining: the weakness of the international system, both concerning states and organizations. However, it could also reveal flaws in the host country's behaviour, resulting in the host country believing that it will have to put up a smokescreen and try to sabotage the inspection team's entry in order to hide dirty policies within its own territory that are not necessarily related to the nuclear issue. It thus seems advisable to prioritize the entry negotiations, while keeping lines of communication to the home front intact in order to prevent the inspection from falling apart under international tensions.

On interests and needs as a problem in negotiation, we should note that a lack of interest by the international community will be a serious hurdle in OSI bargaining. If this problem cannot be overcome by political mobilization by the requesting state, the whole mission will be doomed. Efforts made in the preparatory diplomatic phase are therefore of the utmost importance. It is up to the diplomats, perhaps with some pressure from the OSI professionals, to prepare the ground for successful OSI negotiations. These interactions will be partly bilateral, but probably predominantly multilateral. The more need exists to take action, the better it is for the OSI team, as pressure on the potential host country will mount. On the other hand, if the to-be-inspected party also has a strong interest in keeping

the OSI at bay, the whole process of negotiation will become a nightmare. Here, a weak need to stop the mission is desirable, while a weak push from the international community could result in no inspection at all. The international community's resources play a major factor if an OSI mission is to be implemented. How much power does the international community have over the potential host country? And how powerful is the host? It is clearly much easier to deal with weak states than with strong, so power differences are an important issue, as are the resources that the OSI team has at its disposal: good equipment; good expertise; good people; and good support, etc. One might conclude that needs and resources construct the frame in which the OSI team will have to operate, but if the context is not favourable, the hurdles of border and system cannot be overcome either.

Finally, there are the limitations of incomplete and insufficient rules and regulations, as well as shortage of time. International law is the outcome of international political and diplomatic negotiation processes. Depending on the states' needs, the international community can or cannot lean on a strong system of international agreements. Power comes into play again here. Strong states might have less need for a coherent international multilateral framework than weaker states. This could be a serious problem for the inspection team, as already noted, but it also gives the IT room for manoeuvre, as it can avoid becoming a puppet on a string. Time is a problem by definition. In OSI situations, there is always a lack of time. This runs counter to one of the important lessons of negotiation theory and practice: enough time is of the essence in having an effective negotiation process in order to explore options, forge workable relationships and create an atmosphere of joint problem-solving. There does not appear to be a way to solve this time problem, apart from being well prepared in cases of a suspected nuclear test. Yet being well prepared is difficult as long as the international community as a whole is unwilling to see the CTBT process as a political and security priority and to pay the price for this. On a more positive note, limited time available could also pre-empt efforts to block the OSI mission from starting to do its job. Diplomacy has a tendency to avoid risk, so it might be good to surprise the diplomats and politicians with quick action, as OSI teams will have to speed up in cases of suspected nuclear testing. We may therefore conclude that the absence of strong regulations and ample time is a problem indeed, but can equally be a positive incentive in order to conduct a successful OSI negotiation process.

Training for On-site Inspection Negotiations

Training negotiation skills is best done by interactive means. Inspectors are nominated, selected and trained based primarily on their technical know-how; this usually does not include negotiations' experience. To this end, the CTBTO has developed a range of so-called 'table-top exercises' as a special form of role-play to train inspectors in entry, field and exit negotiation.

Lecturing is of little help in enhancing insights into negotiation processes. Some lectures will have to be given to introduce the field of negotiation theory and practice, the issues and cases to be dealt with, as well as to cover the debriefing of the exercises. The trainer will have to confront both theory and practice; they go hand in hand. Without any theoretical framework, the exercises will lose their significance, and there is currently quite a lot of literature on negotiation. However, these introductions and debriefings can only

be effective if they are undertaken in an interactive way. This is all the more true for the sessions assessing events during the exercises. Through interaction, people will – when in the field – remember what they learnt in class. Lectures often go in one ear and out the other, but experience will be accumulated in the brain and the body. Participants will have to learn about themselves, their own reactions, negotiation skills, style, character and culture. The saying goes that it is more important – and more difficult – to understand your own culture than the culture of others.

This section will look first at theory and research, and will then focus on training methodologies and structure, exercises and simulations, and expectations: what can we expect from training OSI inspectors in negotiation procedures, processes, parties and products?

Theory on negotiation processes poses a few problems for the kind of negotiations with which we are dealing in CTBT OSI. There is a lot of theory on bilateral bargaining, but this is very much focused on private-sector issues. Bargaining between and among states, and moreover in a highly technical and politically sensitive environment, has not been studied widely. Moreover, this kind of research – if it has been done – fits very much in the Anglo-Saxon line of thinking, which could be difficult for inspectors from China, Latin America, Africa or Southern Asia to appreciate. Additionally, we are confronted with the problem of the so-called 'iron circles' – that is, researchers and theoreticians tend to ignore training as an area in which they might test their thinking, while the gap between researchers and practitioners has not effectively been bridged so far. Therefore, in preparing for table-top exercises and the follow-up field missions, the exercise constructors have to draw on their own experiences, expertise and common sense. They have neither many theoretical tools at their proposal, nor much research to underpin their simulations and games. Nevertheless, we can learn something from role-play practices and teaching methodologies.

A table-top exercise (TTE) is essentially a role-play in a geographical and technological context. It is clear that this kind of training could profit from further developments in serious gaming. Computer games for individual training could contribute to the TTE. At the same time, however, the value of direct human interaction cannot be underestimated, especially because of the cultural impact on OSI negotiations. For role-play and simulation, it is essential to package them in an educational context. A game in itself has little value if it is not thoroughly introduced and debriefed. In principle, an exercise should be easy to understand but complex in its process. Although participants have to be framed in a certain context, they should at the same time be their own master in the sense of having the necessary space to use their own expertise and creativity and to be stimulated to do so. Creating awareness could be seen as the main goal of the TTE, taking into account that the 'students' are usually high-level experts who might tend to overlook the human factor in these technical – and in the end political – processes. The system used by the staff of the CTBTO, a broad teaching framework encompassing a range of short exercises, has been proven effective on several occasions and under different circumstances.

In order to train inspectors to deal with procedures in an effective way, the first condition is to have good knowledge of them. Here, neither teaching nor training suffices. The participant will have to study the manuals. This presupposes not only a manual upon which the countries agree, but also a manual that is consistent and, above all, transparent.

As a second step, the training team will have to integrate procedural questions into the workshop and the exercises, while remaining aware that they should not dominate too much, as processes, people and product will have to get enough 'air to breathe'. To navigate processes means training the inspectors in the uncertainties and opportunities of negotiation. A few short exercises to prepare them for the TTE will normally be very useful, such as a short exercise on distributive (win–lose), another on integrative (win–win), a third on mixed (prisoner's dilemma), a fourth on multi-party (the 'Pentagame' or 'Hexagame') and a fifth on bilateral negotiations between delegations (two-level game). On 'managing people', some insight into the inspector's own behaviour will have to be trained through a quiz on the question of the 'effective negotiator' (skills), negotiation style by means of self-assessment exercises (subconscious behaviour), non-verbal leaks by pointing them out on video (unconscious signalling), and culture (societal and professional) by means of group and class discussions. As far as 'product' is concerned, this has to covered in debriefing sessions of the TTEs themselves, where specialists point out the degree of closeness to reality of the agreements reached.

Short exercises of a focused nature will thus have to precede the TTE, geared to gaining a better understanding of specific negotiation characteristics on dimensions such as procedure, process, people and product. These short exercises would ideally have to be 'loaded' with content that is relevant to the inspectors, as the aim is ultimately to make inspectors aware of their own strengths and weaknesses. These one- or two-week interactive seminars are very relevant both for recent and experienced inspectors. Indeed, the higher the level of the participants, the higher the level of the seminar. These programmes can only be run successfully by CTBTO experts, preferably staff who work on the issues on a daily basis and have had an opportunity to train themselves by repeatedly organizing workshops and seminars like these, in combination with outsiders who have a good eye for human behaviour and the intricacies of negotiation. For trainers and organizers, a sound intuition for the political environment of CTBT issues is of great additional value in order to avoid political hiccups, which are the greatest threat to a successful training programme.

CTBTO Table-Top Exercises: What Are They About?

As the CTBT OSI regime was studied and exercised after the establishment of the Preparatory Commission for CTBT, it became clear that negotiations are going to be conducted on a daily basis and on different levels between IT and ISP personnel. This led to the understanding that negotiation is yet another, additional, tool for the inspectors to use during an inspection. Since the primary criterion for selecting experts as members of an inspection team is their scientific expertise, it also became clear that they should be trained in the use of negotiation techniques.

Unlike other organizations that have an ongoing routine inspections' regime including an in-house inspectorate that can be called in for training any time, the CTBT inspection regime does not include such mechanisms. There is thus a need to study and experience the negotiation environment and strategy of the inspection team through exercises (like other inspection parameters). The CTBTO's Provisional Technical Secretariat (PTS) has conducted such exercises and training through the years as table-top exercises conducted

in the office or a field simulation of the inspection process. Integrative Field Exercise IFE08 was the first major OSI exercise during which negotiations between the IT and the ISP were conducted under an almost realistic scenario. The issue of OSI negotiations was studied previously through a scenario-based table-top exercise that was planned to reveal specific negotiation road-blocks that may occur during an OSI.

The difference between TTE and diplomatic role-play (DRP) has to do with the use of maps as a focal point in TTE. TTE comes close to so-called 'geofiction': a simulation exercise in a non-existing geographical framework. The fundamental difference between the two is the reality factor. TTE tries to get as close to reality as possible, but uses a 'fantasy' map in order to avoid political problems. Geofiction does not care too much about reality, as it tries to cater for creativity, not for technical experiments. Nonetheless, technical aspects are most important, as options and alternatives have to be discussed as a possible solution to a stand-off.

In TTEs, the variant of strong opposing views and scarce connecting middle ground is the preferred option, first because it will be close to reality, and second because a test under extremist circumstances will be more useful than a moderate laboratory situation. From the point of view of training, it is also a better opportunity for the trainees to experience and study such cases in a non-field environment in order to avoid other pressures that are part of field life.

A TTE may be conducted over a few days, in which the participants have to study the material provided, 'conduct' simulated activities, view and analyze results, build a good team atmosphere, and write reports and recommendations. Time compression hence needs to be applied to fit inspection days into the exercise time-frame, so each calendar day of the exercise may cover approximately two to three inspection days. This compression poses some practical problems, because administrative activities – such as writing reports – occupies real time that cannot be effectively compressed.

The exercise team members are selected so that the team will mirror the complete IT's composition as much as possible, including the IT's leader and sub-team leaders. The team is provided with a dedicated room containing all of the required facilities, including a network of computers with a station for each sub-team and for the team leadership.

The team conducts its work independently within general time-lines that are determined and controlled by the control team. At the end of each exercise day, a debriefing session is conducted by the control team with all of the participants.

Although the control team is not supposed to interfere with the conduct of the 'inspection' as proposed by the IT, the actual conduct of the exercise is based on a strict timetable with carefully planned injected events, in order to utilize the available time and to accomplish results. Planned time pressure is also imposed on the IT, so that at times it has to end segments of activities within a required time-frame, whether the goals are fully achieved or not. The exercise process is complicated, as the participants have to operate in a compressed time-frame on many occasions. While field activities are not actually conducted, the time for any phase of the inspection is compressed. Time compression is required because of the resources provided for a training activity, although – as already noted – many actions, such as decision-making or report-writing, can hardly be conducted in a reduced time-scale. This creates pressure and requires participants to finish some tasks in an unrealistically short time. For some of the tasks, however, the

allotted time-span can be extended, based on the control team's decision about the importance of the specific inspection stage. The control team supervises the inspection timetable by issuing messages to all participants about the clock and date change to indicate the progress of inspection time.

A scenario-based TTE environment is a safe setting in which the requirements of the field activity can be anticipated and simulated. It is the most effective way, in addition to the actual field exercise, to prepare participants for the OSI process. The scenario of the exercise is aimed at exercising specific or all inspection phases, such as preparation of the initial inspection plan, point-of-entry (POE) procedures, negotiations with the ISP, inspection activities, or report writing.

A main scenario is developed by the control team in two parts: one for the IT; and one for the ISP. The ISP's scenario includes details known only to the ISP, which will influence its conduct and cooperation with the IT. All background official documentation is prepared by the control team and attached to the scenario, including relevant maps. A series of case studies and special tasks are developed to cover all periods and phases of the inspection process to be played during the specific TTE. Special events, such as weather reports, accidents, failures of equipment, etc., and data to represent information collected by the IT are also prepared by the control team and will be injected into the main flow of the TTE at selected occasions.

The daily routine of the exercise, as supervised by the control team, includes presentation of the case-study by the control team to all participants; allocation of time for preparation and study, followed by decision-making and simulated activities; interaction of the IT with the ISP, as required; interaction with the control team; and daily team debriefings.

During all of the case studies, the way of working within the IT is basically the same. During the first preparation round, the IT leadership, supported by its team, tries to identify the main issues/problems of the specific scenario. Possible strategies for negotiations are then discussed, and these strategies are based as much as possible on a 'scientific approach'. During the ongoing negotiations, the IT – as well as the ISP – retires for deliberations whenever it seems necessary. Nominated rapporteurs collect comments during the exercise and summarize them into one IT report. This report is presented and discussed during the final session on the last day of the TTE.

The methods and techniques of the TTEs draw from military experience. Armies conduct such exercises with actual maps and simulated enemy in order to study actual plans for possible future activities without the need to mobilize battalions and regarding areas that are on enemy territory. It is recognized that CTBT OSI activity is in many ways similar to a military manoeuvre, and therefore the idea of using TTEs arose in a natural way. TTEs were also conducted in a bilateral format before the conclusion of the CTBT between the United States and the Soviet Union in order to study modalities and problems with the process.

CTBTO Table-Top Exercises: What Happened and Why?

The first TTE conducted by the CTBTO's PTS occurred in 1999 in order to study the OSI process. More than 40 national experts from ten states that were signatories to the CTBTO participated in this TTE, functioning as either the IT or ISP, and many observers from

other states followed the exercise. The second TTE conducted by the PTS was aimed at studying the functioning of the Operations Support Centre for on-site inspections, with fifteen participants from ten states. These exercises were conducted in the Vienna International Centre.

The third exercise (TTE-3 in 2003) was dedicated to case studies focused on the negotiation processes during an OSI. TTE-3 was based on an overall scenario describing an OSI situation, as triggered by a request from an imaginary state party. The exercise included seven case studies of specific negotiation situations that may occur during an OSI, involving sixteen experts from twelve states, and was hosted by the Russian Federation and conducted in an institute near the town of Snezhinsk in the Urals. The exercise was planned and managed by a control team (CT) that also participated as the ISP team during the exercise. The IT was composed of selected experts nominated by states signatories. Half a day was dedicated for each of the seven case studies, including the role-play and a debriefing session at the end of each case. The balance between the use of OSI technological expertise and negotiation processes under the treaty's provisions was a main objective of the TTE-3. Negotiation and technical skills were exercised and technical solutions were reached by varying negotiation methods. The importance and complementarity of both aspects was highlighted during the exercise. Proficient negotiating was recognized as an important tool that needs appropriate training to support it just as much as other inspection activities.

The special issues of the seven case studies mainly covered problems of access created by limitations imposed by the ISP. The technical details of each case, which were irrelevant to the next case study, were put aside, but the experience and lessons learned about behaviour and the methodology of negotiating access to an ISP were utilized. Together with the evaluators and observers, participants discussed these lessons immediately after each case study.

The conspicuous use of such immediate lessons was evident already after the first case study, which was an example of a strong positional negotiation style based on the decision of the nominated team leader. The negotiation process became confrontational at some points and caused a change in the participants' behaviour into more cooperative conduct for later case studies.

The case included managing access by the ISP to a military training area, especially to the boundaries of a restricted access site (RAS). As time is of the essence for some inspection technologies, especially for seismic measurements, and referring to its rights provided by the CTBT, the IT tried to gain access to at least the boundaries of the RAS earlier than the planned end of the military exercise as declared by the ISP. The ISP's minimum suggestions of two escorted IT members to visit the RAS boundary and the explanation that full access would be granted at a later time were refused by the IT as unsatisfactory. The IT's leadership for this case nominated two members of the IT as legal advisers, who conducted intricate legal discussions on treaty provisions with the ISP. After long, and occasionally very confrontational, negotiations between the IT and the ISP, no agreement was reached; nor was access to the RAS boundaries concluded.

The second case study dealt with over-flight issues. The over-flight, which is a CTBT obligatory activity, introduced the problematic of transparency. Whereas the IT's wish is to view quickly most of the inspection area by sending a visual inspection team on an aircraft, the ISP has its reservations about viewing some areas that are not relevant and

where a major military exercise is being conducted. This was a good example of how integrative negotiations – combined with technical skills, as well as readiness by the IT and the ISP to accept 'out of the box' solutions to overcome limitations exceeding CTBT regulations – can create a 'win–win' situation. The negotiation process was accomplished by breaking up the problem into smaller issues and starting with the easiest problem, before continuing with more complicated problems. At the same time, building mutual confidence showed that this approach gives the best results.

Another case study dealt with a secret construction site that is not related to a possible nuclear explosion site, but the IT cannot clarify this fact without some sort of access being allowed.

Yet another case covered gaining entry to uranium mines that happen to be inside the inspection area as defined by the mandate of the inspection team. These mines belong to a private company, so there is a legal lengthy procedure that the ISP needs to conduct even in cases when it wants to help the inspectors to enter the mine for inspection; for the IT, any delay may look, of course, like an effort by the ISP to hide or cover up illicit activity. This case illustrated that even with the most willing ISP, inspection activities may be restricted because of health and safety concerns, or long legal procedures to allow inspection activities conducted on private property. In a logical continuation of previous case studies, the IT again divided the overall negotiation package into a set of sub-packages, which were negotiated in a logical order or at the time when a specific situation arose. Some unusual technical proposals were also made leading to agreement on modalities for continuing the inspection.

As the exercises proceeded, the participants learned the importance of avoiding confrontational situations and the value of break-out discussions by experts on a specific technical issue, or by the two team leaders on their own, without their full team's participation. The lessons learned from the case studies illustrated that, in order to achieve the best results from an inspection, the IT has to conduct negotiations in a clear, focused, positive and friendly manner in order to enhance cooperation and may shrewdly utilize 'external pressure', for example by reporting to the Director-General at headquarters, when required. The first case study's failure made it clear that the IT should minimize legalistic debates over interpretations of the treaty's text, and recitation of the other party's duties, etc. Discussions that are focused on technical and operational issues are more likely to be resolved to the IT's satisfaction. The overarching lessons learned from TTE-3 illustrate that the IT depends very much on the cooperation of the ISP, because the ISP has ultimate control over what the IT may or may not do.

The CTBTO's next TTE, with 21 participants from 21 states, was conducted in Vienna and was focused on a specific phase of the inspection, namely the transition from the initial to continuation period. This phase demands negotiations that are both internal to the IT and external with the ISP.

A special exercise was conducted as part of the training cycle for the experts due to participate in the major OSI exercise that was conducted in September 2008 (IFE08, as mentioned earlier). This TTE covered the entire inspection process and was preceded by training on soft skills such as negotiations, team-building and decision-making, in which 24 participants from fifteen states and the PTS participated. After a training session on leadership and negotiation aspects, they participated in a four-day TTE that covered the

full inspection process (IC-15, from 14–17 October 2008). The 24 trainees were divided into two inspection teams, which played the same scenario specially designed for this exercise. The ISP role was played by the same experts for the two ITs. Results at each step were compared during a joint daily debriefing. It was interesting to see how the working methods and atmosphere were different in the two teams, based on the team leader's personality and experience, and on the personal composition of each team. Nonetheless, the final results of the TTEs were very similar for the two teams.

TTEs are being used routinely as part of the OSI regime that has been developed by the CTBTO and also as part of different training activities conducted by the organization. The TTE-3 in the Urals included a few cases simulating OSI negotiations, and more TTEs have been conducted since then as part of the development of the CTBT's OSI regime and the CTBTO's training process. A special TTE was also conducted outside of the CTBTO in a very special setting.

In order to embark on a book on CTBT(O) negotiations, the PIN program of the International Institute for Applied Systems Analysis (IIASA) organized a conference in June 2009 in Laxenburg, Austria, to discuss different contributions to the proposed book (Melamud, Meerts and Zartman, 2013). In order to give the participants to the conference a good idea of the CTBTO problematique on the ground, the authors of the particular chapter on OSI (Meerts and Melamud 2013) presented their classic TTE to their colleagues and organized it with them. This was a special moment in the conference, when all of the participants were suddenly drawn into the subject through interaction, and also helped to create an even more cooperative atmosphere.

The conference members were divided into two delegations: one representing the IT; the other the ISP. Instructions were given to both the teams, as well as to the individual members of the delegations. Both parties had a team leader plus a number of 'experts', while the chapter's authors acted as game masters and observers. After 45 minutes of preparations (or rather, internal negotiations), in which heated internal debates took place, notably in the IT, external negotiations lasted for another 45 minutes, followed by 45 minutes debriefing and discussions. In the middle part – the actual negotiation process – the two teams of twelve people each declared their positions and demands, and exchanged arguments and exhibits. This bilateral process of negotiation could be characterized as quite distributive, like haggling at the marketplace, although using diplomatic terminology.

It was a polarized and tense exchange of views, which could even be described as emotional: an IT that was short of time; and an ISP buying time. The heads of delegation were chosen by the game masters in view of their experience and knowledge. It was expected that both would have enough of a 'helicopter view' to produce a realistic and interesting process, and so they did. Ambassador Jaap Ramaker from the Netherlands, who had been the last chair of the CTBT negotiations in Geneva from 1993–1996, headed the ISP team, and Rebecca Johnson of the United Kingdom, Director of the Acronym Institute for Disarmament Diplomacy, opposed him as head of delegation of the CTBTO's IT – two different temperaments with equal subject knowledge and negotiation skills. A very intriguing – and probably extremely realistic – process unfolded, which was a learning experience for the participants, observers and the game masters.

Although the teams were asked to avoid procedural discussions and to focus on the subject matter as much as possible, more than half of the negotiation time was lost because of a prolonged procedural struggle. A 'fight' over the explanation and interpretation of things that were or were not allowed during the upcoming inspection period dominated the first half of the negotiation and bedevilled the second half. This was not coincidental; everybody recognized it as a strategy used by the ISP, and the flow of the bargaining process clearly showed that it was extremely difficult for the IT to break through the ISP's defences. The rules and regulations of the CTBTO and its Manual – which is still under consideration in reality – clearly give the high ground to the state to be inspected. It is thus quite easy for the ISP to use procedural issues to postpone discussions on content.

This avoidance strategy provoked escalation, which did not really foster an integrative bargaining process. While the ISP had a pulling strategy from the start, the IT had – because of its time problem – no choice but to implement a pushing approach. In this situation, it was more difficult for the 'offensive' party to stay balanced than for the 'defensive' party. Positional bargaining characterized the process, although some useful integrative aspects were inserted into the second half of the interaction by a group of experts of both parties, which had reached agreement on a few important issues during their break-out session. Being experts, so not being too bothered by the political process enfolding between the two teams, it was not too difficult to bridge some rifts. Obviously, the back-channel negotiations did not suffer from the loss-of-face problems with which the delegations in the 'plenary' session noted above were confronted. However, these positive results forged by the expert group could not (yet) turn the negotiation process into a problem-solving process. Slowly but surely, the issue-specific power of the IT shifted to the ISP, with no substantial results at the end of the bargaining process.

The lesson from this section is therefore that the CTBTO's rules and regulations do not – at least not in the context of this TTE – allow for enough space for the inspection team to have a successful negotiation on on-site inspection with the inspected state party.

MULTILATERAL LESSONS FOR PRACTICE

Post-agreement negotiation was extensively dealt with in the book *Getting it Done*, edited by Bertram Spector and William Zartman (Spector and Zartman, 2003), which provides us with interesting lessons for theory and practice, foremost on stability. With this book in mind, a simulation was created to test the impact of process, stages and stakeholders, as three of the five stability factors mentioned in the book (Spector, 2003: 272–292). The occasion for this simulation was the tenth anniversary of the creation of the OPCW, the Organization for the Prohibition of Chemical Weapons (Krutzsch and Trapp, 1999; Yepes-Enríquez and Tabassi, 2002; Kenyon and Feakes, 2007). The Nobel Peace Prize 2013 was awarded to the OPCW for its work on the monitoring and destruction

This section on 'Multilateral Lessons' is based on Meerts (2007), with the support of Wilbur Perlot.

of chemical weapons. Its role in the Syrian crisis can be seen as a catalyst for this decision by the Norwegian Nobel Committee. At this anniversary conference, 70 chemical weapons experts – participants in the jubilee academic conference, whether diplomats or scientists – played a tailor-made, future-oriented, negotiation exercise to raise awareness about the impact of multilateral negotiation processes. In addition, the game served to speculate on likely outcomes of such processes in the coming five years on the basis of carefully designed realistic scenarios.

The game, like reality, reflected the struggle among nations in defence of their national interests, striving to create the common good of the collective interest as they go along. The exercise functioned as a vehicle to deal with global political complexity on a security issue of utmost concern to the world as a whole. Participants, diplomats and academic experts in the field bargained in five parallel workshops, where they represented six OPCW member states, one from each continent: the United States of America; Brazil; South Africa; China; Russia; and France. These countries were selected on the basis of their regional distribution and their relevance to the OPCW. They can also be perceived as representing the position of other states, which could not participate in the exercise as more than six parties creates unsolvable complexity and thereby destroys the game. The topics to be discussed were seen among experts as relevant to the OPCW in the coming decade. Just as in reality, national and collective interests had to be balanced within the framework of an already existing regime, based on a legal framework.

The negotiations were based on a fact-sheet consisting of twenty contentious sentences of a single diplomatic text. In theory, these were the bracketed parts of a simulated single text. Parentheses were shown, and agreed text was left out. Participants had to decide whether a sentence would be included in the text (see Table 1 below). Each sentence was connected to value points, which indicated the priority of that part of the diplomatic text to the state represented in the table. The scores therefore naturally differ per country, while the texts are identical for all delegations. The game is, of course, an abstraction: first, because there are many other countries with many different opinions; and second, because the positions of countries in certain discussions have to be estimated and this is not necessarily in line with reality. Input by OPCW experts over a six-month period did, however, guarantee that substance came as close to reality as playable.

Substance

The following issues were under discussion:

- Destruction of chemical weapons after 2012: According to the Chemical Weapons Convention (CWC), all chemical weapons declared by the states parties have to be destroyed no later than ten years after the CWC came into force – that is, by 29 April 2007. The deadline can be extended by a maximum of five years, but there are no provisions for any further extension. The OPCW will have to find a solution if, as is likely, chemical weapons' destruction by some states parties will not be completed by 29 April 2012, in the absence of a clear-cut prescription in the CWC. Decisions need to be taken on a possible role for the UN, the setting of a new deadline, permanent inspection of the remaining storage facilities and subsidies for the destruction of chemical weapons by CWC states parties.

- Universality, international cooperation and assistance: Universal adherence is a core principle of the CWC. Experience from an OPCW Action Plan to promote universality has shown that some states face political and technical hurdles (such as enacting legislation and establishing a national authority) before they can pass ratification/accession through their parliament. The CWC also contains mechanisms to attract states to join it, including promises for enhanced international cooperation in such areas as chemical defence or other peaceful uses of chemistry. On the other hand, it makes regulations/restrictions for exports of scheduled chemicals to non-parties. The OPCW planned to decide on trade sanctions regarding exports of Schedule 3 chemicals to non-CWC parties, but it was not agreed upon. Decisions need to be made on sentences dealing with stopping exports of Schedule 3 chemicals to countries that did not ratify the CWC, which should be offered assistance for capacity-building, and states parties should have access to protective equipment and technology, and a High Commissioner for Universality should be appointed.
- Industry: The focus of OPCW inspections has so far been on chemical weapons' destruction (75 per cent of inspection resources). As chemical weapons' destruction progresses, more attention is being paid to industry inspections. The following categorization of chemicals plays an important role: Schedule 1 includes high-risk chemicals with very few legitimate uses. There are restrictions on production, uses and trade, and there is systematic verification; Schedule 2 are medium-risk chemicals, for which there is modest industrial production, with regular on-site inspections; and Schedule 3 are low-risk chemicals, basic industrial products with many applications and large production volumes, for which there are random inspections.
  In addition, chemical plants producing certain organics (so-called 'other chemical production facilities' – OCPFs) are covered under a random inspection scheme, because some of them (perhaps 10 per cent) can be used for the production of scheduled chemicals. The CWC uses a number of concepts for the selection of chemical plant sites for inspection, including unpredictability, risk to the CWC, equitable geographical distribution, and – for OCPFs – also information available to the Technical Secretariat and proposals by states parties (based on principles yet to be agreed upon). Decisions have to be made on the number of inspections, geographical spread of the inspections and possible sanctions against companies that refuse to be inspected. It is also possible to decide that no changes are needed.
- Challenge Inspections: Challenge inspections (CI) are a CWC mechanism to resolve concerns about non-compliance. A CI can be requested by a state party anywhere on the territory of another state party (irrespective of whether the location was declared, undeclared, military, civilian, or secret), at any time, on short notice, and there is no right of refusal. The Executive Council can block a CI, but only if the request is frivolous, abusive, or outside the scope of the CWC. The ISP is under an obligation to provide access to the challenged facility; it can manage access in order to protect secrets that are unrelated to chemical weapons. CIs have not yet been invoked and states parties instead use bilateral mechanisms to clarify non-compliance concerns. Decisions need to be taken on making CIs a regular feature starting this year, on the evidence needed to ask for a CI, and whether or not CIs are a measure of last resort. It can also be decided that CIs will not be mentioned in the final text.

- Organizational Issues: The CWC requires states parties to implement a range of measures in support of CWC implementation (national authority, legislation and regulations, standing arrangements for inspections including two-year multiple-entry visas, and declarations on a range of matters). There have been severe delays by some states parties in implementing these measures. At the same time, some states parties have been slow in reaching out to their industrial, scientific and technical communities to explain the CWC's requirements. Decisions need to be taken on possible sanctions against state parties not granting two-year standing visas for inspectors, publication of a CWC summary, nor publishing codes of conduct. Also in this section, it is possible to conclude that no changes are needed.

Rules of the game

Words and points were fixed, but they could be traded and interpreted. As perceptions were different, based as they were on country instructions and individual assessments, competition and cooperation ensued, and their collision created different negotiated realities. Some sentences were mutually exclusive – for example, how can 'Challenge Inspections must become a regular feature starting this year already' logically speaking go together with 'Challenge Inspections should not be mentioned in our final single text'? Some other sentences could clearly be combined in packages. However, the hottest discussions in the negotiations were on issues where some parties were of the opinion that combinations could be made, while others contended that it was not in their interest to have these trade-offs. As we will see later, this resulted in different outcomes in different groups. All of the delegations representing the same country in different negotiation forums (multiple OPCWs, so to say), sometimes represented by one and sometimes represented by two negotiators, had identical instructions. However, as the people were different in character and skills, and as the chemistry in each sham 'OPCW' varied, these multilateral negotiation processes produced different outcomes.

The value points formed the participants' mandate (see Table 1). Participants could only see their own mandate and not the mandate of the other countries. We can now easily see that for the United States, 'OPCW will appoint a High Commissioner for Universality' is more important than for China, but the actors in the simulation had to find out by using arguments. Mentioning the points, or showing them, was in principle not allowed. The only exception was the chairman, who knew every mandate. This also reflects reality, in which the chair prepares the meeting thoroughly and discusses the different topics with the delegations. Values ranged from 40 points plus to 40 points minus, an indication of the importance of certain sentences. The United States, Russia and China could earn and lose more points than Brazil, South Africa and France, since they have more at stake. Not all of the countries are equal, and the points give a more or less realistic picture of the positions of countries, although of course in an extremely simplistic manner.

Table 1 Total Matrix and Optimal Solution

Optimal solution	USA	Russia	China	South Africa	Brazil	France	OPCW
DESTRUCTION OF CHEMICAL WEAPONS AFTER 2012							
Should be considered by the UN if not completed by 2012	**25**	**20**	**15**	**-5**	**-5**	**20**	**70**
Destruction will still be possible until 2017	**40**	**20**	**-15**	**-5**	**-5**	**10**	**45**
Only with permanent inspection team presence at all remaining chemical weapons storage facilities (CWSFs)	-30	-30	5	20	10	0	-25
CWC states parties will subsidize the destruction of chemical weapons where needed	**15**	**40**	**15**	**-5**	**15**	**10**	**90**
UNIVERSALITY, INTERNATIONAL CO-OPERATION AND ASSISTANCE							
Countries that did not ratify will not receive schedule-3 chemicals anymore	-30	5	5	-20	0	10	-30
Countries that did not ratify should be offered assistance for capacity-building	**20**	**10**	**10**	**30**	**20**	**15**	**105**
State parties will have full access to chemical weapons' protective equipment and technology	**5**	**15**	**20**	**30**	**20**	**5**	**95**
OPWC will appoint a High Commissioner for Universality	**30**	**10**	**0**	**-10**	**10**	**20**	**60**
INDUSTRY							
The number of on-site inspections of chemical industries will be doubled	30	-10	-15	-25	-10	5	-25
Inspections of chemical industries are to be spread evenly over all member states	20	10	-20	-30	-20	5	-35
Refusal to be inspected will be followed by sanctions against companies	25	-15	-25	-30	-15	0	-60
No changes are needed	**-10**	**10**	**10**	**10**	**5**	**15**	**40**
CHALLENGE INSPECTIONS							
Challenge inspections must become a regular feature starting this year already	10	-25	-30	-40	0	30	-55
Challenge inspections are only allowed if there is enough evidence at hand	**-20**	**5**	**25**	**25**	**15**	**-20**	**30**
Challenge inspections are a last resort only to be applied in extreme cases	**-5**	**15**	**25**	**25**	**15**	**-10**	**65**
Challenge inspections should not be mentioned in our final single text	-30	10	-10	25	0	-40	-45
OPCW ORGANIZATIONAL ISSUES							
Sanctions should be imposed against state parties not granting two-year standing visas for inspectors	10	-10	-30	-40	-10	0	-80
Parties should widely publish a CWC summary in chemical labs and industry	**40**	**20**	**10**	**-5**	**0**	**10**	**75**
Parties should publish model codes of professional conduct to ensure compliance with CWC	**40**	**0**	**5**	**0**	**0**	**15**	**60**
No changes are needed	-30	-10	0	20	20	-25	-25
TOTAL	**180**	**165**	**120**	**90**	**90**	**90**	**735**

As already mentioned, participants had to negotiate the future of the OPCW on the basis of their different instructions. They were free to accept any outcome as long as it was within their mandate, meaning that overall they had to score zero points or more. After all, successful international negotiations can be described as a process in which the sum at the end should be greater than the parts. In other words, by fighting over national interests, the international result is created. The harder the fight, the less likely it becomes that the multilateral interest will be the winner. In the OPCW game, the result for the organization is calculated by the sum of the total of each country at the end of the game. Table 1 shows the optimal solution, the best result for the OPCW, but as we will see later, only one of the five groups playing the game reached this optimal solution. In the optimal solution, a total of eleven decisions are taken (marked in bold in the table above).

Perception determines reality. How participants deal with their own mandate is one thing, but how they perceive the other's mandate is quite another. It is difficult to be satisfied with one's own result if others seem to gain more, and of course the other way around. Concessions are easier to make when the feeling exists that everyone have to make painful choices. Sensitivity for the signals of other players can influence the flow of the game immensely, both positively and negatively. On the one hand, 'winning' becomes easier; on the other hand, the signals might distract from what really matters, one's own outcome and that of the OPCW. It is possible that in the given time of 90 minutes of actual negotiations, no outcome is possible in the game, not because anyone was actually below zero, but because of a feeling of relative deprivation. In the case of the OPCW, every group had an outcome, but the struggle between the different countries was clearly not the same for each group, as we will see later.

Processes and Outcomes

The five groups were negotiating in different spaces, which were parallel and independent from each other. In group II, the chairman asked every country to state their position within the category 'Destruction of Chemical Weapons after 2012'. Starting the round with South Africa, delegations varied little. South Africa and Russia, for example, only mentioned two of the four sentences explicitly. Russia said nothing about 'only with permanent inspection team presence at all remaining chemical weapons storage facilities', which was very important to them, considering the minus 30 in their mandate. The full position of Russia on this sentence did not become clear until the very last moment, allowing the United States to do the work of keeping the sentence out of the declaration.

In later rounds, the participants' openness increased. The cards came out onto the table, and possibilities for consensus became visible. This was further enhanced by an excellent chairman, who in his summaries after every round only focused on positive statements. He closed discussion on certain sentences, avoiding a situation in which all is decided when everything is decided, or an all-or-nothing discussion. Although in theory it is possible for a country to come back on a single decision before the negotiations are closed, in reality this is difficult to do without losing a great amount of respect and prestige.

The atmosphere during the negotiations in group I was constructive. There was no conflict between the United States, China and Russia. This may have been caused by the

fact that the United States seemed distracted, and lacked a clear strategy. Russia and China had the impression that they were doing quite well in the negotiations and strong statements were not necessary. Whether deliberate or not, at the end of the game the Americans had everything perfectly under control. By scoring 180 points, they not only had the second best result of the five USAs, but the group as a whole had reached the optimal solution. The results for the OPCW were at its maximum with 735 points. The results of all the different groups can be seen in Table 2 below.

Table 2 Results of the Different Groups

Group	USA	Russia	China	South Africa	Brazil	France	OPCW	Number of decisions
I	140	145	135	95	95	80	690	**10**
II	180	165	120	90	90	90	735	**11**
III	160	140	110	70	80	100	660	**9**
IV	230	165	85	35	60	100	675	**13**
V	145	130	80	80	70	70	575	**8**

Group I took one decision less than the optimal solution. It could not come to an agreement on 'destruction will still be possible until 2017'. Group III could also not reach consensus on this sentence and also excluded from the text 'challenge inspections are only allowed if there is enough evidence at hand'. Group V took the fewest decisions and got the worst result for the OPCW as a whole. In comparison to the optimal solution, group V could not reach consensus on 'should be considered by the UN if not completed for 2012', 'the OPCW will appoint a High Commissioner for Universality' and 'challenge inspections are only allowed when there is enough evidence at hand'. Finally, group IV took two decisions more than the optimal. It made the eleven decisions, as identified, but also included from the category Industry that 'the number of on-site inspections of chemical industries will be doubled' and 'inspections of chemical industries are to be spread evenly over all member states'. It did this while also concluding 'no changes are necessary' in the same category.

The differences between the groups are striking. The amount of time was the same for each group, as well as preparation time. The groups were similar in composition, showing a balance in diplomats and scientists. There was still, however, a difference of 90 points between the United States in group I and the United States in group IV. The same groups also saw the strongest difference between South Africa (95 and 35 respectively), China (135 and 85 respectively) and Brazil (95 and 60 respectively). From this, it is easy to conclude that the United States was very dominant in group IV. A participant from group IV commented that 'the US was really absorbed in their role and was very strong'. It might also be concluded that South Africa was relatively weak in this group. At some point, the group was even below 0, and only by taking out 'challenge inspections must become a regular feature' did they reach 35 points.

Group IV took thirteen decisions and actually took two decisions that were illogical in the eyes of the makers of the game. This is by no means a bad thing. Many multilateral negotiations end with a declaration that has somewhat contradictory sentences. That this is not a good thing for the OPCW is reflected in the points, which are lower than the optimal solution. What is more interesting is why this happened, since it was not necessary

for participants to get a result above 0. In fact, it pushed China, South Africa and Brazil much lower, Russia remained the same, France was marginally better off, leaving only the United States as the real benefactor and probably also as propagator.

In group V it is remarkable that only eight decisions were taken. Here it seems that South Africa was strong. As the only country opposing a High Commissioner, it was also the only country to profit from the decision, but the group should have exchanged it with the sentence about evidence on challenge inspections. Everybody would then have been better off. That such an exchange was not made, perhaps because of time pressure, shows that decisions are not always rational, or perhaps it is better to call it bounded rationality and rational ignorance (Van der Linde 2005: 244). On the basis of the information to the negotiators, the participants made the most rational decision available to them, just as in reality, people judge on the basis of personality, culture, perceptions and group process whether they can be satisfied by a certain outcome.

The role of the chairman is of great importance. Not surprisingly, the chairman of group II (which had the optimal solution) said that it had been rather pleasant for him. The chairman of group V, meanwhile, said that group V first did the 'easy ones' and then the 'difficult ones', which might explain why the trade-off between sentences was difficult to do.

Comparable Games

In recent years, some more of these number-games have been developed. One authentic one simulated a European Union Council Working Group trying to reach consensus on six issues concerning an external crisis in the Mediterranean (Meerts, 2009d: 656–657 and 661–662). Participants who see six boxes, each of five issues, perceive six possible outcomes: one in each box. Those who think outside the box, however, will find nine to twelve possible decisions. The greater the number of in-between outcomes, the better the individual scores of the countries, as well as the collective score of the European Union. By negotiating individual interests, the countries are deciding upon the collective value of the European Union. In this so-called 'Pentagame', the five delegations drafting a single 'text' were France, Germany, Spain, the United Kingdom and Sweden, with Sweden as the spoiler in a clearly biased situation, as different countries had different stakes and could therefore expect very different individual results – unequal but fair. In other words, an equal outcome would not be the most effective result for the European Union as a whole. As the countries' stakes are different, so should be their rewards. As a six-country modification, this version was used to prepare British and Finnish diplomats and civil servants for the EU rotating Presidencies of their respective countries. Variants were also created in which this problem was dealt with in the context of the United Nations Security Council, with the actors being China, France, the Russian Federation, the United Kingdom and the United States. In the NATO Defence College, a complete make-over was created by having six countries negotiate on a crisis in the fictitious island of Janubia, while simplified versions with fewer actors and fewer issues were also made available.

In order to train Iranian diplomats at the School of International Relations (SIR) of the Iranian Ministry of Foreign Affairs, a variation on the Caspian Sea was initiated, in which the Caspian's five littoral states were haggling on five issues ranging from the legal states

of this sea/lake to energy, pollution, security and shipping. A total of 60 young attachés played the game in six parallel groups, with two people per delegation. One interesting outcome was that those who saw that Iran's interests were met by others' concessions at a later stage of the game created good outcomes for the Islamic Republic of Iran. Those who did not see the trade-offs and were stubborn in serious negotiations at the beginning of the exercise did not score well for their country. Here, the Iranian diplomats playing the Russians, Kazakhs, Azerbaijanis and Turkmen did better than those representing Iran. The lesson was thus that if Iran waits too long before stepping into the Caspian (Khazar Sea) negotiations, the Russians will get their former republics on their side, thereby isolating Iran. This came very close to reality. As a negotiation is to give something in order to get something, concessions will have to be made in order to enhance profits. If no conceding takes place, no rewards can be expected, and a potential win–win negotiation will then turn into a win–lose.

More recently, versions for Kosovo and Afghanistan were developed. These are really zero-sum games, in which reaching consensus is almost impossible. As a way out in the Kosovo game, you could also try to get the United States, the European Union and Russia to reach agreement, and then try to force Serbia and Kosovo into the solution. In the case of the Kosovo game, which was played in Amsterdam by participants from the general public, people became really angry at some of their opponents. Emotions flared up. The contrary happened to a group of experts from the OSCE in Stadt Schlaining in Austria. Although Serbs and Kosovars were participants in the course, they dealt with the exercise in a very professional way, looking for the best options on the basis of their estimated national interests. In the Afghanistan version, meanwhile, two women playing the Taliban suddenly stood up from the table because it was prayer time. They asked their brothers from Pakistan to join them. A few minutes later they were negotiating together in a bilateral side-meeting, leaving the other participants flabbergasted and increasingly angry. The EU asked the US, which had just become chairman, to discuss with the Taliban that this was not a proper way to act during negotiations. At least 30 minutes later, with roughly half of the game time left, the atmosphere was ruined, really ruined. The US and the EU on the one hand and the Taliban on the other were actually making covert negative remarks about one another in every other sentence. No agreement was reached in the end. A revised version of the game, which was played as a test by the Senlis Council in Paris and performed in an international conference in Canada a few weeks later, ran much more smoothly and produced realistic outcomes of a possible peaceful process for dealing with Afghanistan's future.

In Conclusion

This chapter dealt with simulated processes as a tool in analyzing diplomatic negotiation processes. Simulations, if well prepared and well implemented, will create a context allowing negotiation processes to be as realistic as possible, thereby allowing negotiation research to get a better understanding of behaviour and process in cases where observing real diplomatic negotiation will not be possible. Diplomats and international civil servants tend to work in secrecy, as this will allow them to reach outcomes unhindered – perhaps – by

their own mandates, their parliament, the media, public opinion, and of course by actors excluded from the negotiation process, such as negotiators for other countries.

This chapter first dealt with the chairperson as an important player in real-life and simulated inter-state negotiation processes. The chairperson has to balance needs, observe different phases in the process, understand and influence the people, and use the procedures in an effective way. If negotiation is about giving something in order to get something, chairing is to navigate somewhere to get somewhere. To what extent the chairperson has to be neutral is an open question, which is perhaps also influenced by cultural perception. In one of the discussions in preparation for the UK rotating Presidency, the participants declared that in their opinion a chairperson had to be fair – whatever that implies – while the trainer, being Dutch, thought of effective chairpersons as being 'neutral'.

Second, this chapter analyzed simulated bilateral negotiation processes that are relevant for controlling – illegal – nuclear tests. The chapter describes and discusses so-called table-top exercises (TTE). The objectives of all these TTEs were twofold: one is training staff through experience in a simulated environment; and the other is study and development of the methodology of conduct of an inspection. The TTEs were therefore planned to include situations that may arise during an inspection, to be tackled by the multinational group of expert participants trying to find how the situation can be solved. Various negotiation styles and techniques should be presented and exercised during a TTE. Special cases developed for training can cover specific issues such as connectedness between factors, human interaction in a multicultural environment, the use of specialized equipment, and the geographical environment.

Lessons were identified to be learned and implemented in the training programme for inspectors. This procedure is especially important for the CTBTO, since its verification regime does not include routine inspections and exercises are the only way to advance understanding of procedures and the training of inspectors. Although other verification regimes have routine inspections through which they may accomplish the two objectives mentioned above, these characteristics of a TTE also make it useful in other international organizations that can use such exercises for the same objectives. This may be true for the OPCW, the International Atomic Energy Agency (IAEA), or the fight against terrorism, etc. Trainees may be confronted with specific situations that are important for their training, in a simulated environment instead of sending them unprepared to inspections. This method can replace a number of lectures that describe such situations.

This experience illustrated clearly that the simulation's control team should not always expect the specific development of a case study. It became obvious that the scenario of case studies leaves enough space for the inspection team to come up with different ways for proceeding than the control team has envisaged. It was accepted that it is good to leave such latitude for the inspection team and not to limit its flexibility. Such a programme requires the control team to be composed of experts in the different OSI technologies, who need to be alert and ready to improvise based on the basic scenario as needed. Using TTEs helps participants to understand the intricacies of negotiations on the ground, while it opens opportunities for research in understanding which scenarios might develop in a given situation, thereby supporting the preparation of actual field negotiations. TTEs deepen the understanding of a negotiation process that has not yet happened in reality,

as the CTBT is not yet operational, nor will it be operational in the short term, while powers such as the United States, China, Iran and Israel refuse to ratify it and while the international climate for ratification is deteriorating. Simulation has to replace reality for the time being.

In the third section, a simulation of multilateral negotiation processes on the control and destruction of chemical weapons tried to draw lessons for future negotiations on these issues. The experiences with the OPCW and other comparable international Hexa- and Pentagames show that people matter, even if they are firmly boxed into a stringent regime in which interests are the dominant factor. Although negotiators were framed in the same context of fixed substance and fixed priorities, their individual differences produced substantially different outcomes. These different results were the consequence of their ability to be creative, to have different perceptions and therefore assessments.

These, in turn, were based on differences in character, style, expertise, assertiveness and perhaps culture. Interpretation of the text made the difference. Apart from individual human drives, there is also some form of chemistry in the group negotiation, as well as the factor of the president's ability to do a good job. The outcomes of the OPCW exercises reflect this impact of the individual negotiator and group dynamics. They show the interrelationship between the number of decisions and the level of the scores. Yet this connection is not perfect: outcomes depend on differences in packaging and some trade-offs will not be as effective as others. The factor of value creation is therefore as important as the number of policy decisions made.

However, is it possible to conclude the most likely outcomes of OPCW negotiations in the coming five years, within the grid of subjects and country positions created by the authors of the 'Hexagame' and choices made by the participants in the five negotiation groups? This has indeed been the case. If we take the subjects that all five groups in the OPCW simulation exercise wanted to integrate into the fictitious negotiated text – that is, the overall consensus –we can conclude that the following decisions can be expected to be taken in reality:

1. CWC state parties will subsidize the destruction of chemical weapons where needed;
2. Countries that did not ratify the CWC should be offered assistance for capacity-building;
3. State parties will have full access to chemical weapons protective equipment and technology;
4. No changes are needed concerning on-site inspections of chemical industries;
5. Challenge inspections will be a last resort, only to be applied in extreme cases;
6. Parties are advised to publish widely a CWC summary in chemical labs and industry;
7. Parties are advised to publish model codes of professional conduct to ensure compliance.

Finally, two more decisions might be expected, although they are less likely to be taken as we have consensus-minus-one between the groups: the UN should become involved if the destruction of chemical weapons was not completed in 2012; and the OPCW will appoint a High Commissioner for Universality. It is less likely, however, that the OPCW will accept destruction of chemical weapons after 2017, and it will implement challenge inspections only in cases where enough evidence for illegal activities is at hand, as only three of the five pretend OPCWs reached consensus on these two issues.

As far as the contribution to stability is concerned, in the sense of process (stages) and stakeholders as factors assuring implementation of the Chemical Weapons Convention, it was found that they indeed worked as a stabilizing factor. The process, as designed, forced parties to acknowledge the questions on the agenda. The stages in this process– exploring, parking and deciding – helped to push things forward. The stakeholders, meanwhile, were forced to address the issues on the table, resulting in a number of decisions for implementation, as described above. However, the process also provided an opportunity for procrastination. The stages could be used to slow down progress by focusing as much as possible on exploration and parking, thus leaving ample time for decision-making. The stakeholders moreover had the means – consensus was the rule – to frustrate the outcomes that they did not like.

Although outcomes were indeed produced, they could not be regarded as being very substantial. The chemical weapons negotiations, as embedded and institutionalized in the OPCW, are indeed highly stabilized by process, stages and stakeholders, but to the extent that they slow down decision-making and tend to freeze it. Stability seems to foster stagnation in this respect. Negotiations take place, but at a pace endangering the effectiveness of the CWC's implementation. In that sense, the OPCW is both an opportunity and an obstacle to banning chemical weapons from the world. Yet the organization at least provides us with the tools to contain the dangers of chemical warfare and terrorism as much as politically possible. The Syrian case has recently shown us the importance of the OPCW in protecting civilians against the use of poisonous weapons. The Syrian crisis that started in 2011 and the Syrian government's compliance with the international treaties highlighted the political relevance of the OPCW and brought it out of the shadows in which it has been hovering for several years.

The exercise, as discussed in this chapter, is yet another instrument in simulating a diplomatic negotiation process and enhancing insight of its flow, helping negotiators to prepare for future negotiations by getting a better understanding of possible scenarios and the way to manage them. As in the case of the CTBT exercise, the simulated negotiation foreshadows reality.