Master of International Trade (MIntTr)
ITRA501: Multidisciplinary Approaches to International Trade

STUDENT NOTE

Reimagining Trade Negotiations: From Adversarial Attrition to Collaborative Futures Thinking

Jamie Thompson

December 2025

Abstract

This note argues that the traditional adversarial approach to trade agreement negotiations is outmoded and should be replaced with a collaborative model based on futures thinking. The historic process, characterised by secrecy, attrition and compromise, creates public distrust, enables poor negotiating behaviours and produces outcomes that parties merely accept rather than aspire to achieve. By contrast, a futures thinking approach would engage diverse stakeholders in developing a shared vision of the ideal future trading environment before negotiations begin, then focus negotiations on pathways to achieve that vision. This evolution would reduce incentives for unethical behaviour, increase public support, enable more ambitious and environmentally sustainable outcomes and potentially shorten negotiation timelines. The note demonstrates that moving from secretive battles of attrition to open, collaborative engagement is not only desirable but necessary for creating sustainable twenty-first century trading environments.

Keywords: trade negotiations, futures thinking, collaborative negotiation, trade agreement reform, public engagement, sustainability

"It is past time for a change; we need a new form of collaboration to create sustainable trading environments."

I Introduction

Historically the negotiation of trade agreements has been a process more reflective of trench warfare where the process is secret, combative and a war of attrition rather than open and collaborative engagement between like-minded partners. While this contentious and confrontational approach has resulted in agreements being reached, it has also led to protracted negotiating processes where victory is excessively influenced by economic size and might, creates an environment of public distrust due to the secrecy and includes final outcomes that neither side may be fully satisfied with but can accept.

In this note I argue that the historic, protracted and adversarial approach to negotiating trade agreements is now outmoded due to its inefficiency and inherent complications and should be replaced by a more efficient, collaborative and outcome-focussed model. I will support my position by arguing that an outcome-focussed model will reduce incentives for poor behaviours by negotiators and provide for more publicly supported and environmentally sustainable outcomes, concluding that this evolution is not only desirable but necessary.

II Analysis

A The Traditional Model and Its Limitations

If one considers the simplified 'normal' or traditional process for the development of a trade agreement (concept, analysis, announcement, negotiation, agreement,

scrub, signing, implementation),[1] steps one and two are undertaken secretly in the domestic context and then there is a brief exposure to the public light with an announcement before retreating into secrecy for the negotiation.

The negotiation phase is at best adversarial, at worst like First World War trench warfare, where the parties, or combatants, undertake a prolonged battle to achieve dominance word by word, paragraph by paragraph and article by article. This adversarial approach starts with the initial tabling of market access offers, where the most publicly obvious contours of the future battlefield are laid out and then continues, even down to who will hold the pen on developing text.[2] Due to the inherent caution of government and negotiators, in general draft text proposals are based on what currently exists in a country's trading environment or on elements that can be easily accommodated. The evolution of new initiatives is at best incremental over time.

The negotiation battle is then undertaken in secret, providing negotiators with space to trade off competing national interests and priorities to develop an overall package of outcomes they consider to be the best possible.[3]

This secrecy may provide negotiations with a shadow to operate within and enable compromises to be reached, but it has been shown to discourage problem solving, allow unimportant demands to overshadow the important and impede the flow of information to the public, feeding a fear of what the unknown contains.[4] In some cases, this adversarial environment encourages text or working documents to be

1 "Trade Engagement" New Zealand Ministry of Foreign Affairs and Trade <www.mfat.govt.nz>.
2 See Dmitry Grozoubinski *Why Politicians Lie About Trade* (Conbury Press, Thames, 2024) at 110–114.
3 At 125–126.
4 Stuart C Smith, Diana Ball and Demetri Liontos "Working Together: The Collaborative Style of Bargaining" ERIC Clearinghouse on Educational Management <www.eric.ed.gov> at 3 and 18.

leaked[5] as the parties move towards a final text that is not ideal for any but acceptable to all.[6]

In New Zealand the outcomes of the negotiation of a trade agreement are revealed to the public during domestic ratification in Parliament where a National Interest Analysis (NIA) document is released that details the outcomes reached, benefits attained and required legislative changes. However, the NIA is silent on the compromises and trade-offs made during the negotiations and, more importantly, the reasons why these compromises were made.

Further, while the shadow of secrecy provides scope to negotiation, it also allows for information to be selectively cherry-picked and leaked for offensive or defensive purposes to influence the outcome. The effectiveness of leaked information comes from the inability to effectively rebut it without also breaching the secrecy of the negotiation.[7]

B Calls for Change and Emerging Alternatives

For a variety of reasons, secrecy included, there have been growing calls for a change to the way trade negotiations are conducted. In New Zealand we saw this with the widespread protests during the negotiation of the Trans-Pacific Partnership agreement in 2015, a feeling that has continued[8] and resulted in development of the "Trade for All" approach to trade negotiations.

---

5 Matthew Castle "The Causes and Effects of Leaks in International Negotiations" (2019) 63 International Studies Quarterly 1147–1162 at 1147, 1149–1150.

6 See "NZ-EU Trade Deal Has Painful Compromises for Europe's Producers, Farming Group Says" Radio New Zealand <www.rnz.co.nz>; "China-Australia Trade Agreement a Compromised Victory" The Conversation <www.theconversation.com>.

7 Castle, above n 5 at 1158.

8 See "New Zealand is Overdue for an Open and Honest Debate About 21st-Century Trade Relations" The Conversation <www.theconversation.com>.

Recent years have also seen changes in the structure and content of trade agreements. For example, the Indo-Pacific Economic Framework focussed on developing regional rules and standards with no market access component.[9] In addition, there has been increasing use of open plurilateral agreements such as the Digital Economic Partnership Agreement or the Agreement on Climate Change and Trade Sustainability. Civil society has also called for trade to refocus, paying more attention to national objectives such as food sovereignty.[10]

C A Collaborative Futures Thinking Approach

To address these various challenges arising from the traditional model of trade agreement negotiations, I propose a negotiating model where the outcome is known before domestic ratification, even before the negotiations start. A model where a wider pool of interested domestic parties contribute towards the outcomes and where the negotiation is not a battle of attrition, compromise and trade-offs but is focussed on achieving the best possible outcome, not the least unacceptable outcome. A model where the trade agreement development process is recast so it becomes: concept, analysis, development of a shared vision as to what the trading environment looks like in 10 or 20 years' time, announcement, negotiation on how to get to the desired state, agreement, announcement of the desired future state, scrub, signing and implementation.

This future trading environment could be developed using futures thinking at the initial stages to establish a shared vision. The Department of Prime Minister and Cabinet's Policy Project states that futures thinking "is a creative and exploratory

9 David Lawder "U.S. Trade Chief Tai Defends Pursuit of Non-Traditional Trade Deals" Reuters <www.reuters.com>.

10 See La Via Campesina "Building Momentum for an Alternative Global Trade Framework Grounded in Food Sovereignty" Bilaterals.org <www.bilaterals.org>.

process" that allows one to "think about the drivers of change that are shaping the future and explore the implications of these for making decisions today—not only about what to do, but how and when to do it". It enables one to "explore beyond the assumed" and "generate new insights". Of particular importance in the consideration of this note, it requires "engaging with diverse stakeholders".[11]

Moving from a policy focus to a more generic futures thinking approach developed by the Institute for the Future (IFTF), futures thinking enables one to "envisage possibilities" and "take actions to shape the future".[12]

Using IFTF tools,[13] once the concept and analysis elements of the agreement development process have confirmed that there is benefit in Party X developing a trade agreement with Party Y, time could be spent on activities to create a vision of a possible future trading environment that is based on the status quo but explores alternative future possible states, including how different actors in the trade process will operate in the future.

D Benefits of the Proposed Approach

The benefits of a collaborative futures thinking approach are numerous. First, wider public involvement in the future vision-setting phase of the process, rather than the ratification and implementation elements, will both increase public engagement in and understanding of the agreement and reduce the effectiveness of leaking information.

Second, the agreement itself can have a far greater level of ambition. As it is a vision of the future, it need not be based on existing technology and processes but

11 "Futures Thinking" Department of the Prime Minister and Cabinet <www.dpmc.govt.nz>.
12 "IFTF Foresight Essentials" Institute for the Future <www.iftf.org>.
13 Above n 12.

invites collaborative innovation. For example, the future vision could look beyond a current paper-based approach towards a paperless, more sustainable system and then have an agreement that serves as a development plan towards that new sustainable system. An additional sustainability benefit is a possibly shorter negotiation process, reducing the carbon footprint of the negotiation. The traditional attrition approach saw the negotiation process run over years as sides were worn down, but a change to collaboration may also encourage faster outcomes.

Further, as traders can be actively involved in developing the future state, it reduces the chance of creating a zombie agreement that exists but is not or cannot be used.[14]

III Conclusion

The current model of negotiating a trade agreement enables difficult compromises to be made in secrecy but comes at a cost of public distrust of the process itself as stakeholders are not aware of the outcome until the last parts of the overall process and can encourage unethical behaviours by the negotiating parties themselves. If the model were upended so that one started with public engagement in developing a vision of the future ideal trading state, a more open negotiation could then determine how to reach that state. Ultimately and ideally, the agreement development process would end up not with what the parties can accept but with what they aspire to.

[14] Julia Gray "The Coming Age of Zombie Internationalism" Good Authority <www.goodauthority.org>.