

An Appraisal of the Challenges and Limitations of Developing African Countries in Negotiations with Multinational Entities and Developed Nations: Proposed Interventions

**Dr. Peter Apuko Awuni¹, Aremu Mark Olawumi Kofi²,
Pernell Robert Osei-Boakye³**

¹B. Ed, LLB, LLM, PhD Law (Cand.), FCCBA, PEMADR, PECArb, PEMCLDP, ADR Consultant, Lecturer, Regentofen College of Applied Sciences, (ReCAS); Executive Director, Centre of Traditional Leadership, Culture, Conflict, Law & Development (CCCLaD), Accra, Ghana

²B.Sc., LLB, M.Sc. LLM, Industrial Liaison Officer, Takoradi Technical University.

³LLB, LLM, ACIB, MBA Barrister at Law, Mountcrest University College.

Abstract

The paper takes a look at the limitations and challenges that negotiators of developing African countries encounter with multinational entities and developed nations. It identifies that negotiators of multinational and advanced economies appear to be very competitive and confrontational as against negotiators of developing African negotiators, who appear cooperative and collaborative, a soft-styled approach to negotiations, these disparities arise from power, network and resource imbalance. Some of the challenges encountered by African negotiators include aggressive demands, unilateralism and setting self-serving agendas, negative impact of demographic variables as well as intercultural challenges. Others include inadequate cultural intelligence, negotiating process fatigue, political interest and inadequate competent and experienced human resource and financial limitations among others. The Doha declaration points to the fact that weak nations such as African countries and partners, even though may appear as weaker actors can attain a successful negotiated outcome, when in strategic partnership and networks with identified mutual interest and benefits. The paper recommends the need for the establishment of a networked governance strategy, a more formidable one to the TRIPs network, which delivered a BATNA. Within the state and regional levels, African countries must consciously endeavor to provide their domestic institutions such as Foreign Ministries, Trade and Industry Ministries, national negotiation agencies, with the requisite capacities and expertise needed to be very effective and competitive. Good political will of governments is central in avoiding conflict of interest and corruption at the expense of the State for a

¹ B.Ed, LLB, LLM, PhD Law (Cand.), FCCBA, PEMADR, PECArb, PEMCLDP, ADR Consultant, Lecturer, Regentofen College of Applied Sciences, (ReCAS); Executive Director, Centre of Traditional Leadership, Culture, Conflict, Law & Development (CCCLaD), Accra, Ghana, awuniapuko40@gmail.com

² B.Sc., LLB, M.Sc. LLM, Industrial Liaison Officer, Takoradi Technical University., markaremu@yahoo.co.uk

³ LLB, LLM, ACIB, MBA Barrister at Law, Mountcrest University College., elevation.chapel04@gmail.com

BATNA. This would enable them to be better prepared with the requisite confidence, knowledge, and skills to negotiate for a better outcome with multinational corporations and nations.

Keywords: Africa, Multinationals, Negotiations, BATNA

Introduction

The paper is a discussion that focuses on the limitations and challenges that negotiators of developing African countries encounter with multinational entities and developed nations. It goes forward to proposed intervention for best-negotiated agreements.

African countries in the pool of the stronger members within the global community find themselves as weaker players among these Goliaths, international bodies, multinationals, and superpower nations. Notwithstanding this positioning, has no other option but to engage in various forms of negotiations bedeviled with shortcomings and limitations.

Fiadjoe (2013)⁴ provides that negotiation has to do with communication between two or more parties (entities) to achieve mutual agreement. Negotiators may be cooperative (soft negotiating style); building trust and positive relationships, making concessions for mutual benefits. Negotiators may also be principled or competitive or confrontational (hard negotiating style), focusing on positions rather than the interests of parties (Fiadjoe, 2013; Ury et al, 1991⁵; Ury et al, 2020⁶). Good negotiations contribute to business achievement through generating superior outcomes and building a better relationship for lasting solutions, as opposed to short-term solutions that do not fulfill the ultimate interest of parties. It also helps parties to avoid future problems and conflicts (Hüffmeier, et al, 2019)⁷.

This paper, therefore, comes in two parts, the first, examines the challenges and limitations that African Countries encounter during negotiations with these international bodies and nations. The second part proposes some interventions such as strategies and approaches those African countries could adopt to enable them to attain favorable outcomes during negotiations with these entities.

Challenges and limitations of African Countries in negotiations with international bodies and other countries

Below include some of the challenges and limitations faced by African countries:

Aggressive Demands from Industrial Nations and International Bodies

Historically, the first rounds of multilateral trade negotiations show that the exchange of market access concessions was coupled with reciprocity and common advantages among participating nations. However, the outcomes of the Uruguay Round, where interestingly developing nations negotiated effectively, revealed that the concessions given by developing countries were more significant than those reciprocated. In these processes, developing nations did not accomplish the level of exchange anticipated for their mutual benefit (Nogués, 2004)⁸.

⁴ Fiadjoe Albert. *Alternative dispute resolution: a developing world perspective*. (Routledge. 2013) 5

⁵ Ury William, Bruce Patton, and Roger Fisher. *Getting to yes: Negotiating agreement without giving in*. New York: Penguin Books, (1991).

⁶ Ury, Roger Fisher William, and Bruce Patton. *Getting to yes*. Gramedia Pustaka Utama (2020).

⁷ Hüffmeier Joachim, et al. *Strong or weak synergy? Revising the assumption of team-related advantages in integrative negotiations*. *Journal of Management* 45.7 (2019): 2721-2750

⁸ Nogués Julio J. *Unequal exchange: developing countries in the international trade negotiations*. *Contributions to Economic Analysis* 270 (2004): 295-327.

The fallouts of the Uruguay Round revealed that the concessions given by developing nations were more significant than those they got from industrial nations and corporations. Nogués (2004) believes that this resulted based on aggressive demands from industrial nations owing to their power, resources, and influence against developing nations. Hence affecting their negotiating capacity and leading to an unequal exchange of trade concessions to their disadvantage (Nogués, 2004).

Unilateralism and Setting Negotiating Agendas

Negotiations have everything to do with an agenda and therefore very critical when it comes to the party who initiates and sets the agenda. International corporations and Industrial countries mostly are the parties who set these agendas, therefore dictating the pace and having a negotiating edge over developing African countries. These aggressive unilateral established agendas by these industrial countries and multinational bodies⁹ are not initiated for mutual benefit, but to meet their interest.

For a classical illustration of this challenge, emphasis is placed on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), which dealt with patents for pharmaceutical drugs. TRIPs were the brainchild of the power of rent-seeking industrial nations and multinational pharmaceutical drug companies. As indicated by Nogués (2004) the history behind TRIPs can be traced back to March 1987, after the Uruguay Round (UR) had been launched. Mr. Gerald Mossinghoff, President of the US Pharmaceutical Manufacturers Association (PMA) at the time, indicated that they were working with the US Congress to get it to sanction "...the intellectual property provisions of the Omnibus Trade Bill to strengthen US in ensuring that trade partners respect rights in inventions and trademarks of PMA...", and this was done under the passage of the Omnibus Trade Act of 1988. The enactment indicated that the absence of patent protection is an illustration of an 'unfair practice', and in line with the Pharmaceutical Manufacturers Association (PMA), supported now by the new 'fortified hand' of the US Government, the United States Trade Representative (USTR) started a series of retaliatory activities, or threatened to retaliate against several developing nations that did not give patent protection to pharmaceutical drugs. Under the UR, the fruitful General Agreement on Tariffs and Trade (GATT) custom of keeping the negotiating agenda focused on market access issues with development to fit the interests of industrial nations was undermined. There was a significant shift from the GATT trade negotiating plan within the multilateral and regional trade negotiations. This was mainly driven by the continuous expansion of interests of industrial nations and corporations. Bringing about unbalanced outcomes to the disadvantage of developing nations (Nogués, 2004).

The Non-involvement of Developing African countries at the Early Stage of Informal Negotiation.

The early stages of negotiation form the basis of the framework and the underlying need and interest on the agenda, hence very critical. African countries are not anywhere close during the conceptions of these ideas and drafting stage but are invited after these have taken their form and shape along with their hidden interests which are not always readily visible.

Drahos (2006)¹⁰ indicates that when it came to the TRIPS negotiations; as far as the real negotiations were concerned, developing nations were not part of the informal body where the real conception of the

⁹ Ibid (n 3)

¹⁰ Drahos Peter. *Four lessons for developing countries from the trade negotiations over access to medicines*. Liverpool law review 28.1 (2007): 11-39.

origination of the TRIPs framework was occasioned. This state which was exceptionally critical excluded African Countries. They included eight Groups specifically, the US and Europe Group; US, Europe, Japan Group; the US, Europe, Japan, Canada (Quad) Group; the Quad in addition to (Switzerland and Australia and so on) Group; Friends of Intellectual Property (Quad, Australia, and Switzerland) Group; The 10+10 Group (Made of different members on specific interest like the US and the European Group, Japan, Nordics, Canada, Argentina, Australia, Brazil, Hong Kong, India, Malaysia, Switzerland, and Thailand), The Developing nations Group (Andean Group - Bolivia, Colombia, Peru, and Venezuela; Argentina, Brazil, Chile, China, Colombia, Cuba, Egypt, Nigeria, Peru, Tanzania, and Uruguay) and Group 11 (Made of 40 active nations within the Group). That which should be noted here is, it was the initial three circles (the US and Europe Group; US, Europe, Japan Group; US, Europe, Japan, Canada (Quad) Group), who were the real force behind the origination. Utilizing these circles, the connection was one of power and hierarchy as opposed to mutual democratic negotiations among members. Those in the inward circle of the group comprehended what TRIPs were expected to contain. They worked at those in the outer circle until their comprehension. TRIPs were significantly more the aftereffect of the underlying three groups than it was of the last five (Drahos, 2006).

TRIPs cover an extent of intellectual property rights and have different legal and economic consequences for non-industrial countries. It achieves one thing in its provisions on patents that are essential for understanding the conversations around access to medications of which developing African countries at the receiving end suffer more.

The impact of demographic variables on negotiations

The human person is shaped not only by his formal or informal academic training and experience but also influenced by culture and demographic elements.

According to Salacuse (1991), culture is socially transmitted beliefs system, behavior patterns, values, and norms of a collection of individuals identifiable by their rules, concepts, and assumptions (Cai, et al, 2000). Janosik (1987) brings to light various studies on cultural traditions that have an impact on negotiation such as the “culture as shared values” perspective.

Negotiating styles and communication skills are said to have a bearing on individualism-collectivism cultural values (Cai, et al, 2000; Hofstede, 1980; Trompenaars, 1993)¹¹.

With Individualist cultures, emphasis is placed on autonomy and independence, self-determination, and protection of self-interests. On the other hand, Collectivist cultures emphasize interconnection, conformity to group norms, relational harmony, and protection of in-group interests (Cai, et al, 2000; Hofstede, 1980; Hui & Triandis, 1986; Schwartz, 1990). On the other hand, in the Collectivist cultures, status and role of authority are of essence (Gudykunst, 1987; Hui & Triandis, 1986).

States often are characterized as having a predominant value orientation; for example, the United States is viewed typically as individualistic, whereas China’s culture is viewed as collectivistic (Adler, Brahm, & Graham, 1992). The culture as shared values approach suggests these contrasting orientations produce differing approaches to negotiation (Cai, et al, 2000).

Similarly, African countries also have their shared value system which influences their posturing and approaches to negotiations. However, it does not inure to their benefit in face of negotiations. Cai, et al

¹¹ Cai Deborah A., Steven R. Wilson, and Laura E. Drake. *Culture in the context of intercultural negotiation: Individualism-collectivism and paths to integrative agreements*. Human Communication Research 26.4 (2000): 591-617.

(2000) indicates that cultural values are based on the negotiators' country of origin and impact negotiations.

Intercultural challenges to effective negotiation processes and outcomes

Imai et al (2010)¹² indicates that negotiators achieve significantly less joint profit when negotiating across the cultural divide than when negotiating within their cultural context (Adler & Graham, 1989; Brett & Okumura, 1998; Natlandsmyr & Rognes, 1995), and that the robustness of this intercultural disadvantage is not surprising when considering the number of psychological and behavioral challenges that face negotiators in these intercultural contexts (Adair & Brett, 2004) such as non-cooperative motives, the intergroup bias (Hewstone, Rubin, & Willis, 2002) more competitive among intercultural than intracultural negotiators (Graham, 1985; George, Jones, & Gonzalez, 1999; Kumar, 2004); potential to promote negative intergroup dynamics (Imai et al, 2010). Other behavioral challenges include weak coordination and communication mismatches, ethnocentrism, and rigidity in thinking (Cunningham, Nezlek, & Banaji, 2004).

These findings suggest that, within an intercultural context, negotiators may have a more difficult time sustaining epistemic motivation, hence the need to develop an accurate understanding of the world through deliberate and systematic information processing than in intracultural contexts (De Dreu, 2004; Imai et al, 2010). Adair et al. (2001) indicate that while negotiators from a low context culture such as the US exchange information directly through stating issue priorities, negotiators from a high context culture such as Japan exchange information indirectly by implying their issue priorities through the use of multi-issue offers (Imai et al, 2010).

Impact of Cultural Intelligence (CQ) on negotiations

Imai et al (2010) consider a broad range of individual differences and characteristics, including cultural intelligence, cognitive ability, emotional intelligence, openness, extraversion, as well as international experience as key in negotiations. Emphasis is placed on how American firms select individuals for overseas assignments suggesting that technical job-related experience and job-related skills are the two most important criteria considered (Moran & Boyer, 1987; Black, et al, 1991).

Cultural intelligence (CQ), is defined as a person's capability to successfully adapt to new cultural settings (Earley & Ang, 2003), this is a likely more powerful predictor of intercultural negotiation effectiveness (Imai et al, 2010). The reasoning is that while constructs such as cognitive ability and emotional intelligence may help negotiators to process certain types of information, such advantages may not be necessarily helpful for facilitating social interaction specifically in intercultural contexts; does not guarantee that it familiarizes individuals with culture-specific systems of emotional expression (Elfenbein & Ambady, 2002, 2003; Elfenbein, Beaupre, Levesque, & Hess, 2007).

Therefore, a negotiator could possess a high CQ within his culture; but this may not necessarily be the same within intercultural settings. Similarly, a negotiator who may not possess high interpersonal skills may prove effective in new cultural settings (Earley & Ang, 2003; Imai et al, 2010).

Negotiating fatigue of Developing African Countries

¹² Imai Lynn, and Michele J. Gelfand. *The culturally intelligent negotiator: The impact of cultural intelligence (CQ) on negotiation sequences and outcomes*. Organizational behavior and human decision processes 112.2 (2010): 83-98.

Drahos (2006) observes negotiation fatigue as a challenge, navigating through the complexities of the negotiation process as very complicated. It was found that a look at the meeting schedule of the WTO on regular basis in Geneva, alongside other relevant meetings in organizations, for example, UNCTAD or WIPO indicates a setting, where developing and many middle-developed countries' economies have little ability to support these negotiations which there are constant demands (Drahos, 2006). Drahos (2000) additionally found that the cycle of negotiating fatigue had strengthened since the mid-1990s, this depended on interviews led by developing nation delegates or negotiators that had duty regarding up to a dozen different areas across some international organizations.

Additionally, in the absence of regular expert tracking of events, hence negotiators stumble from one meeting to another with little evidence-based understanding of what they are dealing with. *Most negotiators from developing nations generally depend, on rehashing what they have gotten in discussion or perused in an outline preparation paper or brief which are shallow and empty*¹³. This makes negotiators of developing nations very weak in their already existing fragile position.¹⁴

Financial problems and trade negotiations

Nogues (2005)¹⁵ notes that developing countries facing difficult debt repayment problems sometimes become interlinked with international trade negotiations which may not be the best for the multilateral trading negotiations. Attention is drawn to 2001 in the case of Argentina's road to disaster, where she walked into the IMF headquarters more often than ever before as successive financial negotiations failed to convince the international capital markets, that events were moving in the correct direction, and therefore run into a poorly negotiated agreement with the US (Nogues, 2005). This was based on the thinking that the sooner an agreement was signed the better, irrespective of the requirements and demands in the body of the agreement. This illustrates the existence of circumstances where developing countries' trade negotiations are weakened by pressing financial commitment with international financial bodies and superpower nations.

Competence and experience of negotiators

Negotiating for better outcomes is largely based on the competence and experiences of negotiators. This becomes very critical when it comes to African Countries, the responsibility of administering these trade negotiations is the mandate of Foreign Affairs Ministries in most cases; this may have weakened the negotiating strength. Initially, negotiation agendas were based on trade negotiations, tariffs, and non-tariff barriers. Foreign Affairs Ministries are more familiar with operating within these terrains, the negotiating agenda that has been expanded considerably since the Uruguay Round and now includes new areas which these negotiators may lack the necessary expertise and capacity to navigate their way through (Nogues, 2005). Prof. Oppong (2018)¹⁶ observes that the composition of the legal teams for international arbitrations involving Ghana is foreign law firms due to a lack of expertise. The case of international negotiation is not any different.

¹³ Emphasis

¹⁴ Ibid (n 5)

¹⁵ Ibid (n 7)

¹⁶ Alesu-Dordzi, Samuel. *Richard Frimpong Oppong, The Government of Ghana and International Arbitration*. (2018): 649-651.

Some Proposed Interventions for Developing African countries in negotiations with Multinational entities and nations

Below includes are proposed interventions that may be adopted by negotiators of African countries to get better outcomes from negotiations with international corporations and nations:

Interventions to cultural and demographic variables

In response to this need, negotiators of African countries need to understand individual differences in cultural adaptation, (Imai et al, 2010; Earley & Ang (2003) and conceptualized Cultural Intelligence (CQ). Especially, as Global interdependence requires that nations negotiate daily across cultural boundaries (Imai et al, 2010).

Therefore, African negotiators such as political leaders, ministers of States (such as Foreign and Trade Ministries), diplomats, military personnel, and business among others, who are in such situations, should be selected for their level of cultural intelligence. Imai et al, (2010) draws attention to the widespread practice of American firms to selecting individuals for overseas assignments primarily based on technical experience and competence (Black et al., 1991; Moran et al., 1987).

African countries should therefore also consider among other factors, their employees' CQ in negotiation contexts. They may not be able to control the CQ level of their negotiators' negotiating partners; but can be certain that their representatives who are negotiating interculturally do not have low degrees of CQ which will hamper better outcomes (Imai et al, 2010).

Building a formidable networked governance approach to negotiation

As far as international negotiations are concerned, no nation (whether a developing nation or superpower nation or local or international corporation) can remain as an Island and expect to succeed in international negotiations with better outcomes. There is therefore the need, especially for the building of a formidable Networked Governance Approach beyond only negotiations by African countries as against relying on the Traditional Coalition Formation approach.

Drahos (2007) argues that developing countries will do better if they adopt a networked governance approach to negotiation rather than continuing to rely on traditional coalition formation. Noting that in a situation where a coalition of weak bargainers obtains a negotiating gain there has to be a strategy that is aimed at the realization of that gain if not it would remain unbeneficial.

Also, they need to be alert to the dangers of negotiating fatigue and must have a strategy for countering forum shifting by a powerful losing state or entities that are aimed at recapturing that gain. For example, the Doha Declaration (TRIPs) is claimed to be an example of the use of this strategy. It saw a process of successful negotiations for a coalition of African Countries and other weaker actors that had produced TRIPs. Susan Sell indicates that some twelve US corporations were primarily responsible for the lobbying that brought TRIPs into being, of course with their interest the priority. TRIPs was a dazzling triumph that was achieved during the 1980s influenced by "networked governance", particularly when those networks harnessed their bits of strengths into a bigger stick against the threats of the US based on its interest and demands. TRIPs was the product of politically powerful and linked networks deploying a regulatory pyramid with the threat of trade sanctions at its apex by the superpower corporations and nations such as the US mentioned (Drahos, 2007; Braithwaite & Drahos 2000; Odell, 2010).

A proposal from the African Group was discussed and agreed to at a TRIPs Council meeting in April of 2001 culminating in the Doha Declaration. There is little doubt that the rise in influence of the Africa

Group has been enabled by a partnership with NGOs (Drahos, 2007; Braithwaite & Drahos 2000; Odell, 2010).

Similarly, in another study conducted for the UK Commission on Intellectual Property Rights, every single developing country negotiator that was interviewed commented on the positive role that NGOs have played in the debate over TRIPS.

The Doha Declaration is an instance of a weaker alliance making a negotiation gain that a spectator would not have anticipated given the resources and power at the disposal US-led alliance on TRIPS. The explanation for this success lies in the fact that we live in a networked world as John Braithwaite has observed, “*the prescription for potency is not to sit around waiting for your power to grow ... [r]ather the prescription is to actively network with those with power that you do, not yourself control.*” Through networking, weaker parties get associated with different pools of capacities which enhances the network towards accomplishing its objectives which include the interests of members (Drahos, 2007; Braithwaite and Drahos 2000; Odell, 2010).

Hence, the Africa Group would never have accomplished the Doha Declaration since they were and remain weaker actors. The Africa Group joined forces with Brazil, India, and Northern NGOs who worked on the Northern mass media which led galvanized enormous support from some European Nations. *This also brought on board independent technical expertise to evaluate draft text in which the African group lacked*¹⁷. Others who also gave support include by way of resources include Geneva-based NGOs which added massive strength to the network (Drahos, 2007; Braithwaite & Drahos 2000; Odell, 2010).

It is, therefore recommended that for better negotiation outcomes, African countries would need to develop partnerships and networks such as these at the very early stages and not at critical times which may not be formidable as in TRIPs.

Handling negotiating fatigue

It is trite knowledge that the alliance of developing countries and civil society actors used a combination of evidence-based analysis and skillful public campaigning along with the issue of credible threats such as “*No Doha Declaration, No Doha Round*” which led to the successful outcome of the Doha Declaration. It needs to be noted that negotiating fatigue is a real phenomenon when it comes to negotiations. Drahos, (2007) uncovers that the US and EU realize that pressure-ridden negotiating arrangements over complex issues will strain and at least overpower the capabilities of weaker nations particularly African nations.”¹⁸. Therefore, weaker actors ought to understand that the art of negotiation is knowing when to walk away, when not to be drawn into a cycle of negotiation and when to put on the negotiating agenda items that they can service in terms of analysis and personnel in line with their capacity and expertise (Drahos, 2007; Braithwaite & Drahos 2000).

It is significant for African countries to note that agreeing to tight negotiating schedules and deadlines only creates pressures that the stronger actors such as international bodies and nations are better positioned and able to navigate through it for a successful outcome. Therefore, African countries must always endeavor to avoid this by calling for a more flexible schedule.

¹⁷ These networks are very critical when it comes to expertise since most these international NGOs and entities understand the politics, have the financial capacity and network schemes.

¹⁸ My Emphasis

Developing a strong bargaining power

The bargaining powers of African countries are limited since it is affected by the market power a state has at its command and a state's 'commercial intelligence networks'. Networks such as (a national chamber of commerce, corporations, NGOs, etc) gather, distribute and analyze information relating to a state's trade, economic, and business performance as well as those of other states. The more integrated these networks, in terms of information sharing and analysis the more effective it is likely to be effective in a trade negotiation.

Similarly, the capacity of a state to enroll other relevant stakeholder and interest groups and actors, at the state level, non-state level, regional level, networks or coalitions, etc enhance their capacity for effective negotiation (Braithwaite & Drahos 2000; Drahos, 2003). The Declaration on TRIPS and Public Health that was agreed by ministers in Doha was the product of an alliance between the African Group and other developing states in partnership with other influential NGO actors like the Consumer Project on Technology, Médecins Sans Frontières, and Oxfam (Mayne 2002).

Drahos, (2003) further indicates that bargaining power can be strengthened by domestic institutions of the state through internal decision-making rules and rules negotiating authority through binding which increases their bargaining strength to produce better outcomes.

Build national capacity within African countries

The African States also need to invest more in training their negotiators not only in economics and law but also in negotiation strategies and analytical skills (Odell, 2010).

Odell (2010) indicates that the poorest WTO members such as Malawi among others lack the requisite capacity for effective negotiation limiting their successful outcomes. In the case of Malawi, with a GDP per person of only US\$164 per year, lacks the financial muscle to get the requisite staff with the necessary expertise at the Ministry of Trade and Industry. Therefore, tackling technical issues at WTO becomes burdensome. In addition to this, the nation does not even have a trade mission in Geneva. This is not only particular to Malawi but includes other weak African Countries affecting them badly during negotiations. It is for this reason that Odell (2010) calls for the development of the capacity of the state machinery even if it requires donor support for WTO, UNCTAD, the World Bank, and regional development banks.

Similarly, in the maritime boundary dispute between Ghana and Côte d'Ivoire, a matter which was before the Special Chamber of the International Tribunal for the Law of the Sea (ITLOS), it was clear that these two African countries lacked the required expertise within their countries. Based on this lack of internal staff capacity, Ghana was represented by a team of international lawyers led by Professor Philippe Sands, a law based in London, Matrix Chambers. The other was Paul Reichler of Foley Hoag, who was also a US (Washington, D.C) based lawyer.¹⁹ That of Côte d'Ivoire was not different, but the same expatriate legal representation.

Therefore, it is only through investing in capacity building of personnel that African countries would be able to position themselves strategically during negotiations for better outcomes.

¹⁹ [https://www.businesswire.com/news/home/20170929005776/en/Ghana-Wins-Maritime-Boundary-Dispute-AgainstC%C3%B4te-d'Ivoire#:~:text=Ghana%20was%20represented%20by%20a,Foley%20Hoag%20LLP%20\(Washington\).](https://www.businesswire.com/news/home/20170929005776/en/Ghana-Wins-Maritime-Boundary-Dispute-AgainstC%C3%B4te-d'Ivoire#:~:text=Ghana%20was%20represented%20by%20a,Foley%20Hoag%20LLP%20(Washington).)

According to Fuller (1991)²⁰ an international negotiator needs to be equipped with skills such as familiarity with the custom of the other parties, ability to overcome language barriers, familiarity with the terrain or location designated for the negotiation and familiarity with cultural variables. Others elements are familiarity with the demography of the other party's country, familiarity with the operative legal systems, customs, and conventions as well as knowledge of local business protocols of the party's country. Fiadjoe (2013)²¹ submits that additionally, the international negotiator also needs to do adequate preparation and planning skills; smart thinking, must possess wise judgment, integrity, have language competence as well as field expertise.

Conclusion

One thing certain, is that the Doha declaration points to the fact that weak nations such as African countries and partners, even though may appear as weaker actors can attain a successful negotiation outcome if there are in partnership with strategic international NGOs, Corporations, and other nations with identified mutual interest.

Fast forward, African Countries, therefore need to build on this successful foundation of networked governance strategy which delivered a win when it came to TRIPs, the same can be done with other trade deals. Mindful of the interplay of demographic variables and building the capacity of negotiators on the cultural intelligence of their partners, is therefore significant to becoming effective negotiators. This makes them alert to the smart tactics used by international organizations and nations to out-smart them during the negotiations process such as causing negotiation fatigue of negotiators through tight schedules and deadlines.

Finally, at the state and regional levels, African countries must endeavor to empower their domestic institutions such as foreign ministries, and Trade and Industry Ministries with the requisite capacities and expertise needed locally, avoiding the use incompetent negotiators for their selfish gains and corruption at the expense of the State. This would enable them to be better prepared with the requisite confidence, knowledge, and skills to negotiate for a better outcome with international corporations and nations.

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