

5 The role of civil society in negotiating the CTBT

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Introduction

The role of civil society in disarmament and security processes is generally underestimated.¹ Non-governmental organizations (NGOs) may sometimes be credited with turning public concern into political pressure to coax governments to the negotiating table, but there is less recognition of the role that civil society actors play in influencing the actual conduct and outcome of negotiations on arms control and security treaties.² Since the majority of analyses of negotiations and prenegotiations focus on institutional processes and bargaining, they miss or downplay a crucial component: the role played by independent experts and non-governmental actors in resetting agendas and priorities, reframing objectives, issues, and norms, and coordinating strategies to augment the negotiating effectiveness (and the issue-based power) of parties with less aggregate political or military power.

The mobilizing of public opinion to capture the attention of political decision-makers is increasingly recognized, though often underplayed. The partnership between humanitarian organizations and governments in bringing about the 1997 Mine Ban Treaty, and, more recently, the Cluster Munitions Convention (2008), has been well documented and acknowledged,³ but in general, studies of civil society have tended to leave out arms control, and studies of arms control have tended to leave out civil society. Richard Price noted:

the security policies of states represent, *prima facie*, a particularly hard case for demonstrating the role of transnational nonstate actors ... [because]

¹ The research for this chapter was conducted for Johnson (2004). Some parts of this analysis have now been published in Johnson (2009).

² When UN Secretary General Boutros Boutros Ghali (1996) opened the treaty for signature he formally saluted "all those officials in governments and citizens who have struggled for so long to achieve this treaty."

³ The International Campaign to Ban Landmines (ICBL) and one of its founders, Jody Williams, coordinator of the Vietnam Veterans of America, gained public recognition when they received the Nobel Peace Prize in 1997.

conventional wisdom assumes that the high politics of security policy is where the state ought to be the most autonomous from society at large and able to set its sights on military imperatives relatively independent of societal pressures. (Price, 1998: 613)

These recent examples of banning landmines and cluster munitions were made possible when they were stigmatized as "inhumane." Governments were mobilized alongside NGOs and undercut military and defense arguments by casting policy demands in humanitarian rather than disarmament terms. Because these treaties were negotiated outside the formal fora and venues of traditional, UN-based multilateralism, the treaty-makers could develop their own rules, and so made it possible for the expertise and strategies of NGOs to be more formally integrated into the negotiating process, as seen in UN fora dealing with environmental, economic, and rights negotiations.

The "Oslo" and "Ottawa" processes to ban certain inhumane weapons represented a significant step forward for disarmament, and much can be learned from them. Yet, even before these breakthroughs, civil society penetrated and interacted with negotiations on arms control far more than most governments and scholars have recognized, particularly on the long road to achieve the CTBT. As this chapter analyzes, civil society actors working across three levels – local, national, and transnational – were instrumental in the 1994–6 CTBT negotiations, as well as the long mobilization, interim settlements, and prenegotiations moratoria that led to this concluding phase of negotiations. Before looking in detail at the role of civil society in the conduct and outcome of the CTBT, first a brief consideration of the context, actors, and dynamics of the negotiations as a whole.

CTBT negotiations as intentional regime-building

The 1994–6 CTBT negotiations may be characterized as a multiple-level, mixed-motive transaction to resolve a problem of common insecurity by building (or strengthening) a security regime. As discussed below, there were different perceptions among participants on whether the common security problem they wanted to address was nuclear proliferation or the wider environmental and humanitarian consequences of all nuclear weapons. Though formally managed within a multilateral negotiating forum (the Conference on Disarmament [CD], which comprised thirty-seven member states when the CTBT negotiations started, and expanded to sixty-one member states in June 1996), the players that contributed to the major outcomes went beyond CD membership and coalesced into four significant groupings, with somewhat porous boundaries:

- the declared nuclear-weapon states (NWS, known also as P5) – China, France, Russia, the United Kingdom, and the United States – defined in the NPT and holding amplified political power through permanent seats on the UN Security Council;
- de facto (or threshold) nuclear-capable states (NCS or D3) outside the NPT – at the time comprising India, Israel, and Pakistan. North Korea, which left the NPT in 2003, did not play a role in the CTBT negotiations, so is not considered here;
- non-nuclear-weapon states (NNWS) – which did not negotiate as a bloc, but encompassed non-proliferation regime-builders (generally “nuclear-umbrella” states in alliance with a NWS), disarmament regime-builders (nuclear-free states from the Non-Aligned Movement [NAM] and some Western allies), and marginalized states (mostly NAM states with little political clout); and
- transnational civil society actors, including non-governmental organizations, scientific, professional, and policy experts, public movement groups, and non-aligned activists.

Within each grouping there were competing as well as shared interests.

The NWS viewed the CTBT as a component of the wider non-proliferation regime, which appeared institutionally to have accepted their nuclear-weapon ownership, conferring special privileges, prestige, and even leadership. Consistent with both realist and neoliberal regime analysis, they agreed to negotiate a CTBT for four reasons: (i) to cap the nuclear capabilities of India and Pakistan before they became weaponized to any significant degree; (ii) to induce the D3 nuclear-capable states to take this first step toward formal engagement in the established arms control and non-proliferation regimes; (iii) to place a further barrier in the way of any nuclear aspirants such as North Korea and Iran; and (iv) to reinforce the credibility of the NPT so that it would be indefinitely extended when its initial twenty-five-year duration came up for decision at the 1995 NPT Review and Extension Conference.

The probability that the CTBT would freeze the capability differentials among the P5 was useful for the United States, which was the most technologically advanced of the nuclear-weapon states. In the post-Cold War political environment, this did not seem to be of paramount concern to the others, who recognized that economics largely determined their post-Cold War military asymmetries. Their important security concerns were to stabilize the status quo in relation to each other, secure their nuclear arsenals, and prevent the rise of additional nuclear-weapon possessors. They had shared concerns (though not necessarily for the same reasons) about the nuclear ambitions of India and Pakistan, which

were viewed as regionally destabilizing. Israel's incorporation into the test ban regime was required chiefly to ensure the credibility of the non-proliferation regime for the Arab states, whose consent for the NPT's extension in 1995 was considered politically crucial.

Negotiating a CTBT did not mean that any of the P5 had been converted to the cause of nuclear disarmament. Accepting NPT language that characterized disarmament as an "ultimate goal" of the non-proliferation regime only slightly masked the fact that the NWS actually considered disarmament to be remote, unachievable (notwithstanding NPT-related rhetoric), and undesirable. Defining the CTBT's role and function mainly in non-proliferation terms, they negotiated with a view to normalizing the possession of nuclear weapons by their privileged group, while strengthening the barriers against others. Though the P5 differed in how bluntly they expressed the sentiment that the CTBT was to "ban the bangs not the bomb," they all sought to protect as much of their nuclear weapons research, development options, and infrastructures as possible. Even when they adopted the zero-yield scope, they all made sure they offset its disarmament effects by ensuring more effective capabilities through, for example, Stockpile Stewardship Programs, enhanced sub-critical and hydrodynamic testing, and inertial confinement fusion. Such programs provoked later criticism from the NNWS and NGOs, for whom a primary aim of the treaty was to promote nuclear disarmament and erode the role of the nuclear-weapons laboratories and design infrastructures.

The D3 pursued different strategies in accordance with their perceived interests and political resources, which contributed to their issue-based power in the negotiations. Israel chose to maintain a low profile and slipstream behind the United States. Aided by the close US alliance this generally worked well, except when Israel felt the need to fight for national interests that markedly diverged from those of the United States, for example over verification provisions, especially on-site inspections.

The political calculations for Pakistan and India were rather different. Having conducted its first nuclear explosion in 1974, outside the NPT definitional date, India was institutionally excluded from gaining the perceived status and privilege of a NWS under the NPT-based non-proliferation regime. India operated from essentially realist assumptions, but its calculations were complicated because it was trapped between a desire for power through increased nuclear capabilities and its long-touted advocacy of nuclear disarmament, linked to that part of its post-colonial identity and sphere of influence that derived from the Gandhi-Nehru heritage and leadership of the NAM. India's regional situation vis-à-vis China, an established NWS, and Pakistan, with inferior conventional forces and a

derivative nuclear weapon program, further complicated New Delhi's calculations. Facing Rousseauesque dilemmas over whether to pursue the larger goal of disarmament (the "stag" it shared with its non-aligned allies) or the smaller but nationally satisfying "rabbit" of nuclear-weapon status, India vacillated for much of the negotiations. Electoral politics combined with anger at how the NPT had been permanently extended caused India to denounce the CTBT during the final few months and vote against it in the UN General Assembly. India's defection put the NAM's disarmament goals at serious risk and, as the consequences of its 1998 nuclear tests have demonstrated, damaged its own regional security and UN Security Council hopes.

Pakistan was also outside the NPT and, like India, leveraged its position by manipulating non-aligned solidarity and espousing disarmament, but its role was different from India's. Pakistan's interests were conditioned by its regional relations and conventional military inferiority with regard to India. Its primary objective was to ensure that India gained no relative advantage. Whenever possible, Pakistan sought to use the negotiations to increase pressure on its neighbor. It was also in Pakistan's interests to be a supporting adjunct to China on many issues. It did not merely slipstream in China's wake, however, but often fronted an issue for China or the G21, playing its D3 ambitions off in manipulative games with both the P5 and the NAM.

Among the NNWS, the view that their security interests in constructing a stronger disarmament regime were of less weight than the nuclear-weapon states' military interests appeared to be widely accepted, if somewhat resented. Though they clearly wanted a strong test ban, most NNWS appeared ready to adopt almost any version of a CTBT that the NWS would agree to. With many non-aligned states essentially marginalized from the negotiations due to inadequate technical or diplomatic resources, most of the Western middle powers were motivated by a desire to get a test ban treaty that would prohibit the worst of nuclear testing, contribute to the NPT regime, and stand up in court. Many had undergone international relations and diplomatic training programs that embedded realist mindsets. So they viewed the expectations of the NWS as deriving from fixed interests and treated the payoff structure as bounded (essentially zero-sum). On that basis, the majority of active NNWS seemed to engage in the negotiations as pragmatic managers, seeking to trade concessions and balance or split the differences.

Civil society, by contrast, was the primary carrier of the disarmament objectives embedded in the history of forty years of efforts to achieve a comprehensive test ban. It was transnational civil society that kept

insisting that "comprehensive" should mean zero-yield, with no exceptions, and that this objective would be robustly verifiable.⁴ In this case, the civil society that played the determining roles comprised actors, organizations, and networks that were constituted nationally and internationally, and which acted in domestic and transnational arenas. Taking a variety of forms, some civil society actors utilized elite strategies and tactics, some engaged in non-violent direct action, and some focused on building public movements and raising public awareness. Some actors had the skills and resources to employ a mix of these strategies and tactics.

In the case of the CTBT, elite strategies were utilized by epistemic actors with societal standing, such as doctors and scientists, who used cognitive strategies based on their expert knowledge and professional status. Notable examples included the International Physicians for the Prevention of Nuclear War (IPPNW), which won the Nobel Peace Prize in 1985 for linking US and Russian doctors in campaigns against nuclear testing and new generations of nuclear weapons. Their US affiliate, Physicians for Social Responsibility, joined other NGOs in pushing for the US moratorium mandated by Congress in October 1992, which played an important role in paving the way for negotiations to commence in 1994. Scientists acting individually and through NGOs such as Pugwash, the Natural Resources Defense Council (NRDC), and the *Bulletin of the Atomic Scientists* (an NGO as well as an authoritative journal) were also instrumental both in the prenegotiation phase and during the negotiations, especially on scope and verification.⁵

⁴ A note on definitions: I follow Ann Florini's (2000: 7) definition and use of the term "transnational civil society" in preference to "global civil society" and the more traditional "international civil society." "Transnational civil society" as used here comprises non-state actors and includes NGOs, but not all non-state actors or organizations classified as NGOs under current UN rules are included in this definition of civil society. Although the normative claims associated with some conceptualizations are left open for analysis, this concept of civil society also excludes non-governmental and non-state actors who seek political change through violent and militarized means. Depending on the specific goals and strategies under consideration, civil society, according to the understanding adopted here, may be progressive or retrogressive; it may seek emancipatory outcomes or harness its energies to resist change or promote outcomes that would stabilize the status quo. Civil society does not always oppose government policies or challenge the state; some civil society actors may organize to reinforce the policies of particular governments or opposition parties. See also Anheier, Glasius, and Kaldor (2001), and Peterson (1992).

⁵ For a discussion of epistemic communities see Haas (1992). However, as Emanuel Adler (1992: 112) and others have demonstrated, the concept of epistemic communities in arms control is problematic, as the relevant scientific communities comprised experts from both the civil arena and government departments and laboratories. With regard to nuclear arms control during the 1950s and 1960s, Adler notes of epistemic communities that: "they were one community, yet they were everywhere: dispersed among government bureaux, research organisations and laboratories, profit and nonprofit organisations, university research centres, and think-tanks."

The CTBT also had its share of "norm entrepreneurs," who provided leadership on the basis of their ideas, strategies, political skills, charismatic presentation of advocacy, and in some cases institutional position (on norm entrepreneurs, see Nadelmann, 1990; Price, 1998). Associated with elite, public movement, and also grassroots campaigns, these informal strategists, leaders, and spokespeople were engaged nationally or transnationally to mobilize public opinion and political support, influencing governments within their own countries and abroad.

Public movement campaigning, including grassroots membership as well as voluntary or paid organizers, was also influential, particularly in the prenegotiation strategies to promote the Russian, French, and US moratoria, and also in response to the resumption of French nuclear testing in 1995, which precipitated the zero-yield outcome. Such campaigns affected decision-making through the mobilization of public concern and outrage, utilizing elite and activist tactics, with a mixture of petitions, meetings, demonstrations, and targeted letters to raise public awareness and obtain media coverage and political leverage. Activists, who contribute to transnational civil society but are seldom constituted as NGOs *per se*, were also relevant in highlighting concerns about nuclear testing. In the period 1990-95, activists penetrated the test sites at Nevada, Moruroa, and Novaya Zemlya, gatecrashed the Queen's garden party at Buckingham Palace (drawing attention to the UK's violation of the land and sovereignty of the Western Shoshone people through nuclear testing in Nevada), and hung pro-CTBT banners on iconic public landmarks such as Tower Bridge in London and the Arc de Triomphe in Paris. Such activism was sometimes linked with NGOs such as Greenpeace (which used direct action as a tactic) and sometimes arose from grassroots groups such as the Greenham Common Women's Peace Camp and American Peace Test. Like the public movement NGOs, the activists aimed to raise public awareness. But the philosophy of direct actionists went deeper, with the intention also of undermining the operations and power of the systems underpinning nuclear testing and the arms race, for example by directly blocking or disrupting test sites and related military and industrial facilities.

Disarmament activists are generally opposed to the use of arms and violent coercion. They view these means as self-defeating if employed for progressive humanitarian objectives such as peace, justice, and environmental protection. They contrast their non-violent actions in pursuit of peace-building objectives (being the change they want to make) with the contradictions inherent in governments' justifications for weapons

expenditure, deployment, and war.⁶ This does not mean that disarmament activists would necessarily define themselves as pacifist; during the women-led peace movements of the 1980s, many came to reject terms that imply that resistance can be "passive." Post-1980s disarmament activism was influenced by the feminist and human rights movements. Political actions and moral authority stemmed from the activists' commitment to the principles of non-violence and personal accountability, but could – and often did – extend to the disruption of military work, such as disabling weapons or machinery or occupying military vehicles and sites. Accordingly it was considered acceptable to "damage" certain kinds of property (cutting "doors" into the fences and barbed wire surrounding bases, for example) as long as people – including military personnel – were not threatened, abused, or harmed. Though violent tactics may be regarded as effective in getting short-term media, public and government attention, they are rejected by most peace activists. Non-violent direct action is a manifestation of the principles that means should be consistent with ends and people are personally responsible for acting in accordance with their conscience.

The history of the CTBT shows that all these types of civil society actors and their associated strategies and tactics were relevantly deployed, some more effectively than others, depending on political conditions, approach, and timing.

Strategies for regime-building through integrative convergence

Two models of negotiations are relevant to understanding the conduct and outcomes of the 1994–6 CTBT negotiations: distributive and integrative convergence. Traditional, essentially realist, approaches to negotiations have treated actors' decision-making as rational and national interests as largely fixed. They assume that there is a known or bounded payoff structure in which the actors have similar perceptions of the rules and choices. In conjunction with research for my thesis I discussed negotiating assumptions, strategies, and tactics with CD delegations from all regions. This revealed striking similarities, suggesting that practically all the main negotiators had been trained in accordance with the distributive model: to maximize absolute gains where possible, and to bargain and compete with others until they have at least made relative gains in terms of

⁶ While campaigns purporting to protect or promote animal rights, religions, or certain ideologies do sometimes employ violence and intimidation as tactics, this is rare in the field of disarmament.

their governments' preferred outcomes. Their training and assumptions therefore tended to foster adversarial interactions, where "conceding" was perceived as a weakness and so deferred until it became unavoidable. However, despite the dominance of realist assumptions, the CTBT outcomes on scope and verification were in fact shaped more by the processes of integrative convergence. With regard especially to the zero-yield scope, civil society played a critical role in shaping the outcome.⁷ In contrast to the zero-sum assumptions of distributive bargaining, integrative convergence assumes optimal outcomes will be positive-sum; expectations and interests are not regarded as fixed, but as factors that can be manipulated or altered by teaching or recasting knowledge, values, norms, and ideas, taking into account important factors like players' perceptions, uncertainty, learning, and change. At least in some significant aspects, the CTBT negotiations bore out theories of integrative convergence that take into account the cognitive and communications strategies of civil society and epistemic actors who changed how the governments and diplomats perceive the value and achievability of their choices and potential solutions (Sebenius, 1992: 346-65). In the next section I will briefly consider the role of civil society in putting the CTBT back onto the negotiating agenda in the period 1990-94, and then in influencing (or not) the specific outcomes on scope, verification, and entry into force.

Pre negotiations

For the purposes of this analysis, the discussion of pre negotiations is limited to the four-year period immediately preceding the January 1994 opening of negotiations. The 1990 NPT Review Conference failed to adopt a final document due to disagreements over the CTBT. The Republican and Conservative governments of the United States and United Kingdom respectively held out until the bitter end against making any commitment to negotiating a CTBT in the CD. Russia, by contrast, backed Mexico and the NAM in their efforts to include the CTBT in the final document. France and China did not become states parties to the NPT until 1992. All five were, however, in the CD, where France

⁷ Walton and McKersie (1995) coined the term "integrative bargaining," which they defined as a problem-solving approach that seeks to expand or change the zone of possible agreement and so present a different range of options for convergence than first appear to be on the table. It became associated with the negotiation-analytic approach of Luce, Raiffa, and Schelling (1957) and Zartman and Berman (1982). For alternative approaches to mixed motive interactions, see Oye (1986); Axelrod (1984); and Snyder and Diesing (1977).

generally reinforced the US-UK nuclear alliance against CTBT negotiations, and China engaged in rhetoric that echoed the NAM, but carried on testing and pursuing the modernization of its nuclear arsenal. The precipitating factors that brought the major parties to the negotiating table were fourfold: the geostrategic upheaval at the end of the Cold War that opened up new opportunities in security relations and nuclear policies; the forthcoming extension decision for the NPT in 1995; the ground-breaking French and US moratoria on testing in 1991-2; and prolongation of the Soviet Union's 1990 moratorium by the newly independent Russian Federation.

The first two events were exogenous. The moratoria, however, were the result of the intentional actions of political players, from both government and civil society. Though the reasons and dynamics were different in each case, all three testing moratoria were the consequence of domestic decision-making in which civil society demands and strategies were initiating and critical factors. Though the last to be announced, it was the United States' moratorium that had most impact on shifting the CD logjam and facilitating the start of negotiations. This was mainly a function of its preeminent political power, but it was also due to the CD's consensus rule: as long as the United States opposed the CTBT, the CD was paralyzed on this issue, as it had been from the beginning of the Republican reign in 1981. Once the United States suspended its testing in 1992 and the race was on for a CTBT, it became much harder for other reluctant states to avoid participating in the negotiations.

The US moratorium was imposed on a reluctant president (George H. W. Bush) through a combination of public mobilization and legislative strategies designed to circumvent the administration's policy preference in favor of continuing to test. Unlike the Russian and French moratoria, the Senate legislation explicitly linked the US moratorium to negotiations on a CTBT⁸ – a classic example of prenegotiation confidence-building (Zartman and Berman, 1982; Saunders, 1984; Stein, 1989). The legislation initially mandated only a nine-month US moratorium, bearing out Fen Hampson's (1995) analysis on simplified focal points and issue-sequencing. The fact that US legislators were being asked to impose a relatively short, potentially temporary measure that included an option for up to fifteen "safety tests" helped to swing the votes of a number of congressional representatives who would have balked at calling for a total, permanent cessation of nuclear testing at that time.

⁸ Amendments for a nine-month moratorium and CTBT negotiations were attached to the Fiscal Year (FY) 1993 Energy and Water Development Appropriations Act, United States, *Congressional Record*, September 24, 1992, p. H9424.

As a modest confidence-building step that was reversible and not legally binding, a moratorium was an attractive option for those wanting to show opposition for nuclear testing without necessarily making a commitment to all the steps to accomplish a comprehensive prohibition treaty and regime.

Once the moratorium legislation had been signed by President Bush on October 2, 1992, it was extremely helpful that pro-CTBT Democrats won the election a few months later. Had President George H. W. Bush been reelected to a second term, it is likely that the moratorium would not have been extended in 1993. As it was, President Clinton wavered when he came under pressure from the British government (which also used the Nevada test site under US auspices) and some Republicans and Pentagon diehards. Seeing this, pro-CTBT NGOs and legislators in the US and activists in Britain pushed back until the Clinton administration extended the moratorium legislation. Though we cannot know what might have happened, prenegotiations theory predicts that it would have been harder to go forward into negotiations if the United States and Britain, as well as China, were continuing with periodic underground explosions. In such circumstances, it is probable that France (and perhaps Russia) would have resumed testing before 1995. Even if the Clinton administration had backed CTBT negotiations in the CD, as they undoubtedly did, any breach of the moratoria before the negotiations were well established could have closed the CTBT window for another generation.

Though not as decisive as the US moratorium in shifting the logjam, the Soviet/Russian – and most particularly the French – moratoria were important in helping to create the conditions to push for the US moratorium in 1992, by fostering a sense that there was a “window of opportunity” that was worth the expenditure of political capital by the Democratic politicians who pushed through the moratorium legislation.

Gorbachev’s moratorium in 1991 was pragmatically determined, dictated by the nationalist–environmentalist popularity of the Nevada–Semipalatinsk movement (NSM). Founded in 1989 in response to above-ground radiation releases from a particularly badly conducted nuclear explosion, this Kazakh-led civil society initiative highlighted the appalling health and environmental impacts of Soviet testing. NSM networked quickly and widely with Western NGOs, receiving resources and help to promote its demand for the closure of the main Soviet test site at Semipalatinsk. As the Soviet Union disintegrated, NSM’s combination of nationalist and environmentalist appeals proved unstoppable. President Gorbachev announced the temporary closure of the Semipalatinsk test site, but the writing was on the wall, and

NSM and its supporters celebrated this victory as a permanent end to nuclear testing in Kazakhstan, as indeed it was. The Soviet Union at the time possessed over 30,000 nuclear weapons, though some were obsolete. The nuclear arms race had bankrupted the Kremlin. Though testing continued briefly at the alternative Soviet test site at Novaya Zemlya, this Arctic base had environmental problems and was increasingly expensive to use. After a high-profile and embarrassing visit from Greenpeace, which landed a team of scientists on Novaya Zemlya, Gorbachev – who had already tried a nineteen-month moratorium in the mid 1980s without any response – decided to try again.

In France, President Mitterrand decided on a temporary moratorium after Green Party election gains and high-profile direct action by Greenpeace with a new *Rainbow Warrior*.⁹ He hoped that the moratorium would neutralize the Green challenge and enable the government's Centre d'Energie Atomique (CEA) to deal with environmental problems revealed when the naturalist Jacques Cousteau filmed deep cracks in the coral atoll. Greenpeace scientists were arrested collecting water samples close to the Moruroa test site, which subsequently showed plutonium and cesium contamination from the tests. The moratorium was intended to be only a temporary halt in 1992. As France's program of tests (and justifications) in 1995 showed, the French nuclear establishment was unprepared for a total ban at that time. The moratorium was a political ploy to take the moral and environmentalist high ground, with the expectation of being able to resume testing after a year or so. With Republicans in the White House and Conservatives in Downing Street, it no doubt appeared unlikely that there would be any US moratorium, but Mitterrand underestimated how US civil society would use the French moratorium to mobilize action from the American public and Congress.

Taken together, the three moratoria reflected and also promoted a confidence-building breathing space in nuclear testing, thereby helping to pave the way for negotiations on the CTBT to begin in earnest. This was driven by political conditions rather than any specific crisis or shock, though the 1995 Review and Extension Conference for the NPT imparted urgency. It is also doubtful whether the diffusion of new

⁹ Greenpeace's first *Rainbow Warrior* had been bombed and sunk in Auckland Harbour, New Zealand on July 10, 1985. A Greenpeace photographer was killed in this terrorist act, for which French secret service agents were subsequently found guilty and imprisoned. France was forced to admit its responsibility and compensate the murdered man's family, Greenpeace, and the government of New Zealand. By 1989, Greenpeace had equipped a new ship with the *Rainbow Warrior* name and relaunched its test ban campaign, directed by this author.

knowledge, norms, and concepts were of relevance in the shift from prenegotiations to negotiations, as the same arguments for and against the CTBT had been heard for years. Civil society's role was in raising the political stakes and narrowing the options for decision-makers, particularly by tying the moratoria in with issues of more direct political and financial interest to Gorbachev, Mitterrand, and Bush. At the time, the fact that moratoria are by definition more temporary and revocable than treaties made it easier for the leaders to undertake them as interim steps. Each moratorium helped to reel in further weapon states. When the United States was signed up it explicitly called for CTBT negotiations, while at the same time pulling in Britain. The US moratorium thus became the tipping point in favor of a CTBT.

Scope

Because the CTBT scope conveyed the basic obligations and core philosophical and political underpinnings of the treaty, a range of interest groups actively sought to influence national positions and achieve an outcome that would accord with their primary objectives, whether non-proliferation or disarmament. The P5, among whom interests were both complementary and competitive, tried to keep scope negotiations within their own minilateral forum, while delivering occasional position statements in the CD.

The core interest shared by all the NWS was to preserve their nuclear weapon programs while curbing the options of others. Most NNWS did not subscribe to this objective, but opposition was diluted by the acceptance of nuclear deterrence by an influential group of "nuclear-umbrella advocates," notably in NATO, Japan, and Australia. These US allies devoted themselves to getting the technical parts of the treaty worked out and in reining in disarmament demands from other NNWS. The G21 generally wanted a workable convergence between a timely treaty and one that was disarmament-oriented. Though strong on rhetoric, their effectiveness was diminished by inadequate resources and the difficulties of substantive coordination, given the increasingly overt nuclear interests of G21 members India and Pakistan. Divisions among the P5 over "activities not prohibited," meaning hydronuclear experiments (HNE) with low yields, "safety" tests, and "peaceful nuclear explosions" (PNE), prevented the NWS from imposing a scope outcome on the rest that would have kept open nuclear testing options.

Though concession-trading dominated the P5 minilateral negotiations, they were unable to reach convergence because of their asymmetrical technological capabilities, political distrust, and rivalry. The Anglo-French

demand for a "safety tests" provision was held longer than expected, but it was nothing compared to China's persistence on PNE. Rather than being a bargaining counter, as many CD diplomats assumed during the first eighteen months of negotiations, PNE came to occupy a central position in China's negotiating posture, along with verification. There is evidence, however, that this was not the original intention (Yuan, 1999: 10). Since China had no PNE program and was well aware of the practical problems that had led the Russians and Americans to abandon their PNE programs, it is unlikely that Beijing had suddenly developed an overriding interest in conducting such explosions. More plausibly, PNEs were introduced into the negotiations to provide a peaceful-uses justification in case China wanted to reject the treaty. In view of its desire to maintain good relations with the NNWS, Beijing may have calculated this to be a defensible posture that the NAM might sympathize with.

China, like India, was equivocal about the CTBT at the beginning. By late 1995, when Beijing appears to have decided that it would be more in China's interests to join the rest of the P5 in a CTBT than to remain outside, the ploys designed in case of Chinese defection appeared to have constricted its negotiators' own room for maneuver. In other words, a self-fulfilling feedback loop was created, in which the negotiators made such an appealing case for retaining the PNE option that they convinced domestic audiences, especially in the influential People's Liberation Army. There is evidence for this conclusion in the fact that China's negotiators held out for a PNE mention in the final treaty that is purely symbolic, with no institutional weight and no chance of being successfully invoked.

Apart from a brief equivocation by Russia, where senior nuclear officials provided backing and advice for China's PNE bid, the rest of the NWS and practically all the NNWS opposed PNE. Even so, when zero yield had swept away HNE threshold options, the P5 appeared willing to do a tradeoff with China to allow a more accessible provision for PNE in exchange for Chinese concessions on other issues, notably verification. Hence it was not in the minilateral P5 bargaining that the demand for PNE was defeated, although it was undoubtedly helpful that China was relatively isolated and the other NWS had no significant interests at stake. When Russia and Iran proposed options that would have kept PNE in the treaty, it was on the verge of being accepted by the P5 and most of the NAM. By recasting the proposed PNE permission as a legitimizer for continued research into nuclear explosions by other P5 nuclear laboratories, as well as by the D3 nuclear-capable states, strategically placed civil society actors highlighted the drawbacks of such

a management compromise. Though it took swift action and fancy footwork, they were able to persuade significant NNWS such as Australia, Germany, Japan, Mexico, and Canada to oppose, and in the end scupper, the P5 deal with China.

While eliminating safety tests and PNE from consideration was important, the turning point in the CTBT negotiations was indubitably the decision to go to zero, and this was almost entirely determined outside the CD. According to the resumption of French testing a decisive role in the zero-yield outcome, as some – not least the French themselves – have claimed, would be consistent with theories about the role of crisis and exogenous shock in multilateral negotiations (Hampson, 1995: 34–6, 350–1). The evidence shows, however, that it was not the French decision *per se*, but international public reaction, that provided the policy-shaping jolt that pushed both the US and France off the fence. The swiftness and intensity of public outrage, expressed through boycotts and demonstrations in many countries, acres of newspaper, and thousands of letters to Mitterrand and the White House, made France look for a way to restore its international position and markets and reminded Clinton (ever sensitive to public opinion) that a total test ban was an important and popular objective. The protests also conveyed the warning that if testing were not properly banned, there could be a revival of the kind of anti-nuclear protest movements witnessed in the 1980s. If crisis was a factor in this case, it was not an exogenous event but a perception of crisis brought about by politically generated actions and feedback driven by transnational civil society.

The second important factor in shaping the zero-yield decision was the provision of technically relevant solution-oriented information by non-governmental scientists and arms controllers. These resembled Haas's epistemic communities in a number of ways (Haas, 1992). In the case of the CTBT, however, there were several knowledge-diffusing but politically fragmented groups of epistemic actors – not communities – offering competing information and advice. The most significant of these were in the United States, notably the JASON Group, which comprised experts from both the governmental and non-governmental sectors, and a cross-section of scientists and officials based in and around the US nuclear laboratories and academic physics and international relations departments. While epistemic actors dispersed between US government agencies and different kinds of non-governmental institutions argued for and against zero yield and the technical implications of the scope options, there were norm entrepreneurs within and beyond the United States arguing for the treaty to be made genuinely comprehensive. Energy Secretary Hazel O'Leary was charged with evaluating the options and

making recommendations to President Clinton. Faced with countervailing arguments from Department of Energy (DOE) experts, she decided the weight of evidence supported the prohibition of low-yield explosions, including HNE. Though the expert arguments were used to defend and justify this recommendation, Clinton's decision to back the zero-yield scope favored by the majority of NNWS was also influenced by the views of his chief arms control negotiators in the State Department, John Holum and Thomas Graham Jr., who were keen to see a CTBT that would be credible for the NNWS and reinforce the nuclear non-proliferation regime.

The zero-yield decision became possible not only because the P5 were deeply divided over threshold levels, with no acceptable managed convergence in sight, but because there was also warring within and between the various US agencies. Transgovernmental alliances between the nuclear scientists and military officials of more than one P5 country – notably UK/US and China/Russia – further complicated the picture. In this situation, in which interests and power were fragmented and pressure was being exerted on all sides of the argument, Clinton chose to back a scope text and basic obligations that would make the CTBT more credible in the long term. This analysis of the shaping of the outcome on scope highlights two important aspects of multilateralism: the role of non-state actors and the importance of ideas. It bears out the observations of Judith Goldstein and Robert Keohane, that “ideas influence policy when the principles or causal beliefs they embody provide road maps that increase actors’ clarity about goals or ends-means relationships, when they affect outcomes of strategic situations in which there is no unique equilibrium, and when they become embedded in political institutions” (Goldstein and Keohane, 1987: 297).

While the outcome did not correlate with attributive political power in realist terms, power and self-interest were relevant to an understanding of why rivalry among the NWS outweighed their mutual interests. This was a period of rapid geostrategic transformation, and despite the obvious military asymmetries, they all wanted to retain their technological and military positions, and indeed the political status they associated with nuclear weapons. As a consequence of their failure to agree on even a threshold for HNE, the most workable outcome became the zero-yield scope that reflected the hopes (if not expectations) of the structurally marginalized NNWS and civil society disarmament advocates. To minimize the political and military impact of the scope decision, the NWS sought to offset the zero yield by declaring their intentions to ensure stockpile maintenance and enhancement without explosive testing. This, paradoxically for most CTB advocates, has entailed NWS

governments increasing resources to nuclear-weapons laboratories and national stockpile stewardship and development programs. All but China also explicitly linked the condition of their nuclear arsenals with the treaty language on "supreme national interests," thereby preparing the ground for withdrawing in the future if they found it expedient to argue that the test ban had resulted in a degradation of nuclear forces.

Though certain US government experts and officials were influential in leveraging the decision, it was primarily civil society, using a range of cognitive and advocacy tactics, that succeeded in repositioning the issue of scope from a debate among the P5 over "activities not prohibited" to one about the purpose of a test ban, thereby shifting the payoff matrix from HNE thresholds towards zero yield. In doing so, they expanded the zone of possible agreements to include a prohibition on HNE that a year earlier had been assumed by the negotiators to be impossible. This integrative convergence was largely determined by normative considerations, but also reflected institutional objectives: it strengthened the chances of concluding a treaty that would be acceptable to the NNWS and so reinforced the non-proliferation regime. This was especially important in light of the NPT agreements in 1995 and 2000, which demonstrated continued support for multilateral institutions and disarmament. Although the NPT was indefinitely extended in May 1995 without delivering a finished CTBT, no one was left in doubt of the CTBT's importance for the continued credibility of the non-proliferation regime. Although institutional norms, ideas, and epistemic strategies were more influential in determining the scope outcome than power and fixed interests, realist considerations were not wholly swept aside. When Jacques Chirac replaced Mitterrand as president of France, he broke the moratorium and conducted six further nuclear tests in 1995-6 in order to ensure that France would have reliable simulation capabilities for further warhead development and maintenance. Likewise, Clinton's imposition of the six safeguards and the massive budget he assigned for stockpile stewardship - decisions swiftly emulated by Russia - were conditioned on an understanding of regime cooperation as mitigating the security dilemma by constraining others without significantly diminishing the relative power and capabilities of the NWS.

Finally it must be noted that though the scope outcome provides a good example of integrative convergence in all its complexity, the United States then exerted its dominant position to impose its decision on the rest of the P5 and ensure that all negotiators adopted the US interpretation of the Australian delegation's proposed scope language, which then became the text and interpretation when the CTBT was finalized in 1996.

Verification

Early on, a number of states, notably Russia, Australia, and Mexico, as well as NGOs such as VERTIC, had argued that competent verification could be provided by a combination of national technical means and existing open-source seismic and satellite facilities. Their position, which complemented the preference of Mexico and some of the NAM for concluding the treaty before April 1995, was that the CTBT verification regime was essentially for multilateral confidence-building, and need not be very expensive or elaborately defined. Arguments for a less well-established verification system were dropped once the politically driven hope of getting a swift treaty faded.

Apart from this divergence of perspective in the first year, there was little core conflict between the interests of the NWS and those of most NNWS with regard to establishing an international monitoring system (IMS), though there were of course disagreements over specifics. The IMS was, therefore, the only aspect of the CTBT negotiations to reflect the principles of reciprocity, non-discrimination, and shared responsibilities and benefits that John Ruggie (1993) had defined as the hallmarks of multilateralism. His principles were drawn from multilateral negotiations other than disarmament: the CTBT case suggests either that arms control negotiations in the currently established multilateral fora like the CD are not genuinely multilateral, or that Ruggie's principles may be too narrowly constructed to be relevant for arms control negotiations.

There were differences in terms of technical expertise and judgments over capabilities and coverage for verification. Some countries – notably the United States – appeared to be pursuing their own industrial interests when considering certain technologies, while national interests or sensitivities often trumped international technical assessments when deciding on the location of specific IMS stations. Nonetheless, such conflicts were generally resolved through epistemic strategies and bridging tactics aimed at depoliticizing areas of contention. Disagreements were addressed with constructive, integrative approaches, and convergence was largely achieved through cooperation, knowledge diffusion, and the fostering of shared understandings about what would comprise a technically achievable, cost-effective system able to provide verification confidence and collateral benefits. The principal epistemic actors and strategists were part of government delegations, and civil society was hardly involved.

By contrast, questions relating to on-site inspections and the use of NTM tapped into concerns about sovereignty and espionage, particularly among states with declared or undeclared nuclear-weapons

capabilities. The arguments often echoed the Cold War verification dilemmas of adequacy versus bearability, but instead of the US and Russian delegations going head to head, as they had done for the previous four decades, it was more often China pitting its concerns against US efforts to build a robustly defined verification regime. In addition to China, India, Pakistan, and Israel also opposed many US proposals as they sought to protect their national nuclear assets from surveillance or prying eyes (from neighbors, as well as from the US and other nuclear-armed states). The middle-power NNWS tried to be brokers and knowledge-diffusers, but were perceived as having few direct interests at stake, so engaged more weakly than the nuclear-capable negotiators. The overall outcome was more distributive than integrative, determined by the competing interests and requirements of the P5 and D3. Among the two main protagonists during the politically charged debates about on-site inspections (OSI), China bargained effectively. Though it had far less military or economic power, China was able to influence the final text by exerting the potent leverage that comes with a preparedness to see a "no-agreement" outcome and the awareness that it was politically and symbolically important for Washington to have China join the CTBT from the very start. The final decision on OSI was a hard-fought tradeoff between China and the United States, which the rest then accepted. Civil society was much less engaged on verification issues in the 1994-6 CTBT negotiations than in the past, mainly because verification was far less politicized this time around.

The US domestic debate and need to convince two-thirds of the Senate to ratify the treaty fed into the US negotiators' tough stance on verification, often going beyond what others regarded as necessary. US representatives opposed some proposals that would have been acceptable to the rest - including US allies - by denouncing them as "treaty breakers." Aware of Washington's ratification concerns, these assertions were recognized to be more than rhetoric, and others sought to find tradeoffs to give the US delegation what it needed for domestic purposes, even if they did not consider the stringency to be necessary for the credibility of the CTBT. Compromises were made more possible also because technical advances and the US-Soviet joint verification ventures of the 1980s¹⁰ had weakened the power of "impossibilist" verification arguments. These developments and the precedent set by the Chemical Weapons Convention (CWC) negotiations on OSI and NTM made

¹⁰ The joint verification experiments started as nongovernmental exchanges initiated by the Soviet Academy of Sciences and NRDC and were then taken over for confidence-building purposes by the two governments.

it appear that "usage and custom" (Krasner, 1991) were moving in the right normative direction for effective verification to be widely accepted. While this had a beneficial effect on the 1994-6 negotiations, where verification was nothing like the political stumbling block it had appeared during the Cold War, the US delegation's successes in achieving more robust verification provisions than regarded as necessary by most other negotiators did not have the desired effect of facilitating early US ratification of the CTBT after all. The obstacles to ratification have more to do with political rivalries between Republicans and Democrats than the merits of the CTBT and its verification regime, and these can only be resolved by an effective political strategy by ratification advocates in the executive and legislative branches working in concert. Though verification uncertainties are cited, evidence from the US intelligence and nuclear establishments demonstrate overwhelmingly that the CTBT's verification capabilities are more than equal to their task.

Entry into force

The entry-into-force negotiations were characterized by early neglect, on the assumption that the provision would fall into place once scope and verification were resolved. Receiving little political attention in the first two years, an overly restrictive zone of agreement was determined by the competing expectations and interests among the NWS and nuclear-capable states, resulting in positions becoming unnecessarily hardened in the endgame. Three of the NWS – Britain, China, and Russia – succeeded in forcing through a stringent entry-into-force provision citing narrow non-proliferation arguments to the detriment of regime-building motivations. They were egged on by Egypt and several Arab states, who wanted to ensure Israel's accession, and by Pakistan, who plied the British ambassador with false promises to join the treaty if the entry-into-force provision tied India's accession to the treaty.

India, like China, hedged its bets early on. Delhi's position hardened in the wake of the NPT being extended indefinitely in 1995. Opposition was then publicly cemented following the election in 1996 of the nationalist Bharatiya Janata Party (BJP) government, determined to show that India was a nuclear power. Since India couched its objectives – and therefore its defection – in disarmament rhetoric, the coercive, non-proliferation-targeted entry-into-force provision favored by Britain, China, Russia, and Pakistan provided a predictably contentious platform for a showdown that resulted in India not just walking away, but lumping the treaty in with the NPT as a discriminatory instrument of the big powers. High-level political pressure from the United States might have

made a difference, but Washington appeared disengaged, its attention on China and verification details once scope had been agreed. France started out with the same position as the UK, then became supportive of a more flexible entry-into-force approach in the final year, but too late to exert influence on this in the P5 minilateral dynamics.

Politically viable alternatives on entry into force were available to the CD negotiators, not least of which were the precedents set by the NPT and CWC, but little or no pressure was coherently exerted in favor of a workable, flexible option. Though the majority of CD members advocated a less stringent provision that would enable early entry into force, the NNWS coordinated poorly on this issue and failed to unify around a credible alternative to the UK's various proposals for capturing all the nuclear-capable states. Civil society likewise engaged very late and coordinated only weakly. No one took on the knowledge- and norm-diffusing roles deployed so effectively by civil society and epistemic actors in shaping the objectives and zones of agreement for scope and verification. Related to this absence, there was insufficient high-level governmental and diplomatic attention until far too late. The various "Friends of the Chair" on entry into force kept listing the options, so that resolving the political differences ended up being left to the chair, Jaap Ramaker of the Netherlands, late in the endgame. The Dutch delegation made a valiant attempt but ran out of time to bring other delegations on board. Given the heavy pressure from the UK, China, and Russia in favor of stringency, the lack of countervailing pressure weakened Ramaker's hand, and the final text was a mish-mash of bridging ideas such as conferences (what have become biennial "Article XIV" conferences of signatories) tacked onto the unprecedentedly high barrier of signature and ratification by forty-four named countries listed as possessing a nuclear research program. At the time of writing, 187 states have signed and 158 have ratified, but the entry-into-force provision continues to give the power of veto over the CTBT to a handful of governments on that list of forty-four.

It is interesting that what was perceived as one of the least political elements at the beginning of the negotiations has become the most politicized aspect of the treaty ever since. The factors determining this Achilles heel were power and perceptions of national interest, particularly among P5 and D3 states with nuclear ambitions, and insecure or (in the case of Russia and the UK) declining nuclear-weapon states. The outcome was the worst kind of managed convergence: an unwieldy, unworkable Article XIV rushed through so that the treaty could be concluded by the September 1996 deadline identified in the US moratorium legislation (which was, of course, tailored to the US presidential cycle).

Lessons learned from the CTBT negotiations

- While context, timing, and political developments are all relevant, these are not predetermined, but can be shaped by the intentional strategies of key actors among civil society as well as governments.
- Weapons-related treaties are more likely to move forward if domestic and transnational civil society become invested in the outcome. This is more likely if broad constituencies are mobilized with humanitarian and/or environmental evidence to support a clear, simple objective such as a comprehensive ban.
- The testing moratoria were unilaterally undertaken for quite different reasons, but each reinforced the others and helped to diminish the vested interests and value attached to nuclear testing. This experience indicates the importance of one or more significant states becoming convinced to undertake unilateral initiatives leading to formal or informal moratoria or temporary suspensions of the military operations or behavior in question. Such pauses or suspensions help to create a bridge to draw reluctant parties to the negotiating table.¹¹
- Pandering to the preconditions of the most reluctant states hands them the power to veto and impede. Partial measures, which may appear attractive to those seeking to manage convergence, are not necessarily easier to achieve and sustain than comprehensive objectives.
- Good objectives get nowhere without effective strategies.
- While interim steps and arms control processes may work well in bilateral and minilateral diplomacy, partial objectives that are pragmatically tailored to the perceived needs of militarized states with the most embedded vested interests may prove to be less achievable through multilateralism than comprehensive approaches aimed at changing the international political and legal context with a non-discriminatory prohibition treaty.
- The more politically contested a treaty or objective under discussion, the more critical will be the role of civil society in achieving a regime-enhancing outcome.
- Verification is a tool of implementation and should not be fetishized as a precondition. Verification, like security, can never be 100 percent. It is a tradeoff between technological considerations and constraints and political considerations and constraints. Detection is a means to an end. The purpose of verification in most treaties is to build

¹¹ This bears out Zartman's (1989: 13) observations, since the moratoria may collectively be viewed as a "temporary mechanism that provides for the change itself on a transitional and provisional basis" – in effect, a "downpayment on confidence."

confidence and deter militarily significant violations that could breach a country's security or undermine international stability. An effective verification system is one that provides the technologies, political tools, and geostrategic powers to convince any leader contemplating violation to be uncertain about being detected and to calculate that the risks outweigh potential gains.

- Attention should be given to the social and gender dimensions of multilateral diplomacy. To be successful in multilateral negotiations, national and international training programs should give priority to the skills and strategies that will foster positive-sum integrative convergence. Such outcomes are most likely to provide sustainable security benefits for all. At the very least, integrative approaches should be given equal weight to the distributive bargaining techniques that still dominate in arms control diplomacy.

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