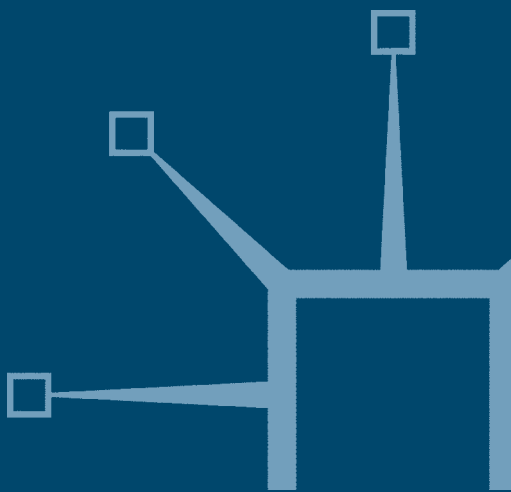
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Multilateral Conferences

Purposeful International Negotiation

Ronald A. Walker



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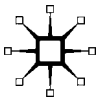
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Purposeful International Negotiation

Ronald A. Walker

Visiting Fellow, Australian Defence Force Academy, University College, University of New South Wales, Canberra, Australia

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First published 2004 by
PALGRAVE MACMILLAN
Houndmills, Basingstoke, Hampshire RG21 6XS and
175 Fifth Avenue, New York, N.Y. 10010
Companies and representatives throughout the world

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ISBN 1–4039–3321–9

This book is printed on paper suitable for recycling and made from fully managed and sustained forest sources.

A catalogue record for this book is available from the British Library.

Library of Congress Cataloging-in-Publication Data
Walker, Ronald A.
Multilateral conferences : purposeful international negotiation / Ronald A. Walker.
p. cm. — (Studies in diplomacy)
Includes bibliographical references and index.
ISBN 1–4039–3321–9 (cloth)
1. Diplomacy. 2. Meetings. 3. Negotiation. I. Title. II. Studies in diplomacy (Palgrave Macmillan (Firm))
JZ1305.W36 2004
327.2—dc22 2003064649

10 9 8 7 6 5 4 3 2 1
13 12 11 10 09 08 07 06 05 04

Printed and bound in Great Britain by
Antony Rowe Ltd, Chippenham and Eastbourne

To my father

Professor E. Ronald Walker, PhD LittD DSc
Economist

and later

Sir Ronald Walker, CBE
Public Servant and Diplomat

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Acknowledgements

First I want to thank my mentors in multilateral diplomacy – Roy Fernandez, Sandy Hollway and Duncan Campbell – and other Australian diplomats whose multilateral work I found inspiring – Sir James Plimsol, Sir Ronald Walker, Keith Brennan, Richard Butler and Penny Wensley.

I also wish to thank my wife Pamela for her constant support, encouragement and tolerance while the book was being written as well as for her suggestions for the text and help with the proof-reading. Colleagues at the Australian National University, Research School of Asian and Pacific Studies, gave precious assistance by testing some of my ideas. Others who helped in various ways to bring this book to light include Greg Fry, Geoff Wiseman, Geoffey Berridge and Roger Shelley. I thank them all, and especially Joel Quirk, Ted Pocock and Ken Walker who read the manuscript and offered many helpful suggestions. They are not to blame for the opinions and deficiencies in what I have written.

Finally, my particular thanks go to David Lovell and the Australian Defence Force Academy for their assistance in the production phase.

RONALD A. WALKER

Glossary of Acronyms and Jargon

adoption	A decision by a multilateral conference to give its authority (to a text).
agency	A unit of government.
agent	A person who acts for or on behalf of someone else; in this book, the agent of a government.
amendment	A formal proposal to delete or substitute words in a text formally proposed by another delegation.
APEC	Asia Pacific Economic Cooperation, promoting freer trade and economic cooperation among Pacific Rim countries.
ASEAN	Association of South East Asian Nations, grouping 10 countries which aspire to cooperate in many fields.
bureau	The presiding officer of a conference plus the vice-presidents and sometimes a rapporteur and the presidents of main committees. Sometimes meets as a steering committee.
capitals	National capital cities; by extension, the headquarters to which delegations and diplomatic missions report.
CD	Conference (formerly Committee) on Disarmament, a negotiating body created by but technically not part of the UN.
CEO	Chief executive officer.
chairman's text	A text proposed by a conference chairman as a generally acceptable solution to a contentious discussion.
CHOGM	Commonwealth Heads of Government Meeting.
codification	Writing and securing agreement to texts intended to define international standards.
consensus	That to which no objection is raised.
consult	To ask the opinion of someone, usually with a view to securing their agreement.

corridors, in (the)	At the conference but outside its formal meetings.
co-sponsor	A delegation that joins others in formally proposing a text to the conference for adoption.
Credential Committee	Committee whose function is to verify the validity of credentials.
credentials	Formal document establishing the status of a representative (usually of a government).
CTBT	The Comprehensive (nuclear) Test Ban Treaty.
delegation	A team of delegates.
deliberative forum	A conference mandated to discuss issues but not to take decisions or to negotiate treaties.
department	Sub-unit of a government ministry or other agency.
diplomatic privileges and immunities	Immunity from all laws, granted by governments to the diplomatic missions (and some of their staff) of other sovereign states.
DPRK	Democratic People's Republic of Korea, i.e. North Korea.
ECOSOC	Economic and Social Council – one of the principal organs of the United Nations.
EU	European Union of 15 (soon to be 25) countries which operate as a unit for many purposes.
Final Document	A report on the proceedings of a conference, often incorporating recommendations, adopted by the conference, usually at its closing session.
floor	The main body of the conference room where delegates sit, as opposed to the podium or rostrum. Also 'permission to address the chair – and thus the conference' – as in 'asking for the floor'. 'To take the floor' is to make use of this permission.
FOC	Friend(s) of the Chair.
Foreign Ministry	The government agency responsible for international relations – called Sate Department in the United States.
Friend(s) of the Chair	Delegate(s) drafted by the presiding officer to work with him or her to achieve agreement by the conference.
FRY	Federal Republic of Yugoslavia (composed of Serbia and Montenegro), so named after the

	secession of the other four constituent republics from the FRSRY.
FSRY	Federal Socialist Republic of Yugoslavia (defunct).
full scope safeguards	IAEA accounting controls on all nuclear material within a country (with exemptions for the five states which had nuclear weapons in 1968). The Full Scope Safeguards principle would deny exports of nuclear material and equipment to the four countries which are not parties to the NPT and North Korea which is in defiance of it.
G10	Group of (originally) 10: an informal group of 11 'middle powers' whose delegations work together in support of the NPT.
G77	Group of (originally) 77: now a formal organisation of over 125 developing (i.e. poor) countries who seek to coordinate their action in international conferences relevant to their economic interests.
G8	Group of 8: a periodic summit conference of the largest economies plus Russia, originally for the purpose of coordinating their economic policies.
geographical balance or equity	That which gives effect to an agreed or desired distribution as between the various geographical regions or other groupings.
Group	A number of delegations that consult or caucus together on a regular basis at a succession of conferences. 'Electoral groups' are constituencies.
IAEA	International Atomic Energy Agency, effectively – but technically not – a Specialised Agency of the United Nations.
IATA	International Air Transport Association, whose members are airlines.
IMF	International Monetary Fund, a member of the World Bank Group of Specialised Agencies.
Inhumane Weapons Convention	Informal name of a 1980 Convention, Protocol 2 of which places restrictions on the use of landmines.
interoperability	The ability of different systems to communicate and/or work together.

intervene, intervention	When a delegate addresses the conference, at the invitation of the presiding officer, he or she 'intervenes' (in the debate) or 'makes an intervention'. Thus an 'intervention' is a statement made to the conference.
ITU	International Telecommunications Union – a Specialised Agency of the United Nations.
killer amendment	An amendment which, if adopted, would defeat the intentions of the proponents of the original text.
language	A set of words for incorporation in a text to be adopted by the conference.
lead sponsor	The delegation that acts as leader of the co-sponsors of a text.
leading delegation	One that exerts leadership in the conference.
mandate	What a conference is expected and permitted to do.
Member States	These words are capitalised when they refer to the members of a specified international organisation.
Minister	A member of the political top leadership of a government. In the United States called Secretary (e.g. of Defence or of the Treasury).
ministry	One of the larger and more important government agencies – called 'Departments' in the United States and some other countries.
multilateral constructs	My term for the products of multilateral diplomacy: multilaterally codified standards, multilateral treaties, international organisations and multilaterally created and managed regimes, etc.
NAM	Non Aligned Movement.
NATO	North Atlantic Treaty Organisation, a 19-nation military alliance with a unified military command.
negotiation	A joint effort to reach agreement. Can include, but is not confined to, haggling.
NGO	Non Government Organisation.
non-paper	A text whose lack of formal status is emphasised.
NPT	The Nuclear Non-Proliferation Treaty of 1968, designed to block an increase in the number of nuclear armed states.

NPTREC	The Review and Extension Conference of the Nuclear Non Proliferation Treaty held in 1995, to decide, *inter alia*, whether the treaty should be extended indefinitely.
OECD	Organisation for Economic Co-operation and Development, composed of the main industrialised countries.
OPEC	Organization of the Oil Exporting Countries.
operational objectives	What a delegation wants the conference to do: for example that it should draft a treaty with certain provisions or, conversely that it not take certain decisions.
party	Sometimes 'state party', plural 'states party'. In international law, a state which has accepted to be bound by a treaty. Capitalised when it relates to a specified treaty.
piggy-back	To be carried by someone else (the reference is to a traditional children's game).
plenary	The whole conference meeting as such, as opposed to its committees or other offshoots.
pre-negotiated	Negotiated prior to the start of a meeting.
protocol	In international law, a treaty that is attached to another treaty and contains additional or different provisions. Because it is signed and ratified independently, a protocol may have different parties from those that are parties to the main treaty. Diplomatic protocol is the universally applicable rules governing the interaction of representatives of sovereign states.
proto-negotiation	My word for an attempt to develop a proposal acceptable to others by amending it in response to their concerns, but not giving them a direct hand in the drafting.
rapporteur	A person charged with responsibility for the preparation of a report.
Realpolitik	The pursuit of the concrete interests of states or nations.
regime	Institutionalised arrangements, involving several governments, for managing an issue or a category of issues. See Chapter 3, fourth section.

regional seat	Elective position reserved for a member of a specific geographical or other constinency
remit	Mandate.
representations	A diplomatic communication (oral or written) which seeks to persuade another government to do something.
resolution	A decision by a conference in written form.
Rules of Procedure	A set of rules adopted by a conference or its parent body to govern how the conference is to be run.
second track diplomacy	The pursuit of diplomatic objectives by a government using non-governmental resources and channels.
secretariat	The staff of an international organisation; 'conference secretariat' is a team of people organised to provide support and administrative services to a conference.
session or sitting	A meeting of a conference, as in 'the 55th (annual) session of the UN General Assembly'.
Specialised Agency	A separate international organisation forming part of the UN 'family of organisations' but not subject to direction by the UN General Assembly or Secretariat.
sponsor	A delegation that formally proposes a text to the conference for adoption.
steering	By analogy with steering a ship through shoals to harbour, a delegate is said to steer a text through the various processes that can lead to its adoption by the conference.
steering committee	A committee composed of a relatively small number of the members of a conference, charged with organising its work.
summit meeting	Meeting attended by heads of state or government.
travaux préparatoires	Agreed record of what was said during the negotiation of a treaty. Can assist in its interpretation.
UNGA	The General Assembly of the United Nations.
UNHCR	United Nations High Commission for Refugees.
UPU	Universal Postal Union – a Specialised Agency of the United Nations.

welcome solution	My term for a proposal acceptable to all delegations because it reflects their concerns but which they have had no direct hand in formulating.
WEOG	West European and Others Group (electoral group of delegations).
WHO	World Health Organization – a Specialised Agency of the United Nations.
WIPO	World Intellectual Property Organization – a Specialised Agency of the United Nations.
WMO	World Meteorological Organization – a Specialised Agency of the United Nations.
WTO	World Trade Organization. Confusingly, the same initials are used by the World Tourism Organization. Both are 'related to' the UN but not Specialised Agencies.
ZRG	Zero real growth (in the budgets of international organisations).

Introduction

This book is an elementary introduction to how multilateral conferences work and what you, as a participant in such a conference, can do to produce the outcome that you want.

The multilateral conferences it addresses are meetings of representatives of several (typically ten or more, at times nearly 200) states (and in practice their national governments). Several thousand such conferences are held each year.* Examples include the General Assembly of the United Nations (UNGA) and many known only to a small circle of experts such as a conference to reschedule the debt of a country which is in danger of defaulting or a European Union committee on food packaging. The procedures and processes of such meetings are distinctive, as are the strategies and skills which participants must deploy if they are to achieve their objectives in this environment.

Some diplomats specialise in multilateral diplomacy, many others find themselves drafted into the delegation to a conference, simply because it happens to be held in the country to which they are posted. Civil servants from other government agencies, representatives of non-government organisations or commercial firms and members of the staff of international organisations can also be called upon to participate in multilateral conferences. I hope that the book will be of interest to serving diplomats, to people undergoing training in diplomacy, and to anyone else who expects to participate in a multilateral conference. For them it is intended as a primer in the basics of procedure and process and also as an elementary 'do-it-yourself' book, introducing them to some of the techniques, strategies and tactics which can be used (and those which are likely to fail) at multilateral conferences. But the book is equally addressed to everyone who wants to understand what happens at these conferences and what determines their outcomes, including journalists, academics and would-be informed voters.

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* There are of course many other kinds of international meetings, such as the meetings of the World Council of Churches, the International Olympic Committee or Rotary International, international scientific conferences and meetings of staff members of multinational companies. They lie outside our subject matter, but some of the practices described in this book may be applicable to them as well.

The book is divided into three parts. One describes the broad context in which multilateral conferences are held: how governments make decisions, why they choose to address some issues through multilateral diplomacy, the international organisations which provide the venue and subject matter for many conferences and how multilateral diplomacy is conducted. The second and most detailed part describes the purposes, participants and processes of multilateral conferences and the ways in which these can affect conference outcomes. It devotes three chapters to strategic and managerial issues. Throughout, the perspective is that of an active participant seeking to achieve objectives. Finally, the third part attempts briefly to assess what value results from all the resources and energy which multilateral conferences consume.

All of this is based on personal experience and observation. I was a member of the Australian diplomatic service for 37 years, for the last 22 of which I specialised in multilateral diplomacy. My main area of concentration was international action to resist the spread of nuclear weapons but I also worked multilaterally on a score of other topics, notably climate change and human rights. I participated in well over a hundred conferences in roles ranging from junior 'bag carrier' to chairman of the conference.

The diplomacy of multilateral conferences is tightly constrained by their format, which no individual participant can alter. Moreover, these encounters take place in a crucible, quite different from the normal circumstances of bilateral diplomatic exchanges. Their time-frame is tightly circumscribed and unrelated to the decision-making timetables of the governments concerned, which are often a long way from the conference venue and sometimes in different time zones. The tactical situations can only be fully appreciated by those present as they develop: the representatives of the governments need far more autonomy of decision-making than is usual in bilateral dealing, if they are to obtain the best available outcome for their masters. In other words, the role of process and of the individual agent is enhanced. Observers and analysts who do not understand this dimension of multilateral conferences are not well placed to understand why any particular conference produces the outcome that it does produce.

As will be evident, the book reflects a belief that process matters – to a much greater degree than is usually credited. How things are done can determine what is done. Some parts of this book focus on minutiae. I believe they are of interest on their own, but also that they are important to understanding the bigger picture. A forest is more than a multitude of trees, but the study of forests must start with the study of trees.

The forest analogy also points to another aspect of this book: the equal attention it gives to mundane, even esoteric, issues and to the dramatic ones which dominate the headlines. The intricacies of soil chemistry and the hidden life within the litter are at least as significant to the survival and character of a forest as is the occasional forest fire. Likewise, in terms of the wealth of nations and the survival of individuals, international cooperation for public health is far more important than the War on Terror. It is less sensational but presents at least as much of a challenge to diplomacy. An approach to international relations which focused excessively on high-profile events would overlook the bulk of reality.

It was my immense good fortune that my period of involvement in Australia's multilateral diplomacy largely coincided with one of its halcyon days. In terms economic, military or political, Australia was (and remains) a 'middle power', commanding less than 2 per cent of the planet's GDP. Yet in this period (1975–96) it played a formative role in the Uruguay Round trade agreements, the World Trade Organization, the Chemical Weapons Convention, the Law of the Sea, the Climate Change Convention and many other global arrangements; as well as regional arrangements such as Asia Pacific Economic Cooperation (APEC), the settlement of the Cambodia conflict, the South Pacific Nuclear Free Zone, the South Pacific Environmental Programme and many others.

Australia, at that time, saw two strong attractions in multilateral affairs: one self-evident, the other counter-intuitive. Lacking power, a world order in which power is the determinant of outcomes is obviously less favourable to Australia than one in which rules are important and we can participate in the making of those rules. But multilateral diplomacy also turned out to be a very productive way of pursuing particular national objectives. In bilateral dealings with major powers – or groups of lesser powers – Australia lacked negotiating coin and had difficulty achieving her objectives. Even with small island states of the Pacific, bilateral dealings were often unproductive for Australia as, for a number of reasons, we were unable or unwilling to use our relative power to further our aims. But through multilaterally established standards, multilateral cooperative endeavours and multilaterally managed regimes we were able to produce specific results in support of our nation's security, economic interests and values, as well as the egos and electoral standing of our leaders. Ambitious political leaders (from both sides of Australian politics) unleashed ambitious officials and gave us the (very modest) resources needed to achieve such results. We were active

everywhere, we had a sense of moving mountains and of serving our country well – and we enjoyed the work.

Inevitably, the book reflects that experience. Some of the examples cited in the book are Australia-centric but I believe that most of what I have written is of general application or, at least, transposable, *mutatis mutandis*, to other times and other circumstances. I hope that it will be useful to representatives of nations with much lesser means than the 'middle power' I served, and to representatives of powerful countries with more constraining interests and bureaucracies than Australia's; and also to Australian diplomats of today, serving a government which has a different outlook from its predecessors.

Some will question the relevance of a book on multilateral diplomacy at a time when multilateralism is wildly out of fashion in Washington (and Canberra). I believe this swing of the ideological pendulum is unsustainably wide and that now is a good time to think counter-cyclically. In any case, multilateralism is still dominant in Europe and elsewhere and it remains the method preferred by the United States itself for addressing many issues.

Part I
The Context

Outline

These five introductory chapters aim to put multilateral conferences into context and to show why I believe the minutiae of conferences are important. The underlying argument is that decision-making processes are the key to understanding and trying to influence outcomes.

Chapter 1 identifies national governments and their agents as the key decision-makers in international relations and examines how they make decisions. It elaborates on committees because of their prominence in government decision-making and because multilateral conferences themselves are also committees.

Chapter 2 looks at why governments interact with each other and in particular why they do so multilaterally.

Chapter 3 describes how multilaterally gathered and disseminated information, multilateral agreements, multilaterally codified standards and multilateral regimes can be used to influence the behaviour of governments (and others). It devotes most attention to the concept of international standards and what makes them effective.

Chapter 4 identifies international organisations as both targets of multilateral diplomacy and independent participants. It describes the functions and character of these organisations and of international civil servants; also their autonomy and their limitations.

Chapter 5 shows how governments set about achieving their objectives through multilateral diplomacy. It describes the roles of multilateral units in foreign ministries with particular attention to techniques and strategies that can be deployed in multilateral campaigns to transform ideas into realities.

Multilateral conferences are vital components in the processes described in Chapters 3, 4 and 5.

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1
Governments and Committees

It is unilluminating and often misleading to think of states as rational actors pursuing their own interests or those of the nations they represent. For a deeper understanding of international relations and to have any prospect of influencing their course, it is necessary to start by identifying the actors (who they are, what they are trying to achieve and what means are at their disposal) and to observe the decision-making processes which determine their behaviour.[1] The following are the empirically-based premises on which this book is based.

The main[2] actors in international relations are nations, states and their governments. Nations are groups of people and their institutions (such as governments, commercial firms and football clubs), united by their association with a particular territory and their subjection to the state which has sovereignty over that territory. Nations can interact in a wide variety of ways: each is potentially for all others a market and a source of goods, money, infectious diseases, ideas, genes and many other things, including, at times, invading armies. The extent to which this potential is realised depends on a large number of decisions by different actors. Many of these decisions are neither centrally directed nor coordinated; most are taken with no thought of their consequences for the nation as a whole, let alone for their impact on other nations. Some of the interaction between nations is performed by representatives, such as national football teams in the World Cup or entrants in the Eurovision Song Contest.

States (that is to say national, sovereign states, not the constituents of federal states) are quite different entities. They are abstractions: emblematic and legal personifications of nations.[3] States interact in a very limited number of ways: they can recognise each other (i.e. acknowledge their legitimacy), send and receive ambassadors, conclude treaties, go to war

and undertake a few other such deliberate, formal acts. As they are not sentient beings, states cannot identify their interests, articulate aspirations nor make decisions. The multilateral conferences which are the subject of this book involve representatives of states.

National governments speak and make decisions on behalf of states. They are a third, entirely different kind of entity: organised teams of people controlling at least most of the institutions[4] of a state. It is they who appoint ambassadors and issue their instructions, they who decide whether or not to accede to treaties, and they who, at times, decide to go to war and decide how to conduct it.

Because they are three different kinds of entities,[5] the nation, the state and the government have different interests and it would be unrealistic to expect any one of them to act automatically in accordance with the interests of either of the others. Empirical observation confirms that they do not habitually do so.[6] Moreover, the one of these three entities which comes closest to having a central decision-making capacity, the national government, is driven by diverging interests. All governments are very interested in sustaining their own power; but they also have policy objectives: administrative, economic, security and/or other objectives whose pursuit can be inimical to their popularity and survival prospects. Moreover, as we examine more closely the decision-making processes of government, we shall see that other factors also intrude in determining their behaviour.

Decision-making in Governments

Governments need a way of deciding what the government and its agents should do, on topics ranging from managing national defence to sweeping the floor in one of the tax offices. All modern governments are organised to address this challenge in essentially the same way: the dispersal and re-grouping of responsibility for making decisions on such questions as how to assess situations, what to say about them in public and/or in a particular private conversation, what instructions to issue and how to implement instructions. Responsibility for making such decisions in relation to each particular topic or area of activity is assigned to an individual or to a team headed by an individual. Jack is responsible for sweeping office no 3025; Jane, in the Foreign Ministry,[7] is responsible for coordinating policy towards Japan and Abdul carries the responsibilities of Minister for Defence. With responsibility for making these decisions goes both the authority to make them and accountability for having made them. Jack has no formal authority but in practice he

decides how far to reach under each piece of furniture and many other questions of this order. He is accountable to his foreman for his work or conduct. Jane makes a large number of decisions every day which are widely accepted as authoritative but she remains accountable to her superiors in the Ministry and must refer some decisions to them. Abdul, likewise, makes many authoritative decisions but knows that he should refer some decisions to Cabinet (or other top authority) and that he is accountable not only to his colleagues in government but also to the media and to the public at large.

This leads to the benefits of specialisation: individuals are able to focus on a manageable body of information and to become expert at making decisions in that area. They develop a body of knowledge and a viewpoint, both based on their specific area of responsibility. But it also leads to the disadvantages of specialisation: narrowness of knowledge and of perspectives, divergent lines of thinking between people with different areas of expertise and the risk of incoherent action. Abdul might see an enhanced air services agreement with Japan as an unqualified benefit to his area of responsibility; but Jane would be more focused on the possibility of having to pay or of being able to extract a price for that agreement in another, unrelated area of the overall relationship with Japan. To overcome this problem, when decisions are to be made, the holders of dispersed responsibilities reassemble to expose and confront their respective responsibilities, bodies of knowledge and perspectives, as they apply to the matter at issue. When this reveals differences, they seek to settle them by reconciling or accommodating some of the factors raised and disposing of the remainder by affording them lower priority. The result is a decision which (however imperfectly) represents a pooling of the knowledge and perspectives but above all of the responsibility of all those engaged in the process. As such it also represents a pooling of authority: the decision carries the authority of all the government agencies or sub-units that participate.

This pooling of knowledge, perspective and authority can take place in three different but essentially equivalent ways. At the most informal level and usually for matters of minor importance, the process takes place in the mind of individual government members or agents. ('My own responsibilities and expertise tell me this; but in addition I know that this or that other sector of government has such and such additional concerns which I need to factor into my decision'). More formally, the person responsible for proposing a particular decision will 'consult' (i.e. seek the views and agreement of) representatives of the other centres of responsibility which he or she knows to have an interest in the matter.

He may then adjust or further argue the proposal in the light of these contributions, until such time as all concerned 'sign off' on it, i.e. formally agree to its going forward as a representation of their concerns as well as those of the originator. Both of these are just shorthand versions of a device which has a big role in decision-making by governments: the committee.

Committees

A committee is a number of people sitting round a table, where each participant is there to contribute his or her knowledge and viewpoint to a decision (such as how to assess a particular issue or what action to take). The second and equally important function of a committee is to bind the participants to its decision and pool their authority in support of that decision. The highest policy-making organs of virtually every government are committees (absolute dictatorships are rare aberrations). The information papers and recommendations on which these bodies base their decisions have been prepared by committees composed of representatives of several government agencies. Individual decisions or recommendations (i.e. decisions to make a particular recommendation) within agencies are made by committees of representatives of sub–units of those agencies. Even assessments of the facts on any particular matter, if they are at all complex, are likely to be made by committees of officials. Committees are of central importance to this book, because of their role in determining the behaviour of national governments and because multilateral conferences themselves are committees.

Factors in decision-making by committees

Participation

The first determinant of the outcome of a committee meeting is who the participants are. Let us, for example, imagine (and caricaturise somewhat) a committee examining a question which came before governments in the 1970s when the international Law of the Sea was being rewritten and expanded. The question was whether off-shore oilrigs were to be treated in law as ships or islands. In such a committee the Foreign Ministry is certain to participate (in the person of a representative), because of its responsibility for international legal issues. Likewise, the government agency responsible for energy policy is also there, since the issue relates to oil production. Also present is the Ministry of Finance, because if oilrigs are to have the same status in law as islands the full tax

regime will apply there; if they are treated as ships they can buy supplies duty free and aspire to other tax dispensations. Moreover, if they are islands in international law, they generate territorial sea and seabed,[8] thereby increasing the potential tax-base. The government agency responsible for economic policy is also present because a favourable tax regime for off-shore oilrigs would attract investment. Because of their respective responsibilities, Finance and Economic Policy (to anthropomorphise these government agencies) have differing viewpoints and, in this case, diametrically opposed preferred outcomes. Every agency (or sub-unit thereof) that is represented on a committee brings its own knowledge, perspective and responsibilities to the table. There these will be confronted by the knowledge, perspective and responsibilities of the other participants and somehow factored into the final decision of the committee – even if only by a conscious decision to override them. Conversely, the knowledge, perspective and responsibilities of any agency which is not represented on the committee are not likely to be reflected in the outcome.

Confrontation

The identity of the participants in a committee meeting thus determines the substantive considerations that are to be on the table; but that substance does not alone determine the outcome of the committee's deliberation. In theory, committees should represent a dispassionate search for truth and wisdom. They rarely do so in reality. The participants in committees (and their masters) are individual human beings and, human nature being as it is, there is a slippery slope from effectively representing your responsibilities and viewpoint, to forceful advocacy and at times to a no-holds-barred determination to prevail. Beyond the inherent risk that any confrontation will become combative, individuals (especially those who gravitate to government service) are often emotionally committed to their work and tend to identify with causes they are called upon to advocate. Moreover, rewards in government service come from your own agency and work group: 'success' in committees leads to self-esteem, the respect of colleagues and advancement. Committee meetings tend to be hard-fought, at times bitter, confrontations. The 'inter agency process' in Washington DC is famous for the 'hard ball' that is played there. Leaping ahead to the subject matter of later chapters, the gloves-off, confrontational culture of inter-agency committees is diametrically opposed to the exaggeratedly courteous, consensus-seeking culture of multilateral conferences – which in turn adds to what is already a very difficult interface between domestic and international institutions.

Thus the substantive outcome of a committee meeting will be determined not only by the substantive considerations that the participants bring to the table but by how these participants interact. Here personal attributes become extremely important. Is the representative of Finance of sufficient rank for the other participants to take account of what he or she says? Has he or she irritated the other committee members by coming late or otherwise wasting their time? Is he clever enough to see all the possible ramifications of whatever is proposed by others? Is he persuasive? Does he have good personal contacts which enable him to find out what some of the key players are trying to hide – for instance that Energy has conspired with one of the other agencies, before the meeting, to work together to influence its course? Moreover, what personal agenda and what personal distractions influence his behaviour?

Leadership

The objectives and performance of one member of the committee will be particularly influential: the person chosen to chair it. Some heads of government or heads of agencies totally dominate the committees they chair and every chairman has (at least potentially) tremendous power to influence the outcome of the committee's deliberations. The formal responsibilities alone of the chair would ensure this: organising and managing its work. In addition, human groups need and respond to leadership. Moreover, chairmen, whether volunteers or coopted, tend to be individuals of ambitious temperament, with a taste and skill for leadership. They will want to lead the committee to a successful outcome and to put their personal stamp on the whole exercise. Their idea of success will be coloured by personal values and subjective views about the matters before the committee.

Choice of the chair

Given this potential, there can be conflicts over which government agency is to convene and chair an inter-agency committee and manoeuvres to secure the chairmanship or at least deny it to an opponent. In our example of a committee on oilrigs, Finance may fear that a chairman from Energy will have the same policy view as the representative of Economic Policy and manage the meeting in such a way as to favour that policy perspective. So Finance might try to get the topic considered not by the committee on off-shore oil, which Energy chairs, but the committee on the Law of the Sea which the Foreign Ministry chairs. Or it might argue that this is a new issue, requiring a new committee on the international legal status of off-shore oilrigs, chaired by a

representative of the head of government (the Prime Minister's Office, the White House, etc.). The head of government (and his or her office) are usually expected to have a 'whole of government' perspective and thus to be impartial.

The role of substance[9]

As noted above, the committee process is – at least in form and often, to a degree, in reality – an attempt to find the technically and substantively best course of action for the government to take; one might almost say an attempt to identify the national interest. Substantive considerations are exposed and assessed – e.g. in our caricature-example of off-shore oilrigs, that classifying them as islands is expected to yield immediate gains for government revenue but in the longer term less private investment in oil search. An individual could weigh the one consideration against the other. This would already be a subjective evaluation, affected by such factors as his or her degree of confidence that these predicted effects will actually occur and the relative value that he or she places on immediate government revenue as opposed to longer-term economic growth. Nevertheless, the conflicting considerations can be thought of as confronting each other on a level playing field in his mind. In a committee these considerations are represented by champions. They compete not on merit but on the strength and ability of their respective champions and the outcome is further influenced by the way in which the contest is organised. Observers can evaluate the decision in terms of the concrete substantive outcome (e.g. whether the nation was made richer as a result). This is appropriate, but the point I am making is that an understanding of the substantive considerations relevant to the issue is of little help in understanding or predicting government decisions, without an understanding also of the processes through which substantive considerations are filtered.

This distance between what a dispassionate analyst might think of the substantive considerations and the way they actually manifest themselves in committees is illustrated by positions that were actually taken (as reported some years later) in inter-agency committees in the United States and the United Kingdom when the issue of the status of off-shore oilrigs was discussed. On both sides of the Atlantic, the Army and the Navy were represented on the committee, because their interest in the issue was accepted. Both agencies thought: if they are islands they will be the Army's to defend, if ships, the Navy's. The attitude of the US Navy was the same as that of the Royal Navy, and the two Armies also mirrored each other's attitude, for reasons that derive from organisational factors

common to most armies and navies. If the Army has to defend off-shore oilrigs, it cannot use its regular armoured or infantry divisions for the purpose. It will have to expand the Special Forces, with their non-standard equipment and training. The Army hierarchy at that time disliked the Special Forces because of their high cost and the problems their peculiar capabilities and requirements present for commanders, supply officers and planners. Moreover, the Special Forces are unlikely to be represented among the policy-makers: statistically they are a small proportion of the Army and they are temperamentally least likely to do well at desk jobs. So the Army said oilrigs are ships. The Navy was divided: to defend off-shore oilrigs it would need more small ships, leaving less money for larger ones. That would mean more commands for junior officers, so junior officers and those responsible for training naval officers would see merit in this option. But senior officers like to command, and Admirals to deploy, major units. Senior officers prevail over junior officers and the naval high command prevails over the trainers. So the Navy said oilrigs are islands. If the same question were put today, when Special Forces are in fashion, the Army might concur. The point is that the issue of which international legal status for off-shore oilrigs would best serve their country's national interests was totally swamped by the question 'How could this impact on the interests of our agency?'

Characteristics of committee decisions

When such conflicting perspectives are brought into a committee and required to confront each other, what is the outcome? Between contending views among entities and individuals who have to work with each other for all time, it is likely to be a compromise,[10] not always because of the force of the substantive arguments but because of the very nature of committees. There is a strong tendency for the accommodation of disparate and even conflicting views to become an objective in itself, at the expense of the primary mandate of the committee, i.e. to determine the 'best' course of action. Elements may be included, not for the contribution they make to that primary objective but for the sake of making some concession to each participant or at least those with most authority. Indeed, many a participant will not join in a decision unless he or she sees therein at least some reflection of the concerns for which he or she is responsible. As a result, committees have a tendency to take account of too many concerns. (They can, of course, also, fail in the opposite direction when tunnel vision or combative instincts overwhelm the collegiate ideal.) Far too often, several participants in a committee have no direct stake in the objective pursued by the proponents of

a particular action; they are just there to make sure it does not interfere with their interests. Committees are predisposed to pusillanimity, as epitomised by Churchill.[11] They are less good than individuals at taking bold, innovative, inspired or even clear-minded decisions: by definition, they are not single-minded. They also tend to be slower.

Another characteristic of committee-produced decisions which distinguishes them from decisions taken by individuals is that they put far less value on consistency. An individual will often wish to be consistent, for the sake of effectiveness in his chosen line of action, or lest he appear indecisive or unreliable. A government committee may include someone concerned about the likely public reaction if decisions are too obviously inconsistent; but the deck is stacked against such a view prevailing. Each time the committee meets, some of the individual participants might be different and some totally extraneous factor may have intervened. Because the previous decision was a compromise, no one fully owns it, and at least some of the participants may try to claw back some of the ground they lost at the previous confrontation. This is not always a weakness: a common fault of individual decision-makers is inflexibility and stubbornness.

The old jibe that a camel is a horse designed by a committee undervalues camels but rightly contrasts the elegant efficiency that can be achieved by an individual working alone and the complexity and unwieldiness of a decision that clumsily accommodates differing perspectives. The converse, however, is that a lone decision-maker, virtuoso though he may be, cannot be omniscient and may overlook some important factor. A sleek racehorse with weak lungs could be the result of designing without a committee. Committees are often the most effective way to pool knowledge, confront different perspectives and work out how best to take account of many competing considerations. For all their faults, they are indispensable.

Autonomy within government

The importance of committees and, more broadly, the aspiration of governments to perform as a coherent whole should not lead us to underestimate the role of individual government leaders and agents. One of the most striking features of government is the way in which all systems tend towards centralising authority in the hands of a single individual.[12] This applies from the top leadership to every unit and team within government. Just as the personal characteristics of a CEO have a strong influence on the corporate culture of a commercial firm and on

its direction, so too governments and each of their components are shaped to a considerable degree by their respective individual leaders. Beyond this, every government agent makes a large number of decisions every working day. Indeed, committee decisions are the product of a large number of decisions by individuals, including those who decide whether or not to mention a particular detail in a paper put to the committee, how to argue a particular point in the committee and how doggedly to uphold it. Even the most apparently trivial decision can have far-reaching consequences. The decision by a sweeper to reach with his broom a little further under a bookcase can lead to the detection of a microphone or a bomb, and thus foil a conspiracy.

The decision-making processes of individual government agents are complex. They have a purely technical component, deriving, as explained above, from the fact that every government agent is called upon to be an expert in his or her field of responsibility. It is their job – and typically this becomes merged with personal commitment – to make the technically correct decision in the light of the information available to them.

There is also a component of policy constraint: it is part of the responsibility of each government agent to make decisions within a policy framework. But what government policy is on any particular matter is often subjective or indeterminate. At the simplest level, policy is whatever anyone speaking on behalf of the government says it is. This is an adequate definition for most practical purposes; but the question can also arise as to whether this policy is known and accepted as such by all government agents and whether it will be confirmed at all levels of the government hierarchy. By this higher standard, a government's policy on any given issue is, in the final analysis, what the government's ultimate decision-maker (Cabinet, President or Party Leader) would say, if asked.

In practice, only a very limited number of questions can be referred to this level. This results in a finite number of specific directions and a body of policy guidance. But neither of these two sources will contain explicit instructions as to what is to be done by every government agent in every situation that arises. Indeed they are inevitably incomplete and often, in some degree, inconsistent. A routine task of every government agent is to make inferential decisions as to what policy is, on the basis of the available policy guidance, plus whatever indications they have as to whether these positions are entirely up to date, plus their sense of how the final decision-makers would react to new developments and other factors not covered in the policy statements or explicit decisions. Necessarily there is an element of individual judgement and of broader

subjectivity. Inevitably also, especially at the level of implementation, many decisions have as their prime determinant convenience or force of habit, both of which can lead away from the true intent of the policy-makers.

Another, closely related, restraint on the decision-making autonomy of government agents is that of authority. As previously noted, individual agents have responsibility and consequently authority to make decisions within a defined area; and, by extension, it is also their responsibility to respect the responsibilities and authority of other agents of the same government, whether this be hierarchical or specialist (the Minister for Health has top authority in his field but on taxation or civil aviation would take guidance from a lower-ranking officer of the relevant agency). There is constant tension not only between different fields of specialisation but also different levels of authority. In general, the higher the authority, the wider the responsibilities and thus the perspective: as part of their responsibility, higher-level agents have to override considerations that appear compelling to officials whose area of responsibility is more restricted. Agents whose perspectives are not given the weight they think appropriate often feel, sometimes rightly, that they are victims of an abuse of authority. These tensions are pronounced at the interface between technical and 'political' considerations. It is intrinsic to all systems of government (and especially democracies) that the highest echelons carry a responsibility not only for making technically sound decisions but also for maintaining a degree of public acquiescence in the government's behaviour and for managing contesting interest groups – considerations that rejoin their personal imperative to retain power. We call these top-level decision-makers 'politicians'. Their role is a necessary corrective to the tendency to tunnel vision and insensitivity on the part of senior officials focused primarily on technical considerations ('technocrats'). For all their symbiosis, technocrats and politicians often betray each other's prime concerns.

Inevitably there is a variable grey area around both these constraints: individuals will often in practice exceed their formal authority and often they will be, in some degree, ignorant or disrespectful of the policy framework. This can be constructive or damaging, depending on the specifics of each particular case. In the final analysis one comes back to individual human beings, with their strengths and weaknesses and with their professional ambitions, personal rivalries, passions, tastes, private agendas, whims and moods.

This limited autonomy of government agents and the interplay in their decision-making between these personal factors and the institutional

factors previously mentioned, cumulatively determines the total performance of the government. The behaviour of individuals can affect the course of history, not just that of high-level decision-makers but also that of those responsible for the decisions involved in implementing policy. Some believe, for example, that the German Ambassador in St Petersburg in 1914 precipitated world war by acting too assertively on his instructions, and that the US Ambassador to Iraq in 1989 failed to forefend Iraq's invasion of Kuwait by being insufficiently assertive.

Conclusion

This is only a small sample of what might be said about how governments make decisions, and obviously the way these generalisations manifest themselves in different countries and at different times varies greatly; but I hope it is enough to demonstrate that here is a field of study, and potentially a field of expertise, deserving of the attention of all who aspire to influence the decisions that governments take.

Formally, as we have noted, international relations is the interaction of states. In practice, states do not act directly: governments act on their behalf, so that inter-state relations take place through the interaction of governments and of the agents of governments. Governments and their agents are the *dramatis personae* of international relations and the targets of diplomacy. What is said above about the decision-making processes of governments and the restricted autonomy of government agents is the subtext to the remainder of this book.

Governments and their agents serve the national interest to the extent that:

(a) they have a clear, shared and correct view of where that interest lies in any particular issue (difficult because of clashes between differing sectoral interests and between short and longer-term interests and because the available information is usually imperfect), and
(b) they give absolute priority to serving the national interest , over all other considerations (electoral prospects, personal ambitions, ideologies, etc.), and
(c) their decisions are effectively implemented (this is a question of the resources available, the system of administration, the decisions of countless implementers, etc.).

National interests (and also societal forces and great movements in history) can impact on international relations; but that impact is not

automatic, nor direct, nor exclusive, nor necessarily dominant: it is neither assured nor predictable. Moreover, the practising diplomat must take these 'grand' factors as givens, which he or she cannot alter. The diplomat's ecological niche derives from the fact that the influence of these forces, such as it may be, is transmitted through individuals and institutions. Outcomes can be influenced by diplomats because individuals can be influenced. Governments can be influenced by interfering in their decision-making. Institutions can be purposefully shaped. The next two chapters identify the place of multilateral diplomacy in attempts to influence outcomes; the subsequent ones focus on how multilateral diplomacy is practised.

2
The Purposes of Multilateralism

Diplomacy is the art of dealing with other governments by communication – as opposed to war, military deterrence, subversion, propaganda and so on. We use the same word for how a government deals with other governments (as in 'British diplomacy in Europe') and for the craft and profession of the officials ('diplomats') who specialise in this function.[1] Your responsibilities as a diplomat include representing your own nation and government to others; also helping your government to identify, evaluate and respond to external approaches, threats and opportunities. In its most elevated form, diplomacy aims to influence the behaviour of foreign governments and their agents.

When one government deals with another on a one-to-one basis only two sides are involved: this is called bilateral diplomacy. Multilateral diplomacy is dealing with several governments simultaneously. In multilateral diplomacy, not only does your government deal with several governments at the one time, but those other governments are also interacting with each other. This sounds – and is – complicated. It invites the questions: Why would anyone want to do that? Wouldn't it be easier to conduct all dealings bilaterally?

Purposes of multilateral diplomacy

There are at least nine different reasons impelling governments to engage each other multilaterally: precisely the same reasons as those which lead them to engage bilaterally.

Information gathering and pooling

A prime motive for a government to interact with others is to access information: the experience of other governments and forewarning of

their intentions can help identify opportunities or threats for your own citizens and corporations. Your police can be more effective if they are alerted by foreign counterparts to the movements of individual criminals, to new patterns of criminal behaviour and to new methods of law-enforcement. This can be done bilaterally; but a multilateral organisation such as Interpol is a more effective way to pool and disseminate such information amongst the police forces of participating countries. Likewise, the Organisation for Economic Co-operation and Development (OECD) assembles, expertly evaluates and disseminates information on economic management to the governments of the economically advanced countries. These governments find it useful to engage in a process rather like academic 'peer review': each member country reports on its economic management, and periodically the other members, and OECD technical staff, assess and comment on this performance.

Joint projects

Pooling resources with others is often an effective way of achieving your own objectives. The supersonic airliner Concorde was the product of a joint venture between the French and British governments. Other projects require wider participation. The eradication of smallpox was a cooperative achievement by all governments working together through and with the World Health Organization (WHO). If a river flows through two countries, flood control, navigation, etc. cry out for joint management; if the river flows through several countries the obvious answer is a multilateral arrangement such as the Danube River Commission involving all riparian states. Similarly, the management of resources to which no one government has an exclusive claim, such as high seas fisheries, demands multilateral arrangements.

Managing the external environment

Just as a cooperative relationship with a neighbour can provide a political environment conducive to easing bilateral problems, multilateral arrangements can influence the regional or global environment your country experiences. Thus if the multilateral Chemical Weapons Convention results in a world where these weapons are less readily available to potential aggressors, all nations will be relatively more secure against this particular threat: their security environment will have improved.[2] If multilateral agreements in the framework of the World Trade Organization (WTO) open up markets, the trade environment for all countries will have improved.

Influencing behaviour

States are defined by their sovereignty, that is to say their ability to make decisions independently of other states and to be the sole determinants of what happens in their own territory; but paradoxically, many of the matters which their governments would wish to influence are within the sovereign control of other states.

When, in the 1960s, Sweden addressed the problem of acid rain degrading Swedish lakes, the source was found to be factories in the United Kingdom. The Swedish government could not itself control these emissions but it could (and did), by a combination of bilateral diplomacy and propaganda, persuade the British government to act to reduce the problem. Alternative, additional, routes to the same outcome are now available to the Swedish government through multilateral diplomacy. It can seek, for example, a global regime to control cross-border pollution and European Union legislation on industrial emission standards. Either of these could compel the British government to behave as the Swedish government wishes.

Mutually beneficial deals

Often the most effective way of influencing the behaviour of another party is to enter into a contractual agreement with them. This not only involves obtaining a commitment that they will do certain things, it also involves giving them an incentive to live up to that agreement in the form of undertakings as to what you will do in exchange. The essential characteristic of such agreements is that each party should believe that the benefits it derives from the deal justify the cost.

The United States has an extradition agreement with Germany. This provides that if a crime is committed in the US and the perpetrator flees to Germany, the German authorities will detain him and return him to the US for trial. The counterpart is that the US will return fugitives from German justice. The United States has similar agreements with some 109 countries, which means that there are almost as many other countries with which it does not, and where American criminals can hide. If it were possible to conclude a multilateral extradition agreement covering the whole planet, all governments would be equally helpful to each other in this field.[3] Something approaching this ideal has been achieved in a number of other fields, notably that of reducing barriers to international trade. An extremely complex network of bilateral trade agreements (which were difficult to administer and caused resentment and economic distortions because of their discriminatory aspects) has

been largely superseded by global and regional (i.e. multilateral) agreements providing for uniform treatment.

The point to be emphasised is that, from the perspective of each individual government, the benefit it seeks from either bilateral or multilateral agreements of this type is that other governments should behave in ways helpful to its own concerns.

Domestic agendas

In the platonic (and self-serving) ideal expounded by British diplomats of the Edwardian period, international relations were so important that politicians should forbear from compromising the single-minded pursuit of the national interest with their 'petty' domestic concerns. The limited persuasive power this injunction may once have carried has largely evaporated. Most members of most governments (and many outside government) single-mindedly pursue their own agendas and see the international scene primarily as an extension of the domestic.

These agendas are at times electoral: strident complaints by the Australian government about United States or Japanese agricultural subsidies have more to do with demonstrating to Australian farmers how vigilant it is for their interests than with any expectation of causing those governments to change tack. The same is true of many speeches made in the (multilateral) WTO. The domestic agendas pursued through diplomacy (be it bilateral or multilateral) can also be very concrete and practical. Thus the eradication of smallpox, though a global programme, was, for the Kenyan government, the solution to a domestic public health problem.

Reactively

In bilateral relations, the initiative for a particular interaction often comes from one side alone; the other party acts, not for any particular purpose of their own, but because it feels compelled to respond – as Britain did when Sweden raised the issue of acid rain. Similarly, when a multilateral conference is convened, many governments send representatives. They would not themselves have initiated a meeting on this topic, but if one is held they feel a need to be present, if only to make sure that their interests are not adversely affected. Moreover, if one party chooses the multilateral mode as a means of addressing a particular issue, others have little choice but to follow suit. If Argentina wants to deal with Belgium, on many issues it has no choice but to deal with the 15-nation European Union, because Belgium has committed itself to handling these matters in that way.

Routine

A significant share of diplomatic activity no longer needs a particular stimulus. Many bilateral and multilateral meetings are scheduled at annual or other intervals, under agreements concluded many years ago. The participants always find issues to discuss and at times conclude important agreements; but the meetings would not all take place if each one had to be set up as a new initiative.

Idealism

Cynics may doubt it but, alongside all these utilitarian and mechanistic considerations, idealism also rears its noble head amongst the purposes pursued by participants in diplomacy. Ideals such as peace and human rights can be part of the motivation of individual members of governments and of individual civil servants and sometimes they are pursued selflessly. Egyptian President Anwar Sadat made peace with Israel knowing full well that it could lead to his assassination – as it did. At times such ideals infuse whole governments, political parties and/or bureaucracies. In other cases, political leaders feel compelled to respond to ideals valued by the electorate, the media and other opinion shapers. Frequently this response impacts mainly on the presentational aspects; but it can also involve substance. The United States-led intervention in Kosovo was contrary to US Realpolitik interests but did respond to the American public's inability to stomach daily mayhem on its television screens. Any cynicism on the part of governments does not negate such humanitarian values. Finally, patriotism deserves mention in this context.[4] As with other ideals, patriotism can be manipulated and exploited; it can also lead to actions that violate other ideals and values. But it remains an ideal which can be part of the motivation of diplomatic actors.

Lofty ideals are more frequently expressed in a multilateral context than in a bilateral one. This does not make the participants in multilateral diplomacy less realistic or less concerned for concrete results or for the interests of their own country than those who operate bilaterally. An idealistic discourse is an almost inevitable but largely incidental consequence of conducting diplomacy in a multilateral mode. The regional or planetary scale of multilateral activity and the nature of many of the topics it addresses (a litany of the woes and aspirations of mankind) invite thoughts of grandeur and grandiloquence. To that is added the prominence of an international rostrum and the natural desire to present oneself and one's cause in the most admirable way possible. The presence of an international (and at times distinguished) audience also

leads to a dampening of the expression of nationalist sentiments and often to their replacement, in rhetoric, by internationalist ones.

Ideals (even those one does not share) cannot be dismissed as necessarily vacuous. The actions they inspire can be very concrete and far-reaching – as in the case of Jean Monnet and other pioneers of the movement towards West European economic and political integration. Peace and international cooperation may be lofty ideals but they also have utilitarian benefits, if achieved. Finally, as several of the examples given above illustrate, the pursuit of international cooperation is often consistent with a strong commitment to the interests of one's own country. Paradoxically, internationalist ideals can be rooted in patriotism.

Bilateral and multilateral diplomacy

In summary, we can conclude that – like bilateral diplomacy and other government activities – multilateral diplomacy can at times be conducted for high ideals and very often it is dressed up as such; but primarily it is a practical way for governments to try to achieve their objectives, noble or despicable. Multilateral means can be used to address specific, local problems both directly (e.g. by taking a dispute to multilateral arbitration) and indirectly (e.g. by developing global or regional rules that apply, since they apply to all, to the specific government whose behaviour you are trying to influence). One might call this a case of 'acting globally to benefit locally'. Thus, multilateral diplomacy is not different in purpose from bilateral diplomacy; it is merely one of the implements in the toolkit available to governments for coping with issues as they arise.

Whenever they encounter a problem, governments need above all an immediately available presentational response to fill a political void. If they are responsible, they also need – but less urgently – a technically effective response to address concrete aspects of the issues. In short (as Juvenal noted in the first century), they need both circuses and bread to feed to the people. Since few problems have instantaneous solutions, the initial response tends to be mainly declaratory: more circus than bread. But thereafter, the two needs come together as a requirement for a succession of incremental advances towards resolution of the problem. Typically a government will first fulminate; then announce a strategy for actually addressing the problem; then periodically report progress towards that goal. Multilateral diplomacy provides for each of these phases: podiums for declamation as well as mechanisms capable of both presenting the appearance of action and actually yielding substantive results.

Multilateral diplomacy can yield concrete results because it can enable a government to mobilise the power of many nations in support of its own objectives. The main reason why this reality is not generally recognised is that it seems highly implausible. Given the limited supply of altruism among the governments of the world, it does not sound like a realistic endeavour for one government to seek to bend others collectively to its own purposes; but it does become feasible if you can define a common objective which serves their purposes as well as yours. Chapters 5, 11, 12 and 13 will attempt to show how this can be done, at times. The other hurdle to be overcome before scepticism can be allayed is the widespread misconception that multilateral constructs such as international treaties and organisations are not an effective way of controlling the behaviour of governments. The next chapter therefore addresses this threshold question.

3
Influence on Governments

There are four principal ways in which one government can use multilateral diplomacy to influence the decisions and actions of other governments. As will become obvious, these four different methods overlap and many actions that governments undertake multilaterally operate in several of these ways simultaneously.

Information

The easiest and least confrontational of these is the provision of information, which multilateralism greatly facilitates. Multilateral conferences are highly effective mechanisms for disseminating information, while many of the multilateral organisations (Chapter 4) assemble, process and distribute information with both efficacy and authority.

Information is one of the most powerful determinants of what people think and do – including people in government. Repressive governments are notorious for restricting the supply of information, as a means of exerting control; but while the suppression of information is widely recognised as manipulation, the provision of information is rarely seen in the same light. Both however constitute direct interference in decision-making. Similarly well-publicised is the damage that can be caused by misleading information – be it intended disinformation or inadvertent misinformation – but correct information is no less powerful. Indeed, if information withstands close scrutiny, this only makes it more effective: on a level playing field, the truth is more powerful than a lie. Once a government is informed of the intentions of other governments, it may reconsider its own intentions. Once it learns that international funds are available for certain purposes and subject to certain conditions, its plans are likely to be altered in consequence. Once it knows that a

particular policy has been tried elsewhere and knows the results of that experiment, its own policies are likely to be adjusted in the light of this vicarious experience.

It might at first appear that the power of information could be a great leveller, since a country does not have to be powerful to communicate information through multilateral conferences or organisations. In fact, power relationships between nations remain highly relevant: the wealthy and powerful usually possess more and better information than less-well-endowed countries and marshal it more effectively. Moreover, their intentions and their values, even their whims, are likely to have more far-reaching consequences, and consequently, once communicated, they are likely to impinge more powerfully on the decisions of others. Nevertheless, especially in matters of detail, or where the weaker country is temporarily the focus of attention (perhaps because it is the locus of a crisis involving wider interests), there are occasions when information communicated by a small, weak country through multilateral channels can have a notable impact on decisions by other, more powerful countries. Thus, for example, the success of Sweden and Australia in detecting 'secret' underground nuclear tests by the United States, China and the Soviet Union by seismic means in the 1970s and 80s, and the dissemination of this information through multilateral channels, helped discredit contentions that a nuclear test ban would be unverifiable. North Korea's ultimate willingness in 1994 to reveal, through the International Atomic Energy Agency (IAEA), unprecedented information about its nuclear programme, helped defuse a major regional crisis.[1]

Multilateral agreements

In the previous chapter, reference was made to international agreements, both bilateral and multilateral. These agreements (be they formal treaties or less formal documents such as 'memoranda of understanding') are all essentially contractual in nature: reciprocal commitments in which each party undertakes to perform certain actions in exchange for a defined consideration. Multilateral agreements take the form of undertakings to behave in specified ways: the contract is a reciprocal undertaking between all the parties, under which each party will perform its obligations in exchange for the other parties discharging theirs. In other words, quite apart from the question of recourse to any dispute-settling procedure, international agreements are primarily self-fulfilling: as long as any one party sees benefits in other parties complying, this constitutes an incentive for its own compliance. Under multilateral

trade agreements, for example, each party gains improved access to the markets of all the other parties, but this important economic advantage is contingent on its opening its own markets to the mutually agreed extent.[2] Through this dynamic, such agreements often exert a powerful, even determining, influence, on the behaviour of governments and consequently of states. They can be an effective way for one government to get another government to do what it wants.

In this respect as well, differences in the relative power of the parties involved do not miraculously become irrelevant. A powerful country is often able to use extraneous considerations far more effectively than a weaker one, to get its own way in the negotiation of a multilateral agreement.[3] Moreover, the weak need the powerful more than vice versa, so they have to settle for unequal deals. Or rather, to be more accurate, what a powerful country gains from a weak one has relatively little value to the powerful one, whereas even a small 'concession' from a powerful country is of major value to poorer, weaker one. For the agreement to be of roughly comparable value to all parties, the poorer countries will have to 'give' more than their powerful partners. In addition, powerful countries are much better placed to pay the price of not living up to their commitments. The relative impunity of the United States for its repeated default on its dues to international organisations is one example. Another is its success in 'getting away' with breaches of its obligations under the General Agreement on Trade and Tariffs and the World Trade Organization agreements: it is all very well for international instances to decree that the aggrieved countries can take retaliatory action against US trading interests; but quite a different matter for those countries to accept the costs to themselves of such action.

International standards

The most effective way of influencing the behaviour of another person or government is to determine the standards they will apply to their own behaviour. For example, multilaterally developed international standards for the safety of nuclear power stations are to be found in such documents as the Nuclear Safety Convention, the Radiological Waste Convention, and 225th Information Circular issued by the International Atomic Energy Agency (IAEA INFCIRC/225 in the acronyms that infest the world of multilateralism), dealing with the physical protection of nuclear material. Each of these documents describes standards, both technical and operational, which should be observed in the construction and operation of nuclear facilities. Similarly, there are

international standards in relation to almost every conceivable field of human activity that governments aspire to regulate: from operational procedures for air traffic control, to rules for the management of forestry in function of environmental considerations; from the suppression of the trade in narcotic drugs, to human rights; from public health, to the protection of intellectual property. And more such standards, covering ever more topics, are constantly being produced, in the form of guidelines, recommendations and formal treaties. The empirical evidence is that international standards such as these do have a powerful influence on the behaviour of governments (and other actors). Because the extent of this influence is not widely recognised, the mechanisms through which it operates deserve detailed examination.

Norms

Perhaps the most useful starting point is with the concept of international 'norms'. Norms are the standards that determine whether something is 'normal'. Normal means 'to be expected', so the 'norm' is the standard everyone expects. This implies that it is also a benchmark as to the standard everyone is entitled to expect; and that failure to deliver that standard is 'abnormal' and disappointing, perhaps even unacceptable. Indeed, failure to deliver the expected standard, i.e. failure to comply with norms, may give rise to a sense of grievance, perhaps to a right of redress. At the extreme, governments and individuals that do not comply with the applicable norms are not fulfilling their proper function. States whose governments do not conform with norms may even be called 'failed states' (incapable of complying with norms) or 'rogue states' (deliberately defying norms valued by others.)

There is, for example, a strong international norm against torture. A government that permits its soldiers or police to torture prisoners is generally regarded as not living up to expectations, as not behaving like a civilised government. Indeed the responsible members of that government are widely seen as criminals – even if the laws of the country concerned do not proscribe the practice. Because of their transgression of the norm, the validity of the government's laws in this respect, and even its own legitimacy, can be challenged (on the argument that those who make illegitimate laws are not legitimate law-makers). This condemnation of torture is so pervasive today that, like slavery and racial discrimination, torture has become unavowable: those who practise it deny doing so and hide the evidence, thereby reinforcing perceptions that the practice is shameful, inadmissible, intolerable and certainly abnormal.

Norms can be specific to a particular society, culture or sub-culture; diplomacy deals in 'international norms', meaning standards which are accepted by the overwhelming generality of the governments of the world[4] and 'regional norms' generally accepted by governments within a particular region. Standards which have not yet achieved general acceptance but appear to be on the way towards that status can be called 'putative' or 'emerging' norms. If a norm becomes part of the expectations and values of people, one can say that the norm has been 'internalised' by these people. An internalised norm is, of course, a strong determinant of what people do (most people behave 'normally', by their own lights, most of the time). 'Internalised norms' can be contrasted with 'foreign' or 'externally imposed' norms or standards. In this book, the words 'international standards' cover both fully established norms and standards which are being promoted towards that status.

We should not limit our understanding of the concept of a norm to matters which form part of the daily preoccupations of all humankind. Thus, it is appropriate to use the term 'norms' not only for behavioural standards but also for technical and administrative standards which are generally accepted by the sub-culture of people concerned with a particular field of public policy, or of economic, professional or other activity – even though the very existence of these standards may not be known outside these circles. To take an extreme example, even the specifications of the document which all governments use to certify that an individual has been vaccinated against specified diseases, should be recognised as a 'norm'. These specifications (which were laid down by the World Health Organization many years ago) include such particulars as its format (a yellow booklet, approximately 8×15 centimetres, printed in the official languages of the United Nations, with boxes of a prescribed shape and size to record the necessary information, etc.), the amount of information that needs to be recorded, the manner in which the information is to be authenticated, and so on. This may seem a very prosaic matter; but a government which failed to issue vaccination certificates in this format would be regarded by all people within the specialist world which deals with the international use of vaccination certificates, as failing in an essential function of government. Its own citizens, wishing to travel but denied access to a certificate in the format expected and therefore accepted by foreign governments, would also have grounds for complaint.

Likewise, just because internalised norms become incorporated into value systems, we should not make the mistake of opposing norms to

utilitarian considerations. As we shall see, the norms dealt with by multilateral diplomacy are typically highly utilitarian.

Normative texts

Multilateral diplomacy deals in 'normative texts': texts which are developed and promoted in the hope that they will be widely accepted, so that the standards which they express will influence the behaviour of governments and individuals, ultimately that they will become norms – and ideally fully internalised by all relevant people. Although some norms exist without a formal international document, most existing international norms are 'codified': texts have been developed and multilaterally endorsed which express or define them. Often a putative norm is ill-defined until it is codified. Codification can also give rise to new international standards and can modify existing ones. Once there is an agreed text expressing a standard, the process is facilitated of rallying support and thus securing wider acceptance: the standard is on its way towards becoming a norm.

Norms and international law

The relationship between international treaties, which are the stuff of international law, and norms is fairly subtle.

International law is so different from domestic law that the very term 'international law' is potentially misleading. It is not promulgated by an entity which exercises authority over those to whom the law applies and has the power to enforce compliance. A treaty is much more akin to a contract between states than to a law imposed upon them. In fact the definition of treaty is 'an agreement between states'. As previously noted, multilateral treaties – i.e. treaties with several parties – typically imply a contract on these lines: 'my country will do this, in exchange for the other parties doing likewise'. Each party commits itself to follow a certain pattern of behaviour, in the expectation that this will help motivate other parties to do the same. That pattern of behaviour is, as a matter of international law, a treaty obligation; it is also an international standard of behaviour and may come to be established practice, to be considered normal and to be expected: it may become a norm.

Thus, the Universal Postal Convention of 1874 (UPC) includes an obligation on each Party that whenever it receives mail bearing appropriate foreign postage stamps it is to deliver that mail just as if the postage had been paid domestically. International law views this as a legal commitment, but another way of looking at it is that UPC describes a standard of behaviour that those who framed the Convention in the

1870s wanted all governments thereafter to follow. In other words, it represents an attempt to establish a norm. In this case, the attempt has been totally successful: this pattern of behaviour has become part of the behaviour universally expected of governments. It has become a benchmark of appropriate governmental performance: a government which does not comply is not living up to expectations; it is failing as a government.

International law gets closest to the concept of norms with its concept of 'customary international law', sometimes called 'the Laws of Mankind', which are considered to apply to all states. The main means whereby governments can add to customary international law is by concluding and nurturing conventions. Conventions are treaties which aspire to universal membership.[5] Examples already cited include the Nuclear Safety Convention and the Universal Postal Convention. Clearly, the proponents of these treaties wanted all states to become parties to them and to apply their provisions. In international law, once an overwhelming majority of states are parties to a convention and as long as they continue to uphold the convention and, broadly, to abide by its provisions, it becomes part of customary international law and is considered binding on all states, including non-signatories. A convention which succeeds to this degree establishes a body of expectations as to the rules that should be followed and the standards that should be met: it can be said to have given rise to a norm.

However, conventions are not the only 'normative' texts: there are also many less formal documents which, as a matter of international law, have no binding force on governments but which in practice are as widely observed as formal treaty obligations. INFCIRC/225 on the physical protection of nuclear material, the IAEA 'information circular' cited above, is one example. The power of such texts is surprising because our expectations are conditioned by our daily experience at the domestic, national level. Under domestic law, some standards of behaviour are laid down in statute or regulation and there is an enforcement system – the police and the judicial system – to ensure that they are respected. Other guidelines are mere recommendations or voluntary codes of conduct and they, by definition, cannot be enforced. Because international law (for most practical purposes) lacks enforcement mechanisms, the difference is more apparent than functional between a legal obligation enshrined in a treaty and so-called 'non-binding' guidance. The latter could be, for example, a 'voluntary' code of conduct, a set of recommendations or technical specifications from a relevant multilateral conference, an information circular or even a body of 'soft law', built up only by a lot

of declaratory rhetoric. Both are equally weak (in that they are not enforced by some supranational policeman); but they are also both equally strong if they establish standards of behaviour which states in practice follow and enforce within their jurisdictions.

What affects people's lives and the fortunes of nations is not legal commitments: it is the effect, if any, these legal commitments have on the behaviour of governments and individuals. There is a norm that treaty obligations should be implemented;[6] but it does not follow that the relationship between normative documents and the related norms is necessarily straightforward. In some cases, especially in relation to highly technical specifications (such as the ISO 9000 series standards described below), the normative text and the associated norm are identical. But in many cases, the standards, that is to say the body of expectations and the behavioural benchmarks against which governments are held accountable, are far less detailed than the text of the treaties or other documents that give rise to these expectations. They can even differ in significant aspects.

An example is the Nuclear Non-Proliferation Treaty (NPT, to which all but four states are parties), whose essential thrust is that no additional countries should acquire nuclear weapons after the date at which it was concluded, 1968. Article 3 of that Treaty and related documents describe in detail the obligations of States Parties (other than those which already had nuclear weapons in 1968[7]) to conclude 'safeguards' agreements with the International Atomic Energy Agency (IAEA) for the monitoring of nuclear material under their control and for related measures. This takes up several pages, describing many specific requirements; but the norm to which it gives rise could be stated succinctly: 'All such Parties shall cooperate with the IAEA to the extent necessary to satisfy the Agency that they are not making nuclear weapons.' Minor departures from the detailed obligations spelt out in Article 3 and the associated documents do not trouble governments, as long as this benchmark is met. Conversely, literal compliance with the terms while violating the general intent of the Article would generally be seen by governments and people everywhere as a grave infringement of the relevant norm. In domestic law it is often possible to evade the intent of a law 'on a technicality'; in international relations, legal technicalities and literal readings of texts count for almost nothing.

Moreover, in some cases, logic and the course of history leads to norms evolving away from the texts. Thus Article 10 of the NPT says that Parties may withdraw from the Treaty on 3 months' notice. The present reality however is that if a government announced its intention

to invoke this Article, the international reaction would be the same as if the country concerned had declared an intention to breach the treaty. In other words, notwithstanding the text of Article 10, the current collective expectation of the governments of the world – i.e. the international norm – is that no country shall withdraw from the NPT.[8]

Laws and norms have one thing in common: they can become 'dead-letters' if they cease to be observed. But even here there is a marked difference. As long as a law remains on the statute book, it remains theoretically in force and could one day again be enforced. But a lapsed international standard is dead (such as the 1920s prohibition on aerial bombardment of cities). Whereas law exists on paper, international standards reside in human minds: they need to be sustained by a constant discourse of reaffirmation.

The power of international standards

As noted above, multilateral diplomacy deals not only with fully established norms but also (in fact mainly) with international standards that are in the process of being promoted as emerging norms. The argument is sometimes advanced that because there is no international law-enforcement system, 'sovereign governments pick and choose which standards to respect and which to defy'. This must be either thoughtless or malicious; it is certainly contrary to the facts we can all observe daily. The reality is that governments and individuals comply with international standards and cooperate in the operation of international regimes, probably more consistently then they do with domestic law, and they do so for a variety of reasons which are at least as compelling as respect for a system of enforcement.

As also noted above, standards and expectations which are fully shared and internalised by members of a society inevitably have a powerful influence on the decisions which these individuals make and consequently on their behaviour. The same applies to international standards, to the extent that they are generally accepted. In international relations, there is – as you would expect – a strong tendency for governments to behave in ways which they and their constituencies see as normal, i.e. as conforming to norms and expectations. Also, each government's expectations as to how other governments will behave must have a strong influence on its own decisions. (If you are confident that your potential enemy is complying with the norm of not possessing chemical weapons, you need not take precautions against that threat. If other governments can be expected to demand vaccination certificates in a particular format, it would be dysfunctional for your government to

issue them to international travellers in any other format.) By definition, the routine expectation is that foreign governments will behave in accordance with norms.

Important as it is, the impact of expectations on decision-making is by no means the only way in which norms and even international standards which have not (yet) been universally internalised, weigh on the behaviour of governments. This power is exerted through a complex of different mechanisms. Amongst these, three different enforcement mechanisms can be identified.

Enforcement by international organisations

Apart from the 'exception which proves the rule' of the UN military intervention in Korea in 1950, the 'mandatory' resolutions of the Security Council under Chapter 7 of the UN Charter, are not in practice enforced by that or any other international organisation. The 'compulsory jurisdiction' of the International Court of Justice or the 'binding' dispute settlement provisions of the World Trade Organization are not backed up by those organisations disposing of effective means of enforcement. In short, no international organisation functions as 'policeman' of the nations of the world.

A different manner of coercion by international organisations is however widespread: the conditionality of International Monetary Fund (IMF) and International Bank for Reconstruction and Development (IBRD) loans and many other multilateral assistance programmes. Here governments comply (most of the time) because otherwise the assistance will be terminated. In enforcing such contractual obligations accepted by recipient governments as the 'price' of economic or other assistance, international organisations are also enforcing compliance with international standards – because the conditions demanded by international organisations inevitably reflect the prevailing international standards.

Enforcement by governments, sanctioned by international organisations

More commonly experienced than enforcement by international organisations is enforcement by individual states or groups of states, acting with the sanction of an international organisation. The most prominent case of this is probably the Security Council sanctioned reconquest of Kuwait in 1991 after Iraq had breached the norm against aggression; but the practice is more routinely established in other fields. For instance, the enforcement powers of the World Trade Organization and of the International Court of Justice (and in practice, the Security Council as well) boil down to the ability to sanction retaliatory action by affected

states, which would otherwise be in breach of their legal obligations and of international standards.

The big difficulty with sanctioned enforcement action is that the country doing the enforcement has to bear the costs. Often it is unable or unwilling to pay the necessary price.

Unilateral action by governments

More frequent again are cases in which governments act unilaterally and claim that the purpose is to uphold international law or norms. This is often legitimate and effective, as for example when a government takes steps to withhold cooperation from a country intent on defying international standards.[9] The practice becomes problematic however when it involves the breach of other international laws or norms. NATO's intervention in Yugoslavia's Kosovo in support of the putative norm that there are limits to the brutality and slaughter which governments may inflict on their subjects, clashed with the more widely accepted norms and international law against military intervention in the internal affairs of other countries. United States trade sanctions in support of human rights or environmental norms are clouded by its use of the same mechanism to advance national objectives in defiance of laws and norms (as in the case of the monstrously misnamed 'Voluntary Restraint Agreements' whereby the coercive powers of the US government are used to force other countries to limit their exports to the US, despite treaties giving them freer access).

These high–profile instances notwithstanding, many governments habitually deploy the standard and usually gentle practices of diplomacy to encourage and at times compel other governments to comply with norms. The reason they do so is the benefits which they, their nation or citizens derive when international standards are observed. The fact that such governments sometimes invoke one norm at the expense of another, or urge other governments to a higher standard of compliance than they themselves deliver, does not alter the fact that they are, even then, promoting respect for (some) international standards.

Governments that are the recipients of these representations frequently respond positively. Indeed such external pressures, coming from one or several foreign countries, are often publicly acknowledged as reasons why a government adopts a particular course of action[10] and more often they are its unpublicised stimulus. Apart from the merits of any arguments advanced in support of compliance with international standards, governments have other reasons to be swayed by such approaches. For example, they may be concerned that failure to satisfy the *demandeurs*[11]

will cost them either immediately identifiable benefits or the less clearly defined, but still highly valued, benefits which flow from 'good relations' and a 'good' reputation.

These three different sources of coercion or pressure (international organisations, sanctioned and unsanctioned action by other governments) do not approach the frequency of occurrence, nor the effectiveness, of the other mechanisms which encourage or compel governments and individuals to comply with international standards:

The requirement for interoperability

When telegraphy initiated the age of near instantaneous international communication in the late 1830s, it became obvious that there had to be an internationally accepted standard way to translate sequences of dots and dashes into the letters of the alphabet. The International Morse Code was adopted in 1851 and quickly became the international norm. As soon as radio made its appearance, it was obvious that each radio frequency should be reserved for a specific user or use; otherwise one country's broadcasts could have interfered with those of others, to the detriment of all. The agreed division and allocation of the radio-spectrum (by the International Telecommunications Union) is another kind of international standard. We have previously mentioned the international standard format for vaccination certificates. The International Civil Aviation Organisation (ICAO) lays down a wide range of standards – including a standard format for international air-waybills. ICAO standards are universally observed because non-compliance would mean isolation from international air traffic – as Enver Hoxha's Albania proved for the decade or more during which it, alone of all the countries on the planet, defied the ICAO norm that international air traffic control is to be in the English language. Almost daily, new normative texts are issued which are rapidly complied with by governments, firms and individuals everywhere, because they present the easiest – often the only – way to interact with counterparts across international boundaries. The irreversible growth of interdependence ensures that this factor ('interoperability') will continue to gain in strength, and will apply to an ever-widening range of matters hitherto in the exclusive province of domestic rule-making by sovereign governments.

The demands of the market

Whenever a government sees some advantage in defying one of these interoperability standards, there are commercial costs, because international exchanges are impeded. Beyond this, international markets

demand uniform, which means international, standards for all sorts of things, from food labelling, to investment laws, to safety standards for international shipping, etc. Market forces also impose compliance with a very broad range of other international standards, as a result of individuals and firms making compliance with international standards a precondition for commercial transactions.

For example, neither international contractors nor international finance would be available for a nuclear power plant that did not meet international safety standards: the suppliers could not afford the potential damage to their reputation; the project would be un-insurable, etc.

A further example will illustrate this point more fully. In most industrialised countries, any commercial firm which aspires to contracts over a certain size is compelled to meet the very onerous standards of the ISO 9000 series, which lays down details as to how projects are to be managed and documented. Compliance with these standards is subject to intrusive inspection. This burdensome regime is not a requirement of national legislation. It is not a result of a treaty to which the country is party nor of a document which representatives of its government helped draft. As the name implies, ISO standards are produced by the ISO (International Organization for Standardization), a non-government organisation in Geneva. They are effectively compulsory because clients, when calling for tenders, specify as a condition of contract that the relevant ISO 9000 series standard be met. Sometimes this results from a considered company policy, more often it results from decisions by individual staff members, concerned not to leave themselves vulnerable as having failed to specify adequate standards. It may have started with a few firms trying to gain a commercial advantage by advertising that they met the international standard, or a few individuals trying to demonstrate their own merits; but as the practice spread it became standard operating procedure, part of routine expectations, a habit or conditioned reflex . . . it becomes 'normal'.

The perceived need for international benchmarks

The commercial demand for international standards is only a sub-set – albeit a very large one – of a more general demand for international standards of quality in almost every field of human activity, as benchmarks, if not of excellence at least of a minimum acceptable standard. The widespread belief in such benchmarks leads to political demands for governments to comply with international norms and to government efforts to meet or anticipate such demands. Frequently, following a change of regime, the new government will adhere to a range of international

standards to differentiate itself from its predecessor and to define itself. Proclaiming adherence to international standards is also a way of claiming international, and consequently domestic, legitimacy and virtue. Beyond this, some political movements and some individual leaders have a commitment to improving conditions and practices in their own country. In such cases, the international standard is the obvious model to follow and the obvious benchmark by which to evaluate their own laws, regulations and practices. Examples of this pattern of behaviour are not difficult to find: the Whitlam government in Australia in 1972 when the Labor Party came to power after 23 years in opposition, the democratic government which came to power in Argentina in 1983 after decades of dictatorship, and the new governments which succeeded communism in Eastern Europe around 1990. One of the first actions of each of these governments was to adhere to international conventions of all kinds (notably those dealing with human rights and labour conditions, but many more prosaic ones as well) and to institute a programme of adopting international standards in many fields of government operations.

Whenever a government turns to international organisations for assistance in drafting legislation or reforming practices, the advice it receives will necessarily reflect the prevailing international standards. In common law countries, international norms can provide a reference point for court decisions, even in cases where the country concerned is not a party to the relevant treaties. In short, international standards are effective as benchmarks for all sorts of purposes, simply because they exist.

The self-reinforcement of standards

When a government decides to adopt an international standard, it usually also moves to ensure that that standard is reflected in its domestic legislation and regulations. Within its own jurisdiction, it becomes the enforcer of that standard. This is part of a process whereby an external standard can become, at first, part of the frame of reference for domestic administrative purposes, then a benchmark and model for domestic rules and practices, then part of general expectations and ultimately part of the value systems of domestic society and of individuals. A standard that was originally developed only for international purposes may spread to purely domestic matters. In many countries, the ICAO standard international air-waybill is also used for domestic flights as well, simply because this is convenient. The international norm against the use of

poison gas in international warfare has extended to delegitimise its use against domestic rebels as well.[12]

Regardless of the reasons why a government complies with an international standard or acts to implement or enforce it within its jurisdiction, the fact that it does so reinforces the emerging norm. The greater the number of governments that adopt or comply with an international standard, the more firmly that standard becomes established. The more that governments and other opinion-makers acknowledge a standard, the stronger its status and thus the greater its power to influence, ultimately to control, the behaviour of other governments.

Conclusion

Further consideration would no doubt reveal other mechanisms through which norms and international standards influence and often determine the action of governments, firms and individuals; but enough has been said to make clear that the ability of 'sovereign' governments to pick and choose which international standards to respect is in most cases highly circumscribed. They have the legal 'power' to decide to disregard any particular such standard and they have the administrative ability to implement other standards; but each case of non-compliance with international standards has direct costs and forgone 'opportunity costs'. These costs are cumulative. More important, the incentives favouring compliance are considerable. For both reasons, there has to be a major competing counter-incentive before, in practice, a government will do anything other than comply. Not surprisingly, the pattern we observe in the world around us is, overwhelmingly, one of compliance and attempted compliance. There are well-publicised cases of deliberate defiance of international standards: they are few in number and generally seen as aberrations; they are likely to be transient.

Multilateral diplomacy and the development of international standards

Because they help explain the behaviour of governments (and other actors), well-established norms are of obvious interest to students of international relations. Multilateral diplomats, however, have an additional, indeed overriding, preoccupation: to influence, often to alter, the behaviour of governments. In this their focus is on the creation of new international standards or the alteration of existing ones, on trying to get nations to accept them as norms (which as such will weigh heavily on their governments' decision-making) and in the meantime trying to make them as influential as possible. A great deal of multilateral

diplomacy is therefore dedicated to developing normative texts and to attempts to secure for them the status which flows from wide acceptance.

The very process of producing such texts, that is by negotiation in large multilateral conferences, helps establish them as putative international norms. In such a negotiation, the original concept is exposed to scrutiny from many different quarters and is usually modified and refined as a result, so as to accommodate the concerns of a large number of governments. This scrutiny and these multi-sourced contributions help ensure that the resulting text will be adapted to the needs of a wide range of governments and therefore widely acceptable. Its elaboration in a multilateral process means that many governments have a sense of ownership of the text. Its adoption by a body composed of many governments gives it legitimacy. A text which corresponds to the needs of a wide range of governments, which accommodates their concerns, for which they feel a sense of ownership and which carries their authority is well on the way to establishing a new international norm. These factors – which boil down to whether or not the text gives expression to a genuine agreement – are far more significant than the question of whether or not the text is in the form of a legally binding treaty. It certainly becomes difficult for a government to defy a document which has these characteristics.

International regimes

The fourth way in which multilateral diplomacy can be used to influence the behaviour of governments is through the development and operation of institutionalised arrangements, involving several governments, for managing an issue or a category of issues – in short, 'international regimes'.

The concept is perhaps best illustrated by an example, that of the international regime against torture. It is sustained by governments partly because of the personal values of some political leaders; partly because of the receptiveness of many governments to values widely held amongst electorates and other constituencies, often reinforced by media, to the effect that torture is abhorrent and should not be allowed to be practised anywhere. Such sentiments are sufficiently widespread and reaffirmed with sufficient frequency that it can be said that there is a well-established international norm against torture, even though it is not respected, let alone internalised, in many societies.

Because of the existence of this norm, governments (especially democratic governments) often have a strong motivation to demonstrate opposition to torture, to be alert to expose and condemn cases in which it occurs and to take steps to repress the practice. They require platforms and vehicles for these purposes. They also require benchmarks as to what constitutes an appropriate response to publicised cases of torture. The international regime against torture responds to these demands. Even governments which are accused of permitting torture within their jurisdiction can derive benefits from the regime: its existence tends to 'corral' any campaign against them into a known and relatively predictable format, thus making it easier for them to manage. The regime also provides them with an internationally accepted framework in which they can demonstrate (or at times simulate) a wish to correct their ways.

One of the elements of the regime against torture is the relevant international law: the Universal Declaration of Human Rights of 1948 (one of the most powerfully entrenched international normative texts) prohibits torture and there is also a separate Convention Against Torture (CAT),[13] which came into force in 1987. The very existence of this Convention is evidence of a norm against torture; it also helps to sustain the norm. Moreover, the CAT specifies precisely what constitutes torture, what governments are expected to do to repress the practice, and the activities for which they can be held accountable. In diplomatic jargon, the Convention 'codifies' the norm.

The international regime against torture also includes a number of institutions. A committee elected from amongst the Parties to the Convention tries to monitor compliance with the Convention. The Commission on Human Rights (whose members are elected from the membership of the United Nations by its Economic and Social Council (EcoSoc)) provides a mechanism whereby individuals may bring complaints of torture (or other breaches of their human rights). This enables allegations of torture to be publicised and denounced; it also provides a forum in which a government accused of practising torture can respond to the allegations. The Commission also appoints a 'Special Rapporteur on Torture' to investigate and report on allegations of torture. The United Nations, which funds the Commission on Human Rights, also provides funds and administrative support for the Special Rapporteurs and for the Office of the High Commissioner for Human Rights (OHCHR, which supports the work of the Commission and related bodies, including the Special Rapporteur on Torture and the Committee Against Torture). One of the functions of the OHCHR is to provide advice to governments that are considering legislation or other domestic measures against the

practice of torture. The International Criminal Court (which aspires to pass judgement on individuals guilty of 'crimes against humanity') is an additional component of the regime against torture.

Obviously, all these elements mutually support each other and add up to a whole system, which does three things:

1. By its very existence and also by its operation, it reinforces and sustains the norm against torture.
2. It gives governments a mechanism for responding to reports of particular instances of torture.
3. It goes at least part of the way towards empowering governments to do something to repress the practice of torture in other countries.

Of particular interest to us in the present context of looking at ways in which multilateral regimes can influence the behaviour of governments, the regime against torture has a strong impact on the way governments react to publicised instances of torture and some impact on the incidence of torture.

Influence on detailed behaviour of governments

For governments wishing to respond to allegations of torture in other countries, the regime provides a ready-made mechanism and procedure: they can raise the issue at the next meeting of the Committee, they can join other countries in expressing their condemnation, they can call for an investigation by the Special Rapporteur, they can contribute funds to the OHCHR for training police forces to suppress the practice of torture, etc. The regime gives technocrats routines to follow and politicians a justification for their performance: in doing what other governments are doing, they are performing in conformity with their obvious benchmarks. The regime also provides a platform on which to posture, a vehicle for pandering to particular sections of one's own electorate, or to the media, domestic and foreign, for indulging personal or ideological passions or vanities, for attacking other governments that one wishes to embarrass or undermine, etc. If the regime did not exist or were different in its specifics, these governments would have to find other platforms, other vehicles, other benchmarks, other responses.

This regime is also a striking example of the 'reactive' nature of much multilateral activity: it impels many governments to do things they would not otherwise do. Simply because the regime exists, most governments will feel a need to participate in the various committees and to support the regime by such actions as providing personnel for the Special

Rapporteur. Whenever the regime leads to a case of torture being exposed and well publicised, many governments will feel a necessity to at least match the tone of others in denouncing it. Anything less could be perceived as evidence of laxity or worse, by your own electorate, by the governments of aid donors, etc. If one government is accused, many others will feel a need to react to the accusation, supporting either the accused or the accuser, for a range of possible reasons. Many would find it easier to opt out of taking prominent and public positions on these matters, but for the existence of the regime. Governments that are accused of tolerating torture will feel a need either to defend themselves or to denounce their accusers, in the forums and processes provided by the regime. In all these ways, the detailed behaviour of governments is shaped by the specifics of the regime.

Effectiveness in serving regime objectives

Providing themselves with a response mechanism would be reason enough for governments to develop and maintain an international regime against torture. In addition, some governments or some agents of governments, at times, set themselves the objective of curbing the practice which, despite its general denunciation, remains entrenched in a number of societies and is sporadically tolerated in many others. Their ability to do this is limited because the governments whose behaviour they wish to change see value in allowing their security forces to engage in torture[14] or recoil before the difficulties of eradicating the practice.[15] But the existence of the regime and its fact-finding machinery, with their power to generate publicity and to impel other governments to respond forcefully to publicised cases of torture, produces contrary pressures. If they are exposed and denounced as practitioners, they will face humiliation and domestic opponents will be encouraged. Internationally, they will be viewed with revulsion and risk losing aid donors and foreign investors who fear guilt by association. Their cause will be widely seen as tainted, perhaps to the point of undermining the legitimacy of their right to rule. Governments of democracies and those that value the support of democracies are particularly vulnerable.

Many governments have improved their performance in repressing torture, or in hiding the practice, out of fear of the regime. A number, genuinely seeking to reform, have been helped by the OHCHR. The effectiveness of this particular regime at this functional level is patchy and the time frame in which it operates is much longer than the attention span of electorates; but it is far more productive than any alternative approach available to most governments.

Characteristics of regimes

Alongside the essentially moralistic regime against torture are more utilitarian regimes such as that against the proliferation of nuclear weapons, the universal postal regime and the world health regime. As the example of the regime against torture illustrates, international regimes typically have several components: one or more norms, one or more legal documents and other normative texts, one or more regular conferences, one or more secretariats (which can be sections of larger organisations) and a whole range of established ways of addressing the issues with which they deal.[16] Regimes have two distinct primary functions. One is to help governments manage political pressures to which they are subject; the other is to help governments secure changes to the real world by altering each other's behaviour. The very existence of the regime, and the specifics of each of its components, not only respond to a need felt by governments but in large measure they also determine what governments do (by providing ruts for them to fall into and by creating incentives). From all this it follows that the development and management of international regimes – sometimes their manipulation – is one of the principal purposes of multilateral diplomacy.

Power and international standards and regimes

As with information and international agreements, international standards and regimes influence the behaviour of powerful as well as weaker countries, but they do not entirely negate disparities of national power. Powerful countries are better placed to wear the costs of non-conformity – a striking example is the persistence of the United States with the (British) Imperial Standard of weights and measures (feet and inches, gallons and pounds), when almost all other countries (including Britain itself in large measure) have succumbed to the advantages of the metric system in terms of interoperability and commercial benefits. As we shall show later in this book, the powerful are also better placed to shape the international standards and regimes to suit their wishes, but the weak are more powerful in this context than they are in purely bilateral dealings.

4
International Organisations

As we have noted, governments and their agents are the principal protagonists and the main targets of both bilateral and multilateral diplomacy. In multilateral diplomacy there is another category of protagonists and targets: international organisations, their secretariats (i.e. the staff of each organisation, organised as a body) and individual members of their staff.

International organisations ('international agencies' is an alternative term) are institutions created, mandated and funded by a number, often a large number, of states, to contribute to the management of selected issues or bodies of issues. Within this institutional framework, representatives of these states assemble periodically in one or more conferences that take decisions. Each organisation consequently presents itself as an embodiment of a common purpose by the governments of the participating states.

They carry names indicative of their function: the World Health Organization, the Organization of American States, the Bureau of International Exhibitions, the Universal Postal Union, the Asian Development Bank, the United Nations Drug Control Programme, the United Nations International Children's Emergency Fund, and so on. The inelegant habit has developed of referring to international organisations by their initials, so that those just mentioned are more generally known as WHO, OAS, BIE, UPU, ADB, UNDCP and UNICEF. UNICEF, like NATO, is among the few whose acronyms are pronounced as words rather than as a string of initials.[1] Some decades ago, when it was proposed to establish a United Nations Fund for Economic Development, someone spotted the discouraging acronym in time for the name to be changed before the new fund was launched; but it still proved to be an accurate prophecy.

The functions that international organisations have been created to fulfil are many and varied. Virtually every one operates as a forum where governments can discuss a particular set of issues, exchange information and seek to develop common declarations as to what should be done about them. In addition, many organisations have specific functions, all of which boil down to providing a service which governments wanted when they set up the organisation.

These services often include gathering, analysing and disseminating information in the specific field addressed by the organisation. It is today taken for granted that one can access, for example, statistics on unemployment in all countries – moreover, information that has been standardised so as to permit meaningful international comparisons. Only a few decades ago, assembling such information would have required a major research effort each time an individual or government wanted it. It still is a big task but it suits the governments of the world that such information be available, so they pay for the research to be done and the results published by the International Labour Organization (ILO). The standing governments accord to the ILO is such that most of them cooperate with the ILO in producing the information in the requisite format and the information it publishes is widely accepted as authoritative.

In many cases the governments concerned wanted other tasks performed as well. Thus, among other functions, the World Intellectual Property Organization (WIPO) maintains international patent classification systems; NATO provides a unified military command, the International Monetary Fund pools funds and lends them to participating governments when they face a shortage of foreign currency and so on. A number of international organisations deploy staff and resources in many countries to conduct operational programmes. For instance, the United Nations High Commissioner for Refugees has field staff wherever exoduses of population occur and in the countries which provide asylum, both legal experts and experts in the provision of relief to the uprooted and dispossessed.

The most famous international organisation is the United Nations; in fact a family of organisations, including the Specialised Agencies (such as the WHO and UPU) and many more narrowly focused 'programmes' (such as those for refugees and drug control). Another important category is that of organisations (often constellations of organisations) designed to give effect to aspirations to develop regional responses to a range of issues. The South Pacific Regional Environmental Programme (SPREP) is part of the cluster of organisations contributing to the global

regime on environmental issues. It is also part of a cluster of South Pacific regional organisations, most of which have a formal relationship with the South Pacific Forum, the Head-of-Government level regional cooperation meeting, and its standing secretariat, the South Pacific Commission (SPC). There are many such regional clusters of international organisations, some dedicated to the ideal of promoting not just regional cooperation but 'unity'. In one region, Western Europe, the institutional framework is highly developed: regional bodies such as the Council for Europe, the Organization for Security and Cooperation in Europe (OSCE); sub regional bodies such as the Western European Union (WEU), the many Nordic bodies; and of course the inner core, the European Union (EU), with (in mid-2003) 15 member countries and many others clamouring for admission or reluctantly drawn towards membership. The EU sustains a very broad range of cooperation and coordination bodies. It also has in its Parliament, Council of Ministers, Courts, Central Bank, etc., many of the attributes of statehood. There is however one big difference: bodies that in a national government would be domestic committees, in the EU are mostly still multilateral conferences.

Typically, whatever its function, each international organisation has four defining attributes: its membership, its statute (or in a few cases, its unwritten mandate), its principal periodic conference(s) and its secretariat.

Membership

That the membership of an organisation should have a strong impact on its character is obvious, as are the limited number of ways in which this is determined: some organisations aspire to universal membership, while the membership of others is restricted by criteria which may or may not be explicit or public but which boil down to an assumed community of interest. Examples of these criteria are geographic (the many regional organisations), or economic (OPEC, the Organization of the Petroleum Exporting Countries, and OECD, the 'rich countries' club'). Membership of some international organisations is openly said to be by invitation (the Indian Ocean Rim Association for Regional Cooperation is one example) and many others have devices of one kind or another whereby unwanted would-be members can be excluded. The (ex-British) Commonwealth has several times suspended member states whose governments had behaved in ways unacceptable to the majority of its membership, and in 1995 it admitted Mozambique, which does not

meet the only known criterion for membership – having formerly been part of the now defunct British Empire. Some organisations have different categories of members, such as the Contracting Parties and Non-Contracting Parties of the Antarctic Treaty and the better-known Permanent and elected members of the Security Council. The World Tourism Organization has four categories of members. The European Union is a member in its own right of some international organisations, alongside its member states.

Statutes

The statutes of international organisations (the UN Charter is the best-known example but nearly all international organisations have similar documents) are treaties between the member states, which define the organisation's purpose and lay down agreed rules as to how it is supposed to operate and to be funded, how its chief executive officer is to be selected, etc. In most international organisations, the legal basis of a state's membership is that it is a party to the statute. A few organisations, such as the Commonwealth and the G8, have no written statute, just a body of expectations built on past practice.

Periodic conferences

The statute will specify the frequency and the managerial functions of the periodic conferences of the members. Typically these conferences are held every year or every two years. As noted above, they almost invariably serve as forums for exchanging information and discussing the body of issues the organisation addresses. In addition, however, the regular assembly of the members of each organisation is its top 'policy making organ'. It alone has the power and responsibility for approving the organisation's budget, (usually) for electing its chief executive officer and for determining a range of other administrative matters specified in the statute. It is also expected to provide guidance to the secretariat in its operational activities. In a number of international organisations, this annual or biennial 'Assembly' or 'General Conference' of the whole membership is supplemented by a smaller committee (often called 'Executive Committee' or 'Council'), which meets much more frequently, oversees the operations of the organisation in greater detail and makes recommendations to the General Conference on important matters such as the budget. Typically, this second policy-making organ is elected from and by the whole membership; but in some cases,

such as the IMF Executive Board, some of the major contributors to the organisation have a statutory entitlement to a seat. Typically, it is in session for much of the year and gives guidance to the managers of the organisation. It is involved in the preparation of the organisation's draft budget and in other important decisions. In general, the formal position is that these committees merely deputise for the membership as a whole, which has the power to lay down policy guidelines. In practice, the committee acts independently and has a strong influence on the work of the organisation. In several cases, the statute is so written as to reserve to the committee considerable powers over such matters as the budget and the selection of the chief executive officer of the organisation. There are many variations on this general model. The World Trade Organization has a roughly biannual Ministerial Conference as its top decision-making body and a General Council which meets frequently through the year and acts on the authority of the Ministerial Council for day-to-day purposes. The entire membership is represented on both bodies.

In addition, many international organisations sustain a number of other periodic conferences, as will be further explained in Chapter 6.

Secretariats

In some cases, the conference of the member states is the *raison d'être* for the organisation, and its principal, at times even its only, organ. In these cases, although the conference inevitably needs administrative support services, these are limited to the mechanical requirements of meetings: physical arrangements and facilities, distribution of papers supplied by member-state governments, etc. Some of the most important international organisations are of this type: the UN Security Council (which is serviced by a small unit within the UN secretariat) and the G8 (for which both the summit-level G8 meetings proper and the preliminary conference of officials – known as 'sherpas', after the guides who facilitate the ascent of Himalayan summits – are serviced by the host country of each meeting). In both of these cases and in others which operate on a similar model, it is important to the governments involved that this support staff or 'secretariat' should be entirely neutral, almost mechanical, 'low profile' and preferably invisible.

A variation on this model is exemplified by the Geneva Group (in which major contributors to the larger international organisations attempt to maintain a common position on budgetary issues). Here the secretariat is provided by the delegations (and behind them the foreign

ministries) of the co-chairmen, the United States and the United Kingdom. As these two governments are the principal drivers of the Group, they not only make the physical and mechanical arrangements for the meetings, they also prepare and distribute substantive papers for consideration at the meetings and write up the conclusions. In this case, the secretariat has a detectable role in shaping the work of the organisation.

In other cases, the secretariat of an international organisation consists of staff recruited (sometimes seconded) to work as a team to provide the services envisaged in the statute. All secretariats have a 'mother hen' role, of being focused upon the purpose, activities and decisions of their organisation, of being a repository of knowledge about its past activities and of expertise about its subject matter, of reminding member-state governments of their previous decisions and commitments and of the consequential activities required of them. Very readily this drifts into a role of advocate for these same causes. This tendency to move away from neutrality towards partiality is naturally more pronounced if the secretariat is a sub–unit with some autonomy from a parent organisation and more so if it is a separate entity. Even more important is the basis on which the staff of the secretariat work: whether such work is for them only one task amongst several, a temporary assignment within their home organisation, a temporary detachment to another organisation, contractual employment or a permanent job with an organisation solely dedicated to the task. The further one progresses through this spectrum, the more the secretariat staff tend to identify with the organisation.

The extreme of autonomy, of focus on the work of the organisation and of identification with it, is to be found, predictably, in 'international civil servants', that is to say, the permanent employees of international organisations, paid from the budgets of those organisations. Some international civil servants do work in secretariats whose role is essentially to service periodic conferences and no more than gently 'mother hen' the participants. The archetype, however, works for an organisation which has operational tasks assigned to it by the member states and a budget for this purpose. These operational organisations have programmes to devise and implement and staff focused on operational roles – which almost inevitably leads to these staff having operational objectives and philosophies. More than the other models discussed here, an organisation of this type is not only a focus of loyalty for its staff but also an entity with a personality, a perspective, interests, goals, etc. of its own. In short, the secretariats of international organisations are actors with an identity very distinct from that of the member states of those organisations.

International organisations as societies

International organisations are human societies made up of two main categories of people: the representatives of the member states and the staff of the organisation (i.e. its secretariat). There is a considerable difference between these two categories, in their self-image, their agendas, the constraints to which they are subject, and so on. Another factor which differentiates them is that whereas the staff of the organisation are 'permanent', the representatives of the member states are transient, most of them present only at the time of conferences. Even the members of the 'resident missions' accredited to the organisation are only there for the duration of their posting (2 to 3 years on average) and during that period they usually have a range of other duties, so that the attention which they give to each organisation is at best intermittent. Typically the secretariat staff are far more narrowly focused on the activities of the organisation and far more knowledgeable about its inner workings than are the member-state representatives.

The relationship between these two categories of people is symbiotic. The organisation depends on the member states for funding and authorisation; this translates in operational terms as the members of the secretariat needing to convince the representatives of the member states of the merit of their proposals, as to both budgets and programmes. The member states depend on the organisation to deliver the benefits they expect of it; this translates into the member-state representatives needing the cooperation of members of the secretariat for information as to what the organisation is doing, as well as responsiveness to the attempts of the representatives to influence its behaviour. At the squalid level of personal interest, many of the secretariat members solicit and at times receive the support of member-state representatives for their employment or promotion within the secretariat, while some member-state representatives solicit jobs within the secretariats. In both cases this increases the mutual dependence between the two parties and can have corollaries in terms of mutual obligations and expectations.

International civil servants

It is of course a generalisation to say the secretariat staff are permanent. Most of them are in fact employed on contract and in some cases they are on secondment from their home employer (almost always a government). There is also some mobility between international organisations. But enough of them are long associated with the organisation

and quite a number are lifelong international civil servants, so that the culture of the typical secretariat is overwhelmingly one of the long haul.

In most countries[2] the civil service is looked up to with a mixture of admiration and envy. It is thought of as an eminently respectable, indeed prestigious, occupation, whose staff has been selected through a highly competitive process and is called upon to exercise high levels of responsibility and power. The civil servants of most countries think of themselves as an elite, providing an essential service and (in many cases) deserving of privilege. This general cast of mind carries through to the international civil service. The results are mixed. Those who add to this pride in their calling a personal commitment to the cause they serve are among the most impressive individuals one can hope to meet. This type is well represented, especially in the field staff of many of the Specialised Agencies and UN programmes. The negative side is that a number of international civil servants, focused on the privileges and perks of their office and/or lulled by security of tenure, don't give much attention to their work.

The most obvious problem of the international civil service is its multi-nationalism. Differing bureaucratic backgrounds are less of a problem than you might imagine, because each of the long-established agencies has its own internal cultures and set ways of doing things which all have to learn. The origin may have been some strange mish-mash of British, French, Indian and American models; but several decades of separate history and distinctive experience has generated a 'house style' for each agency. The problem that multiculturalism does cause is more that it favours the development of cliques based on national affinity. International secretariats seem particularly prone to the worst manifestations of office politics and a proportion of their staff seem to engage in little else. No doubt this is partly due to the large size of several of the organisations; but it must also have something to do with the fact that almost every staff member when they join is far from home and their normal support systems, and thus unusually receptive to the reassurance that can be found from a clique or patron. Probably another major contributing factor is the relatively low degree of accountability and the in-house nature of that accountability. Reform in this area could be one of the keys to improving the performance of the organisations; but to date the member states have not deployed the effort and resources which this would require of them.

The main problem arising from the multinational nature of international secretariats, however, is political. Most member countries feel

a strong compulsion to have their own nationals well represented in such secretariats, both numerically and in prominent positions. The reasons are partly national pride, partly an acquisitive attitude to the employment opportunities and partly a feeling that one's own nationals are likely to be more responsive than others to their own government's wishes, or at least more likely to think along similar lines. This has led to a more or less formalised system, in most organisations, of 'geographical representation', at times even rendered as 'geographical equity'. These concerns are particularly pronounced among the poorer countries and those where the English language is not widely used. (In the early post-Second World War era, Scandinavia, the Indian subcontinent and the United States were disproportionately represented in secretariats). In recent years there have also been strong pressures from Western countries in support of 'gender equity' in secretariats. The challenge of finding the appropriate balance between such preoccupations and the desirability of appointment and promotion on merit is well known in many countries; but international organisations are under great pressure to err in favour of the political considerations.

Structures

The typical Secretariat will have a CEO (titled Secretary General or Director General for most Specialised Agencies or non-UN bodies and Executive Director for most independent programmes), who in turn will have a personal staff (what the French call 'cabinet') of close advisers and sometimes de facto deputies – key contacts for any delegation with ambitions to affect outcomes. There will be a number of operating divisions, a large administrative arm, a policy unit and a legal affairs unit. The administrative arm is the larger because most agencies rely for operational purposes on contractual arrangements. The operational arms will have relatively few 'doers'; their function is more analysis, planning and contracting, as well as oversight of programmes. Some organisations have staff performing technical roles – such as the International Atomic Energy Agency's inspectors who monitor civilian nuclear facilities, or the lawyers at World Intellectual Property Organisation who advise member countries on drafting patent law. As previously mentioned, several of the larger agencies have representative offices in many cities around the world and/or operational field staff managing and in some cases implementing programmes to deliver humanitarian relief, monitor situations, provide advice to governments, etc.

The personality of international organisations

One of the most striking things about the multilateral world is the degree to which each international organisation has its own personality. Part of the explanation is their differing functions, which determine the type of people who work there: the meteorologists who provide the core of both the WMO secretariat and the delegations from member countries have a distinctive professional culture which differentiates them from, say, the labour relations and labour law experts who provide the professional core of the International Labour Organization – again both secretariats and delegations. The engineering backgrounds of the key professionals of the International Atomic Energy Agency and International Telecommunications Union contribute to the 'no-nonsense' atmosphere of those two organisations. The pace and work methods of the World Meteorological Organization or the Universal Postal Union are far more leisurely than those of the United Nations High Commissioner for Refugees or UNICEF, where sudden emergencies are routine.

Another strong influence is that of the city in which their headquarters are located; Rome, New York, Bern (home of the UPU), Nairobi are very different living environments, the staff you recruit there have a different culture, and the intellectual and information environment is very different.

The personality of the CEO of the day probably has even more impact in international organisations than you would typically find in other bodies, on both the corporate culture and on the day-to-day operations of most international organisations, perhaps because of the previously mentioned relative ineffectiveness of the accountability. Several are highly competent managers: I have particularly high regard for Hans Blix at the International Atomic Energy Agency (1981–97): a practical visionary with real charisma and a flair for surrounding himself with able staff, including an outstanding Deputy Director General for Administration and Budget. Under Blix's leadership, the Agency had a focused sense of purpose and professionalism comparable to the best of the public or private sector anywhere. The much lower profile style of Pekka Tarjanne and his predecessor, Dick Butler, as Secretary General of the International Telecommunications Union, produced a well-oiled quiet efficiency. Sadako Ogata as UNHCR combined subtlety and toughness with political flair to bring a 'tight-run ship' atmosphere to her agency. The World Intellectual Property Organization (WIPO), for a decade and a half was shaped by the flamboyance and Dickensian but effective management of Arpad Bosch. While the general standard of international

organisation CEOs is high, some organisations have also had their corporate culture shaped by ineffectual, petty and, at least once, corrupt leaders.

WIPO has lavish headquarters buildings, with coloured stone patterns all over the floor of its gigantic foyer, where there is also a large fountain. Other organisations with opulent HQ are the International Financial Institutions in Washington, with standards of accommodation, support services and salaries such as North American bankers are accustomed to. This contrasts with the spartan working conditions of the United Nations High Commissioner for Refugees or the (former) United Nations Disaster Relief Organization.

Historical factors also play a formative role: human societies pick up personality as a result of their experience. For an international organisation, important factors in that history will be the period(s) in which governments were enthused with the issue it covers and the personalities of individual CEOs or delegates who placed their mark on the corporate culture. For example, to understand some of the tensions and motivations which affected outcomes at the International Organization for Migration in the 1990s, you needed to know that the IOM went through a phase where the majority of its membership was Latin American countries who understandably emphasised the programmes of particular benefit to their continent. When it picked up a more representative membership, a portion of its in-house affairs represented a struggle by the Latin American staff and national representatives to protect their national interests in the face of a reallocation of priorities.

A more positive example is that of the International Atomic Energy Agency (IAEA). During the Cold War the Soviet Union and the United States, which were in constant conflict in most other international organisations, found a basic unity of purpose in resisting the proliferation of nuclear weapons, and consequently the IAEA has a tradition of non-confrontational, business-like search for workable solutions. In this it contrasts markedly with other more fractious bodies. I would place at the other end of the spectrum the Second Committee of UNGA (General Assembly of the United Nations). This body deals with economic issues, but from a purely declaratory point of view. It has a large developing country majority who, understandably, see the question of what the rich North can do to facilitate economic development in the poor South as the most important issue in multilateralism. They have seen the interest of the wealthy countries in this problem diminish steadily and encountered growing opposition to their preferred solutions. For decades the Second Committee has been the scene of endlessly protracted but

highly unproductive disputation. The rich countries are there in essentially a damage-limitation mode, with nothing constructive to offer; while the developing country representatives face nothing but frustration. The usual outcome of much acrimony and endless hours of confrontation is a wretchedly anodyne text, full of platitudes and caveats. In this atmosphere the practitioners tend to cynicism, which manifests itself amongst the brighter individual delegates as an inordinate penchant for conference room tricks and posturing and in the majority as deeply ingrained negativity. If you want a successful outcome to negotiations, make sure these are not placed in the hands of delegates formed in the Second Committee.

The political attitude of member countries towards each organisation also influences the style and character of the organisation, especially the attitude of the Americans. The efficiency of the IAEA and the UNHCR are in part also a product of the strong support which governments including that of the US have given to these agencies and the effort they have deployed to elect capable CEOs and more generally to ensure that they are well run and (almost) adequately resourced. The withdrawal of US support for the United Nations Industrial Development Organization, followed by other Western member states, has been very damaging to that Specialised Agency, while UNESCO (UN Economic, Social and Cultural Organization) has survived a similar desertion.[3]

Inter-organisational relations

Like all large organisations, especially those with strong CEOs, international agencies have a penchant for rivalry and imperialism, and although each one has a specified core area of competence, there is plenty of grey area in which duplication and competition can thrive. An example is the promotion of agricultural development in poor countries. You might expect this to be the preserve of the Food and Agriculture Organization; but it is clearly also the business of the UN Development Programme and the Development Banks. Moreover the United Nations High Commissioner for Refugees also needs agricultural development expertise (to assist in the resettlement of displaced populations in the developing world), as does the United Nations Drug Control Programme (UNDCP) (to wean Third World producers of coca and opium on to alternative crops). Why don't UNHCR and UNDCP just call on the Food and Agriculture Organization (FAO) to help? It is not just corporate and personal aggrandisement, it is also priorities

(FAO may want to allocate its scarce resources to improving nutrition levels in country X in preference to a drug-crop-replacement programme in country Y) and managerial control (FAO may agree to provide experts on contract to UNHCR to help with a resettlement programme, but the UNHCR project manager may believe he can get more responsive service elsewhere).

International organisations can also pursue contradictory goals. The famous example that was being fought out in my time in Geneva was tobacco. The World Health Organization (WHO) was waging a major campaign against smoking, whereas the FAO was promoting tobacco as a cash crop, even funding research to improve its quality (presumably including the nicotine content). When delegations in Geneva protested, the FAO secretariat (based in Rome) was unrepentant: 'Sort out your own house first', they said; 'We are only acting on the instructions of our Member States.' The irony was that the membership of the WHO and FAO is essentially the same: almost all countries belong to both. The problem was a lack of coordination within the governments of member states: whoever was preparing the brief for each country's delegation to the FAO was not in effective communication with those briefing the same country's WHO delegation and the conflict had not been resolved at the national level.

One unending task for reformers is to try to get the various international agencies to work together more effectively and to eradicate duplication of effort. But not all examples are negative: one of the activities of the IAEA is to disseminate nuclear technologies that assist agriculture. To avoid duplication of effort and conflicts of interest with the FAO, the two Agencies have established a joint Division which works in this field for both organisations and draws staff from both. Moreover, the elimination of duplication (although a catch-cry of finance ministries) would not be an unmixed blessing: the issue of conflicting priorities remains real. Economic rationalists might say that the decision as to whether to put your agricultural development money into improving nutrition or eradicating drugs can and should be made on rational economic grounds. In practice, no government works that way. Instead they have distinct programmes to address particular issues: one programme to improve nutrition, one to fight drugs. They make a decision at budget time to allocate so many dollars for nutrition and so many for drug control and then they let them run independently. Logically they should not carp if it turns out that both programmes involve expenditure on agricultural development, just as they would not find it objectionable that both require transport and communications.

A more legitimate concern is that two programmes both working on agricultural development should seize opportunities for economies and synergies, as well as avoiding interference with each other.

Incidentally, the tobacco story illustrates why you need diplomats on the delegations to both WHO and FAO: they may not know much about health or agriculture but they are focused on such questions as the coherence of their nation's policies towards the outside world. Because they are expert generalists, they should spot the fact that this or that national interest or constituency is being overlooked. They should be able to alert their government to the problem and have a feel for where the national policy-making process will come out.

The example of the FAO's tobacco programme also illustrates one of the reasons why the accountability of international organisations is so imperfect: few member-state governments accord high priority to resolving all such internal conflicts, which may appear far from day-to-day priorities. In such a situation, an FAO official who as an agronomist believes that tobacco is a desirable crop, has good prospects of getting funding for such a project from a general conference whose delegates are mainly agricultural experts themselves. Once the FAO project is under way, chances are an expert in tobacco growing will be hired to run it. This person will then have strong 'ideological' and personal motivation to fight for the survival of the programme when it is challenged. The institutional problems of member countries in developing coordinated policies on cross-sectoral issues such as tobacco will greatly favour his or her chances of success.

Autonomy of secretariats

This brings us to the question of the roles, both theoretical and practical, of international civil servants. Like their domestic counterparts they are supposed to be servants, implementing the will of governments, in this case the governments of the member states. As all civil servants in all countries know, that model does not work simplistically on the domestic scene, for reasons that were evoked in Chapter 1. The same is even truer of international civil servants: their accountability to their political masters is far less, because they report not to a single government but to a committee of governments. A committee of governments is far more diffuse than a domestic policy committee: its members are not bound by the ties of party and expediency which link the members of a national government; there is no Head of Government and no potentially vengeful electorate. A committee of governments is even less constrained

by a preference for consistency than is a national government. It is never overthrown, and clear breaks and new policy starts are rare. The consequence is a strong tendency to coast on most issues and intermittent attention to a limited number of points which acquire prominence for one reason or another – and usually for a relatively short period. There is much more opportunity for members of the committee to ride their individual hobby horses and occasionally one or other of them will succeed in getting something added to the budget or a particular directive issued. The budget negotiation, being between ostensible equals, is predisposed to the trade-off mode ('I will let you have your pet project if you will agree to mine'), with no assurance that anyone will effectively assume responsibility for seeing that the whole package is coherent and complete. On points where it would be too difficult to get agreement within the committee, national delegations may be limited to expressing their individual wishes in the policy-making body or directly and in private to the secretariat.

As a result, the secretariat will have as guidance an approved budget and a number of directives (sometimes less clear and coherent than they should be, because of the difficulty of achieving agreement) and some oral advice from individual member states. The latter is not always easy to act upon: it does not necessarily indicate widely shared wishes and some elements may be mutually contradictory. In these circumstances, secretariats are thrown back on to their organisation's mandate: the task it was originally given. But the agreement which that embodied is usually ephemeral; fashions change rapidly as to which issues deserve priority and how they should be handled (the most influential member state, the United States, is particularly fickle) and, moreover, the real world also evolves. Typically the mandates do not accurately reflect the current preoccupations of member states (neither that of the major financial contributors whose continuing support is essential, nor that of the countries which benefit most directly from the organisation's programmes) nor the secretariat's professional view of what its role should be today.

In this 'deficit of guidance', secretariats rarely simply execute instructions from the member states and they enjoy a considerable degree of effective autonomy. The commitment of individuals to a personal vision of their responsibilities, as well as individual consciences and personal agendas, are even more prominent in their decision-making than is the case for the domestic civil service. This helps explain the unusually powerful personal role of the CEOs of international organisations and their propensity for competition with their peers.

It is traditional to bemoan this situation of a lack of anything resembling effective control by the member states. But given *their* lack of coherence and frequent focus on short-term or partisan considerations, in practice this autonomy produces much more focused, consistent and thus more effective organisations than we would have if they were in the thrall of a typical multilateral conference. The secret of good management is not control but clear tasking and adequate resources, and then to allow the implementers to get on with the job, subject only to effective accountability. This applies to international organisations as much as to any other field of activity. In fact, national governments are usually well served by an organisation which perseveres with its responsibilities regardless of the chronic irresponsibility and fickleness of its member states and despite their frequent failure to develop an agreed common view as to what the organisation should be doing.

When the member states intermittently do get round to seriously considering the issues at stake and devote the effort required to achieve agreement, new directives are given to the organisation, which then proceeds to act on them. In short, the system works remarkably well, albeit in ways that are unattractive to people obsessed with outdated concepts of sovereignty.

Funding issues

For all the importance of issues such as personnel management, organisational culture and accountability in international organisations, the managerial issue on which most attention focuses is that of the organisations' budget and funding. This is unsurprising because it is the means of control most readily available to member states: they may not be willing to go to the trouble of agreeing on directives but they cannot avoid having to agree every year or two on each organisation's budget. Moreover, budgets provide great opportunities for populist posturing: 'It is our taxpayer's money!'

Typically, international organisations are funded by contributions from member states. In most organisations there is a scale of assessed contributions, reflecting differences in Gross Domestic Product among the member states. In most cases the formula is adjusted to reduce even further the proportion paid by the poorer countries and to put a ceiling on the contribution of the United States (at its insistence; although a case can be made that it is in the interest of all to avoid excessive financial dependence on any one contributor). In addition to assessed contributions, many international organisations receive voluntary contributions,

some from non-governmental sources (this is especially important for instance for UNICEF) but also from member states wishing to ensure that the organisation is able to do things they particularly value but which are under-funded by the 'regular budget'. (Examples include the large contributions by the United States supporting the nuclear safeguards work of the IAEA and the large contributions of West European countries and Japan to many humanitarian and development programmes.) A few organisations raise significant revenue by charging fees for services they provide (WIPO being the champion in this), while others, such as the International Financial Institutions and Regional Banks, raise large amounts on the bond market.

As noted above, approving a budget or requiring alterations to budgetary proposals before approving them, is the easiest way in which the assembly of member states can influence the operations of an international organisation. Negotiations over the budget are the opportunity for member-state representatives to try to ensure that the activities they value most are appropriately funded. As national or at times personal priorities in this differ, there is competition for limited resources and often a multi-sided contest between delegates with divergent objectives, often also with the secretariat staff having marked preferences of their own (international civil servants, even more so than their domestic counterparts, are prone to high levels of personal commitment to the programmes they serve, reinforced by the fact that their jobs depend on their programmes being funded).

How such contests are ultimately resolved, almost always by consensual agreement, is the subject of subsequent chapters of this book. The point to register at this time is that in these contests and negotiations it is of enormous advantage to be well informed, and to understand in detail the budgetary process of the organisation, the different components of the budget, their past history, etc. The secretariat is far better placed than member-state representatives to master these matters and, being human, some secretariat staff are not above deliberate attempts to mislead the members, for the sake of programmes to which they attach importance. In contrast, most member-state representatives have little time and expertise to focus on budget technicalities; in many cases they have little inclination to delve deeply into such matters. The corollary of all this of course is that if you allocate the necessary time and resources to budgetary issues, and especially if you develop a degree of expertise in the field, not only will you be much better equipped to achieve your own objectives, you will also be equipped to exert leadership and earn respect and even gratitude from other delegations – assets

which in turn can be used to achieve your objectives, on both budgetary and non-budgetary issues.

The whole field of budgetary and funding issues in international organisations has become increasingly prominent over the past quarter century. A major reason has been the insistence by Western member governments that the general parsimony and new management practices they were imposing on their own civil services should also be applied in the international organisations that they largely fund. These major contributors have imposed an across-the-board policy of 'Zero Real Growth' (ZRG) in the budgets of international organisations, with some, notably Canada, calling for Zero Nominal Growth. This has coincided with repeated refusals by the US Congress to allocate sufficient funds for that country to pay its full assessed contributions to many organisations (in defiance of its treaty obligations). This and other, smaller, failures to deliver promised funds have driven most international organisations into recurrent budgetary crises, and many of them to the edge of insolvency. A number of Western governments have seen ZRG as a tool to compel the organisations to improve their performance, and indeed the efficiency of most organisations has improved dramatically during this period. There remain widespread concerns that ZRG, together with declining and decreasingly predictable extra-budgetary contributions, are themselves sources of inefficiency[4] and especially declining effectiveness. Paradoxically also, the uniform and indiscriminate ZRG policy involves on the part of the major contributors an evasion of their responsibility to set priorities as between the different organisations and programmes. Excessive funding cuts sap staff morale and hinder other needed reforms, notably to improve accountability and personnel management.

International organisations in multilateral diplomacy

At the beginning of this chapter multilateral organisations and their secretariats were introduced as both targets and protagonists of multilateral diplomacy. They are targets in that a significant portion of multilateral diplomacy is directed at influencing the behaviour of international organisations and of their secretariats. One of the reasons for this is the routine operation of these institutions: member states are represented on the management and policy committees of international organisations, and their representatives consequently participate in the management and direction of the organisations – as the founders of these organisations intended. In addition, such organisations are important components of most international regimes: if you want the regime

to deliver certain results, one of your concerns will be to make sure that the relevant international organisation(s) perform as you wish.

International organisations also control resources: they distribute funds, technical assistance and information; they also award commercial contracts, provide jobs, etc. Multilateral diplomacy can be deployed in attempts to secure these benefits for your own country, for chosen clients and in some cases for yourself. In addition, like national governments, international organisations (and their staff) are purposeful entities: they have objectives of their own and the means to pursue them: this makes them protagonists in multilateral affairs, competing or cooperating with governments and their agents to produce particular outcomes.

5
Multilateral Diplomacy

Multilateral diplomacy units

Governments, we have noted, operate by assigning specific responsibilities to individuals and teams. As a consequence, most Foreign Ministries have a number of sub-units or departments[1] tasked to handle issues that arise in multilateral organisations, treaties, regimes and conferences. These may include for instance:

- the Legal Department which is often charged with the negotiation of treaties;
- a UN or International Organisations Department;
- one or more departments for economic affairs, responsible for relations with and participation in international organisations operating in the economic field, such as the World Trade Organization and the International Civil Aviation Organization;
- a department dealing with defence-related issues, wherever they arise, which would cover, *inter alia*, multilateral and regional disarmament issues and international peacekeeping operations;
- a department – or sometimes a separate unit outside the Foreign Ministry – dealing with 'development assistance'[2] (whether the country concerned is a donor or recipient or both);
- possibly, specialised departments dealing with specific topics (such as human rights, environmental issues, or narcotics) or with an organisation to which the government attaches special importance (for instance, the Indonesian Foreign Ministry needs a specialist department to cover its relations with the Association of South East Asian Nations and another for the Organization of the Petroleum Exporting Countries).

These 'functional' departments can be contrasted with 'geographical' departments focused on bilateral relations with particular countries. As explained in Chapter 2, multilateral and bilateral diplomacy are simply two different ways of pursuing the same ends. The topics on which functional departments focus (trade, navigation and fisheries, counter-terrorism, etc.) make up a large component of bilateral relationships. Conversely, 'global' human rights or disarmament means the human rights or disarmament measures that you would like to see apply in Brazil, Belgium and other specific countries. Moreover, multilateral action is dependent on the attitudes and actions of participating national governments. But the distinction is a very practical one. The mission of geographical departments is monitoring, understanding and knowing how to deal with particular foreign countries. Those who work in a 'functional' department focus on a particular body of issues and how these are handled internationally. This includes monitoring specific aspects of the behaviour of other governments and at times responding to that behaviour. But because the international benchmarks for acceptable behaviour are multilaterally determined and because multilateral institutions are, for most governments, the prime source of information about such matters and the prime vehicle for responding, functional departments tend to focus heavily on the multilateral dimension of the issues they address. They should be knowledgeable about specific multilateral treaties, regimes, organisations and conferences; alert to how developments there can impact on their government's interests and expert at what can be done on the multilateral scene in support of the government's objectives. The working relations between geographical and functional departments are thus characterised by a partial overlap in responsibilities and a difference of perspective, many opportunities for cooperation and considerable potential for friction and competition.

The principal responsibilities of functional departments in relation to the multilateral scene are four:

1. Information

They must keep abreast with the ever-developing international law, other international standards, international institutions and regimes and the current state of international debate on each of the many issues that governments treat through these institutions. As a member of such a unit, you follow not only those matters that seem relevant to the interests and objectives of your own government, but also those on which your government is likely to be solicited by others. In well-run governments it is also part of the function of such units to disseminate

this information so that each sector of the machinery of government is equipped to take due account of these developments and to respond as needed.

2. Coordination

Understandably, other ministries are inclined to approach such external developments from the perspective of their own specific responsibilities. This perspective can fairly be called narrow and on many issues will not cover the whole gamut of national and governmental interests. To make sure that all these interests are duly weighed and taken into account, and particularly to guard against incoherence and ineffectiveness, it is necessary to develop a coordinated, 'whole of government' response. This is a key responsibility of foreign ministries and one which is often at least as challenging as coping with the external environment.

Naturally, the Ministry of Agriculture is resistant to being told that the government's response to some external development will be not the one that Agriculture officials would prefer in the light of their responsibilities; instead that response will be altered to take account of concerns of, say, the Ministry of Health. In all countries, the Foreign Ministry courts the resentment of other agencies by being the bearer of bad news ('you cannot decide for yourself what to do in your area of responsibility, you have to take account of these international considerations'), and a proponent of accommodating the concerns of competing agencies and of making concessions to foreign interests. Indeed, there is usually a need for standing (and periodically reaffirmed) directives from the highest governmental authority requiring all agencies to cooperate in the development of coordinated policies for international purposes. An example which causes great angst is that of candidacies for election to senior offices in international organisations. It often happens that an official, over a period of several years, develops a particular interest in an international organisation working in the same specialised field as his or her agency, builds up a reputation and network within that organisation and ultimately aspires to electoral office there. From his perspective and that of his agency, no other ministry of his own government has a legitimate interest in the matter. However, the reality is that if a country is running a candidate for election to the post of Director General of, say, the Universal Postal Union, other countries would consider it greedy to be concurrently proposing a candidate for, say, UN High Commissioner for Refugees – to the detriment of the electoral prospects of both candidates. Moreover, a multilateral election is not exclusively a competition between individuals: it can also be a competition between national

governments for positions of influence or motivated by concerns to secure competent – or pliant – managers for multilateral programmes. Another important consideration is that the pursuit of such candidacies makes heavy demands on available diplomatic resources.[3] The national interest is that the government have a coordinated, and consequently prioritised and 'rationed', programme of fielding such candidacies – but each individual and agency can be expected to put up a strong fight for a place on this schedule. The resentment is the greater when, to advance the prospects of such scheduled candidates, they are required to engage in vote-bartering unrelated to their agency's interests (the disappointed would-be Director General of the Universal Postal Union, having to promise his vote to a foreign rival in exchange for that country's vote in the election for High Commissioner for Refugees).

3. Briefing

The most time-consuming responsibility of multilateral policy units is the provision of information and guidance to your country's diplomatic missions[4] and representatives at international conferences and for bureaucrats at home. This can of course be in any format, including oral briefing or cabled instructions, but routinely, for important multilateral meetings, there will be a formal brief in the form of a book (or secure website) which, for a major multilateral conference such as the UN General Assembly, can run to several hundred pages. A well-run multilateral unit in a foreign ministry will keep standing briefs on all the important issues it handles and update them as information comes to hand, from domestic and foreign sources. A good brief contains:

(a) An exposition of the issue(s).
(b) Your government's objectives in relation to this issue, including their relative priority within its overall policy.
(c) A history of significant events shaping the present state of the international debate, including the attitudes of other countries.
(d) A statement of the specific questions to be decided at the next conference and their procedural context.
(e) Tactical guidance (if needed) to the diplomats instructed to gather information or to lobby etc. on the issue.
(f) Guidance (if needed) as to the image or policy stance you want your representatives to project in international meetings. This could include points for – or even the full text of – a speech to be delivered, probably at the start of a conference.

Some aspects of brief preparation deserve special mention:

Format and style

Everyone who uses the brief will be busy. It must be as clear, short and as easy to navigate as possible, compatible with giving the users what they need. The brief has to be capable of being used by officers who have little background on the specifics of the issue. It should for instance be self-contained (not referring to other documents the reader has to track down) and explain any unfamiliar terms or acronyms (multilateralists have their own insiders' jargon which can mystify the uninitiated). Time and effort spent on careful planning of the layout and on editing the text to achieve this high standard will be repaid by more effective and efficient representation of your wishes in conferences and foreign capitals and policy work in your own capital.

Reporting

As noted in Chapter 2, information gathering is likely to be one of the main benefits of participation in multilateral activity. Regular reporting from your people in the field is also necessary to keep briefs up-to-date. For both these reasons, they need guidance as to the topics on which information is required, and the amount of detail needed, etc. not only by the foreign ministry but for all other relevant agencies as well. At almost any conference there will be a lot more going on than your representatives will have time or people to cover and there will be limited time for reporting: give the clearest possible priorities as to the reporting you want to receive.

4. Multilateral operations

The fourth function of multilateral departments is to try to achieve specific objectives in the multilateral arena. Whatever your government's purpose in engaging in multilateral diplomacy, it will translate into operational objectives: to secure multilateral agreement to a specific proposal – or conversely to have it amended or defeated; to secure election to some multilateral body etc. In most cases, it is sufficient to task your representatives at the relevant conference to pursue these objectives and to ensure that they are appropriately briefed; but if the objectives are ambitious and of sufficient importance to the government to warrant the expenditure of additional resources, an elaborate international diplomatic campaign can be undertaken.

Multilateral campaigns

Representations in capitals[5]

Whenever a government wants forewarning of possible initiatives by other governments on the multilateral scene or aspires to influence a multilateral outcome, it will send instructions to its diplomatic missions in selected capitals, to gather information or to 'make representations'. This is diplomatic jargon for seeking to persuade another government to take a particular course of action (e.g. to support your candidate or your proposal at a forthcoming multilateral conference).

Tasking diplomatic missions

Making representations is a standard bilateral diplomatic task, but when the subject matter is multilateral (and therefore at times esoteric), drafting the instructions on which such representations are to be based calls for special care. You are trying to get the best performance out of officers who have many competing demands on their time and often no depth of understanding or even sympathy for what you are asking them to do. The instructions should equip the mission to conduct a dialogue, with answers to predictable questions, especially about your own government's views. And finally, you should send them the text of a 'piece of paper', Aide Memoire or the operative paragraphs of a Third Person Note (these are diplomatic communications to the host government, of increasing degrees of formality). This text should be in such a format that it can be handed over without having to be re-keyed.

Suggestions on how to lobby the government to which they are accredited can be helpful but not constraining instructions: the people at the coalface are the experts on their particular target audience; allow them latitude to make use of their local knowledge and to react to a changing scene.

Escalating representations

If the government attaches particular importance to these representations, their impact can be enhanced by having them made in several relevant ministries of the host government and/or by having them made at senior level, ultimately by the Head of Mission (Ambassador). Further weight can be given to such representations by including a personal message or letter from a minister or the head of government to his counterpart. For matters to which your government attaches even greater importance, the representations can be made more insistent by such moves as having a minister or head of government speak to

counterparts on any occasion which brings them together[6] or telephone them or send special envoys (often people of high rank or individuals with good personal contacts in the target country). Once again, all this is standard bilateral diplomacy – all that is different is the substance conveyed and sometimes the argumentation.

Election campaigns

The multilateral campaigns that are most widely undertaken are those in support of candidates in multilateral elections (governments seeking a seat in an international body or the election of one of their nationals to a particular post). These can be extremely elaborate, sometimes lasting several years. For electoral contests, it has become customary for argument on the merits to be supplemented by inducements. Some governments (those of Japan and Italy are two that are often cited in this context) allegedly have offered scholarships, economic aid and other material benefits. More routinely, governments will offer to exchange their vote in other multilateral elections: we will support your country's election to the Security Council if you will vote for our country's candidate for Director General of the Food and Agriculture Organization. This squalid and irresponsible practice is regrettably quite universal.

However passionate or elaborate they may become, electoral contests are much simpler undertakings than is the achievement of other objectives a government may set for itself on the multilateral scene, such as the creation of a new international organisation or the codification of a new international standard.

Process and strategy

The story is well known of Henri Dunant, the Swiss banker who was so shocked by the suffering of the wounded left on the battlefield of Solferino (where the French defeated the Austrians in 1859) that he called in a pamphlet for the formation of a neutral benevolent society to succour the wounded. This initiative led within five years to the conclusion of the first Geneva Convention (on the rules of warfare) and the creation of the international Red Cross and Red Crescent movement.

The process through which this Convention was made remains as valid today as in the 1860s and a generalised version of it applies not only to the creation of international conventions and other multilateral treaties, but also to the creation of all new normative texts, multilateral regimes and institutions and to major alterations to existing ones. It can be broken down into ten successive steps.

1. The beginning is an idea, a concept of the ultimate target.
2. The idea has to be articulated and disseminated.
3. It has to fall on receptive soil and to find wide support.
4. The proposal has to be disseminated to a large number of governments, and promoted until they are persuaded to support, or at least not to impede, its realisation.
5. In most cases, this means it will have to be discussed among interested governments and amended to take account of different views.
6. There has to be at least one – and usually several – multilateral conferences at which the idea is discussed, elaborated and often modified to take account of the concerns of different participants.
7. As the new standard or the statute of the new organisation will have to be expressed in an agreed text, that text has to be worked out collectively by a multilateral conference (sometimes assisted by further bilateral exchanges).
8. Once the text is finalised it has to be formally adopted by a multilateral entity and/or subscribed to by a large number of countries.
9. This anointed text must then be widely disseminated.
10. The final requirement is that national governments should take appropriate action to make the standard (or regime, etc.) apply in their countries.

This process – except at times the very first step – is anything but spontaneous. For an idea to be transformed from a concept into a government-endorsed proposal, from a proposal to an agreement, from an international agreement into domestic legislation in each country, energetic direction and sustained support is required. It needs a carefully planned and doggedly executed multilateral campaign, which can be likened to a construction project. In the case of very large multilateral projects of this kind (e.g. multilateral work on Free Trade or nuclear disarmament), an elaborate campaign may be necessary for each phase or even each incremental step within each phase. It is relatively unusual for one individual or one government or even a coalition of governments to shepherd a project through the whole ten-step process. More commonly, a succession of 'champions' relay each other, with one doing whatever is necessary to get it from one incremental stage to the next, thereafter to be succeeded by another who takes responsibility for its progress over the next few hurdles, and so on.

Whoever takes on this responsibility will need an overall strategy for gradually building up international support. Often, the start will be to form a core group of committed supporters who can divide the work

and pool their diplomatic resources and contacts. Similarly, plans will have to be developed for coping with opponents as they emerge. At what stage will an attempt be made to negotiate with them to see if it is possible to overcome their resistance by making certain concessions? If the opponents cannot be won over, how can they be isolated, sidestepped or neutralised so as to reduce to a minimum the damage they can inflict on the project? As in other fields of endeavour, the best-laid plans often go astray. A successful strategy is flexible and responsive.

Birth of an idea

First there must be an idea, like Henri Dunant's vision of a neutral medical corps. Some proposals for new multilateral constructs arise from the experience of large numbers of people; they may emerge more or less simultaneously in different places or take form gradually in group discussions. The idea of a prohibition on the manufacture of anti-personnel landmines, for example, that ultimately led to the conclusion of the Ottawa Convention of 1993, arose from the horrific experience of many international relief-workers from different organisations, working in several parts of the world. But however much such concepts may owe to previous discussion in groups and however much they may be no more than a logical response to a widely apparent problem, in my experience it was striking how often they crystallise first in the mind of one individual. This individual can be a member of the public, like Henri Dunant. It can be a member of a think-tank or a political leader (US Congressman Solarz appears to have been the instigator of the multilateral endeavour that ended the Cambodian conflict in 1991). In the nature of things it is more likely to be an official or an international civil servant addressing some issue of public policy (I can claim paternity of the so-called Australia Group, which helps countries make sure that their exports are not inadvertently helping other countries to manufacture chemical weapons). Governments can stimulate the genesis of such ideas by maintaining a demand and a climate of receptivity for them.

Articulation and dissemination

Dunant published his seminal pamphlet and spoke widely of his vision. The idea was taken up by others who formed advocacy groups and lobbied governments. There are modern examples of ideas for multilateral agreements being successfully promoted by non-government groups – the above-mentioned Ottawa Convention banning anti-personnel land mines is one. However, the more common and more efficient way is for a government to take on the responsibility. As soon as a government

(or an adequately authoritative agent of government) espouses the idea, i.e. as soon as it becomes no longer just an idea but a government objective, they can start to 'run with it': mobilise government resources to promote the dissemination, discussion and ultimately, widespread acceptance of the idea. All the routine means – advocacy, propaganda, 'education', diplomatic representations, and so on – can be deployed. This process can begin even before a government overtly commits itself to such an objective, via the technique known as 'second track diplomacy'.

An example is the Australian government's campaign in the early 1990s to create a new international organisation composed of the countries bordering the Indian Ocean. The idea was entirely novel and did not respond to any felt need in the relevant countries.[7] Direct approaches to their governments would have invited incomprehension and perhaps suspicion. Foreign Minister Evans therefore chose instead to ensure that a number of articles 'floating' the concept appeared in academic journals and that a number of seminars were organised by non-governmental bodies, to which influential individuals from the targeted countries were invited, to discuss the topic. In later stages, the invitees included officials from selected countries who were encouraged to discuss the concept on an 'unofficial' basis. This served two purposes: it helped publicise the idea and gain new supporters for it; it also enabled Australian officials to learn how officials of other countries were likely to react to the idea once it was presented to them officially (for instance they learnt that a precondition of India's participation in such a regional grouping would be that Pakistan not be a member). This in turn enabled them to amend and develop the concept in ways that would make it more attractive to the governments of prospective member states. This approach was successful and part of a campaign which culminated in the Indian Ocean Rim Association for Regional Cooperation being formed in 1997 with 19 member countries.

In this case, the hand of the Australian government in the second track phase of the process was not hidden, but nor was it made prominent, especially in the early stages. In other circumstances a government could keep its role in the early promotional and exploratory exchanges invisible. There is considerable advantage in novel ideas being first floated by non-official individuals and promoted by non-governmental organisations. At least the first reaction will not be one of mistrust – 'what ulterior motive does the government of X have for this initiative?' – and the idea will have a better chance of being considered on its merits. In addition, reactions can be tested and the initiative refined or

abandoned without loss of face for the originating government (this is particularly important in democracies, where the media are always on the alert for events which can be painted as a rebuff, personal failure or humiliation to government ministers).

Acceptability of the idea

The idea must be one capable of being widely accepted. It must fit with the values, preoccupations and attitudes prevalent in relevant circles at the time. In other words: it must be an idea 'whose time is ripe'. Henri Dunant's idea would probably not have found such receptive ground had it been floated fifty years earlier. The triumphant bourgeoisie of the mid nineteenth century were optimistic and ambitious and attracted to ideas of social reform. Dunant's pamphlet resonated in influential layers of society, to the point where governments responded to his call.

Any proposal has much better prospects of being accepted if it can be presented as not revolutionary but just an incremental development of known and valued precedents, consistent with established values. Long before the Red Cross emblem was given convention status and before the Red Cross Societies were created, there were the Knights of the Hospital of St John of Jerusalem founded in 1070 to protect the pilgrims who followed the crusaders to the Holy Land, what today we would call a non-government organisation (an NGO). A descendant organisation is familiar in Britain and Australia today: the St John's Ambulance Service, with a red Maltese cross on a white background as emblem. In 1863 this organisation was already active in giving succour to wounded soldiers. Also in 1863, mistreating such non-combatants or killing prisoners was already widely seen as dishonourable.

Acceptance by governments

Today, as in Dunant's time, governments do at times respond to the idealism, or less admirable sentiments, of their constituencies. Parliamentary democracy is not necessarily a prerequisite. Of the 16 governments which signed the Geneva Convention of 1864, several were not democracies: they faced no electorate but they still took account of sentiments widely held by their citizenry. More frequently, the reason a government is won over to support a multilateral initiative is that it is persuaded that the proposal has prospects of generating more concrete benefits (of whatever kind). Perhaps even more frequently a government decides not to oppose a proposal of this kind, either because it assesses the idea as harmless or not worth the trouble of active opposition. Most governments will ultimately go along with almost any proposal energetically promoted

by other governments, as long as it does not significantly impede their own objectives.

This process of persuasion can require a prolonged diplomatic campaign, with repeated representations and the whole panoply of bilateral diplomacy. There are typically three distinct phases in winning over other governments:

- anticipating their likely attitudes towards your proposal;
- finding out what their attitudes actually are; and finally
- persuading them to participate in – or at least not block – your project.

Anticipating attitudes. The starting point for planning a multilateral campaign must be to develop as reliable an estimate as you can about the likely attitudes of other governments to your project. Indeed, such an estimate is a prerequisite even to deciding which countries to approach. This estimate needs to be as well informed and perceptive as you can achieve; but you must allow for the fact that it can be no more than an intellectual construct and potentially unreliable. Developing such an estimate calls for a systematic study of how other governments see the world and react to it. This is one of the routine tasks of diplomatic missions abroad and their reporting should help headquarters staff anticipate the likely attitude of other governments to your proposal.

One of the key sources for making such a judgement is knowledge and understanding of their past attitudes to comparable questions. The starting point of all government bureaucracies when faced with an unfamiliar proposition is to consult the files to see whether that issue or a similar one has arisen in the past. If so, the predisposition is almost always to stick with the precedent then established or at least to take it as the starting position. To get a government to depart from precedent, you have to convince it (or the relevant decision-makers within it) that circumstances have changed in ways that warrant a change of attitude on their part. Sometimes, of course, governments do break with precedent; they may even be predisposed to do so by some experience or other new factor. If so, this is something you also need to know or deduce.

The reason why you want as good an idea as possible of the likely attitudes of other governments to the proposition you intend to promote, before you approach them, is that it gives you a basis for planning how to present your proposal in each 'target' capital. Foreknowledge of this kind is invaluable in developing the argumentation in function of their presumed concerns, and also in preparing responses to questions or

objections they may raise. It may lead you to decide to expose your project piecemeal: one step at a time, so as not to overload your interlocutors' capacity for accepting change. It may even, at the extreme, lead you to decide to forgo the whole phase of exploratory consultations. If objections of many kinds threaten to delay or derail your project, the better course may be to proceed immediately to convene a conference, relying on your target countries' unwillingness to be absent when your project is discussed. (This was the strategy I used to create the Australia Group.) The more likely course of events is that, having done what you can to anticipate likely reactions, you would proceed to approach other governments directly.

Choice of 'target' countries. Your first decision, therefore, is which countries to approach, out of more than 190. At the most elementary level, an initial list would include:

1. The United States. Simply because, as by far the most powerful country, its attitude is extremely important. If it can be persuaded to support your project, this is immensely valuable. If it is uninterested or hostile, this will be one of the major problems facing your campaign. If the United States is not, at the end of the day, willing to participate in your proposed new organisation or standard, the question arises as to whether that organisation or standard can be effective. The whole idea may be stillborn, but not necessarily so. I was involved in Australia's successful attempt to have a Second Optional Protocol added to the International Covenant on Civil and Political Rights, aiming to establish as a norm the inadmissibility of the death penalty. Clearly the adherence of the United States, Iran or China to such a document is not for the foreseeable future;[8] but the Australian government of the day (and the many other governments which joined us in drafting and adopting the Protocol) nevertheless believed that the document might influence some other governments at an earlier date, and possibly even assist anti-death-penalty campaigners in some states of the Union.[9] If you are going to be working against the United States, it is very important to understand the reasons for its opposition and to evaluate the strength of its feelings.
2. Governments that might be willing to work with you to help advance the project. Judgements need to be made about the extent of other governments' enthusiasm for the project and about their potential usefulness to its realisation. Sometimes a government that

would be very willing to support your project is not an attractive collaborator. Any country working closely with Pakistan must face the possibility of thereby earning Indian hostility. Some governments (and some individuals) are just too difficult to deal with.

3. Governments that are, for whatever reason, influential. Given that you are aiming, ultimately, for global support, you would hope for early support from at least one prominent country in each geographical region. As you would expect, many governments are strongly influenced by the attitudes of their neighbours or other close associates. As we shall see in Chapter 7, many governments allow their attitudes to many multilateral issues to be heavily influenced by 'herd leaders'.
4. Governments that are likely to prove difficult to persuade. If they can be won over, your task is much simpler. If they are going to oppose your project, you had better know as much as possible about their perspective and intentions, to help you defeat them.

Timing of approaches. An ancillary question is the order in which these governments should be approached. This will vary with the specific issue but in most cases the United States should be one of the first – both because of its importance to the prospects of your project and because its decision-making processes are amongst the most elaborate, complex and, consequently, amongst the slowest; also because it expects no less of allies and friends, and you do not want it to be resentful. You may be tempted to try to keep the United States in the dark about your initiative in the early stages if you expect their opposition. If so, you should bear in mind that, thanks to its incomparable means of information, the US Administration will probably learn about your activity the moment you communicate with any other government. It is usually wiser to give them the news yourself, so that they also receive whatever gloss you want to put upon it.

That exception aside, it is usually a good strategy to start with the most promising prospects, both to mobilise your potential supporters as early as possible and to create, if possible, a snowball effect, where each new recruit adds to momentum which in turn attracts further adherents. But to spend too long assembling support and cosily plotting with friends is to risk compromising two other imperatives: learning all you can about potential opposition and not courting negative attitudes amongst those who may feel excluded: governments (or rather the officials who represent them) can be offended if they feel ignored or 'taken for granted'.

Consultations. Only now do we come to phase two: speaking directly to selected governments, or, in diplomatic jargon, 'consulting' them. Strictly speaking, to consult means to ask them what they think; but in this case several other purposes are also being served. You are giving interlocutors forewarning of a possible initiative and exposing your own thinking on the topic, in a way which (you hope) will incline them to agree with you. You are also informing yourself as to their real attitudes – no longer what you conjecture these to be – and developing a sense of whether, to what degree and in which direction, your initial plans might need to be changed. In other words, consultation shades seamlessly from exploration into persuasion and negotiation. Once again, we are back in the traditional field of bilateral diplomacy: one government making representations to another, just as it would on a bilateral issue.

Persuasion. All the standard techniques of bilateral diplomacy are relevant, all the standard principles apply, such as those in Box 5.1, as do the first two principles of marketing: know your market and know your product. No one is able to argue persuasively in this field without the basic equipment of a diplomat: an understanding of the concerns of your targets. Nor should you rely on presentational skills alone: the

Box 5.1 Three principles of diplomacy especially relevant to multilateral issues (with zoological mnemonics)

1. Don't scare the horses:
Horses are startled by anything that comes unexpectedly into their field of vision or that they do not instantly recognise. Governments are very much like horses in this. The decision-making processes of governments have in-built barriers against novelty. In addition, government officials, partly because of this problem, value routine, precedent and predictable work schedules and tend to react negatively when anything is sprung on them suddenly. This is one reason why it is often effective to:

- Start from common ground
- Argue from precedent
- Introduce new concepts gradually and one at a time
- Not overload your interlocutor with too much novelty or detail at one session.

2. Don't be a rhinoceros (= insensitive to the concerns of others).
Accord importance to what is important to your interlocutor. You are trying to influence governments by interacting with individuals. The threshold therefore is to demonstrate respect for the individuals with whom you are dealing and for their concerns. Beyond this, governments may occasionally do things out of benevolence (and even then they need to be persuaded that the costs are predictable and readily affordable); more usually they will only act when officials are satisfied that it is in the government's own interest[10] to do so. It is important to explain your government's motivations (lest other, nefarious ones be ascribed); but the main thrust of your presentation should be from the perspective of the government whose cooperation is being solicited: that supporting (or not obstructing) your objective is consistent with their interests, their policies, their precedents. This presupposes a fairly deep awareness of those concerns.

3. Don't hog the limelight.
This prescription seems to go against nature (certainly, Australian ministers and diplomats have often failed to apply it[11]). Typically, diplomats are self-confident and compulsively active and to display their skills can advance their careers. Relinquishing overt leadership also involves a loss of complete control and to succeed in your objectives while acting through intermediaries is often more challenging than doing it yourself. Yours is the initiative that makes something happen; yours is the brilliant idea that solves everyone's problem and will lead the project to success. Is it constructive to make these facts visible? It may be better to let someone else have the glory: this will give them an incentive to work much harder for the result you want. Conceivably, they will have contacts and relationships which you do not have. They might even be more skilled at diplomacy.

substance of what you are proposing must be able to withstand expert scrutiny; you and your representatives must be equipped to respond to questions and objections in ways that are substantively persuasive as well as sensitively argued.

Your arguments will be based on logic and the merits of the issue. This is partly because that is the most effective way to gain genuine, lasting conversions. If a government can be persuaded that your proposal is desirable from its perspective, it is likely to be a reliable supporter and possibly a useful ally in bringing it to fruition. A second reason why this

is the preferred strategy of persuasion is that it is relatively cheap; indeed, most governments have little if anything else to offer. But third, even if in the end extraneous considerations are to be decisive, it is protective of the face of your interlocutors – in fact, of the interests of all concerned – to at least go through the motions of convincing them by logic.

What could such extraneous considerations be? Threats and inducements can be effective for influencing particular actions but they are very difficult to apply to a whole line of conduct such as is required to develop a new norm or a new institution. Moreover, they are only at the disposal of major powers and their cost is never negligible – and coercion in any form always leaves a residue of resentment. More readily used is general 'good will' and special relations, such as the United States enjoys with most countries. France and China each also have a coterie of countries with a particular disinclination to oppose them. Major aid donors and trading powers[12] can likewise play on their relationships, asking in effect: 'support this because it is important to us'. Very rarely can other countries draw on anything similar.[13] Many real cases of international dependency, such as Papua New Guinea's heavy reliance on Australian aid and other assistance, cannot be used as a line of argument when seeking support for a multilateral project. Many claims to international leadership, such as India's self-appointed role amongst the developing countries and Britain's historical role as founder of the Commonwealth, simply do not translate into effective persuasive power for multilateral purposes. Most countries all the time, and all countries most of the time, have to rely exclusively on persuasion, on the merits of their case – as seen by their interlocutors.

Negotiations. As noted above, consultations (finding out the concerns and attitudes of other governments) can merge seamlessly into representations (seeking to change these attitudes) and into negotiations (a joint attempt with the interlocutors to amend the proposal to make it more palatable to them). It is often profitable, at least in the earlier stages of the process, to stop short of actual negotiation: to adjust your proposal in function of what you have learnt of the attitudes of other governments but not to directly involve these governments in the reformulation. This way the originator retains greater control of the overall project while the other parties do not have to expose their 'bottom line'. Such a process of consultation leading to alteration of the proposal is so regular a feature of multilateral diplomacy (and not unknown in bilateral dealings) that it should have a name. For the present we may

have to make do with the ugly 'proto-negotiation'. In any case, it rarely removes the need for negotiation; but by reducing the 'area' still unresolved, it increases the prospects of such subsequent negotiation being successful.

Most ambitious multilateral projects thus involve preliminary exchanges and negotiation, both with the governments which have strong reservations about the initial proposal (with a view to reducing their opposition) and among the supporters of the project (to maintain their unity as the proposal is developed and refined). Their aim can be to reach agreement on the modalities of future negotiations (where they are to be held, how they are to be organised, etc.), and on what is to be discussed at a multilateral conference, or to get at least part way towards agreement on the substance of the matters at issue ('pre-negotiation'). These bilateral or small-group negotiations sometimes continue in parallel with the formal negotiations held at one or more multilateral conferences where the proposal is finally transformed into an agreed text.

It is unhelpful to think of proto-negotiation or actual negotiation in purely tactical terms or to regard each 'concession' made to other parties as a loss. The process can also be seen as one of fleshing out the original vision by answering questions such as: How can we make that work? How can we build in incentives for governments to implement the measures? In the case of Henri Dunant, the original idea was simply that there should be a body of medical personnel, whose neutrality was advertised by their wearing a distinctive emblem and that there should be agreement among governments to respect this neutrality. To the bare bones of this concept needed to be added a choice of the emblem (the Red Cross), an international treaty requiring governments to care for wounded enemies (the original Geneva Convention and its successors) and many other measures to build up the Red Cross and Red Crescent regime that we know today. From this perspective, modifying one's original proposal to take account of queries or objections raised by others is a substantive improvement that will make your project more successful because better adapted to its intended use or more widely supported.

All these consultations, representations, proto-negotiations, preliminary or preparatory negotiations are of crucial importance to the success of a multilateral campaign; but they can only take a project so far: the culmination must be a multilateral conference or series of conferences. Here alone can the project be transformed from a concept and a large number of bilateral or small-group exchanges into a document, the text

of which has been produced and endorsed by a widely, often universally, representative body.

Institutional aspects

A conference was held in Geneva in 1863 (the year after the publication of Dunant's pamphlet) between representatives of 16 European States to give effect to his vision by drawing up a draft convention. The following year a Diplomatic Conference was held, to finalise and approve this text: the Geneva Convention of 1864. To this day, the general pattern is that once governments decide to work towards the conclusion of a multilateral treaty there is first a conference (or several conferences) to discuss the project and agree on a text and then a subsequent and separate 'Diplomatic Conference' to formally adopt it. A Diplomatic Conference is a technical term for a multilateral conference where the delegates carry special authority from their governments to initial the treaty text (thereby confirming it as authentic) or indeed to sign it, thereby committing their state (in which case, the authority they carry is known as 'full powers' and the delegates so empowered are 'plenipotentiary'). For documents that have less status than treaties, a full-blown Diplomatic Conference is not needed, but none the less there is in almost every case a clear separation between the forum in which the text is discussed and settled and that in which it is formally adopted on behalf of the relevant governments or international organisation.

Beyond this, the institutional dimension is an important facet of planning any multilateral initiative. For instance, can your objective be achieved by a regional as opposed to a global agreement? (Often this will be easier to secure.) If the objective is to create a new universal norm, is it best to aim from the beginning for a universal agreement? (This is obviously preferable but it may not be immediately achievable.) Is it safer to start with an agreement amongst a smaller number of governments which can most readily be persuaded and thereafter to work for a gradual increase in the number of adherents until ultimately it becomes universal? (This approach has often been used, especially where there was initially strong opposition in some quarters to the original proposal or its initiators were not willing to make the compromises that would have been necessary to secure wider acceptance. The Nuclear Non-Proliferation Treaty is one example among many of a treaty which started with a large number of hold-outs but gradually became almost universally accepted.) Or should the start be with a regional agreement, aiming to follow that with other regional agreements, aiming ultimately for a mosaic of such agreements covering the whole

planet? (Some advocates of Nuclear Weapon Free Zones entertain this ambition for a mosaic which already has five components and covers over 60 per cent of the Earth's surface.) Both an advantage and a possible disadvantage of this approach is that it permits regional variations on a central theme.

Another institutional question is what use can be made of existing international institutions to further the project. Many such projects are most effectively prepared by having their basic concepts ventilated in a deliberative forum,[14] so that governments can gradually familiarise themselves with these concepts and possible objections can be identified. This in turn enables the proponents of the project to get a clearer idea of what needs to be done: whether the project needs to be amended to broaden its appeal, how to develop their lines of argument, etc. Indeed, a 'pre-negotiation' of some aspects of the proposal can take place in such a forum. Also, if the deliberative forum can be persuaded to declare its support for the project, this may help its ultimate realisation. The Comprehensive (nuclear) Test Ban Treaty (CTBT) was thus called for by an ever increasing majority at successive UN General Assemblies (UNGA) for many years as part of the process which led to its ultimate negotiation and adoption. First UNGA (and several other forums) called for many years for negotiations on CTBT to be initiated; once these were finally launched it called regularly for their early conclusion; when ultimately the treaty text was settled, it urged all Member States to sign it.

Sometimes a project requires, as part of its 'selling' to the wider world, an exploratory or technical study of the issue to be undertaken by a multilateral body. In most cases, an existing international institution can provide expertise and support for such a project. The Inter-Governmental Panel on Climate Change (IPCC), for instance, was necessary to develop the international acceptance of the existence of a serious threat, which led to the conclusion of the Global Convention on Climate Change of 1995. The IPCC was supported in its work by the secretariat of the World Meteorological Organization. A contrary example was the International Nuclear Fuel Cycle Evaluation (INFCE), the means whereby the West Europeans buried President Carter's attempt to develop a new norm against the use of plutonium in civil nuclear reactors. Because existing international bodies with expertise in this field were considered potentially biased, INFCE operated as best it could with a specially assembled and autonomous secretariat.

Next comes the issue of choosing the forum in which the new documents are to be negotiated. If it is to be an existing organisation, which one? Alternatively, is it preferable to have a special 'stand alone'

conference for this purpose? If so, how is the conference to be serviced? Questions of cost can be important, although often a government can be found that is willing to accept at least part of the costs, for whatever reasons, such as its strong commitment to the project, a perceived domestic political advantage or a desire to promote a particular city as congress venue.

Finally comes the question of what ongoing secretariat or implementing agency will be needed and what relationship, if any, it is to have with existing multilateral bodies. In terms of cost efficiency, it is usually far preferable to tack such bodies on to existing institutions, but often there are political or other obstacles to doing so. Thus there would have been considerable efficiency and effectiveness gains in incorporating the Comprehensive Test Ban Treaty Organisation into the International Atomic Energy Agency, but the negative attitude of some of the CTBT negotiators towards that agency was accepted as insurmountable. As a compromise, opening the possibility of a future rationalisation, it was made self-sufficient but collocated with the IAEA in Vienna.[15]

Formal requirements for entry into force

As a legal formality, simply having a plenipotentiary sign a treaty is not the end of the process: there are further stages before a state is said to be a party to the treaty and fully bound by all its provisions.

One of these is ratification (although in some cases this requirement can be waived). Ratification is a formal procedure whereby a government accepts the provisions of a treaty that its representative has signed, as obligations which it has to apply. Some governments have to go through elaborate national procedures to achieve this – the Constitution of the United States provides that 'the advice and consent' of the United States Senate has to be sought. Sometimes domestic legislation or administrative measures have to be put in place to ensure that the government can discharge the obligations it is accepting. Once a government has completed this domestic procedure, it is in a position to draw up an 'instrument of ratification' and lodge it with the 'depository' of the treaty. (The depository of a treaty is responsible for receiving instruments of ratification and advising other signatories when this has been done. The depository of a multilateral treaty can be one or several of its Parties – the United States, United Kingdom and Russia are the 'depositary powers' for the Nuclear Non-Proliferation Treaty. These days the depository is frequently the Secretary General of the United Nations.)

Although a state may technically not be a party to a treaty until it submits its instrument of ratification, under the International Law of

Treaties, itself spelt out in the Vienna Convention on Treaties of 1969, a state whose authorised representative has signed a treaty is bound not to act in a way contrary to it, pending ratification. There is an escape clause that allows a state to withdraw from a treaty between signature and ratification. As far as I know, it has been used only once: when the United States 'unsigned' the Statute of the International Criminal Court.

For the sake of completeness, it should also be mentioned here that (unless the treaty text specifically precludes this) a state can attach to its instrument of ratification a communication describing its 'interpretation' (i.e. its view of the meaning) of one or more of the provisions of the treaty or even stating that it reserves the right not to consider itself bound by this or that provision, sometimes in specified circumstances. This is called a 'reservation'.

Many multilateral treaties have a provision which gives rise to another formal requirement to be met before the treaty is 'binding' on a signatory state: the treaty does not enter into force until a specified date and/or until a specified number of signatories (sometimes including specified states) have submitted instruments of ratification. It is understandable that prospective parties to a multilateral treaty should not want themselves to be bound by its provisions unless and until a sufficient number of other states accept the same obligations. Moreover, many multilateral treaties would lose most of their intended purpose if too few countries accepted their provisions.

A final requirement is that, in accordance with the United Nations Charter, the texts of all treaties have to be lodged with the UN: secret treaties are illegal.

Implementation

Most important of all is that the drafting, signing and entry into force of a treaty is not (usually) an end in itself: the aim is to influence the behaviour of states and of their citizens. More specifically, the aim is to get them to perform certain acts and/or to conform to a certain pattern of behaviour or standard – sometimes to comply with or enforce certain technical specifications. For instance, the Nuclear Safety Convention requires governments to ensure (by legislation and administrative measures) that all nuclear activities within their jurisdiction conform to the standards set out in that Convention, to guard against industrial accidents that could result in the release of radioactivity. Similarly, the Geneva Convention of 1864 aimed to ensure that the Red Cross symbol would be respected by all combatants and that wounded prisoners of

war would be treated humanely. The ultimate aim was that individual commanders in the field, and individual soldiers, should behave in accordance with these standards, not just because their government has signed the Convention, not just because their government, in accordance with the Convention, has issued orders to this effect; but because they believe that it is 'the right thing to do', required by their own conscience and the expectations of all people worthy of respect. In short, the aim was that the standards specified in the Convention should become an internalised norm.

Although from some perspectives, ratification, enabling legislation and other measures relevant to the implementation of multilateral commitments may be seen as domestic matters, the general practice of governments is to see them as matters of legitimate interest to the other governments to whom the commitments have been made. It is therefore routine for one government to make representations to another urging it to ratify a multilateral treaty it has signed or to take specific steps to ensure that it is observed.

Sustaining standards by declaration and example

The final step, for those who wish to see the newly adopted document translated into governmental behaviour and ultimately 'internalised' by relevant people everywhere, is to assist these processes. As noted above, because international standards are only rarely backed up by any kind of enforcement and instead derive their strength from the degree to which relevant people are aware of them and accept them, the principal way in which such standards can be empowered is by frequent declaratory endorsement and reaffirmation. Indeed, talking up a standard is an essential part of the process of establishing a norm. 'Lip service', so often dismissed as empty, is on the contrary an effective way of sustaining standards, benchmarks and expectations and thus of influencing behaviour. Much time is devoted in multilateral gatherings to such purposeful declaratory activity; but committed governments will not stop there. Unilateral and joint declarations can also serve the same end. Bilateral diplomacy can be deployed to encourage other governments to add their voice to the desired chorus of support. Governments can introduce legislation and other measures domestically by way of demonstration; they can also encourage and assist other governments to do the same.[16] Thus the pursuit of government objectives through multilateral standard-setting often requires the mobilisation of both bilateral diplomacy and domestic legislative and administrative action as well.

Part II
Process and Strategy

Outline

This part provides a detailed examination of the processes which determine the outcome of a multilateral conference and an introduction to some of the ways in which ambitious participants seek to shape it. For each conference, key questions are: What is the conference supposed to do? Who are the participants? How is the conference organised?

Chapter 6 shows that for each conference, there are several different answers to the first question: the formal mandate; the separate purposes of each of the entities represented; and the purposes pursued by the individual participants.

Chapter 7 identifies the participants. Most are 'delegates', i.e. credentialed representatives of states or other entities. There are also 'observer delegations' and delegations representing non-government organisations. Delegations form electoral groups and political caucuses. Conference secretariats are yet another category of participants.

Chapter 8 describes the way conference work is organised and its supporting services. It depicts ritualised formal proceedings running parallel with intense 'informal consultations'.

The only concrete product a conference is capable of yielding is a number of decisions.

Chapter 9 describes the rigidly predetermined procedures that lead to written and oral decisions.

Chapter 10 looks at decision-making, by consensus – overwhelmingly the preferred method – or by voting. The chapter explains the steps leading towards agreement, when a vote is required and voting modalities.

These decisions and their contents are the result of premeditated activites.

Chapter 11 addresses negotiation. It presents seven levers of influence, sixteen strategies for securing agreement, three 'damage limitation' strategies and six strategies for frustrating agreement.

Chapter 12 deals with delegation management. The main themes are organising resources, leadership and gaining access.

Chapter 13 is about conference management. It shows how the presiding officer and others lead the conference to its conclusion.

Finally, just as the personalites of individual delegates matter, so do the characterstics of delegations.

Chapter 14 offers stereotypical thumbnail sketches of the more prominent national delegations.

6
Purposes of Multilateral Conferences

The multilateral conferences which are the subject of this book are meetings attended by representatives of several states (and often other participants as well, as we shall see in the next chapter). The first and most important determinant of what such a conference does is the purposes that are pursued by, through and at the conference.

Mandates for conferences

The term 'mandate' draws attention to the great importance of formalities in multilateral conferences, one of the distinctive characteristics that shape the way they operate and consequently the results that they produce. However, the meaning of the term (and its synonym, 'remit') is very down-to-earth: 'what the conference is supposed to do'. Examples include: 'to draft a new convention against terrorism' or 'to review the work of the UN Drug Control Programme'.

Types of mandates

The mandate of a multilateral conference will generally fall within one or more of the following categories and, for reasons to be explained below, multilateral diplomats attach importance to this characterisation:

Information meetings

Disseminating and pooling information is a common function of multilateral conferences. For exchanging information, there is no better way than to hold a meeting. Even for disseminating information, until the advent of the Internet nothing approached the efficiency of meetings, and still, today, a conference has dimensions that the Internet and video

conferencing cannot approach. In most cases, the dissemination, exchange and pooling of information is just one of the stated purposes of a meeting, and more commonly the information exchange is presented as a preparation for action; but some meetings have information as their sole mandate. For instance it is quite common for a meeting to be held with as its sole stated purpose to receive a report by a fact-finding mission or 'expert group' and to give the conference participants an opportunity to question the presenters. I write 'sole stated purpose' because such meetings are often prompted by people with less passive agendas: to demonstrate that the subject of the report is receiving the attention of governments; to set the scene for subsequent action ostensibly prompted by the report; to stimulate others to react to the report, etc. However, if a meeting has been labelled an 'information meeting', most participants are likely to approach it as such and to resist any attempt for that particular meeting to do anything else. If a meeting called for information purposes were to take it upon itself to make recommendations, these could be dismissed on the grounds that the meeting had exceeded its mandate.

Pledging conferences

This is a special kind of information meeting at which participants inform each other of how much they will contribute to a 'voluntary' fund. One such conference was held in 2002 by the governments willing to contribute for humanitarian relief and reconstruction in Afghanistan following the overthrow of the Taliban by the United States and its allies. As a matter of international law, these announcements are not binding and in formal terms all that happens is a public exchange of information as to decisions made by governments prior to the meeting. However, the functional effect is much more far-reaching. Announcement in such a forum transforms a unilateral decision by a government to allocate a certain sum to the specified purpose into a political promise to deliver this amount. This political commitment is made to the other participating governments and to the wider audience, including one's own national media and electorate. The venue at which the announcement is made, simply because it is dubbed 'pledging conference', maximises the political incentive for governments to live up to the promise. The fact that the announcement is to be made at such a conference can also influence the size of the contribution. This is because juxtaposition of the announcements of the different contributors encourages comparisons: the more generous contributors expose the relative parsimony of others. Thus a pledging conference increases the pressure on donor governments to make larger contributions in order to make an impression on all the

stake-holders – the beneficiaries of the programme being funded, and the other contributors, all of whom are very interested in equitable burden sharing – and, to the degree that it is relevant in each particular case, to enhance the image of the contributing nation and of the government itself, in the eyes of their own domestic constituencies.

Normative conferences

Like the two conferences which led to the conclusion of the Geneva Convention of 1864, a common purpose for multilateral conferences today is the development and adoption of 'normative texts', i.e. texts which are intended to establish new international standards. As explained in Chapter 3, these texts can be as formal as conventions or as ostensibly innocuous as a set of technical specifications with no binding status. The former requires a very formal process culminating in a Diplomatic Conference, whereas elaboration of normative texts of less-than-treaty status can be done with less formality. Often a meeting for this purpose will be called a 'Working Group' – the term 'conference' being reserved for somewhat grander occasions. As explained in Chapter 5, standard-setting can also be done, at least in part, by declarations of support for the standard. Such normative declarations can be made by and at multilateral conferences regardless of how the conference is labelled (and on other occasions as well).

Negotiating vs. deliberative forums

Any international meeting which produces an overtly normative text, such as a convention or formal guidelines, is called a 'negotiating forum' and is said to have a 'mandate to negotiate' or 'to draft'. The opposite is a 'deliberative forum' with a 'mandate to deliberate' which can make recommendations but not develop 'binding' texts. The Committee (since renamed Conference) on Disarmament (CD), for example was mandated by the Tenth Special Session of the UN General Assembly as 'the sole multilateral negotiating forum' on disarmament, while the UN Disarmament Committee (UNDC) is a deliberative body with no mandate to negotiate treaties.

Expert meetings

At various stages in the development of conventions or 'lesser' texts, and sometimes for other purposes, the project may be assisted by meetings of one or more 'Expert Groups'. Ostensibly, an expert group is composed of people chosen for their expertise and capable of producing impartial advice as to technically preferable solutions, unencumbered by political

imperatives. Indeed sometimes they are elected or appointed in their individual capacity, rather than as representatives of their countries.

In practice, these formal niceties are often a sham, at least in part. No one appointing the members of an Expert Group could afford to overlook the need to make the group representative of the various political positions engaged in the topic at hand: that is one of most relevant fields of expertise. If the topic is of high political sensitivity for any of the participants, they try to make sure, one way or another, that the 'experts' are not too detached from political considerations. At times, the members of an Expert Group will in reality be generalist diplomats, whose expertise in the topic under consideration is shallow, or at best second-hand. Even in such cases, the formal designation of a meeting as 'expert' is not meaningless: it allows governments to distance themselves from the outcome, if they find it unsatisfactory; the expertise of technical experts is expected to be limited to their specialised field, not to be relied upon to cover other, possibly relevant considerations. Another characteristic of an expert group is that its mandate is usually very specific and consequently limited. Typically they produce reports, sometimes recommendations, but recommendations which are, at least ostensibly, technical in nature. (Technical recommendations can have important political ramifications: if for instance they relate to how an industry is to be regulated, to the admissibility of an industrial protection scheme, etc.)

Management conferences

Highly specific in their remit are the conferences of the governing bodies mandated to oversee the administration of international organisations or multilateral programmes. As described in Chapter 4, these conferences issue instructions to secretariats, approve budgets and elect Chief Executive Officers.

Periodic or institutional assemblies

As also noted in Chapter 4, the periodic meetings of the whole membership of international organisations ('General Assemblies' or 'General Conferences') have many other functions besides managing their respective organisations. Indeed, even conferences whose ostensible sole purpose is managerial (such as the conferences of the participants in the UN Development Programme or the UN Drug Control Programme) are also, in effect, general assemblies. They are forums in which any member may raise any issue within the broad field of public policy covered by the organisation or treaty. They are prime venues for exchanging

information, for discussing issues, for seeking to influence the behaviour of other governments, notably through normative activities, and for all the other purposes that governments pursue multilaterally. The largest and most famous of these is the General Assembly of the United Nations (UNGA), whose mandate potentially covers the whole of human activity. Other examples of periodic meetings with broad mandates are those of the two yearly Commonwealth Heads of Government Meeting (CHOGM), and regional conferences of many kinds (e.g. the South Pacific Forum). Many other periodic conferences have a wide remit within a broadly defined area of specialisation. Thus the mandate of the World Health Assembly (WHA: the general conference of the World Health Organisation) is 'the promotion and protection of the health of all peoples'. Yet another category of institutionalised periodic conference is the 'review conference'. A number of multilateral treaties (notably the NPT and the Climate Change Convention) provide for a Conferences of the Parties, to review the operation of the treaty after a set number of years, or at regular intervals. Such a review is likely to involve a discussion of developments in the broad field covered by the treaty or relevant to its operation. Very often it will lead to recommendations to remedy perceived problems, and thus touch on matters beyond those covered in the treaty.

Most conferences of this general assembly kind are in fact more than periodic: they are more accurately 'standing' conferences with periodic adjournments. Discussion on each issue carries on from one session of the general assembly to the next (or from one five-yearly review conference to the next). Also typically they elect a presiding officer and bureau[1] for a term which runs from the start of one regular conference session to the start of the next. They can also meet in 'emergency', 'extraordinary', or 'special' sessions outside their set calendar. 'Special Sessions' are usually focused on one particular sub-set of the issues addressed by general assemblies: e.g. UNSSOD, the Tenth Special Session of the UN General Assembly devoted to Disarmament in 1978, and its successors: UNSSOD2 in 1982 and UNSSOD3 in 1988. It could be said that all meetings of the Security Council (of the United Nations) are emergency sessions; but in that case, emergencies are the routine. The Security Council is also atypical in that, instead of conducting periodic reviews of a whole field of public policy, it addresses individual crises as they occur.

Each of these institutional, periodic or standing conferences owes its mandates to a treaty, very often the statute of an international organisation. They in turn can issue mandates for what might be called 'spin-off'

conferences: working groups and expert groups to address particular problems, negotiating conferences to develop new treaties or other kinds of meetings, even 'daughter' periodic conferences. Thus UNSSOD 1 mandated both the UNDC and the Committee on Disarmament (CD); UNSSOD2 renamed the CD 'Conference on Disarmament' and renewed its mandate.

One-off, special issue conferences

These are very similar in their mandate to the special sessions of general conferences, just described. They do not derive from a treaty provision requiring them to be held periodically but they address a specific body of issues and they can generate subsidiary or spin-off bodies to study or make recommendations on particular matters, draft agreements, etc. The big difference is that they have a particular task, which is expected to be completed in finite time, whereupon the conference can end. Sometimes they can themselves serve as negotiating bodies and produce treaties ready for signature. They spring into being whenever several governments are willing to hold them, usually to address some new body of issues or to give new impetus to the international consideration of a particular topic.

They can be convened and mandated by an international organisation (the United Nations General Assembly has generated many conferences of this kind, such as the Third UN Conference on the Law of the Sea, UNCLOS, which ran from 1973 to 1982), or they can be convened by an individual government, with the mandate being worked out by a group of interested governments. A good example of 'new problem' conferences convened by national governments are those called to attempt to develop a common approach to a wide range of issues following a war: the Paris Peace Conference of 1919 and the prototype of all modern multilateral conferences: the Congress of Vienna which sought to re-order Europe after the Napoleonic upheaval.

Coordinating meetings

Much more narrowly focused are conferences called with the purpose of coordinating the activities of a group of governments in a specific field of policy. Often they arise in the margins of another conference and relate to its work, for instance the meetings of the 'geographical groups' of delegations to many conferences (see Chapter 7) which promote coordinated action, or the Quad (quadrilateral meeting of the four largest members) which pre-negotiates some of the most contentious issues in the WTO.

Other coordinating conferences aim to have governments take parallel or mutually supportive action (e.g. the Zangger Committee on trade in nuclear equipment). There is a big area of potential overlap between a coordination meeting of this type and a normative one. If the coordinated actions become established routine, then effectively this helps to create or reinforce an international standard. Governments however are at times more comfortable in agreeing to coordination in preference to 'rule–making': it sounds less constraining of their sovereignty. An example would be the Australia Group, in which representatives of (by 2003) 35 governments meet to exchange information about their experience in trying to ensure that exports from their country do not end up in being used to make chemical or biological weapons. As is typical in multilateral activity, the exchange of information has led to drawing up common lists of chemicals and equipment which needs to be watched, without there being any treaty commitment or even conscious decision to harmonise practices. Norms (applicable at least within this group) have been created.

Clusters of conferences with related mandates

On many topics there is a cluster of multilateral conferences which interact and whose activities are components of a regime. Thus, for example, in relation to international attempts to repress the criminal trade in narcotic drugs and to cope with its consequences, we have, as shown in Box 6.1, three dozen or more different conferences a year all

Box 6.1 Multilateral conferences on illegal drugs

- The Commission on Narcotic Drugs (CND), the main policy-making body for the United Nations on drug-related matters. Analyses the world drug situation and discusses strategies for combating the problem: it is also the governing body of the UN International Drug Control Programme (UNDCP), itself part of the United Nations Office for Drug Control and Crime Prevention (ODCCP).
- UNDCP and ODCCP in turn organise many conferences each year about various practical issues such the implementation of crop replacement policies in developing countries.
- CND also has five subsidiary bodies for coordinating law-enforcement activities in regions:
  - The Subcommission on Illicit Drug Traffic and Related Matters in the Near and Middle East and

Box 6.1 (*Continued*)

  - Meetings of Heads of National Drug Law-enforcement Agencies (HONLEAs) for Asia and the Pacific, Africa, Europe and Latin America and the Caribbean. Each of these holds periodic conferences.
- The International Narcotics Control Board (INCB) a quasi-judicial control organ for the implementation of the United Nations drug conventions. Its 13 members serve in their personal capacity. They are elected by the United Nations Economic and Social Council (ECOSOC) from a list of candidates, 3 nominated by the World Health Organisation (WHO) and 10 nominated by governments.
- The UNDP major donors group – similar to the Geneva Group described in Chapter 4.
- The Dublin Group, composed of representatives of UNDP and of countries involved in global activities against the illegal drug trade – perforce the wealthy, industrialised countries. One of its main functions is to receive reports from 'mini-Dublin Groups' which are conferences held in the capitals of a number of countries where the illegal drug trade flourishes, between the local embassies of Dublin Group members which are active in that country, together with the local representative of UNDP. The ostensible function of these mini-Dublin groups is to exchange information on their respective activities in the country; inevitably, the consequence of this exchange of information is a degree of harmonisation or even coordination of that activity.
- The Economic and Social Council of the United Nations (ECOSOC) – of which CND is a functional commission and to which it reports annually – and the UN General Assembly (UNGA) itself – which held a Special Session on Drugs in 1998 – also debate drug issues; as do
- Other bodies with wide mandates, notably the Commonwealth, the World Health Organisation (WHO) and the G8, and
- Regional organisations such as the Organization of American States and the European Union. Each of these in turn spin off their own anti-drug programmes, such as
  - The Inter-American Drug Abuse Control Commission (CICAD),
  - The European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), each of which hold management conferences and conferences on specific issues.

dealing with aspects of the same topic; but the mandate and consequently the function of each conference is different. They complement each other and add up to a large concerted international effort (in this case a woefully inadequate one, as compared to the challenges of reducing the supply of illegal drugs, the demand for them and the harm they cause).

The significance of mandates

We have already alluded to the fact that mandates are both prescriptive and, at least inferentially, limiting. Even those conferences whose mandate is so broad as to appear unlimited, such as UNGA or CHOGM, are in fact limited in that they are deliberative. Their remit is to discuss issues and, if they wish, to make recommendations, but they do not, as a rule, have the power to make binding decisions except about their own affairs: their own budgets, agendas, etc. Indeed it is only natural that there should be correlation here: the closer a conference is likely to get to making decisions which commit governments, the more narrowly focused its mandate is likely to be.

Governments know that participation in any multilateral conference involves some degree of compromise to their sovereignty (their power to decide for themselves what to do and what rules will apply in their country) and they approach them cautiously. The first point on which they wish to be satisfied is the formal purpose of the conference. An active government devotes considerable resources to the definition of mandates for conferences before agreeing to attend them, and once at a conference, remains alert to any tendency of the conference to drift or be steered into areas it wants to avoid and, it can argue, are outside the conference mandate.

All this is a manifestation of one of the basic principles of multilateral diplomacy – but also of the limitations on that principle. The principle, often affirmed, is that 'each conference is sovereign'. This may seem an extraordinary assertion in a context of the interaction of states, all jealous of their own sovereignty and keen to maintain the principle that only states are sovereign. And yet the two principles are coherent: since states are sovereign, no state has sovereignty over a conference composed of representatives of many states. A multilateral conference is therefore free to decide whatever it may collectively decide to do. The only constraint is self-imposed: what the governments whose representatives make up the conference have previously and collectively decided the conference may and may not do – in other words, the conference mandate. In the extreme, governments could say: we will ignore the results of that conference because the participating delegations departed from the conference mandate.

The sources of mandates

As noted above, in many instances this mandate derives from a treaty, often the statute of an international organisation. Even more frequently, it is produced by (negotiated at) another conference, as is the case for all the conferences called by UNGA, by regional bodies such as the Association of South East Asian Nations and by negotiating conferences which spin off expert groups, drafting groups, etc. In such cases, the conference is 'convened' or 'called' – that is to say, letters of invitation to prospective participants are sent out – by a secretariat simply implementing the prior decision of the 'parent' conference. Alternatively, invitations to a conference may be issued at their own initiative by an international organisation or by a government. Many times each year, international organisations call multilateral conferences on specific issues, confident that in doing so they are acting in accordance with their own mandates: their statutes and the guidance of their governing bodies – in other words, in accordance with instructions agreed by the member states. Often also, as was noted in Chapter 5 in relation to conventions, the genesis of a conference is that one government persuades a number of others that it would be useful to hold a conference with a certain mandate. In each of these cases, the mandate is agreed – or believed to be agreed – before the conference is called. Often there has to be a multi-sided discussion or negotiation before that mandate is agreed; such negotiations are treated seriously and can be highly contentious.

Although all concerned understand why this has to be, protracted arguments about the mandate for a meeting can be frustrating to those who want to move ahead with the business at hand, to at least hear what the representatives of other governments will say on a particular subject, or to expose their own views. The United States Resident Representative to the IAEA in Vienna in the mid-1990s, Ambassador John Rich III, once joked 'Do we really have to spend all this time deciding what to call our meeting? Couldn't we just call it a BOGSAT? That stands for a Bunch Of Guys, Sitting Around a Table.' Occasionally it is possible to side-step such arguments by issuing invitations to a conference without preliminary discussion, let alone agreement, with the invitees, hoping they will decide to attend, if only to defend their interests. Even then, there is an agreed mandate: by accepting an invitation to attend a conference with a specified mandate, a government implicitly accepts that mandate, however reluctantly.

Mandates and agendas

Mandates should not be confused with agendas, although they are closely related. Every conference has an agenda, which is a list of the topics it intends to address and/or procedural tasks it intends to perform. Although the agenda is indicative of the mandate, whereas the mandate is a statement of the broad purpose of the conference and of what it is authorised to do, the agenda is its detailed work programme. More significantly, agendas and mandates have different origins and sources of authority. Each conference, in the exercise of its 'sovereignty', determines its own agenda; but, in so doing, it is expected to conform to its own mandate. In other words, governments agree individually to attend a conference with a predefined purpose (mandate); they then agree collectively to the conference addressing the specific topics and tasks listed in the agenda.

Just as every conference has to be convened, either through the routine operation of a treaty or regime or as a result of an act of will by one or more sponsors, each agenda item has to be proposed. Here again, many items are included in the draft agenda submitted for approval to each multilateral conference as a result of routine: procedural matters such as election of the presiding officer and indeed adoption of the agenda; legally required formalities, such as the approval of the budget of an operational programme; periodical set pieces, such as the annual report of an international organisation and many others. These will be included in the draft agenda by the conference secretariat. The secretariat will also include agenda items flowing from decisions by earlier sessions of the same conference (e.g. 'the conference decided to resume consideration of this issue at its next session') or by another conference that has referred an issue or a particular task to it ('UNGA invited the International Maritime Organisation to make recommendations on . . . '). The secretariat of an international organisation will also include in the draft agenda all the matters on which it is seeking guidance from the member states. Individual member states can also submit proposed agenda items, in pursuit of their objectives. Inevitably, many political issues that have been debated many times in the past and on which there is nothing new to be said, tend to included at each successive session of all more-or-less appropriate conferences, not in the unrealistic hope of moving any concrete matter forward but simply to register the importance which the governments concerned attach to the issue and their continuing dissatisfaction with the lack of its resolution.

Beyond formal mandates

The mandate of a multilateral conference determines its broad purpose and area of responsibility accepted by the participating governments; its agenda identifies the specific topics they have agreed to discuss and the tasks they have agreed the conference should perform. But, in the last resort, a conference mandate (and even its agenda) is only respected to the extent that the participants in the conference are willing to do so. Once you have individuals together in a room, it is very difficult to stop them from talking about whatever happens to be uppermost in their minds. 'Summit' meetings between heads of state or government (who are accustomed to making their own decisions) are particularly prone to wander from their pre-agreed mandate. The G8, mandated strictly as a forum for discussion and possible agreement on economic policy issues, often strays on to topics such as developing common responses to narcotic drugs and terrorism. Less senior officials can usually be relied upon to keep a conference's formal activities on the topics it is mandated to address; but this does not mean that this is all that happens at that conference.

In addition to its formal mandate and agenda, every conference is an assembly of people with common areas of interest and responsibility. Multilateral conferences are for people engaged in public policy what the Paris Salon is for the automobile industry and congresses of physicians or of drainage engineers are for the members of those professions. They are opportunities to meet counterparts and compare notes, to renew or initiate social contacts and to exchange professional gossip. Every conference is also an opportunity to hold face-to-face discussions on any issue of common interest, in no way constrained by the subject matter or mandate of the conference. Henry Kissinger is quoted as saying 'I settle more problems and do more business in one week at the UN General Assembly than in three months of travel round the world': he was not talking about multilateral activity but of US bilateral dealings with other countries. Similarly, Australian (and other) delegations to many a multilateral conference use the occasion for prearranged bilateral meetings with other delegations. Many multilateral conferences could be justified solely in terms of the many bilateral meetings for which they provide the venue.

Often, behind the formal mandate or 'tasking' for a multilateral conference, there lies broader, often less avowable, purposes on the part of the governments most instrumental in causing it to be convened. Thus, sometimes, no significant outcome can be expected at the conference, but governments see utility in holding it merely to keep a particular

issue in the public eye. The UN Special Sessions on Disarmament were in considerable measure instigated (in the context of the Cold War) by non-aligned and neutral governments wishing to 'sensitise public opinion', and 'raise awareness' of the dangers of the arms race, in the hope that this in turn would have an impact on the policies of the Western democracies and especially the United States. Sometimes the principal inspiration for a multilateral conference is a wish to embarrass or humiliate another government. Often, the prime motive of the instigators of a conference is to demonstrate concern or solidarity, etc. The high level of public agitation in Italy in the late 1980s and early 1990s over organised crime and the ineffectiveness of government counter-measures help explain why the Italian government took a very prominent role at that time in fostering multilateral conferences on the suppression of trans-border crime. In addition to whatever concrete results a multilateral conference can help bring about, the simple fact of holding the conference can convey an impression of purposeful activity, which may be all that is achievable or all that is necessary to meet the political demands of the day. Often, political leaders would be satisfied by such a demonstration but officials press the enterprise further, to produce more substantial results that suit their official responsibilities or their personal agendas, or because they realise that demonstrations are more effective and more sustainable if they have concrete consequences.

Mandates vs. national purposes

Moreover, multilateral conferences appeal to national and personal vanities. Many a government is willing to host or participate prominently in almost any multilateral conference that it believes will add to its prestige, both domestically and internationally. From the point of view of that government, the formal mandate of the conference is secondary; its prime function is to embellish its own image.

The necessity for agreement amongst participants before a conference can be held does not mean that there is a requirement for all participants to have the same motivation. Indeed, typically, there will be a large number of different conceptions and ambitions as to what purpose the conference is to serve and what its outcome(s) should be. Many governments will be deeply interested only in a portion of the issues addressed by any particular conference – and usually only in a limited number of aspects of those issues. Moreover, many governments will attend a multilateral conference not so much to help it fulfil its mandate as to try to make sure that in doing so it does not damage any of their

objectives. The mandate of a multilateral conference defines a purpose for the conference, ostensibly a common purpose but in reality more an accumulation of individual, often differing, purposes of the participating governments and international organisations. It therefore becomes meaningful to think of the conference as a purposeful entity, with interests distinct from those of its participants. The scene is set for either cooperation or contest (or a blend of the two), between the conference as a whole and its individual members.

Purposes of the participants

We speak of governments (and other entities) 'participating' in a multilateral conference. This is only useful shorthand. In reality these entities are not physically present. What they do is to decide to be *represented* at such a conference and issue instructions to their *representatives*. The actual participants are the representatives (also known as 'delegates', see next chapter). Every multilateral conference is, in the final analysis, a room full of individuals: what actually happens is determined by the activities and interactions of these individuals.

Official purposes

All these individual participants carry the responsibility of representing those who sent them. In most cases they will also have specific instructions or a 'brief' for that particular meeting. They will also have knowledge and opinions as to the interests of their nation, their government and the particular government agency from which they come. This knowledge is the necessary corrective to the inevitable omissions of their brief, and a help – often essential – in interpreting what the brief says. For instance, if following the brief will lead your delegation into a confrontation with the United States, it is important to know whether this was foreseen at home when the brief was prepared and to have a sense of precisely what degree of confrontation your government is prepared to wear, so that you can at least report and seek additional instructions if that point appears to be approaching. Beyond this, the brief can never cover the full range of issues that might arise at a multilateral conference and could engage the interests of the sending country: to be a faithful representative, a delegate should have a good sense of the full range of interests of his or her government and respond alertly if developments unforeseen in the brief impinge on any of those interests. (This is where 'specialists' and officials from ministries other than the Foreign Ministry at times drop the ball.) The interests referred to here

may be in the foreign policy field: for instance, no Australian multilateral diplomat should need their brief to tell them that Australia's bilateral relations with Indonesia, Japan and a number of other countries are of such priority that they should go out of their way to be accommodating to the concerns of these delegations unless there are very strong reasons not to do so. Or the interests may be commercial: no Canadian delegation needs their brief to alert them to the importance of wheat as a Canadian export and of the consequent need to seek instructions if anything comes up unexpectedly that is, however remotely, relevant to the international trade in wheat. Beyond this, the brief would probably not mention one of the overriding considerations for every government and consequently every delegation: its wish to present a positive image to the outside world in general and to domestic constituencies in particular. All these objectives of their sending authorities, those specified in their brief and those inferred or assumed, each delegate will strive to achieve, deploying to that end such energy and skill as may be theirs and which they choose to devote to this task.

Operational objectives

The official briefs of most delegates and/or the correct interpretation of the intentions of most sending governments will usually be fairly passive: to participate, to follow what is happening and to report the result. These are what I would call benign briefs, in that they are consistent with the conference fulfilling its mandate and proceeding through its agenda in a business-like manner. But every delegation also has a brief, explicit or implicit, to do what they can to protect any national interest that might be challenged. In many cases, this second, defensive, brief takes priority over the first, benign, brief and may lead a delegate to do all sorts of things inimical to the task of the conference itself. A number of delegations will have a commitment to the conference fulfilling its mandate in a coherent and constructive manner. An even smaller number will have very specific objectives for the conference outcome (these are the representatives of governments which have chosen a multilateral campaign as their vehicle for the pursuit of a particular aim, the representatives of international organisation secretariats seeking authority and funding for activities and other campaigners for particular conference outcomes). Occasionally, a small number of delegations, whose governments feel threatened by the likely outcome of a conference, set themselves the task of ensuring that it fails. (An able Cuban diplomat successfully played this role in a working group I chaired in Geneva in the 1980s which was tasked to develop a declaration of the rights

of Human Rights Defenders.) Finally, the brief of some delegations may be to pursue objectives which have little or nothing to do with the mandate of the conference but which are important to their government – thus, for example, almost every conference at some stage is used by the Arab and other enemies of Israel as a platform for denouncing that government's behaviour towards the Palestinian people and its other neighbours. Such extraneous objectives are a godsend to the wreckers and tend to be inimical to the objectives of those who are seeking a constructive conference outcome in terms of its mandate and of those who are pursuing specific objectives for the conference outcome.

Information gathering

A major preoccupation of most participants in multilateral conferences, however, is undramatic: gathering information. As we shall see in later chapters, keeping oneself informed about what is happening at the conference is often a major task in itself; but in addition, multilateral conferences are an almost unfathomable source of information (officials like to call it 'intelligence') of potential interest to governments and their agents. A significant part of the proceedings of almost every conference will consist of governments and international organisations reporting – orally and in writing – on what they have been doing and on their intentions for the future. All these presentations are full of information, both what is intentionally conveyed and what can be inferred from the gaps and silences and the justifications that are put forward. The reactions and comments of other delegations can add a valuable additional perspective on such presentations. The congress function of international meetings and the many informal exchanges that take place in the margins of the conference are an additional source of information. Even the way in which delegations interact can tell you much about the quality of relations between their governments. Information provided for one purpose may be useful for another, quite different, purpose. Australian delegations to multilateral conferences about the illegal trade in narcotic drugs do not listen only for what speakers wish to convey about repression of the trade in illicit drugs and measures that can be taken to reduce the demand for them and the harm they cause, although these are important Australian concerns. They are also on the lookout for commercial intelligence relevant to the supply and demand for licit opiates for the pharmaceutical industry: Australia (Tasmania) is the largest producer in the world.

Domestic agendas

When a government delegation leaves the national territory to attend an international meeting it does not leave behind the world that sent it. Much of what it does at a multilateral conference is a continuation of domestic agendas. Thus, for instance, the delegations of democracies will be conscious of the fact that an international meeting is a public forum. They will be aware of their governments' wish to be seen by their domestic audience to be doing appropriate things: standing up for principles and interests which have a constituency back home and giving a good account of their nation before an international forum. They will routinely devote time to briefing the media and other representatives of domestic constituencies who are present at the conference. At times they will take initiatives to attract the attention of their national media to the conference and what they are doing there. It is not uncommon for an elected government to make use of multilateral conferences for publicising its policies and performance, as part of its communication with its electors at home. It is not unusual for a minister's speech at a multilateral conference to have as its primary purpose to cast the government or the minister personally in a favourable light, at home. It is routine for the timing of a minister's statement to a multilateral conference to be influenced by the time the newspapers go to bed or news programmes go to air back home, perhaps in a different time zone.

But the pursuit of domestic agendas goes far beyond this. Thus, for example, in a large delegation representatives of different government agencies will continue their inter-agency agendas. They may, for instance, be seeking international authority in support of policies or programmes which they are trying to have adopted at home; or, seeking to avoid the definition of international standards which they do not want at home. They will often be concerned to manage their department's relations with another department, so as to facilitate constructive relations back home, or, in badly coordinated governments, they may pursue internecine vendettas.

In short, multilateral conferences are just one of the scenes on which domestic agendas are played out. There is nothing illegitimate about this, although other delegations may be inconvenienced and irritated if you take up too much of their time for your idiosyncratic national domestic purposes, or if you allow your pursuit of extraneous domestic purposes to interfere with the international work at hand. One challenge for a multilateral diplomat is to try to prevent your government's pursuit of domestic agendas from impeding achievement of its own foreign policy objectives.

Private agendas

If these are the more or less avowable and official purposes of delegates attending international meetings, they are by no means the only ones you will see pursued by individual delegates.

Because they are human, delegates have varying degrees of personal identification with the objectives pursued by their governments, varying degrees of respect for their instructions and even varying degrees of awareness of the full range of their government's concerns. Delegates are often crusading individuals – as is probably inevitable, given the subject matter. Many delegates have strong personal views about aspects of the issues addressed by the conference (or capable of being raised there); but on which their governments have not focused. For all these reasons, it is not unusual for individual delegates to direct their passion at particular objectives that have little if any basis in their government's instructions or true intentions. This extra individual energy will often help a conference reach a constructive conclusion. But where the individual's passion or stubbornness focuses on a point unacceptable to others, it can be highly destructive.

Some delegates are visibly on a grand ego trip, enjoying the sound of their own voice, the captive and often distinguished audience, the opportunity to grandstand, to exercise their manipulative skills or simply to make a nuisance of themselves. Some get carried away by their combative or competitive instincts or their sense of humiliation if forced to accept less than they were striving for. I believe some delegates are sent to multilateral conferences because those at home are glad to be rid of them for the duration.

Many an official (or other) has worked hard for a place on his or her country's delegation to an international meeting primarily for the opportunity it will afford to hobnob with fellow experts from other countries, for both professional and official purposes. This will often be more important to them than the work of the conference itself. Others enjoy the travel and incidental opportunities for tourism or shopping that the conference venue may offer. For some it is an opportunity to meet friends from other countries, or to get away from the cares and perhaps inhibitions of their home environment. Some may be seeking to advance their career at home by shining at the conference or perhaps to get a job with the international organisation concerned. And finally, being human, delegates are not immune from all the vicissitudes of life: they can fall ill, some of them drink too much, or they can be worried or elated by aspects of their private life or by political crises at home, and many other such factors that influence their reactions and performance.

Conclusion

Inevitably, not just the conference mandate and the many differing national agendas and operational objectives, but also the demands of information gathering, domestic and private agendas, together with personal factors, impinge on each other and affect the behaviour of delegates and thus the courses and outcomes of conferences. Most of the professional interest – and the potential drama – of multilateral conferences comes from the interplay of these differing aims and distractions.

7
Delegations

As noted in the previous chapter, the actual participants in multilateral conferences are 'delegates'. Delegates are people to whom authority and responsibility has been delegated (by their government) to represent their state and thus to speak and act on its behalf. In cases where the sending government decides that a single delegate could not do all that it wants done at that conference, it sends a delegation, i.e. several people, organised as a team. At some multilateral conferences there are also delegates and delegations which represent entities other than governments, such as international organisations and non-governmental organisations, as we shall see below.

Observer delegations

However, not all delegations are equal. Besides the full participants, many multilateral conferences are also attended by observer delegations, representing states (or other entities, such as international organisations or non-government organisations) that are not members of that particular conference. For instance, the Executive Board of the World Health Organization has 32 members elected from the 192 membership of the organisation; but WHO Members not currently represented on the Board who wish to follow these meetings are welcome to attend as observers. I represented Australia as an observer to a meeting of the African Development Bank in Rabat in the 1970s: Australia was not a party to the statute of the Bank, but was interested in the issues it discussed.

The distinguishing characteristic of all observer delegations is that they have not accepted the conference mandate and are not parties to any decisions it may take. The Rules of Procedure of each conference specify in detail the rights of observers. Usually, they can attend and

address the main meeting (or 'plenary') of the conference. Whether they can attend meetings of committees, drafting groups, what conference documents if any they are to receive, what facilities are available to them – all of this varies from conference to conference and can be highly controversial. However, the only vital difference between a full participant delegation and an observer is that the observer cannot vote or undertake some other formal procedures. This limitation aside, and subject to the degree of access they gain to particular meetings and the latitude they are allowed there, 'observers' can be just as influential in determining the outcome of a conference as those delegates who are formally 'full participants' – for reasons that will become clear when we examine how such outcomes are produced.

Whomever they represent, all delegates have certain basic characteristics in common. They carry responsibilities and (in most cases) instructions. They should be – and mainly are – individually selected because they have knowledge and skills relevant to the particular conference they are attending and to their role as a representative. And they are human beings.

Credentials

It is obviously essential to establish whether or not a would-be delegate is authorised to represent the government (or other entity) whom they purport to represent; it is equally important to establish whether or not that government is entitled to be represented at that conference. Therefore, just as each member of an embassy or other bilateral diplomatic mission has to be accredited to the receiving government, so too each delegate and each member of a delegation to a multilateral conference has to be accredited to that conference.

For conferences of particular importance and formality, the credentials take the form of a letter from the Foreign Minister of the sending country to the conference organisers. For less solemn meetings, a letter from the resident Permanent Representative (see below) or a cable from the sending authority is usually sufficient. In theory, these credentials should be received by the organisers before the conference starts. In addition, individual delegation members are usually required to identify themselves, by registering with the conference organisers at the start of the meeting. They can then be issued with a nametag or more formal conference ID, which is then used to control access to conference venues. Each major conference establishes a Credentials Committee, which reports before the end of the meeting. Less formal

meetings sometimes leave checking of credentials to the conference secretariat.

Usually this checking of credentials is just a routine formality, mitigated by a generously helpful laxness. In normal circumstances, no one will make a fuss just because some delegate's headquarters has been inefficient and many a delegate exercises all his rights despite his government having failed to supply credentials. But when, as can happen when another delegation has reason to do so, a delegation's credentials are disputed, credentials committees suddenly acquire some prominence in the concerns of multilateral diplomats and their deliberations are driven by political judgements, not technicalities.

This arises most readily when competing governments claim to represent the one country. For much of the 1970s and 80s, Cambodia was in this situation: most governments did not recognise the Vietnamese-backed regime in Phnom Penh, preferring the GRUNK, a coalition of exile and resistance movements which included the Khmer Rouge. Following the coup in Ethiopia in 1991, the Ethiopian diplomatic service split, some remaining loyal to the deposed regime of Menghistu, so that two Ethiopian delegations appeared at some conferences.

In the late 1990s, there were frequent challenges to the credentials of Yugoslav delegations on different grounds. Croatia, other breakaways, and their supporters such as Turkey, were vociferous in asserting that that credentials provided by the Federal Republic of Yugoslavia (as the regime in Belgrade styled itself) were not valid as long as that state had not applied for and been granted membership of the relevant international organisation. In other words, representatives of the FRY could not simply slip into the seat of the defunct Federal Socialist Republic of Yugoslavia. For the other former Yugoslav republics this was partly a policy interest (to establish that the FRY was no more than equal to Croatia, Slovenia and the other breakaway republics), partly a domestic political interest (to demonstrate bloody-mindedness towards the former ruler) and partly a financial interest (if there were only one successor state it would inherit the assets of the FSRY; if there were five successors the inheritance should be shared).

In the early stages of the Cold War, Western countries maintained a policy of denying diplomatic recognition to many communist regimes, most notably the German Democratic Republic (Eastern Germany) and the People's Republic of China, and blocking their membership of international organisations. This proved unsustainable but a legacy survives in China's generally successful policy of pressuring other governments into withholding recognition from the so-called 'Republic of China' on

Taiwan. For bilateral purposes, most countries deal with Taiwan in substance as with a sovereign state, while denying it that status at the formal level. In the multilateral world, this diplomatic subterfuge is not possible and Taiwan is excluded from almost all international organisations. In 2002, both China and Taiwan were admitted to the World Trade Organization, which may set a precedent for other organisations. Until such a dawn, credentials from the Republic of China would be rejected by the credentials committees of most conferences.

Many countries, especially but not exclusively developing countries, are sometimes lax about providing credentials in time. A delegation without credentials or whose credentials are not accepted is technically not a delegation: in strict legality it cannot participate in the conference and it cannot vote. In practice, this rule will only be applied if some delegation insists and that will only happen if they have a particular stake in the matter.

Permanent delegations

Most countries maintain 'permanent delegations' to the United Nations and other international organisations.

Permanent delegations are diplomatic missions, staffed mainly by diplomats and very similar to embassies (in most cases[1]), except that they are accredited not to another state but to one or more international organisations. Sometimes they are integrated into an embassy. In Vienna, for example, I presented letters of credence from the Queen of Australia to the President of Austria, but I also presented letters from the Australian Foreign Minister to the Directors General of the International Atomic Energy Agency and of the United Nations Industrial Development Organization, to the Head of the UN Office in Vienna[2] and to the Executive Director of the UN Works and Relief Agency (for Palestine). My office was thus not only the Australian Embassy to Austria: it was also Australia's Permanent Mission to these various organisations. Some countries maintain separate permanent missions to international organisations: in Vienna, the larger European powers all had permanent missions to the Organization for Security and Cooperation in Europe, separate from their embassies to Austria. Most countries maintain free-standing Permanent Missions in the UN headquarter cities which are not national capitals: New York and Geneva.

Permanent Missions enjoy diplomatic privileges and immunities, under headquarters' agreements between the international organisation and the host country. Their head is correctly titled Permanent Representative

(at the IAEA, Resident Representative) but is normally of ambassadorial rank and is frequently addressed as Ambassador out of courtesy or loose usage. The other members of the staff of permanent delegations carry standard diplomatic titles (Third Secretary, Counsellor, etc. – in New York several large missions have senior deputy heads of mission informally known, because of their rank, as 'No.2 Ambassador'). Under these titles they interact with the organisation to which they are accredited, with the permanent missions of other countries and with the authorities of the host country (on matters relating to their own office or the organisation to which they are accredited). But to attend multilateral conferences, including the conferences sponsored by the same international organisations, these officers take on different designations, reflecting a different role and status.

Government delegations

Members of government delegations can be diplomats from the permanent mission to the relevant organisation, from headquarters or from other missions.[3] They can be Ministers or Members of Parliament from Federal or State governments; they can be officials from ministries other than the Foreign Ministry, members of non-government organisations, private individuals (e.g. a prominent scientist or other expert, a glamour 'personality', even a voluntary worker or, in the case of France, a conscript). Often, delegations will be a mix of people from two or more of these categories. But once assembled as delegates, they will all become – at least for the duration of the conference – multilateral diplomats.

Every delegation has a Delegation Leader, who is often referred to by that title; but technically carries a title specific to the particular conference or the organisation that spawns it. Very often (and for instance for the UN General Assembly), the formal title of the delegation leader is 'Representative'; for the Board of the IAEA and for the World Bank it is 'Governor'. The other delegation members carry titles again specific to the conference, such as 'Alternate Representative', 'Adviser', or 'Expert', which (unlike standard diplomatic titles) give few clues as to their civil service ranking.

International organisations

As noted in Chapter 4, the secretariats of these organisations have a high degree of autonomy. Their representatives participate in many multilateral conferences where they interact with the other delegations and can

contribute to the shaping of conference outcomes. Some of these representatives of international organisations are accredited delegates or observers; others are present in other capacities. As noted in Chapter 6, some multilateral conferences are held specifically for the purpose of managing and giving guidance to international organisations. In each such case, the secretariat of the organisation concerned is naturally an important interlocutor for the government delegations as well as an important source of relevant information. In addition, most conference secretariats (see next chapter) are provided by the secretariat of one or other international organisation: inevitably, this temporary assignment does not entirely submerge the identity, loyalty and accountability of the individuals concerned. Beyond this, the responsibilities and fields of action of many international organisations can lead to their participating in multilateral conferences in a very similar role to that of national governments. An illustration is the previously mentioned Dublin Group, which deals in mutual information, discussion of issues of common interest and, when they so desire, coordination of efforts among the several contributors of assistance to developing countries in combating the problems caused by illegal drugs. The field activity of the UN Drug Control Programme is identical in kind and general purpose to that of the agencies of those governments which run bilateral programmes in this field. It is, therefore, useful to all concerned for the UNDCP secretariat to participate in the Dublin Group, alongside the governments.

Non-government organisations

Some delegates represent a third category of entities which are active in multilateral diplomacy: non-government organisations (NGOs as they are inevitably called). The archetypes are composed of people acting primarily out of personal conviction (only a small proportion have salaried staff), promoting particular perspectives on issues such as the environment, disarmament and human rights. Amnesty International and Greenpeace are large, highly professional and widely known examples but there are thousands of other advocacy NGOs including some which seem to consist of a single individual with access to some money. Many meet the stereotype of being 'progressive' but there are also highly conservative NGOs (e.g. the anti-feminist Women who Want to be Women). There was a time when they came almost exclusively from the prosperous liberal democracies (and could consequently be misrepresented and dismissed as cat's paws for Western governments). It is a manifestation of globalisation that today a large number of them,

notably many which most deserve the title of 'grass-roots' (i.e. representative of ordinary individuals), have arisen in the poorer countries (the 'developing countries' or Third World and the ex-communist countries). These, and the many other kinds of organisations covered by the negative description of non-governmental (which includes, for instance, commercial firms) are at times important in multilateral diplomacy as instigators of government actions (the 1996 revision of Protocol 2 to the Inhumane Weapons Convention and the 1997 Ottawa Convention against landmines are directly attributable to NGO relief agencies and church groups. Other NGOs are at the origin of international action against whaling). They also have an important role as contracted implementers of many multilaterally organised programmes.

At multilateral conferences, representatives of NGOs appear in many different roles. Such conferences are unrivalled opportunities to meet with the representatives of sister NGOs from other countries. As with the hobnobbing that takes place between the government delegations, partly this is a matter of pooling information, mutual mobilisation and discussion of strategy; partly, it is a matter of taking advantage of the opportunity to develop contacts and discuss a wide range of matters of mutual interest, even if these have nothing to do with the formal conference agenda. Partly also, it is a matter of fraternising with soulmates. For these purposes, the NGO delegations attending a multilateral conference often hold an 'NGO Forum', as a sort of parallel conference at which they discuss amongst themselves the issues addressed by the conference and adopt their own common documents.

The conference itself can be treated as a prolongation of their domestic interaction with their own government and constituencies. They seek information useful to their cause, they closely invigilate the performance of government delegations, they report to domestic audiences and they seek opportunities to publicise their cause, for domestic audiences back home.

Sensible government delegations devote considerable efforts to maintaining contact with at least the NGOs active in their own country, to try to reduce the scope for misunderstanding, to inform and put their own gloss on developments and where possible to bring into the open the community of purpose which is often present between the government and the NGOs. This is a form of public diplomacy: i.e. securing domestic support for your government's policies.

Efforts by NGOs to use the occasion of major multilateral conferences to publicise their cause merge with efforts to influence the course of the conference. Many lobby the government delegates assiduously,

sometimes harassing them (a TV crew for East Timor nationalists dogged my steps as I negotiated a compromise between Indonesia and Portugal at the Commission on Human Rights in 1992). It is not unusual for news stories to be run at home or in conference newsletters misrepresenting or denigrating the activities of the national delegation, in the hope of influencing it directly, provoking a statement that might not otherwise be made, or influencing opinion and thus, perhaps, the government at home. Physical violence against delegates is rare but passionate demonstrations outside the venue are not unusual and anti-globalisation rioting is now routinely expected at major economic conferences.

More directly focused on seeking to influence the government delegates (and apart from directly lobbying them), photographic exhibitions, videos and other displays are sometimes permitted within the conference venue itself outside the meeting rooms. For instance, at the 1996 Geneva Land Mines Conference, a contingent of Cambodians crippled by such mines were constantly present in the conference room entrance and a mock minefield had been set up that delegates were invited to try to cross without setting off the noise of a detonation. At major conferences, some enterprising NGO group often produces a newsletter to inform on developments at the conference – inevitably adding its own gloss.

Some NGO activity designed to influence the behaviour of governments in multilateral forums is more sophisticated than outright advocacy. The Quakers and the Programme for the Promotion of Nuclear Non Proliferation (PPNN) routinely organise meetings of delegates, some time before major arms control conferences, with expert guest speakers and facilitators, to allow for pre-conference identification of issues and exploratory discussion in an informal atmosphere, with a view to facilitating a constructive conference. An organisation with a membership largely drawn from business, the Pacific Economic Cooperation Council (PECC), played a major role in paving the way for the formation of the inter-governmental Asia Pacific Economic Cooperation (APEC). This type of activity can be entirely spontaneous or instigated, encouraged and sometime financed by governments as part of Second Track Diplomacy.

Accredited NGO delegations

Many NGO representatives attend multilateral conferences as members of the public, but the practice has become widespread in recent years of allowing some of them to be accredited as observer delegations, who are given degrees of access to conference proceedings that vary greatly from

conference to conference. By the mid-1990s, it was standard for them to have reserved seating in the conference hall, the ability to attend plenary (see next chapter) and sometimes main committee meetings, and the opportunity to make statements at the opening and closing sessions (sometimes limited to a single spokesperson on behalf of all accredited NGOs). On occasion, however, they have much greater access. They are prominent participants in the Working Group on Indigenous People. In the Working Group on Human Rights Defenders which I chaired for three years, Amnesty, and International Jurists were treated in the textual negotiations very much as full participants, allowed for instance to propose wording for the draft declaration (despite some rearguard niggling from China and Cuba).

There are even a number of organisations in which NGOs are full members, alongside governments, and their delegates correspondingly have the same rights. Membership of the International Union for the Conservation of Nature is open to NGOs, governments and even individual government agencies. A more prominent example is that of the International Conference of the Red Cross, at which each country is represented by two delegations with equal voting and other rights, one from the national government and the other from the national Red Cross or Red Crescent association (which is of course an NGO, in many countries quite independent of government). In that same conference also participate as full members, the International Committee of the Red Cross (a Swiss NGO) and the League of Red Cross and Red Crescent Associations (a body representative of NGOs). The membership of the International Labour Organization, and consequently of its conferences, is tripartite: each country sends three delegations – one from the government, one representing trade union federations and one from employers' federations.

These are exceptional, but the present trend is for an expansion of the degree of access afforded to NGOs. Originally, the support came exclusively from the Western liberal democracies and was strongly resisted by the communist countries and the Third World, who saw the NGOs as promoters of Western values, allies of their domestic critics and disrespectful of their national sovereignty. The Rio Conference on the Environment and Development was something of a watershed in demonstrating that many Western NGOs have become considerably more sophisticated in their analyses and thus more receptive to Third World concerns. At the 1995 NPT Review and Extension Conference, Non-Aligned Movement (see below) leaders saw Western pro–disarmament NGOs as allies. NGOs are still subject to a filtering process before they

can be accredited, but the only organisations which are likely to be excluded are the lunatic and criminal fringe and those which challenge governments too directly. The application of Greenpeace, a widely respected but rabidly anti-nuclear NGO, for observer status at the General Conference of the International Atomic Energy Agency caused some debate but was refused. NGOs supportive of Tibetan nationalists, however, are accredited observers at the Commission on Human Rights.

Within government delegations

A number of Western governments, in their wish to respond to the demands of NGOs and to secure if not outright support then at least a degree of understanding for their policies and for the modesty of their achievements, have begun incorporating NGO representatives in their delegations. The Australian delegation to the Rio conference included two representatives each from environmental NGOs and industry groups. The delegation I led to the 1996 Land Mines Conference included Sister Pak Poy representing a Catholic humanitarian agency.

Such arrangements present some difficulties for both parties. The NGO representatives will usually be required to sign an undertaking not to divulge information they receive by virtue of their membership of the delegation, also not to undermine the efforts of the delegation. But how far can they be trusted to honour this undertaking? Do they see the whole brief or is there a classified annex for officials only? What meetings can they attend? (not private meetings with other delegations which might be constrained by their presence). And what of the dilemma of a committed NGO supporter who disagrees with the activity of the delegation or holds information that would be valuable to soulmates outside the official delegation? These are all questions which can be resolved amicably between honourable and sensible people but which can become major problems if there are clashes of personalities or value systems.

Sometimes, NGO members can have a very prominent role within national delegations, particularly when governments with a shortage of expertise engage non-government people to act as their representatives. David Fisher (British, a former Deputy Director General of safeguards at the IAEA) was a member of the two-man delegation of Uzbekistan at the Nuclear Non-Proliferation Treaty Review and Extension Conference of April 1995 (NPTREC). In the negotiation of the Climate Change Convention, the accredited representatives of several small Pacific Island countries were members of CIEL, the Coalition for International Environmental Law, a San Francisco–based NGO. In both these cases

the 'contractors' did an excellent job of representing the interests of the countries concerned; but there are obvious risks that such outsiders could be ignorant or dismissive of wider considerations that a government employee would not overlook.

Groups

Government delegations to international meetings caucus in groups. This group system is a basic organisational element of conferences, an aid to efficiency, a refuge for poltroons, a tool for the ambitious and – too often – an enemy to rational decision-making.

Electoral groups

Originally, the function of groups was electoral. The statutes of most of the Specialised Agencies and other organisations provide explicitly for their restricted governing bodies to consist of elected representatives of a number (usually, 3 to 8) of geographical (or other category) 'groups'. For the United Nations General Assembly it is a 5-group system. By extension, in the UN itself and its myriad subsidiary bodies, informal conventions have arisen whereby certain numbers of seats or positions (whether filled by election or appointment) are reserved for specific geographical groups. The purpose is, of course, to ensure an equitable distribution of seats or elected positions and the resulting formula in each body is called 'geographical balance'. The constituencies for these 'regional seats' are 'electoral groups'.

In most bodies there is an African Group, an East European Group and often a Latin American Group. Usually there is a West European Group and often a North American (with only two members: the USA and Canada) but sometimes these are merged into a West European and Others Group (WEOG), which also includes Australia and New Zealand. Asia is more difficult. For the General Assembly and many other New York-oriented bodies there is a single Asian Group, but in the Specialised Agencies there is often a Middle Eastern Group and a Far Eastern Group. The World Health Organization has a Western Pacific Region (Japan to New Zealand) and a South East Asia Region. It includes Pakistan and countries to its East in an Eastern Mediterranean Region. The IAEA has three Asian regions: Middle East and South Asia, South East Asia and Pacific (Australia, New Zealand, Burma, Indonesia, Malaysia, Singapore and Thailand); and Far East (China, Japan, the two Koreas,[4] Vietnam and the Philippines). Some organisations have electoral groups based on criteria other than geography or political affinity. The International

Fund for Agricultural Development has three categories for election to its Executive Board: OECD countries, OPEC countries and Other Developing countries. The International Maritime Organization also elects its Council from three categories: 8 seats for states with the largest interest in providing international shipping services; 8 other states with the largest interest in providing seaborne trade; and 16 for others 'which have a special interest in maritime transport or navigation and whose election would ensure the representation of all major geographical areas of the world.' UNIDO's Industrial Development Board is elected from 4 lists of countries specified in its constitution. Yet others, including the International Union for the Protection of New Varieties of Plants (UPOV) and its sister organisation the World Intellectual Property Organization have no 'regional seats' and thus no electoral groups.

The function of these groups is to select candidates to represent their region or category and usually such groups nominate as many candidates as there are vacancies for their group. Often, the selection in such groups reflects either one country's determination to be elected or rotational arrangements, rather than a responsible collective decision to seek effective representation of common interests. For many years it has become a mandatory convention that such 'endorsed regional candidates' are not challenged: they are invariably elected by acclamation. (This is how Western governments find themselves acquiescing in countries such as Cuba and the Sudan being elected to the Bureau of the Commission on Human Rights and how the United States periodically participates in electing Libya to the Security Council.) When, and it happens quite often, regional groups fail to settle an agreed list of candidates, voting takes place: then, the conference as a whole, not just the geographical group concerned, decides which delegation will represent it.

In either case, states or delegates elected to regional seats 'represent' their constituency only at a fairly notional level. They do so symbolically and in so far as geography or membership of a defined category can give governments a certain similarity of perspective. They do not represent them in the same sense as delegates represent national governments: that of having responsibilities towards them and authority to speak and enter into commitments on their behalf. Belgium, for example, although elected to one of the West European seats on the Executive Board of the WHO does not see this as requiring it to represent the interests of say Greece or Sweden. (The elected members of the IMF Executive Board are an exception to this generalisation.)

Electoral groups do not issue instructions to their elected 'representatives'. Apart from deciding agreed electoral lists, they can appropriately

discuss and perhaps seek to form common positions on such issues as proposals to vary the composition of the body or the distribution of seats between the various regions.

Political caucuses

The role of groups becomes much more far-reaching when they address not just electoral issues but the procedural and substantive business of the conference. They are then no longer mere 'electoral groups' but instead become caucuses or political groups.

The original and most powerfully developed political group was the Warsaw Pact, alias the East European Group. In the heyday of the Cold War, at many conferences, one could see the delegation leaders of Warsaw Pact countries (joined in later years by Mongolia and Viet Nam and ultimately deserted by Romania) conferring in one part of the conference room, all listening to the Soviet delegate, with sometimes the DDR[5] delegate offering a supportive comment, and all the others silently nodding. One could also see junior Soviet delegation members running errands, delivering instructions to their vassals. In the 1970s and 80s, Bulgaria was often the most pugnacious of these, willing to take extreme positions that would allow those of the Soviet Union to be presented as a more moderate compromise. Romania on the other hand sometimes took idiosyncratic positions. I remember one occasion in the Disarmament Committee in 1980 or thereabouts when the Mongolian delegate read out in a wooden voice the text that had just been handed to him by a Soviet runner: 'The Mongolian delegate will now say . . . '

Responding to this powerful machine, the United States organised its allies into a 'Western Group' composed of the NATO and ANZUS[6] member countries and Japan. This group was never as docile or monolithic as the Eastern Group; indeed a common feature of its deliberations during the Cold War was attempts by the United States or other Western 'heavies' to demand 'Western solidarity' while others such as (from the early 1970s on) Australia would argue that they considered the Western Group a consultative group, not one whose task was to forge common positions. In the Cold War, Sweden was neutral and technically an observer in the Western Group, as it never failed to remind the group when such issues came up. This helped those who would often have been uncomfortable in the straitjackets for which the US, Britain, Germany and sometimes France were keen to fit them. The Western Group appears in different guises in different bodies. In the General Assembly it is known as 'the Barton Group' after the Canadian permanent representative 1967–78. On economic issues, the same countries meet

as 'the OECD Group' (so named after the Organisation for Economic Co-operation and Development, informally 'the rich countries club').

Membership, or even observer status, in the Western Group is a major source of information for delegations and an invaluable aid to effectiveness. The group meets regularly in the margins of most major multilateral conferences. Typically, it will meet daily at 9 or 8:30 a.m., with a view to concluding its business in time for the start of the conference at 10 a.m. Led by the chair (either co-opted for the particular conference or, in New York and related conferences, rotating alphabetically on a monthly basis) the delegates will rapidly pool information on the state of play in the conference: what draft resolutions have been circulated or are planned, the state of negotiations on each issue, the timetables and other plans of the conference chair and the chairs of the various committees and drafting groups, how delegations are proposing to vote on each draft resolution, etc. Sometimes a delegation will express its substantive or tactical views and seek support from others present. Sometimes one or more delegations may attempt to talk another out of a line of action or argument that it has foreshadowed. As indicated above, the group does not, as a rule, take common decisions or ever develop binding common positions.

As a reaction to the effective power of Eastern and Western political caucuses, the members of African, Latin American and (New York) Asian Groups which also happen to be 'developing countries' (i.e. poor),[7] formed their own political groups: the Non Aligned Movement (NAM) – founded at the initiative of President Sukarno of Indonesia by the Bandung Conference of 1955 – and the Group of Seventy Seven ('G77') – founded in 1967 at the first UN Conference on Trade and Development to promote the interests of developing countries, and whose membership today numbers over 130. The G77's mandate is economic and it tends to manifest itself in conferences focusing on economic issues (such as the environmental conferences of the 1990s), while the NAM is directed primarily at security issues. In recent years, despite an attempt by Indonesia to revive it during its presidency of the movement in 1993–5, the role of the NAM has been diminishing.

The G77 and the NAM have often sought to emulate the old Eastern Group in developing common positions which all members of the group were expected to support and vote for in consequence. Their abiding weakness has been their vulnerability to domination by a small number of forceful and effective delegations (e.g. India, Pakistan, Mexico, Egypt and, prior to 1991, Yugoslavia) whose views and interests are not always representative of those of many other members of the group. In the

economic sphere in particular, for all their common ground as poor countries, there are major divisions between the interests of, for example, essentially agricultural countries and those developing countries that have a large and dynamic industrial sector. Moreover, the larger and more dominant countries tend to be more self-reliant and less dependent on one close partner (often the former colonial power) amongst the 'developed' (i.e. richer) countries.

For many a small developing country delegation, the G77 and similar groups are both a blessing and a source of acute embarrassment. Through membership of the group, a small delegation that lacks the manpower (or sometimes the interest, the self-confidence or the energy) to fully inform itself on all the issues under discussion at a large international meeting can 'piggy-back' on the efforts of the stronger delegations of other countries, able and willing to gather the information and undertake the necessary analysis to develop tactics, lines of argument and voting positions. The down-side is that the weak delegation may then, for the reasons set out above, find itself bound by group solidarity to positions that do not correspond to its national interest.

The inevitable corollary is that, despite at times forceful attempts by dominant delegations to impose their will, NAM and G77 loyalty and cohesion is not as strong as the members of these groups would wish, especially the leadership. A striking example of this was at the NPTREC (see above) when a small number of prominent non-aligned/developing country delegations convinced themselves that the conference presented an opportunity to acquire lasting leverage over the nuclear weapon states by making the extension of the NPT temporary and conditional. This group was ultimately defeated by a combination of the genuine attachment to the non-proliferation regime of many of the NAM/G77 countries on whom the self-appointed leaders were relying and the reluctance of others to go far in opposition to the large number of countries, Western, Eastern and Non Aligned, who wanted the treaty extended indefinitely. In the aftermath of the conference, these delegations were bemoaning the demise of the NAM.

China is not formally a member of any caucus but, just as Chou en Lai was prominent at the 1955 Bandung Conference,[8] it consults closely with the NAM/G77 and exerts considerable influence on the common positions these groups develop.

Sub-groups

For many purposes the African Group, the (New York) Asian Group and the GRULAC (Group of Latin American and Caribbean countries) function

as sub-groups of the G77 or NAM. So does the Arab Group, especially for issues affecting the Middle East as a region or involving Israel. These groups, like the G77 and the NAM, seek to develop common positions and to have their current chairman make statements on behalf of the group. (In these sub-groups, the chairmanship often changes monthly in strict alphabetical rotation; for the G77 it rotates annually and for the NAM every two years.) As a matter of courtesy, such group statements are given precedence in the debate. This does not preclude any delegation from the group that wishes to make an individual national statement from doing so, although the convention is that they must in so doing associate themselves with the group statement – even when the purpose of their intervention is to distance themselves from some aspect of it.

Canada, Australia and New Zealand have had some success in operating as a sub-group (CANZ) within the West European and Others Group (WEOG) for electoral purposes and outside it for policy purposes on issues as varied as human rights and environment negotiations. A number of other countries question the legitimacy of this group of only three. Probably its longer-term credibility depends on its continuing to play the role it has hitherto, which was appreciated by most other countries (less so China whose policies on human rights, environmental responsibility and weapon non-proliferation tend to be at the opposite end of the spectrum).

Another sub-group that has had considerable influence in the past has been the Nordic Group, prominent advocates of 'progressive' policies on economic development issues, disarmament, human rights, the environment, etc. Its members were also more willing than most wealthy countries to see the international organisations take on large financial commitments, backing this with disproportionately large contributions to voluntary funding programmes. It remains to be seen how much vigour this group can retain with the drift in Sweden and Denmark towards more conservative policies and the integration of three of the five Nordics into the European Union (EU).

A long-standing, but steadily worsening, problem for the Western caucus has been the cuckoo in the nest, the sub-group that is the EU. The members of this group have long sought to coordinate their positions in multilateral conferences and since the Maastricht Treaty (1992) have been under a legal obligation to do so. The trouble is that they often find it very difficult to agree: there are 15 of them, which makes for a big committee. These delegations spend a tremendous amount of time negotiating amongst themselves, which leaves less time for the

Western Group as a whole to consult, and for others to try to find out what the EU position is and in particular to change it. Worse than that, they have had so much trouble agreeing that they are very reluctant to reopen the issue in negotiation with anyone else: their positions are more rigid. Worse still, because they are the product of difficult compromises in committees, the common EU positions tend to be bad positions that do not really reflect any country's position fully and may not be internally consistent or durable (these are characteristic weaknesses of committee-made decisions). And finally, to make matters even worse, these un-negotiated, rigid, bad positions have the automatic support not only of the 15 EU members but also the other West Europeans that are theoretically outside the EU but so beholden to it that they are in practice no longer independent (e.g. Norway and Switzerland), and the applicant states (numbering about 16) which are vying with each other to prove how supportive they are of whatever the EU has last said. Once upon a time, when I started in diplomacy, the Western Group had about 20 members: one giant and 19 of varying sizes. Australia had a fair chance of swaying such a body to our views. Today it effectively consists (for many purposes and exaggerating a little) of two giants and five lesser powers, including Australia: a much less attractive strategic situation.

Issue-specific groups

In addition to these many groups and sub-groups based on broad geographical or political affinities, there is an even larger category of groups of delegations which meet and work together to try to influence the course of some conferences. Examples that are cited elsewhere in this book, include:

- The Cairns Group, of representatives of countries (mainly exporters of agricultural products) that feared marginalisation in multilateral trade negotiations, where the United States, the European Union and Japan were dominant.
- The Association of Small Island (and low-lying coastal) States. This coalition represented, in the Climate Change negotiations, the interests of developing countries especially vulnerable to a rise in sea levels.
- The G10 (for Group of Ten – whose membership grew to 11) of middle–sized Western countries seeking to strengthen the nuclear non–proliferation regime

In addition to these well-established groups, which also meet in between sessions of the conferences to which they relate, many temporary

groups of delegations 'like-minded' on a specific issue are formed at particular conferences and dissolve when these finish.

Ambiguities of groups

As will be evident from the foregoing discussion, the distinction between electoral groups and political caucuses, while easy to make at the theoretical level is not consistently observed in the practice of delegations. Some groups such as the G77 are exclusively political in nature, others (the South East Asia and Pacific electoral group of the IAEA is one I have worked with) rigorously confine their agendas to electoral issues; I even recall a Western Group meeting which started as a political caucus, interrupted its work, asked some participants to leave and then resumed as a (WEOG) electoral group. Only the African and Latin American (and in New York, the Asian) Groups enjoy the simple and logical situation in which electoral constituencies meet to coordinate the political activity of their representatives.

Countries such as Egypt and Morocco are members of both the African Group and the Arab (sub) Group. Japan is a member of both the Asian Group (in which it is grouped for electoral purposes) and Western Group (for all but electoral purposes). This often places it in a difficult situation on issues, such as human rights, international security or economic matters, where Japan identifies much more closely with the other members of the West than with its fellow Asians with whom it none the less also caucuses. To balance this problematic equation, Japan usually 'refrains from blocking consensus' in the Asian Group, even when it disagrees strongly with proposed common positions. In such cases, Japan does not feel bound by the common Asian Group position and weathers the recriminations of Western Group members which would have liked Japan to prevent the Asian Group from adopting it.

As soon as they threw off the shackles of Communism, the East European countries wanted desperately to join the Western Group (partly because they identified with the democracies, partly because they wanted to get away from the old Soviet-dominated East European Group). While it rapidly became an irresistible fact that more and more of the East Europeans were genuinely like-minded with the WEOG on such issues as human rights and free market economics, they were not wanted in the electoral group – because that would dilute the electoral prospects of all current members. The solution was to admit them as observers in Western Group policy meetings: as such meetings do not vote, observers potentially have as much influence as full members.

Tensions over groups

The transformation of the members of the East European Group into *de facto* Westerners leads many in the other groups to argue that they no longer should have a separate electoral constituency. There is considerable logic in this; but for the WEOG and the Eastern Europeans it would mean a great reduction in representation on elected bodies and thus a loss of power – just when the power of the West has been tripled by the loss of an enemy and the gain of an ally. No solution to this problem is in sight.

Other Groups also have their sources of tension: I have mentioned the growing difficulty of keeping cohesion within the G77. This was exemplified by the formation of the Association of Small Island States in the Climate Change negotiations where the interests of different groups of developing countries diverged sharply.

The African Group has a grievance in many organisations because of under-representation, the number of countries in that region having grown fastest since the geographical balance formulae of various bodies were first worked out. The reluctance of the other Groups to redress the apparent injustice is not admirable but hardly surprising: it would have to be at their expense.

Israel's situation in relation to regional groups is problematic. The other members of the various Middle Eastern groups will not allow it to join their caucuses (which often focus on developing common action against Israel), leaving Israel outside the group system and consequently never a group-endorsed candidate for electoral office – and therefore never elected. Ultimately, in the late 1990s, Israel tried to join the Western Group. The United States felt obliged to support the application but other members of the group evaded a positive response. However much they sympathise with the Israeli predicament, they have many reasons not to want it in WEOG or the Western caucus. In the first place, this would institutionalise Israel in the status of an alien interloper in its region (as Israel's enemies have tried to do since 1947) and thus be highly inimical to most countries' vision of a future peaceful order in the Middle East. Perhaps even more persuasive is their wish not to reinforce Arab and wider perceptions that the West is complicit in Israel's behaviour towards its neighbours. Moreover, their interest in productive outcomes to multilateral conferences of all kinds leads them to want to maintain a certain distance, so as to be in a position to mediate the Israeli–Arab disputes which habitually plague such meetings. And they dread the prospect of having Western Group caucus meetings dominated by assertive Israeli attempts to involve the group in their

frequent confrontations with Arab and other delegations. This issue is not likely to go away until such time as Israel and its neighbours achieve a more constructive relationship.

The value of political groups

Each of these groups and sub-groups is itself a multilateral conference, with the organisational characteristics, decision-making processes and operational challenges discussed in the following chapters. They absorb a great deal of time and other delegation resources. The question therefore arises as to whether all this effort is justified. I was always glad that Australia did not routinely join in group statements: they can take a long time to negotiate, and if the issues are divisive within the group, the product of that labour can be a very thin statement which does little to advance the meeting. Indeed, a poor-quality group statement, its vagueness of language and perhaps its failure to address some aspects of the matter at issue, are pointers to the listening delegations from other groups as to the topics and extent of the divisions within the group. In negotiations it is rarely smart to expose your weaknesses. For large groups like the G77 or the African group, mostly with small delegations which cannot afford the time to participate in the elaboration of the group statement, there is a major task of clearing the proposed statement with all members of the group. You will occasionally see the results of failure in this respect: a delegate from the group (if irritated enough) may totally undercut the effect of the statement and the standing of the group spokesperson by taking the floor to say: 'the statement just delivered on behalf of the X group does not represent the views of all members of that group'.

As previously noted, group positions suffer from all the weaknesses of committee-generated documents. Far too often they are not even 'genuine' committee products: instead of representing a balanced amalgam of the views of all participants they tend to overweight the concerns of a small number of dominant delegations, so that the positions of many individual delegations are under-represented, if not misrepresented. Blindly supporting group positions is far less demanding than developing and advancing one's own position: group positions can be a refuge for lazy delegates and for poltroons.

Although generally sceptical about the value of permanent groups, I have to recognise two facts, one practical, the other emotional. Practically, there are quite a number of issues on which the group system can serve as an efficient means of consulting and especially imparting information: they are often effective information gathering

and disseminating mechanisms. The Western Group is invaluable in this regard. The emotional point is that, for all the divisions and animosities within groups, there is none the less a tendency of delegations to identify with them. This is reinforced by the common Spanish language and cultural similarities of the Latin Americans (Brazilian diplomats can all speak Spanish) and, in the case of the sub-Saharan Africans, by a strong sense of solidarity. I must also concede that if you can find a genuinely 'like-minded' group (for an Australian, CANZ, SOPAC, the Geneva Group and the Cairns Group[9] spring to mind as often meeting that criterion), a group statement can be very effective and gain rather than lose from the input of several authors. Provided its content is significant, a group statement caries more weight than that of a single delegation. And however deficient a group statement may be, it takes up less conference time than would a string of individual statements.

Other participants

This chapter has inevitably focused on the principal *dramatis personae*, the delegates; but other categories of people are also present at multilateral conferences and can play a role in determining its outcome. The most important of these are the members of the conference secretariat (see next chapter). Others are all those who while not formally accredited observers are also closely following the conference and at times trying to influence the behaviour of delegates. These include representatives of the media, unaccredited Non Government Organisations and sometimes academics and students. Finally, there can also be casual spectators and camp followers, trying to sell goods and services to the delegates or to feed on their status.

8
The Format of Multilateral Conferences

This chapter is about the minutiae of how multilateral conferences are organised and work. Many of these may seem mundane in the extreme and devoid of interest but their importance can hardly be exaggerated. For multilateral diplomats, this is the medium in which they must operate: it is both their working environment and part of their tools of trade. The analogy which springs to mind is that of a fish: it must adapt to the pressure, density, salinity and temperature of the water; to move it must both overcome the resistance of water and use it as a means of propelling itself; to communicate it must both exploit the ability of water to transmit sound and light and accommodate itself to the limitations thereof. Every aspect of the process of a conference influences its outcome and most of them can be exploited or manipulated to serve one's own purposes.

Whatever their mandate or intended function and whatever their scale, there is a basic similarity in the format of all multilateral conferences. In addition to that which is innate to all such assemblies and in addition to the general historical traditions, important rules were adopted and precedents set by the Congress of Vienna following the Napoleonic wars. Increasingly, the forms, rules and manners of the United Nations General Assembly are the standard of reference for most multilateral conferences. The essentials are: a number of delegates assembling with the ostensible purpose of carrying out the mandate of their meeting and, for at least part of the time, sitting around a table. When they are so seated, participants must be able to speak so as to be heard by the whole room. To ensure that they do not speak over each other, and generally to ensure that the meeting can proceed in an orderly fashion, they should conform to a set of rules: the Rules of Procedure of that conference. Every meeting also needs a presiding

officer, to see that the mandate is executed and to generally manage the meeting. And finally, most conferences take collective decisions, sometimes by voting.

Secretariat

Every conference has a Secretary. The Secretary plus assistants is called the Conference Secretariat. The secretariat of a conference is usually supplied by the secretariat of an international organisation. Ostensibly purely a provider of support services, a conference secretariat can have a considerable role in determining the outcome of the conference. It will in practice prepare most of the conference documentation and draft the report. The conference Secretary sits on the podium besides the presiding officer, available to advise him or her on the availability of support services and on procedure. For a major conference a competent secretariat will prepare a scenario for the presiding officer, including suggestions as to what to say at each moment as the conference unfolds. It should include a list of the points he should make sure are covered in the conferences' decision(s) and can suggest words to articulate those decisions. The scope which this provides to influence the outcome of the conference is obvious (especially if the presiding officer fails to check whether the scenario offered by the secretariat conforms to the wishes of delegates). It is also evident that as a conference participant you need to be on good terms with the secretariat, that they are an invaluable source of information and that you may be able to have an indirect influence on the outcome of the conference by influencing the actions of the secretariat. At the very least, you have a major interest in keeping them informed of everything that it is helpful to your delegation for them to know and in monitoring their performance.

Structure

Many multilateral conferences have multiple chambers. A large conference might typically have a Drafting Committee, a Credentials Committee and several committees to cover different parts of its agenda. The UN General Assembly has six (main) committees (see Box 8.1). The old parlance of 'Ad hoc committees' survives in some bodies (notably the Conference on Disarmament) to designate committees formed for specific purposes as the need arises. The conference, or one of its committees, can commission a 'working group' or 'expert group' to address a particular question (see Chapter 6). All these are 'subsidiary bodies'.

Box 8.1 The main committees of UNGA

First:	Disarmament and International Security Committee
Second:	Economic and Financial Committee
Third:	Social, Humanitarian and Cultural Committee
Fourth:	Special Political and Decolonisation Committee
Fifth:	Administrative and Budget Committee
Sixth:	Legal Committee

The composition of a committee, working group or other subsidiary body can be 'open ended' or (numerically) 'restricted'. If restricted, its members will be elected or appointed (usually by the conference president) after extensive consultation. In most cases the choice is between the countries to be represented, and only rarely between nominated individuals – but in many cases a country will be elected or selected in function of the individual(s) they are expected to field. For an expert group, the nominations may be, at least ostensibly, personal.

Each subsidiary body will report to the conference or committee which created and mandated it. The full conference, when it meets as such, is known as 'the Plenary'. The Plenary is the supreme body and the only one with formal decision-making power. It is not formally bound by decisions of its own committees or other subsidiary bodies: they do nothing more than report and sometimes make recommendations to the Plenary. Some conferences have a 'Committee of the Whole' (abbreviated as CoW), which also reports to the Plenary, to formally separate the negotiating forum from the decision-making. Thus most issues are pronounced on twice: once in the committee where they are originally discussed and then, after that committee reports to the Plenary, by the Plenary itself. Very rarely, the decision of the Plenary will differ from the committee's recommendation.

In addition to the committees, expert groups, working groups, etc. it may spawn, a major multilateral conference will also have a number of unofficial offshoots such as a major contributors group which meets regularly to coordinate their positions on financial management issues, a ginger group, trying to produce some particular outcome (e.g. the G11 which drafted texts for adoption by the Law of the Sea Conference) or an NGO-convened 'consultative body' that tries to get discussion going beyond the ruts it has settled into in the formal meetings. Each of these will have its own distinctive mandate, composition and rules. The

various 'geographical' groups described in the previous chapter also hold meetings which are, in fact, separate multilateral conferences within but not formally part of the main conference.

Conference rooms

One of the fundamental rules of multilateral conferences is the absolute equality of formal treatment of all sovereign states and consequently of their delegations. All conference rooms provide for delegations to sit at a table or desk, in strict equality, like the knights at King Arthur's Round Table. Except at the smallest and most informal of meetings, each delegation has a pre-assigned portion of the table – usually with a nameplate identifying the delegation, set in a holder on the table.

As well as its assigned portion of a table, each delegation has a number of seats, some at the table, others in one or several rows behind those. There are also often spare seats along the walls of the room, and sometimes other seating areas for other categories of participants (see Chapter 8), the media and/or the public.

The table of the Security Council is ring-shaped and about 18m in diameter, but with many multilateral conferences catering for over 190 national delegations and thus at times a total participation that can be in the thousands, the main rooms are auditoria, with long tables disposed in rows or semicircles. In the Palais des Nations in Geneva, some of the committee rooms have tables disposed in columns. In large conference rooms there will be a large desk on a raised podium for the presiding officer and other bureau members (see below); sometimes also a rostrum for speakers to address the assembly. These face the desks at which delegations sit, collectively referred to as 'the floor' of the conference. All but the smallest conference rooms are equipped with loudspeaker systems and the seats on the podium and the main seat of each delegation each have a microphone. These are set up to allow the delegates to address the presiding officer and vice versa, and for all present to hear the exchange.

Where observer delegations are present, their seats come after those of full members and in turn may be sub-divided hierarchically between observers from member countries, observers from non-member countries, (in the past, observers from national liberation movements), observers from international organisations and observers from non-government organisations. And then there is the special case of Palestine, recognised as a state by most countries but not by a decisive minority. As part of a complex compromise, in UN bodies it is seated as an observer after the

observers from non-member countries but before the non-nation-state representatives, with studied silence as to whether or not its delegation represents a state.

At all conferences and, where applicable, in each successive category of delegations, the order of seating is alphabetical by country name (in most cases in English but sometimes in another official language of the conference – see below). Thus throughout the Cold War the delegations of the United States of America sat cheek-by-jowl with those of the Union of Soviet Socialist Republics, as did Iran and Iraq throughout their bitter war. For most new conferences or subsidiary bodies, the alphabet starts at 'A' (which puts Australia in the advantageous position of near the middle of the front row). For other major conferences, the alphabet starts with the country which provides the conference chair. Others, like the Conference on Disarmament, rotate the seating annually. Yet other conferences draw lots to decide which country is to occupy the first seat (front row, far right, as seen by the presiding officer).

Strict equality dictates that each delegation must have the same number of seats – but of course they do not all have the same needs. Kyrgyzstan or Nauru, if it shows up at all, will probably send only one or two delegates, but Chinese and American delegates only exist in large contingents. There is often a shortage of seats, as the number of independent states expands and their participation in multilateral activity intensifies. In fact, most conference rooms are too small – a portion of the participants often have to stand. In a large conference room with multiple rows of seats behind the tables, if the delegation adjoining yours has several spare seats they probably won't mind your using one or two, particularly in the back row; but ask them politely and respect their right to privacy in their conversations, note-taking, etc. When a meeting is to be held in a small crowded conference room without pre-assigned seats, a prudent delegation will send a junior officer well in advance to 'squat' in a good position. This is a hierarchical society: when the seating is limited, delegation leaders expect to be given priority; but also realistic: the United States and China (among others) have to be at the table, whatever the rank of their representative.

Documentation

Apart from a place to sit (or stand), the most vital need is documentation. At the UN in New York, and at some other major conferences, there will be a Journal, which appears each morning and sets out which committee is meeting at what time and in which room.

Other documents available from the conference secretariat will include:

- a list of participants (a basic resource since these are the people you have to bring to agreement)
- draft agendas
- documents for each agenda item providing background to the issue
- draft resolutions (see below)
- reports of previous meetings or subsidiary bodies
- texts of speeches
- etc.

Each conference will have its own document numbering system, with which you will have to be familiar. They follow a general pattern, indicating by letters the name of the body (e.g. GOV for the IAEA Board of Governors, GC for its General Conference), the session (usually in roman numerals) and a serial number. At UNGA, draft resolutions are numbered L1, L2, etc. If an error is detected in a document it can be reissued with its same number followed by Corr1, Corr2, etc. If a document is reissued in amended form for a substantive reason, it can be numbered Rev1, Rev2, etc. Speeches are not numbered and do not constitute part of the formal documentation of the conference but summary transcripts of the debate do.

The distribution of conference documents is a significant logistic task for the conference secretariat. At major conferences, they will hand-deliver a copy of each official conference document to each delegation seat as soon as it appears. There will also be a desk from which they can distribute additional copies of all conference documents on demand. They may also hand-deliver copies of General Debate (see below) statements (especially at large conferences where the alternative is a disruptive massive scrum of delegates seeking these texts) but the rule is that they only distribute conference documents. Indeed, at most conferences the distribution in the conference room of documents other than official conference documents is prohibited. Like all rules, this one too can be broken. At the 1992 Commission on Human Rights, a glossy pamphlet advocating the cause of East Timor's independence appeared on all delegation desks. At the Food and Agriculture Organization's annual conference in 1993, Australian, Pakistani and Cote d'Ivoire delegates distributing electoral propaganda for their rival candidates for election as Director General, joined forces to confront security guards trying to stop them – and to accuse the guards of acting in the interest of a secretariat member who was also a candidate.

When a delegation does not occupy its desk, its copies of the conference documents accumulate there. When another delegate urgently needs a copy of such a document, the temptation of theft must arise: especially if it appears that the absent delegation will miss the whole conference.

Language

The Congress of Vienna and many subsequent meetings were automatically conducted in French, then the unchallenged diplomatic language. Today each conference (and each international organisation) has one or more official languages. For the UN these are English, French, Spanish, Russian, Arabic and Chinese. This expensive profusion began when the Latin Americans successfully insisted in the League of Nations that Spanish have equal status with English and French, on the grounds that there were more nations with Spanish as their official tongue than either of those two. At the creation of the UN, the touchy Soviets and Nationalist Chinese insisted on their languages having equal standing (language as nationalist symbol ahead of its role as means of communication). Some years later, the Arabs demanded the same, and on the basic of the Latin American argument they had a better case than these two great powers. Today it visibly rankles with the Germans that their 'great language' does not receive the same recognition (and they are wealthy enough to provide their own interpretation service and allowed to do so at a number of conferences). In the conferences of the European Union, the principle of equality has been taken to more extravagant heights: every national language of a member state is an official language (except that the Irish, to their eternal glory, did not insist on Gaelic Irish being given this status).

All formal documents and reports are produced in all the official languages. Where there is more than one official language, all plenary meetings and many lesser ones have simultaneous interpretation. Each seat in a properly equipped conference hall has a set of earphones and a dial allowing one of the official languages to be selected. Teams of interpreters sit in booths overlooking the conference room and give a running oral translation of all interventions. (For example, the English-French interpreter listens to a statement being made in English and simultaneously says the same thing as the speaker; but in French. A colleague is on standby, waiting for the next speaker who will address the conference in Spanish. The first rule of interpretation is always interpret into your native tongue; but many of these professionals can take 'input' in several different languages. They can also 'cheat': if an

interpreter from, say, Chinese into Arabic, is not available, the English to Arabic interpreter can listen to the interpretation of the Chinese statement into English and interpret that.)

Simultaneous interpretation is a high-level skill, deservedly well paid. It is also draining work: the interpreters have to work in relays, spelling each other every 20 minutes or so. There is a whole corps of professional interpreters, many of them freelancers, who work on contract for the planned duration of particular conferences. The requirement for simultaneous interpretation is a major limiting factor on how multilateral conferences work and on what can be achieved at any given moment. Thus it is in considerable measure the need to provide for interpretation services that dictate the formal working hours of multilateral conferences. The interpretation teams usually work two three-hour shifts, 10:00 to 13:00, 15:00 to 18:00.[1] Night sessions, if required, must be scheduled well in advance so that the interpreters can be booked. There comes a time in almost every conference when the debate is not finished but the interpreters' shift finishes. Chairmen will then ask the interpreters for a few more minutes, to allow one particular matter to be resolved; or, if that would require more time than the interpreters are willing to donate, they will say 'we now have two alternatives: we can continue without interpretation, or postpone further debate until our next scheduled meeting, tomorrow at 10'.

There is frequently a delicate point, and at times heated argument, over whether interpretation will be provided for this or that committee or group or whether a text (be it a whole document or a single sentence) can be debated before it is available in all official languages. In some cases, this is because delegations carry specific instructions on such matters: the French, for instance, are under standing orders to demand (but not insist on) interpretation and the availability of documents in French. National pride can be offended – especially, it seems, that of Spanish speakers – and several delegations have genuine practical difficulties. But the Chinese, Arabs and Russians usually refrain from causing delays over such matters; as do the French, once they have made their point. However, issues of the availability of interpretation or translation, precisely because they are extraneous and ostensibly apolitical, offer great opportunities to vent personal ill-humour or to deliberately obstruct the work of the conference.

When interpretation is not provided, the expectation is that oral interventions or distributed texts will be in either English or French. Many Europeans (not only fellow Latins but many Greeks, Poles, even some Germans and others) prefer to express themselves in French; but,

with each passing year, less and less French is used. As I once said from the chair: delegates are free to use whichever official language they choose; but if they want to be understood by all, they will have to speak English. Offensive as this remark was to some, it is the truth. Critically, many senior American officials do not understand French. In practice, the other four UN languages are used only when interpretation is available and then mainly for formal statements.

But a multilateral diplomat is significantly more effective if comfortable with French and preferably Spanish as well. The reason is that, good as the interpretation service is, it is never perfect. The interpreter attempts to convey not only the sense but also something of the tone of the speaker; but for effective listening this can fall short of the original and on occasion that difference can be critical. Likewise, if you know a language well, a document in the original conveys more than any translation. As the Italian proverb[2] says: 'to translate is to betray'. I greatly admire the Chinese delegates who routinely (in formal meetings) deliver their statements in Chinese while listening to the English interpretation and at times pausing to correct it. This can be necessary, because the general standard of interpretation from Chinese is not reliably high and up to the 1980s most Chinese language interpreters were recruited from Taiwan and other Chinese communities inimical to the representatives of Beijing.

In general, however, the work takes place mainly in English, and most texts, although they may at times be originally drafted in one of the other languages, will ultimately be negotiated in English. Ah, but which English? By UN tradition, the spelling is American but the British delegation is looked to as the final authority on syntax or meaning. However, of the many delegates who apply themselves to textual negotiation, some have different home versions of English. At the landmines negotiation in May 1996, the Indian delegate proposed 'in the lights of the reports received'. I said that although I knew there were far more English-speakers in India than in Australia, I would nonetheless mention that in the South Pacific version of English that would be 'in the light of the reports'. The Chairman asked the British to adjudicate and the text was settled as 'light'; but when he saw the text, the Pakistani, who had not been present at the earlier exchange, asked 'shouldn't that be "lights"? And later the Sri Lankan came in and raised the same point. Delegates from countries where English is not in widespread daily use, sometimes have far more exotic ideas of what is correct or even meaningful English. You launch with some trepidation on linguistic niceties, lest in so doing you unravel an emerging agreement, or irritate the

proponent and reduce the chances of their accepting the words you will propose.[3] Indeed, you often let pass words and constructions that are far from Standard English.[4] As a British delegate once said: the time is fast approaching when we will no longer own the language.

It is certainly a major advantage to be a native English speaker and, conversely, a delegate who is not fluent in English is seriously disadvantaged. (Many Italians and Japanese are still in this situation; the Francophone Africans, once ill-equipped in this respect, are now mostly quite at ease.) But remember that whatever you say in an international meeting, many of the people you are trying to influence will hear it filtered through an interpreter. If you are trying to achieve communication, think about the consequences: don't speak too fast, avoid unusual words, remember that puns don't translate and culture-specific allusions will probably fall on deaf ears. Sadly, Australianisms and humour are plain dangerous . . . Conversely Shakespeare and the Bible are familiar to most educated people; formulations from these sources will usually be well translated and understood. If you have time, it pays to get a text of what you are intending to say to the interpreters before you speak: this improves their chances of interpreting you correctly.

Working methods

The successive stages of a typical conference are stereotyped and proceed as follows.

Registration

As noted in Chapter 7, all delegates must identify themselves and be registered before they can participate in a conference. They must present themselves, equipped with their passports (to establish their identity) and often a formal document from their government or other sending authority, naming them as a member of its delegation. The secretariat may check these against a list of expected participants. For less formal meetings and whenever there is little concern about possible imposters, the participants just fill out a simple form. Once registered, the participant can be issued with a pass, often in the form of a name-tag, sometimes including an identity photograph. This pass is important for identifying the participants to each other and for controlling access to meeting rooms. For major conferences, you can usually register a day or two before the formal opening of the meeting (often on Saturday and Sunday preceding a Monday start); this is also an opportunity to reconnoitre the venue. If you put off registration until the morning of the conference

you will spend a lot of time queuing instead of doing productive things such as talking to other delegates.

At some big conferences in places ill-equipped for such events, the practical problems of transport, communications, reproduction of documents, etc. can absorb so much of delegates' time as to seriously impact on their ability to get through their work. The Rio Conference on the environment was perhaps the archetype for a conference venue whose facilities were overwhelmed by the volume of the conference and where essential support services were scarce. At the other extreme, in UN headquarters such as New York, Geneva and Vienna, everything is at hand; but when you are new, you still have to find it.

Conference officers

Every conference, committee or working group has a presiding officer, whom I shall refer to as its chairman. In practice, the chairman of a major conference is usually given the title 'President'. The presiding officer of a committee is usually called 'chairman', and a Working Group could have a 'chairman' or a 'convenor'. As for gender, I would address a Female chairman as 'madam chairman', but some say 'madam chair' – which intrigues some non-native English speakers – and some say 'chairman'. As a further twist on these linguistic curiosities, in French and Spanish, and I think Arabic, there is only one word for both President and Chairman.

The President of a large conference heads a Bureau consisting of a number of Vice Presidents, and a Rapporteur (see below). The chairmen of the main committees of a conference are also ex officio members of its bureau. Collectively, the bureau serves as a management committee for the conference. The members of the bureau (and chairmen of working groups, etc.) are generally elected by the conference as one of its first acts. There are two main exceptions to this rule. Some bodies (the Security Council, the Conference on Disarmament and New York's WEOG spring to mind) have a chairmanship which rotates monthly in the alphabetical order of the country names. The other main exception is that where a country convenes a conference, either a one-off or the start of a new series of conferences, it also gets to preside. Thus the President of Brazil was the President of the Rio Conference on the Environment and Development, and Australia always provides the chairman of the Australia Group.

As will be more fully elaborated in Chapter 13, presiding officers carry heavy responsibilities and a considerable workload and inevitably leave their personal mark, good or bad, on the conference and its outcome.

By inadequate effort or skill they can allow a project to fail; conversely, if they give satisfaction they can earn considerable personal kudos and they are invariably the recipients of much flattery. So the position of presiding officer can be highly satisfying from a number of points of view: personal vanity, professional reputation, and/or concrete achievement, all of which rubs off in some measure on your nation's standing and ultimately ability to exert influence.

The importance of the personal role of presiding officers means that they are, often (but less often that they should be), selected more on the basis of their personal abilities (real or conjectured) than purely on the basis of their nation's claim to 'its turn' or of some political consideration. It helps, however, if your nation has a reputation for producing presiding officers who get results, are seen as impartial, and whose government is thought to be committed to a successful outcome to the conference, etc. In other words, it helps a lot to be Australian, Canadian or Scandinavian. There is an almost universally applied convention that the P5 (permanent members of the Security Council) should not chair multilateral conferences (some exceptions are meetings that follow a strict alphabetical rotation, European regional meetings and the Geneva Group).

The burdens and joys of vice-presidents and vice-chairmen are much less, although these positions also carry considerable prestige. They substitute for the presiding officer in his or her role as moderator of the plenary when he is called away from the chair and they participate in the meetings of the bureau which operates as a steering committee, addressing mainly the procedural issues of the conference, pre-cooking decisions as to the ordering of its work, etc. (At a very large conference the members of the bureau, plus other elected delegates, make up a General Committee to fulfil this function.) Although the degree to which the bureau is a significant determinant of the outcome of conferences varies enormously, the potential is there, and there is a firmly entrenched convention that conference bureaus must be 'geographically balanced' (As explained in Chapter 7, this term relates to the representation of 'groups'.)

As will be further explained in Chapter 9, the bureau of a conference also usually includes a rapporteur. As the name implies, this person is supposed to take responsibility for the report of the conference. As this involves, at least notionally, somewhat less prestigious work than that of the president and vice-presidents, it is often filled by an individual of lower diplomatic rank than those positions. Smaller Working Groups charged with drafting less than major international documents can

have a 'Chairman Rapporteur' who both directs the work of the WG and is responsible for its product and for formally submitting it to the conference for adoption. (I was for three years Chairman Rapporteur of a Working Group of the Commission on Human Rights.)

There can also be a number of conference functionaries who are informally appointed by the presiding officer to act as his delegate in relation to one particular point or set of issues; i.e. to accept responsibility for achieving agreement on them. Often a vice-president will be asked to play this role, but since his prospects of success depend very much on the personal acceptability and capacity of the individual, presiding officers like to exercise a wider freedom of choice. The selected individual is then known as the 'Friend of the Chair'. A major conference may have several Friends of the Chair active concurrently. Although this is ostensibly a purely pragmatic, informal arrangement, the role of Friend of the Chair can be a source of influence on the conference outcome and even a source of personal prestige. In such cases, the chair's freedom in selecting his friends can be constrained by demands from the conference membership. The extreme in my experience was the CD's negotiations on the Comprehensive (nuclear) Test Ban Treaty where the position of 'Friend of the Chair' (FOC) became highly institutionalised, with one FOC in charge of conducting negotiation on each parcel of issues, and on the number of FOCs and their selection, notably so as to maintain the accepted balance amongst the various groups, itself the subject of consultation by the conference chair and at least tacit agreement among the leading participants. This is the proper use of the term 'Friend of the Chair', but I have also participated in conferences where it was used in a quite different sense: that of delegates whom the presiding officer chose to consult informally on one or more issues, i.e. a member of an informally appointed consultative committee.

Agenda

As soon as a conference has elected its bureau it will proceed to settle its agenda (i.e. its programme of work). Usually a draft, prepared by the secretariat, will have been circulated well in advance. Most conferences have rules about how items can be proposed for inclusion in the draft agenda (see Chapter 7), but ultimately each conference makes its own decision as to what to include (at times overruling some members' reservations about whether some of the proposed agenda items are within the conference's mandate.) The conference will then address the items in the order in which they appear on the agenda, unless the conference decides otherwise.

All this may appear incredibly straightforward and mundane, and usually it is. But 'process' is important: the substantive outcome of a conference can be determined by such issues as what is on the agenda and what is left off, how an agenda item is worded, when an agenda item is taken up for discussion or decision, etc. Multilateral diplomats spend much time on their own or some other delegation's attempts to affect the outcome of meetings indirectly by seeking to influence such matters. At the most elementary level, few conferences have an 'any other business' item, so if an item is left off the agenda, it will simply not be dealt with by the conference. If an item is decided early, the conference decision may be different from what it could have been if more time had been allowed for negotiation. If an item is left till the end of the agenda, the conference may run out of time before it reaches it. And so on.

The General Debate

Most conferences start with what is called a General Debate in which each delegation has the opportunity to make one statement, usually limited as to time. These statements will usually have been carefully prepared in capitals before the conference convenes and will be delivered from the rostrum of the conference by the delegation leader. A written text, which may be fuller than the text actually delivered orally, will often be available. As a junior delegation member, you will be detailed to cover the General Debate for an hour or two at a time. You will be required to make notes of what the speakers say and to collect the hard-copy text of interventions, for later closer study by the delegation and/or at headquarters. At UNGA, the General Assembly of the United Nations, the extravagant courtesy has become established routine, of going up to speakers after they have delivered their General Debate statement to congratulate them: delegates queue to shake their hand. Although this mundane task of monitoring the General Debate is a necessary one, it only requires one person: the other members of your delegation will have other things to do. The same is true of most other delegations: there are relatively few people in the room, except in so far as this or that delegation has chosen to make a display of the importance it attaches to some other country's General Debate statement by sending a senior officer, maybe the delegation leader, to listen to it. It is also polite for all delegation members to be present when their own delegation leader is making the General Debate statement: their seating will be crowded in an otherwise largely deserted hall.

This succession of set-piece statements, which do not respond to each other, is unlike a real debate. The only manoeuvring can be in relation

to the slots on the speakers' list: i.e. getting for your delegate the opportunity to speak when he or she wishes, in function of other commitments, the time of news broadcasts at home, etc. You do have a right of reply, which is expected to be exercised only if a delegation feels misrepresented or affronted by the statement of another. Such replies are made at the end of the General Debate, after all the set-piece statements. Usually the right of reply is strictly limited as to time; and as one delegation's statement-in-reply can give offence to another, which could lead to an interminable acrimonious exchange, the number of times the right may be used is usually limited to two per delegation. But that is as close as a 'General Debate' usually gets to what is normally understood by the word 'debate': the confrontation of opposing positions and arguments, in the format, at least, of a mutual attempt at persuasion by eloquence, logic and emotion. That – i.e. the real debate – comes in the committees or when the plenary itself moves towards decision on specific issues.

The real debate

The real debate is more directly focused on the conference reaching one or more decisions. On each particular agenda item there usually is first a general discussion, gradually zeroing in on the specifics of a text: a draft resolution (see Chapter 9), a proposed treaty text or whatever. The general discussion might start with something like the formal statements in the general debate, one speaker after another (now speaking from their respective seats) making a statement of his or her government's approach to the issue. These statements might prompt other delegations to react, expressing agreement or refutation, seeking to persuade or offering a middle road. This debate can merge into negotiation (which is the subject of Chapter 11).

All 'interventions' (i.e. the statements that delegates make when they 'intervene' in the debate) are addressed to the chair and no delegate may 'take the floor' (i.e. speak so as to be heard by all) other than at the invitation of the chair. Their microphone is not switched on until the chairman 'gives them the floor'. Delegations can ask for the floor either by approaching the Secretary, who helps the chair keep a list of speakers, or, once the debate is under way, by catching his eye or that of the chairman. You can signal a wish for the floor by fixing your nameplate in a vertical position. In a large conference room, delegates may have to wave their nameplate vigorously to attract the chairman's attention. The convention is that the floor is given to delegations in the order in which their request is received by the chair. Of course, a competent

chair will at times, in search for agreement, have to depart from the convention, in most cases without drawing attention to the fact that he is doing so. He may, for instance, sense that one delegation's next intervention will be helpful or unhelpful, and see advantage in either letting that delegation speak first or, contrariwise, delaying its opportunity to speak until the sensitive moment is past. A delegate who feels, or pretends to believe, that he is being deliberately and unfairly overlooked by the chairman may try to earn sympathy by the ritual phrase 'Mr Chairman, I had been seeking the floor for some time; but I think you were unable to see me.'

This system of debating results in delegates having to wait their turn to speak and allows professional participants to develop at least two skills.

One is that of exploiting the fact that you do not (usually) have to reply immediately to a remark by another delegation. In most circumstances, it is best to let some time pass. At the very least that gives you more time to plan your riposte. And you might be lucky in that some other delegation may in the meantime say something helpful to your position. You might even have time to arrange for that to happen. Someone else may even demolish the point advanced by your opponent, leaving you with the choice of kicking your opponent while he is down, or keeping your powder dry for another occasion (usually the best move).

The other skill is this: it is always delicate in a debate to time your intervention for best effect. In this kind of debate, you also have to judge when you will actually get the floor if you ask for it now, and what stage the debate and that intangible, 'the sense of the meeting', will have reached by then. Sometimes, for instance, it might be a defensive move: if you see China seeking the floor in a disarmament debate (where you can be fairly sure that anything China says will be the diametric opposite of what your country wants) you might try for a speaking slot two or three later, to be in a position to put the contrary argument to whatever they are going to say. Alternatively, when the debate is really intense, you are heavily engaged and many delegations are vying to speak, you might seek the floor at intervals on a speculative basis, just to make sure you will have the opportunity to intervene if you judge it necessary when your turn comes up. When called by the chair, you can always decline to take the floor.

Points of order

As in a parliamentary debate, the Rules of Procedure of multilateral conferences do allow you to speak out of turn or even to interrupt the

chair in one situation: if you invoke a point of order. At its origin, the right to demand the floor immediately, on a point of order, was meant to protect delegations against their rights being overlooked (e.g.: 'Mr Chairman you have said we will now pass on to the next agenda item; but I have not yet had an opportunity to express my government's views'). It is also, however, widely accepted that a point of order can be called on any procedural question relating to the conduct of the meeting. There is a customary way of signalling to the chair that you are not simply seeking a turn on the speakers' list but demanding the floor immediately on a point of order: you make a T with your delegation nameplate. You will then be given the floor ahead of any other claimant.

It is firmly expected that interventions on points of order will be brief and purely procedural in content. This does not prevent the more unrestrained delegates from attempting to abuse the system and getting away with it if the chairman is inexperienced in that role. This can involve making substantive statements in the guise of a point of order or using points of order to use up time, muddy the issue, sour the atmosphere, etc., depending on your objective. Although such behaviour is considered very bad form, and would be out of character for a delegation such as Australia's, I recall one occasion in the early Climate Change negotiations when, under the chairmanship of a distinguished elderly meteorologist unaccustomed to such conferences, a whole afternoon's debate was conducted in the guise of points of order. Needless to say, I joined in the charade, as this was the only way to pursue our objectives.

Corridor activity

The foregoing describes what happens in the main conference rooms: it is a highly ordered and usually decorous process, resembling in many ways a ritual. It is the formal manifestation of the conference but it is not the totality of the conference. Another element is at least as important: the multitude of informal conversations that take place between delegates in twos and threes and larger groups, at their seats or in the aisles of the main conference rooms, outside the conference room in the ample open spaces provided for that purpose, in small backrooms, in the coffee rooms and cafeterias of the conference venue, in the offices of the resident missions, or in the bars and restaurants of the surrounding city. The received term is to say 'in the corridors' of the conference. This is the hidden bulk of the iceberg that is the conference; this is where the majority of information is exchanged, where the pros and cons of proposals are debated in the greatest detail, where the bulk of mutual persuasion and negotiation takes place, where the deals are struck and,

to a large extent, where the outcome of the conference is determined. Although conference decisions can only be consecrated in the formal sessions (in ways that will be described in the next two chapters) and what happens in formal sessions can contribute to shaping the conference outcome, one often senses that the most important function of the formal conference proceedings is to provide an occasion for the mass of informal exchanges 'in the corridors'. It may seem paradoxical that this crucial segment of the multilateral process consists predominantly of bilateral conversations (although there are also many exchanges of threesomes and larger groups). But this is just a consequence of the fact that however large the number of delegations participating in a multilateral conference that number is simply the sum of all the individual delegations present. It is also noteworthy that whereas whatever happens in the formal proceedings is inevitably exposed for all delegations to witness, corridor exchanges are, by their very nature, private.

Participating in the formal proceedings, as we have noted above, requires relatively few people, but some delegations are so small as to be overwhelmingly occupied thereby. The others will deploy the bulk of their resources, both their manpower and the time of their delegation leaders, to working 'the corridors'. The content of this work, the way conferences make decisions, and how individual delegations may seek to shape the outcome of a conference are the subject of subsequent chapters of this book.

9
The Products of Multilateral Conferences

As we saw in Chapter 6, multilateral conferences can have a wide range of formal purposes. Some conferences do little more than slake a political need to at least appear to be doing something about a particular problem. Often, the most important result of a conference is the exchange of information that takes place there and the effect that has on the subsequent activities of individuals and governments. Often, conferences contribute to the elaboration or maintenance of international standards and regimes, which also affect the behaviour of governments and individuals. At times, they have other consequences, intended by at least some of the parties – or unexpected. However, at a more concrete level, the formal and tangible product of multilateral conferences is always words on paper. These words come in two broad categories: the record of what was said and the decisions taken by the conference.

Summary records

Just as the transactions of Parliament are recorded verbatim in Hansard (or Congressional Record in the United States) and proceedings in a court room are recorded in the transcripts, at a typical major conference, a special unit of the conference secretariat (known as the record writers) produce, not a full transcript, but 'Summary Records' of the statements made by the participants in the Plenary Debate. In some bodies these are known as PVs (from the French *Procès Verbaux*).

Unlike Hansard, Summary Records are not usually distributed in draft form; but delegates who have a special interest in ensuring that their intervention has been accurately reflected can approach the record writers and try to persuade them to make any necessary amendments. At times some delegates who, after having spoken, have second thoughts

(perhaps after rereading their instructions), might try to get the record less stark. The summary records are useful for checking the position taken by different delegations and can serve at least two other operational purposes.

A delegation that finds the conference coming towards a decision with which it has serious difficulty, will often make a carefully drafted statement to place on the record its government's position, or reservations about the decision. Often, such statements will be delivered with some dramatic effect, with great solemnity or even with anger and the speaker will ask that his statement be recorded in full (or *verbatim* or *in extenso*) in the summary records (in which case he will usually give the written text to the secretariat to make sure that they record it accurately). Reading a statement into the record usually carries with it a certain flavour of defeat; but it can also be an important face-saver. A delegation that strives unsuccessfully to have the conference associate itself with its position can receive some solace from an assurance by the Chair that its views will be recorded in the Summary Records (at the very least they can show their authorities that they tried). Conference chairmen can sometimes cajole a recalcitrant delegation not to oppose a conference decision by negotiating with them a flatteringly extensive entry in the Summary Records. Alternatively, a statement can be 'read into the record' in a very low-key fashion, by a junior officer, when few other delegates are listening. You might choose to do this, for instance, when bound by your instructions to insist on a point which you think it best not to highlight – perhaps a statement dictated by your Treasury Department that any financial consequences of a proposed conference decision are subject to a subsequent decision within your nation's budgetary processes.

Reports

Besides any Summary Records produced by the Secretariat, almost every conference produces an official report on its meeting, including, in some cases, its discussion on particular agenda items. This is by definition an entirely different process from the preparation of the summary records: whereas the latter engages only the individual speakers and the secretariat, a report of the conference engages the whole membership, acting collectively. This means that the conference has to 'adopt' the report: i.e. it has to make a formal decision to make the document its own. Thus when a conference 'adopts' a text, it confers its authority to that document, which implies that it also gives its approval, or at least acquiescence, to its contents.

Depending on the contentiousness of the issues addressed at the conference, adoption of the report can itself be a highly contentious process, as the attempt to summarise the debate opens opportunities for delegations to try to have the report reflect their own positions and reduce the exposure of contrary views.

One point of drafting that is always sensitive is how to reflect disagreement, how much space to give in the report to each position and particularly the extent of support for contending views. Often the formulation is used: 'some delegations said A . . . , others said B..', but there is also likely to be an attempt by those who feel theirs was clearly the majority view (or who hope they might get away with conveying that impression) to use more loaded language such as 'many delegations expressed the view that . . . ', or 'most delegations . . . '. I have even heard a proposal (I think it was in the Commission on Disarmament's interminable conflict in the 1980s to adopt a negotiating mandate on CTBT) to have the report read 'all but one delegation were in favour, a nuclear weapon state in North America maintained its opposition'. I allude here to the fact that countries do not like to be named in conference reports in ways that highlight paucity of support for their national position. Nor do they like to see other countries glorified by being mentioned by name in such reports. This has resulted in a very widespread practice, which is today a virtual convention, that conference reports do not mention individual countries, nor groups of countries, by name (unless of course the conference is accepted by all participants to be addressing issues specific to identified countries). The most frequent attempt to breach this convention comes when Arab delegations try to identify Israel by name, on issues such as human rights and nuclear proliferation.

The adoption of a conference report can thus be the subject of prolonged negotiation and disputation. This is not merely a matter of personal pride or of a national desire to revile enemies: conference reports, for all their tedium, can have real-world consequences. However contentious, or, even, however dubious the process whereby the report was prepared, once adopted it carries the authority of the conference that generated it. Each such report is potentially a significant element in advancing a substantive debate, as it is likely to be taken as starting point for the next conference in a series. It can also be of future practical importance in cases where, for instance, the conference is working towards the conclusion of an international treaty. Under international law, *travaux préparatoires* (i.e. the record of what was said when the treaty text was being negotiated) are a basis for resolving questions about

the interpretation of treaties. Conference reports are also potentially important as normative documents; they can be taken as statements of widely endorsed standards, sometimes as expressions of intent by governments, which raise expectations as to their future behaviour or can later be represented as commitments given by those governments. In addition, they can incorporate texts, e.g. of draft declarations or treaties, and operational decisions: 'The Working Group decided to recommend that safety standards for this type of reactor be urgently reviewed' or 'The Conference of plenipotentiaries decided that the treaty would be open for signature on 1 January 2003.'

The importance of conference reports is why, as explained in the previous chapter, almost every conference, as one of its first decisions, elects a Rapporteur: a person formally responsible for overseeing preparation of its report. This conference officer is *ex officio* a member of the bureau of the conference. In practice, the conference chairman will always be closely involved with the preparation of the report, and if this becomes difficult, he may take over the function of the rapporteur in seeking to finalise an agreed report. Or, as previously noted, the chair may ask a delegate to act as 'Friend of the Chair' and seek agreement on one section of the report that has proved particularly contentious.

A report will usually be drafted in the first instance by the conference secretariat, although the conventional fiction will always be maintained that it is the report of the elected rapporteur. If any aspect of the report is likely to be controversial, the rapporteur has the task of consulting the delegations that might have difficulties and seeking their agreement. If these consultations reveal continuing division, the rapporteur (or the Chairman or FOC fulfilling the rapporteur function) may decide that the only way forward is to initiate direct negotiations amongst the leading protagonists, who then form an unofficial sub-committee of the conference, dedicated to negotiating the text of the report. Confusingly, the participants in such consultations are sometimes, at least in Vienna, called 'friends of the rapporteur'.

If a draft report is inaccurate, or otherwise potentially damaging to the interests you represent, you can propose amendments and try to get the conference to adopt them. In some situations, however, this may not be the best course, as it will inevitably be time-consuming, may offend the authors of the report and raise suspicions on the part of other conference participants, and provide them with an opportunity to seek to amend the report in their own favour, etc. In these cases, at least two alternative approaches can be considered. One is to speak privately to the author(s) of the report, with a view to persuading them to make the

desired amendments themselves, preferably before the report is adopted by the conference (but if it is strictly a matter of factual accuracy or clarity, which they think will be non-controversial, they may even be prepared to amend an approved report). The other approach is to do something to undermine the status or authority of the report. You may, for instance, simply place on the record your delegation's position that 'it has not had time to examine the draft report in detail (or that it has a number of quibbles with some aspects of its wording), and consequently, while it is happy to join in adopting the report, so as not to hold up proceedings, it must, as a legal formality, reserve its position on any specific formulation therein'. You might say exactly the same thing more brutally – 'My delegation disassociates itself from this report' – or, in the last resort, insist on a vote and vote against its adoption.[1] This formally protects your delegation's position and may mollify your home constituency – but such niceties do not count for much in international relations.

More secure than this would be to get several delegations to express a similar position, or, better still, get the conference as a whole to agree that the report is not authoritative, as a record of *travaux préparatoires* or for other formal purposes. You might, for instance, say something on these lines: 'I wish to congratulate the secretariat for the excellent work they have done in extremely difficult circumstances in preparing this draft report in such little time. I am sure that future readers will find it extremely interesting. At the same time, I am very conscious of the fact that we did not ask the secretariat to produce a legally binding record of everything that transpired, nor could anyone have produced that in the time available. I am also sure that at this stage in our work, as our conference draws to a close, very few, if any, delegations would wish to go through the tediously painstaking task of checking every single formulation, to see whether it precisely reflects their concerns as they would wish them to be recorded for future reference or other formal purposes. We might even find new areas of disagreement which it would be most unpleasant to open up at this late stage! In any case, we each have our own records. I therefore suggest that the conference not waste time, but simply adopt the report in its present form, on the basis that its specific wording has not been examined and discussed by the conference.' There is a good chance that the meeting will assent to such an innocuous sounding and mildly threatening statement – but of course it totally demolishes the formal standing of the report.

Any such moves, however, are only a worst-case fall-back. *Scripta manent* that which is written, remains on the record and, however qualified by

associated disavowals, it will be available for all time for those who wish to use it for their own purposes. The fact that there is no fully effective way to dispose of an unsatisfactory report helps explain why delegations expend so much time and energy trying to ensure that every single passage in every multilateral report conforms with their objectives, or at least does not damage them any more than can be helped.

Decisions

As noted above, every conference will take a number of decisions. Some of these will be procedural, that is to say, relating to the workings of the conference: to adopt the agenda, to elect the bureau, to defer consideration of a particular matter, etc. Almost every conference will decide to adopt its report (or perhaps, in uncontroversial cases to ask the secretariat or the rapporteur to prepare and circulate a report). Many conferences adopt decisions intended to influence the behaviour of international organisations and/or of national governments: direct instructions to international organisations, politely worded 'invitations' or recommendations and normative texts of the several kinds already described.

Resolutions

A common form of decisions taken by multilateral conferences is that of the formal (written) resolution. The General Assembly of the United Nations and many other conferences have as principal product a number of resolutions.

As to substance, most resolutions and practically all those adopted by the United Nations General Assembly and the corresponding bodies of other institutions are 'declaratory'. They 'condemn', 'welcome', etc. and/or make recommendations; they do not issue legally binding instructions. Some resolutions enshrine procedural or operational decisions: they 'decide', authorise', 'direct', etc. Resolutions by the Security Council under Chapter 7 of the Charter can be mandatory for Member States (to withdraw troops, to impose economic sanctions, to receive peacekeeping forces, etc.).

Whatever their purport, the format of resolutions is rigidly fixed: they all follow the pattern of the example given in Box 9.1 (although, typically they have many more paragraphs).

The paragraphs beginning with gerunds are 'preambular paragraphs' and are referred to for convenience as PP1, PP2 and so on, while those starting with a verb in the active present tense are 'operative paragraphs' (numbered in the text and known as OP1, OP2, etc.).

Box 9.1 Resolution adopted by the General Assembly at its 76th Plenary Meeting on 9 December 1999

54/109. International Convention for the Suppression of the Financing of Terrorism

The General Assembly,

Recalling all its relevant resolutions, including resolution 46/51 of 9 December 1991, resolution 49/60 of 9 December 1994, by which it adopted the Declaration on Measures to Eliminate International Terrorism, and resolutions 51/210 of 17 December 1996 and 53/108 of 8 December 1998,

Having considered the text of the draft international convention for the suppression of the financing of terrorism prepared by the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 and the Working Group of the Sixth Committee,

1. *Adopts* the International Convention for the Suppression of the Financing of Terrorism annexed to the present resolution, and requests the Secretary-General to open it for signature at United Nations Headquarters in New York from 10 January 2000 to 31 December 2001;
2. *Urges* all States to sign and ratify, accept, approve or accede to the Convention.

Just as the format of resolutions is predetermined by usage, so too their style and vocabulary are strongly affected by the general body of experience and expectations of the participants in each conference. For example, as is the case with reports (see above), there is a strong body of precedent and interest against naming countries, especially to criticise them, with particular sensitivity and acrimony around the particular case of Israel. (There was never any problem about criticising the Republic of South Africa by name in the days of apartheid.) I was personally involved, as initiator, in one successful attempt to breach this rule: NPTREC called by name on the ten countries (then) not parties to the treaty to adhere forthwith. One honourable exception to this no-names rule is in the field of human rights where countries (except for China) can be called to account by name for their breaches of international law.

A resolution is drafted, usually by one delegation or by several working together. At other times, it will in fact have been drafted originally by the secretariat (this would often be a resolution about a routine administrative matter or perhaps a pet project of the secretariat's) or by a non-government organisation[2] but resolutions can only be submitted to the conference by delegations: they need at least one 'sponsor'. If there are several co-sponsors, the delegation which initiates the resolution, or at least takes responsibility for steering it through the conference, is known as the 'lead sponsor'. 'Steering' a resolution means managing it through the process of being drafted, presented or 'introduced' to the conference, distributed in written form so that all delegations may examine it closely, debated, sometimes redrafted or otherwise subject to negotiation and finally 'adopted' by the conference – or not, as the case may be.

Sponsors

Clearly, for a delegation to sponsor a resolution indicates a higher degree of enthusiasm for it than merely to vote in favour. Delegations can receive instructions from headquarters in their capital: 'you may support but not co-sponsor such and such a resolution'. In the Commission on Human Rights, non-members of the Commission can co-sponsor a resolution, despite the fact that they cannot vote for it. Increasingly commonly, the proponent(s) of a resolution will seek to have several co-sponsors as a means of advertising the support which their draft resolution enjoys, in the hope of attracting additional support when the time comes for the resolution to be adopted by the conference. The co-sponsorship can be regional (e.g. the Arab countries may wish to present a draft resolution as having the support of all members of their Group), or deliberately chosen to suggest that the draft has support from a geographically and politically broad range of delegations.

Thus, at the NPT Review and Extension Conference (NPTREC), the G10 resolution initiated by Australia asserting that all NPT parties should require full-scope safeguards as a precondition for nuclear exports[3] was presented with 42 co-sponsors. Australia and her supporters from the G10 devoted a lot of time and energy to recruiting co-sponsors. We were particularly glad to receive the support of all the ASEAN countries and other neighbours of China and we discouraged some West Europeans, and especially the Nuclear Weapon States, from joining the co-sponsors list, to maintain the 'balance' we were seeking (in this case, its developing country majority and 'everycountry' flavour). All this was because the country whose policy we were trying to shift was China. China was, on this issue as on many others, reluctant to accept curbs on its sovereignty; but

at the same time, China studiously seeks to avoid isolation, especially from the countries with whom it tries to build a sense of common purpose: the developing countries in general and its Asian neighbours in particular. As I read out the list of countries on whose behalf the resolution was presented – 'Armenia, Argentina, Australia, Austria, . . .' – the conference room became silent (the standard hubbub of 'corridor talk' ceased), and as the list extended to over forty, and its quality (in terms of the political message described above) became evident, there was the sound of indrawn breaths: the participants knew that China was defeated. Indeed, it was from that point onwards that it ceased its attempts to dissuade the conference from proclaiming the Full Scope Safeguards principle.[4]

Securing a sizeable and appropriately tailored co-sponsorship list can be tricky, if the issue is controversial, and more so if the conference agenda is laden with other controversial issues on which passions are engaged. Countries may withhold co-sponsorship for reasons unrelated to the content of the resolution. In the case of the Full Scope Safeguards resolution at the NPTREC, Mexico and Egypt withheld their co-sponsorship despite the fact that they fully supported the thrust of the resolution (and in Egypt's case attached major importance to it because of its effect *inter alia* of prohibiting nuclear exports to Israel). These two countries were amongst the small group of self-appointed leaders of the Non Aligned who (as mentioned in Chapter 7) had entered the conference hoping that there would be a majority in favour of extending the Treaty only conditionally, so that they would have permanent 'leverage' over the Nuclear Weapon States. They were in the process of finding that there was no such majority, in considerable measure because of the pre-conference preparations by a number of countries amongst whom Australia was prominent. At the same time, they were reluctant to displease China, whose support and influence they wanted for the main game: the extension decision. Another prominent member of this pro-conditionality group was the Nigerian Permanent Representative. He too was reluctant to join the co-sponsors list and we were keen to gain his delegation's co-sponsorship – the more so because South Africa, Indonesia and Mexico had said they would co-sponsor if Nigeria did. He initially refused; but when we reminded him forcefully that we had received categorical promises of support from his Foreign Ministry in Abuja, he agreed, subject to the co-sponsors, who already numbered almost twenty, agreeing to some textual changes.

In such a case, the lead sponsor (here Australia) can negotiate, but only on the basis that the result is subject to the approval of all the other co-sponsors. Once a delegation becomes a co-sponsor, it is a co-owner of

the text: it can in the last resort withdraw its co-sponsorship if the other co-sponsors insist on amending the text in ways it disagrees with. So, on a contested resolution, a major forum in which texts are negotiated and tactics worked out is the co-sponsors' meeting. An active delegation at a major political meeting, such as UNGA or the Commission on Human Rights, will in the latter stages of a conference be involved in the co-sponsors' meetings of a dozen or more resolutions each day. Scheduling such meetings, finding rooms for them, allocating delegation members to cover each meeting, and physically getting the participants together, in spite of their many competing demands, is a significant managerial task.

In these circumstances, it is not unusual for a delegation to join the list of co-sponsors of a particular resolution, with the purpose of acting as a spoiler, attempting to derail it entirely or at least force the text to be extensively modified. When the Philippines, supported by Australia, was lead sponsor on the anti-nuclear-testing resolution at the 1995 IAEA General Conference, Peru signed up as a co-sponsor but in the co-sponsors group immediately began demanding that the resolution be altered significantly in the sense that France was seeking. The Filipino delegate, Jose Zaide, skilfully sidelined this request and a day or two later the Peruvian delegate had caught up with his national position as expressed in New York, which was closer to the firm end of the spectrum of the co-sponsor group: but such cuckoos in the co-sponsors' nest can be troublesome.

Procedural motions

Yet another type of decision resembles a resolution, in that it is formally proposed by a delegation, but differs in that its format is much simpler and more direct, and that it is proposed orally, with no circulated text. This is a procedural motion. As the name implies, this is a proposal that the conference should proceed in a particular manner. Examples might be setting the date for a future meeting or 'that the conference cease debate on this matter and proceed to the next agenda item'. A procedural motion requires a proponent but it would not normally have multiple co-sponsors. Most conference rules of procedure, as we shall see in the next chapter, provide for such motions to be dealt with more expeditiously than 'substantive' resolutions.

Oral decisions

At efficient conferences, sometimes after protracted debate, decisions on major substantive issues are frequently taken in a similar fashion.

The chairman can simply say 'I believe it is the sense of the meeting to adopt the recommendation before us', or 'to disallow this item of proposed expenditure', etc. He or she then pauses briefly, looks round the room (as if to be sure no opposition is indicated), says 'It is so decided', and taps the gavel. A decision in this format is just as binding and legally effective as a decision embodied in a resolution.

Judging the length of the pause in which delegations have an opportunity to raise objections is of course an art. Make it too long and you invite an intervention that could lead to prolonged disputation; cut it too short and you will be accused of railroading the meeting. Should a delegation object – 'Mr Chairman you brought your gavel down too quickly. I wanted to say that Saudi Arabia does not agree' – the chair has a difficult call. He or she must sense the mood and wishes of the meeting. If it is a relatively uncontroversial issue, or if the chair believes that a significant body of opinion wants the debate reopened, for substantive reasons or because of political support for the dissident or out of a sense of fair play, he should graciously agree. But if his 'gavelling through' the decision concludes an acrimonious debate, if the interjector's position has little support, if time is at a premium, he will usually succeed if he insists that the decision has been taken and the issue cannot be reopened. A delegate who feels that his opportunity to present his government's views has been unreasonably curtailed, perhaps to the detriment of his ability to sway the conference, can of course protest – which may do something for his ego, or for his standing with the authorities that sent him, but will not alter the decision just taken.

He may, however, escalate his complaint one step further, by challenging the chairman's decision. In that case, the standard Rules of Procedure are categorical: the ruling must be put to the vote immediately and with no debate. If the ruling is defeated in this vote it becomes null and void and a sane chairman will then apologise for misunderstanding the will of the conference and rule in the sense required to satisfy the complainant. A chairman whose rulings are successfully challenged more than once loses authority and should consider whether he or she can continue effectively in the role or need to step down. A chairman will be guided by his evaluation of the likelihood of such a challenge and the likely outcome of a vote, if one is taken. The art of chairmanship is relatively easy when you think, 'this delegate is going to challenge my ruling, but he will then be soundly defeated in the voting', but quite interesting in the reverse case: 'my ruling has a 50 per cent chance of passing without challenge; but if it does not pass, the challenge will probably be upheld in a vote'.

Oral decisions make for expeditious conference work, and they are particularly suited to conferences focused on operational rather than presentational issues. In the IAEA Board of Governors, for example, most decisions are taken in this oral format in what is known as a 'chairman's summary'. The Chair summarises the debate, acknowledging in particular minority views, but concluding with such formulations as 'the Board decided . . . ', or 'it was the general view of the Board that . . . and it is so decided'. Here again the chairman's summary can be challenged, either before or after he brings down his gavel. It may also, in particularly contentious cases, be the subject of extensive consultations or even face-to-face negotiation to settle the terms before they are read out.

Other products

Apart from reports, resolutions and oral decisions, multilateral conferences can produce a number of other 'products' or outputs (although this rarely happens). Thus the Security Council has three additional formats which have become institutionalised. These now constitute the three lower rungs of a hierarchy starting with a mandatory resolution of the Council, followed in decreasing order of authoritativeness by a declaratory resolution of the Council and thereafter the new formats: a presidential letter, a presidential statement and a presidential press release. These outputs of less-than-resolution status tend to be used when there is less than full agreement in the Council. The President acts on his own authority only; but would be very reckless to act without consulting the members of the Council and in particular the Permanent Members. These new formats might perhaps be called proto-decisions or semi-resolutions.

Life history of texts

Let us now turn from the format in which a decision is adopted to the actual words that constitute the content of reports, draft treaties, resolutions and other texts adopted by multilateral conferences. Every such set of words has a 'life history' which has some parallels to that of international standards described in Chapter 5. The author of the first draft is an individual – usually a delegate or an official working within a government agency, sometimes a member of the secretariat of an international organisation or even of a non-government organisation. The draft can then be considered, worked over, amended and developed by

others – sometimes relays and groups of agents – within the organisation where it originates. Sometimes it goes through this process in a succession of organisations. A draft might for instance originate within an NGO, be then taken over and reworked by the secretariat of an international organisation and ultimately by an agency of a government. Sometimes it is further addressed by committees and even relays of committees of officials representing various agencies of the same government. Finally it must be examined, considered and perhaps amended by representatives of other governments, ultimately by a committee or a succession of committees of such representatives, before it is adopted by the conference, in its final iteration. The final version adopted by the conference will be the product of all the different processes the text has undergone on its journey to that point. It is likely to be very different from what its originator first imagined.

On rare occasions, a text will go through all these layers of examination and possible redrafting; but the trajectory of most multilateral decisions involves fewer steps. At the extreme, the process can be as elementary as the wording of a decision being thought up on the spot by a presiding officer or, less frequently, another delegate, and immediately agreed by the conference as soon as they hear it (this happens mainly with minor or procedural matters, or, contrariwise, after an issue has been exhaustively debated and the conference is looking for a conclusion).

However elementary or elaborate, this process has to be driven. The individual author of the text intended for adoption by the conference has to convince others to approve it, perhaps in modified form, and to take it forward to the next step in this progression. Thereafter, at each stage in its itinerary towards ultimate formal adoption by a multilateral conference, every concept and every specific set of words will have to have an advocate. Indeed, it needs more than just someone who will speak in support of the proposal. It should be someone who will take responsibility for progressing it towards adoption: in short a promoter. At the beginning, the author is also the promoter of the project, but only rarely will one individual take this role right through the whole process; very often the concept and a set of words giving effect to it is passed on, as in a relay, from one individual to another and then to a team (e.g. a sub-unit of a national government) and thence to a larger group. As mentioned above, if the text is to get into the multilateral arena, it will have to be proposed ('sponsored') there by at least one government or by an individual delegate (and thus, in formal terms, by the state or other entity which the delegate represents) or by a presiding officer (purporting to act on behalf of the committee as a whole). To be

actually adopted by a conference it will have to be championed and managed through every step of the processes through which a proposition is transformed from a proposal into adopted text (again, perhaps in amended form, which implies someone deciding which amendments are tolerable and which cannot or need not be accepted).

In short, no specific set of words will be adopted unless someone, some government, some delegation, or some group of delegations (often all of these, acting in relays) take responsibility and exert themselves to make that happen. Likewise, those who do not want the conference to take a particular decision or to agree on a particular set of words have to exert themselves to prevent it from happening. This also applies to conference objectives that do not depend on its adopting a particular set of words (such as conveying an impression of activity and other examples described in Chapter 6). Indeed, all of the discussion in this chapter and the following ones, while often framed in terms of securing agreement to particular words, should be understood as applying equally to the achievement of non-verbal objectives.

Conclusion

I once attended a conference that was unable to agree on any words:[5] it was universally seen as a failed conference. As we noted at the beginning of this chapter, whatever is done at a multilateral conference, whether it be no more than grandstanding or as concrete as managing a major cooperative effort to address some pressing global problem, the only immediate tangible product is words on paper. These words can be produced by the conference itself or they may have been produced elsewhere and merely have come to the conference for endorsement; but in the end the conference has to 'adopt' (i.e. formally accept and endorse) a set of words, or the conference will have failed. Adopting words, as a report, a resolution or an oral decision is a decision by the conference. The next chapter focuses on the ways in which such decisions are made.

10
Decision-Making Processes

A draft resolution or other proposed conference decision on which all are in agreement can be adopted unanimously, or indeed, if the agreement is not only general but also enthusiastic, 'by acclamation'. Often, however, there is a range of views and perspectives and less than full agreement to whatever is originally proposed. In such cases a conference needs ways of reaching a decision, despite the absence of unanimity.

Decisions by consensus

At the Review and Extension Conference of the Nuclear Non-Proliferation Treaty (NPTREC, 1995), as previously mentioned, a number of delegations had declared in the most categorical terms that they would not agree to an indefinite extension of the treaty. However, it became manifest that an overwhelming majority of the parties to the treaty were insistent on indefinite extension. The Conference chairman (Jayantha Danapala of Sri Lanka) therefore read out a carefully crafted and closely negotiated formula whereby the conference adopted a number of resolutions, including provisions that were important to the opponents of indefinite extension, noted the diverging views on the question of extension and the majority in favour, and therefore decided 'without a vote' to extend the treaty indefinitely. This statement was not challenged and therefore stood as the conference outcome.

The format of this decision has several important aspects. In the first place this was a decision by the parties to a treaty to in effect change its terms. In so doing they were acting within the terms of the treaty: 'a review and extension conference shall be held 25 years after the entry into force of the treaty to decide whether to extend the treaty

indefinitely'. But many international lawyers also attached weight to the general rule that treaties can only be altered with the agreement of all the parties thereto. There was therefore a legal as well as a political premium on the decision to extend being un-opposed. This convoluted device secured that end. Secondly, the chairman's statement gave both the pro- and anti-extension camps all they could reasonably expect, once the balance of opinion within the conference had been established. Some parties with particular axes to grind (e.g. the Iranian delegation) had managed to air their national grievances but had secured no endorsement by the conference for their position. They could have decided to play the role of spoiler and declare the chairman's statement unacceptable; but that would have merely increased their isolation and reinforced the 'rogue state' image with which the Americans and Israelis were trying to fit them: the Iranians decided to remain silent. Finally, the defeated parties could take some comfort from the fact that the extension decision was said to have been taken 'without a vote': they had not explicitly concurred in it. Operationally, 'silence equals consent'; but emotionally and presentationally, the two are distinguishable.

The more usual formulation in the practice of multilateral conferences is to take decisions 'by consensus'. For many conferences, this is the only way in which decisions can be made; for all conferences it is by far the preferred way. 'By consensus' means that no significant body of opinion voices objection to the decision. What is a significant body of opinion? No one would contest that the United States alone constitutes such a body and US delegates frequently say, in the course of negotiation, 'there is no consensus on that', meaning 'the United States vetoes it'. I have never seen Malta, Samoa, nor any other small country actually test whether it could in practice invoke such a veto right, but legally, in the last resort it has a closely related power: the Rules of Procedure of most major multilateral conferences provide that any member may require any proposal to be put to the vote. In practice, however, in the search for a conference result when only one country (less weighty than the United States) maintains opposition to a proposal, the chairman will sometimes speak of 'consensus minus one'. In the closing stages of the Rio Conference on the Environment and Development in 1992, the sub-committee attempting to find consensus language on climate change issues was stymied by adamant Saudi Arabian resistance to the proposals of others. The chairman of the drafting group took to saying: 'we adopt this point by consensus minus one'. One of the Saudi delegates left the room and returned with a delegate from Qatar, who

proceeded to support everything the Saudi said. In despair the chairman began recording decisions by 'consensus minus two', until the Saudi brought in a delegate from the United Arab Emirates.

The attractions of consensus

Why this preoccupation with consensus? I recall Vladimir Petrovsky, then head of the Soviet Foreign Ministry's Department for International Organizations,[1] in the mid-1980s arguing that UNGA resolutions adopted by consensus had legal binding force. That was disingenuous hyperbole; but there is the widespread belief (supported by logic) that decisions taken by consensus have greater political force than those which one or more delegations have refused to support in a vote. Many governments and an even higher proportion of delegates dislike the overt confrontation and sense of victory and defeat which voting conveys. There are many situations in which all concerned wish to avoid either of these: obvious examples include meetings of high dignitaries (who would not want to give ammunition to domestic opponents) or any meeting intended to convey an image of cooperation. Indeed at a philosophical level, it seems desirable that a collaborative collective endeavour should proceed only with the consent of all participants. A more practical consideration is the fact that on many issues most countries find it possible to accept wordings that they are not entirely happy with but do not adamantly oppose, if the decision is taken by consensus. If called upon to vote on the same proposition, they might find it necessary to vote against or at least signify lack of enthusiasm by registering an abstention. Opposing the general will seems futile, or, at least, not worth the effort unless major interests are at risk. Such considerations are apparent to governments carefully considering the terms of a resolution before deciding their position on it; but they are far more compelling for delegations lacking the resources – physical or moral – to cover all aspects of a multilateral conference. Consequently, there is always a large body of the membership that will go along with almost any text if it appears likely to be adopted by consensus. This means that the proponents of a resolution have a considerable incentive to draft it in such terms that it will secure consensus, even if this means moderating the expression of their own views. The alternative approach is to present a text that you know to be unacceptable to some other delegation(s) but to indicate a willingness to negotiate with them with the aim of reaching consensus.

Amendments

Delegations dissatisfied with a draft text may also formally propose amendments. In substance this is not different from proposing an alternative formulation during the course of negotiations, but the procedural formality of 'tabling' a draft amendment is a way of highlighting the strength of your wish to see the text changed. Normally, draft amendments are submitted in writing and circulated to the meeting. Some rules of procedure require 24 hours' notice of such amendments. Most permit amendments to be submitted orally 'from the floor' during the consideration of a text, but often delegates will assert that they cannot react to a proposed amendment until they have seen it in writing and perhaps in translation as well. Like a resolution, an amendment must have at least one sponsor and can have many co-sponsors. Also like a resolution, it can be subject to extensive consultations and negotiation before it is formally tabled. An amendment which so transforms the sense of a draft resolution as to make it unacceptable to the sponsor(s) of the original draft is called 'a killer amendment'. If a killer amendment is adopted (or manifestly has enough support to be adopted) the sponsor(s) will usually withdraw their own proposal. (Their one consolation is that the deadline for the submission of competing resolutions is probably passed and the opponents' view, although it has just demonstrated that it commands a majority, will not be adopted by the conference.) In a forceful confrontation, one can see a whole string of killer amendments introduced.

An alternative to introducing amendments to another delegation's text is to introduce a competing resolution under the same agenda (sub)item. Where several draft resolutions appear to cover much the same ground, their respective sponsors will be expected (and, if necessary, directed by the chair) to negotiate with a view to merging or reconciling the texts. So you might run a draft resolution with no expectation of its being adopted; but just to force your opponent to the negotiating table.

The search for consensus

So it is that, typically, whenever the opening positions of delegations diverge, after some posturing for effect, negotiations are engaged between sponsors of a draft resolution (or other text) and its opponents. Supporters try to demonstrate that the resolution has the necessary support to be adopted if it were put to a vote; but offer to make some adjustments to the text to make it less unpalatable to the opponents, in exchange for their allowing it to be adopted by consensus. These negotiations may start bilaterally but, depending on the degree of interest

that the issue arouses, can expand to include a wide range of delegations with very varied interests in the outcome. Perhaps the vilest aspect of multilateral conferences is the long hours spent in airless rooms late at night, amending draft texts so that they mean less and less and consequently are acceptable to a greater number of delegations. This process is readily disparaged as 'watering down' the text; but that is an emotional and incomplete way of evaluating it. The essential purpose is to find a text that will attract the broadest possible support – that is to say, that will more correctly represent the view of the majority or, in other words, of the conference.

Sometimes, the aspect of the resolution that is most objectionable to another delegation is unintentional or unimportant to the sponsor: the text can be redrafted to avoid giving that particular offence without compromising the intentions of the sponsor. On other occasions, 'language' (i.e. formulations) may have been introduced deliberately as negotiating coin. Sometimes the whole exercise takes on a somewhat ritual nature with each party or individual delegate needing to satisfy his or her pride (personal or national) by securing some textual change even though the sense is little affected.

In such textual negotiations, controversy often focuses on the emotive force of particular words. Thus the first draft of a Philippine resolution at the 1995 General Conference of the IAEA criticising French and Chinese nuclear testing read 'strongly condemns . . . '. After much negotiation the text adopted by consensus became 'deplores . . . '. While understanding the necessity for a ritual confrontation over this text, and striving, in this case successfully, against gentler proposals such as 'regrets', it did seem to me that for the mass of the public these gradations of outrage mattered very little. I would not like the job of a spokesperson for the French government trying to persuade a TV audience that France having joined the world in 'deploring' their testing was a better outcome than its having voted against a majority which 'strongly condemned' the tests. Either way, the universality of the disapproval seemed clear to me.[2]

Such negotiations expose the strength of cultural differences and the different baggage which particular words carry in different languages. The very concept of accommodating differing interests for the sake of achieving a generally acceptable outcome is one which runs very deep in many cultures. In some cases (e.g. Thailand and Niger), the concept seems primarily driven by a strong commitment to the avoidance of confrontation (because this is likely to be unpleasant, even dangerous). In others (e.g. Italy and Samoa), a stronger preoccupation seems to be

that of ensuring that each party is substantively satisfied (because this gives them an incentive to cooperate). Elsewhere (Iran and other Middle Eastern countries), the concept seems to be deeply repulsive, closely related to laxness and sin, humiliation and defeat. In the Spanish language the word 'compromiso' means 'mutual undertaking, agreement'; in French a 'compromis' is a halfway house, satisfactory to no one, entered into reluctantly; in English we have both 'the spirit of compromise', which is positive, and 'compromising one's principles' or 'compromising the chances of success', which are negative. I do not know how it translates into other languages but no wonder the word causes so much trouble in multilateral conference.

A variant of this type of negotiation takes place when a conference or one of its committees is drafting a document (such as a treaty or a report). Here the areas of possible disagreement can be much more varied and the negotiations take place in a drafting group, which proceeds to try to develop a text capable of receiving consensus. It will usually start with a draft, either prepared by the secretariat or proposed by one or other delegation. Sometimes several delegations or groups of delegations will propose competing drafts to cover the same points in different ways. Whatever the origin of the text, it is worked through laboriously. Delegations identify sections of text they find unsatisfactory. What is at issue can be the substantive meaning of the resolution or text, or the way it is expressed. Where agreement is not found the chair will propose that the words on which there is no agreement be placed in square brackets for the time being, so that the drafting group can move on to consider other parts of the text, with the understanding that the bracketed words are not agreed and will be revisited later. If two or more competing versions are proposed, the alternatives can be shown in square brackets. If a delegation wishes to insist that its objections to a particular formulation be noted, it will say 'I am putting that phrase in square brackets'.

Once a text has been fully gone through once (its 'first reading') it consists of some text to which no objection has been raised or on which agreement has been reached, and a number of passages, phrases or words in square brackets, indicating that they are not agreed. At the next 'reading' of the text, the presumption is that everything which is not in square brackets is provisionally agreed and cannot be 'reopened' for further discussion – provisionally agreed, that is, because it is usually also understood or explicit that 'nothing is agreed until everything is agreed'. The task of the drafting group is then to get rid of the square brackets, i.e. to revisit each passage that appears within square brackets, see whether the objectors maintain their opposition now that much

more is known about the final form of the document and, if so, whether agreement can be found by changing the words. If agreement is found, that set of square brackets is deleted. All being well, a document will emerge from a second reading with 'fewer square brackets', i.e. with less of its text not yet agreed.

There can then follow a third or more readings until all the square brackets are gone. Maybe a Friend of the Chair will be detailed to try to find agreement on one passage or one section of the document. Maybe two or more delegations will get together privately and work out their differences. Maybe there will be horse-trading: 'I will remove the square brackets around those words if you will remove these others' (in other words, I will agree to the conference saying what you want on X if you lift your objection to its saying what I want on Y). Sometimes, when a textual negotiation has been going on for some time, the chairman of the drafting group will put forward a proposal of his own (a 'chairman's text'), which is offered as an attempt to find the middle ground.

Multilateral conferences devote the bulk of their time to the negotiation of texts. The art of textual negotiation is one of the central tools of trade of a multilateralist and we will return to this topic in the next chapter. The most usual outcome is a text which can be accepted by consensus. If the delegates cannot reach consensus (and in the rare cases where some do not want to) the conference either takes no decision or, if its rules of procedure so permit, it can try to settle the issue by voting.

When is a vote necessary?

Sometimes a vote is necessary for reasons of domestic or foreign policy that have little to do with the state of negotiations at the conference. Thus in the lead-up to a major ministerial conference of the World Trade Organization, one European minister told me that the most popular outcome for his national electorate would be for the conference to fail; at the very least there had to be a sharp, well-publicised confrontation. His country, like many others, was suffering the consequences of structural change in the world economy in the late 1990s, with unemployment and a declining sense of security. Popular opinion attributed much of this to trade liberalisation and 'unfair competition' from low-income countries. As a politician, he empathised with this feeling and felt a political need to gratify it. In such a situation, the drama of a vote becomes an end in itself. In other circumstances a government may want to be seen to have stuck by its guns to the last, even to the point of being 'shot down in flames'.

Sometimes the requirement for a vote will come from factors external to the subject matter of the conference. Thus, in the international effort in 1993 and 94 to deal with the DPRK's defiance of international nuclear non-proliferation commitments, China pushed matters to a vote in the Board of Governors of the IAEA, when on the substance it agreed with the United States, Japan and others that North Korea should not develop nuclear weapons. China did have objections to the basic theory of the international community calling a miscreant to order and insisting on compliance with international standards (it could so easily be in the dock itself), but overall it played this episode, including its decisions as to when to press its dissidence to the point of demanding a vote, as a deliberate exercise in the education of the Clinton Administration. President Clinton had recently come to power with the slogan 'it's the economy, stupid' and very little interest in foreign relations. He led his country into a sharp confrontation of China on trade and human rights issues. China saw the DPRK crisis as a heaven-sent opportunity to demonstrate to the new Administration in Washington that it needed China's cooperation in other spheres and could therefore not afford to antagonise it too much on the trade front. Requiring votes in the IAEA Board of Governors on the North Korean nuclear issue was one way of sheeting home that message.

More frequently, if voting is necessary it is because the divisions of positions in the conference are such that no compromise can paper them over, or where agreement has not been sought with sufficient energy and skill. Thus for many years prior to the end of the Cold War, each year at UNGA Australia and Mexico presented a draft resolution calling for negotiation to start on a Comprehensive (Nuclear) Test Ban Treaty, in the belief that this would enhance their own and global security. The United States, each year, in ever diminishing company, would call for a vote and register its defiant opposition, because it held to the position that it needed to continue to test to maintain a serviceable nuclear arsenal to ensure World Peace and its own national security. Voting can also be required to settle unresolved disputes over the drafting of treaties and other texts, for example to decide which of two competing formulations is to be used or whether or not a controversial element is to be included in the final text. Formally tabled amendments (which are indicators of deeply felt differences) often have to be decided by voting. Under typical rules of procedure, amendments must be voted on before the text they seek to amend. If there are several amendments, the one most distant from the original proposal is voted upon first. Voting may even prove necessary to settle

procedural issues, such as the order in which the conference is to address the items on its agenda.

Votes

In most cases, for a resolution, an amendment or a procedural motion to be adopted by voting, it must secure the support of at least a simple majority of the preferences expressed by the delegations present and voting. A two-thirds majority is required for treaty making (and consequently for amendments to the statute of international organisations) and for other issues specified in some statutes (e.g. to approve the budget) or in a decision of the conference (by a simple majority vote). In the International Financial Institutions,[3] there is a system of constituencies and weighted votes, reflecting the GDP of the countries represented. Everywhere else the votes of the United States, Italy or a small island nation with less than 100,000 inhabitants are counted as equal – although, obviously, the political impact of these votes is very different. This is another reason why there is such a strong preference for taking decisions in any way other than voting.

Each delegation has three formal and one informal possible courses of action if a resolution or other question is brought to a vote. Its formal options are to vote in favour, against or abstain. An abstention is less damaging than a negative vote; but it is more unhelpful than neutral, because it registers non-support. The only truly neutral action is not to participate in the vote. A delegation can remain in its seat but simply not vote. More frequently a non-participating delegation is absent from the conference room when the vote is taken.

Reasons for non-participation

Some absences from the room at the time of voting are the result of a deliberate choice by a delegate, perhaps unsure of how his government would wish its vote to be cast, or perhaps seeking to avoid the recriminations of delegations the vote would displease (for example, running for cover so as to offend neither the Americans nor the Chinese). Most, however, result from the competing pressures on small delegations, usually those of small countries. A delegation consisting of only one or two people cannot physically cover several simultaneous meetings. For a hotly contested vote, the proponents will devote much effort to trying to get the vote out. A member of the Australian delegation might for instance be detailed to ensure that one or other South Pacific delegate who is expected to vote in the same sense as Australia is not in another

committee room or out shopping when a crucial vote is called. I have heard it alleged, but cannot confirm from first-hand knowledge, that delegates who were expected to vote the wrong way have sometimes been taken drinking and carousing to keep them away from the conference room at the crucial time. Japan and the Soviet Union were rumoured to use this tactic.

There are other reasons why delegates might not cast a vote. Their country could be unfinancial: most statutes provide for a loss of voting rights by members that are a number of years in arrears with their contributions to the relevant organisation. I have participated in voting on a proposal that this rule be suspended for a particular conference or election. I recall one hotly contested vote in the IAEA Board of Governors where Cuba, after being one of the most outspoken protagonists, did not vote, and another occasion when, as chairman of the same body, I was approached by a delegate to ask me to do everything possible to avoid a vote: he did not want the fact to be exposed that his country was badly in arrears. I have not heard of a country paying the outstanding contribution of another to enable that delegation to vote but I would not be surprised if this had happened. Similarly, a delegation's credentials might not be in order. As noted in Chapter 6, credentials are normally a mere formality; secretariats and credentials committees are usually lax and other delegations little concerned about technical irregularities and oversights. Normally it is the responsibility of the conference secretariat to alert delegations discreetly if they are under threat of their vote being declared invalid; but for a closely contested vote or election, an alert delegation will ensure that it is fully up to date on the state of the contributions and credentials. You can press the conference secretariat to 'do its duty' to advise the conference that such and such delegation(s) lacks credentials and, in the last resort, challenge from the floor a delegation's right to cast a vote, before or immediately after a vote. Before doing so, it would be prudent to count how many of your supporters are comparably vulnerable and to help any who can remedy their situation (a message from their government, to the effect that 'the credentials are in the mail', while legally dubious, is unlikely to be challenged.)

If you are out of the conference room when the vote is called and you know it is important to your government that its views be on the record, you can ask for the floor and say 'My delegation was unfortunately not able to participate in the vote just taken. I would ask that the record show that, had we voted, it would have been in favour of the resolution.' Your intervention on these lines will not, however, count as a vote, not even if it would have changed the outcome.

Modalities of voting

Secret ballots

Typically, voting is by secret ballot for elections and for such other issues as a conference may decide. It is sometimes suggested that secret ballots enable delegations to vote free from untoward pressure. At NPTREC, some NAM (Non Aligned Movement) delegations were calling for a secret ballot, claiming that some of their members were being pressured by the major powers to vote contrary to their national wishes. US Vice President Gore opposed this suggestion from the podium. He asked, were national parliaments and electorates to be kept in the dark as to whether or not their government had consented to the new treaty obligations? This goes to the core of the problem of secret ballots in multilateral conferences: yes, it removes international accountability, but it also removes domestic accountability: even the sending government has no way of knowing how its delegation voted.

In fact, only the individual who completes the ballot knows. In Australia's campaign for election to the UN Security Council in 1996, its officials allowed for a 20 per cent RLB factor when counting promises of support. RLB stands for 'rotten lying bastards' who promise support to one delegation but in the event vote for another. But some of them also hoped that as much as 5 per cent could flow their way from delegates voting for Australia, contrary to their instructions. I have heard it alleged that secret ballots permit personal corruption but I would have thought the reverse: how would the briber know whether the vote he had bought was in fact delivered?

Secret ballots are issued, one to each delegation present, usually with the question printed and boxes to be ticked, names of different candidates to be ticked or circled or sometimes blank lines on which to write the name of the country or individual for whom one wishes to vote. The delegations are then called in turn to the front of the chamber to place their ballot in a box. The box is opened, sorted and counted in the presence of tellers from representative delegations, either appointed by the chair or by the geographical groups. The counting can take place in the centre of the chamber or in an adjoining room. A deeply involved delegation will make arrangements to hear the result early.

Show of hands

The more usual way of voting is by 'show of hands'. The chairman or secretary asks 'all those in favour' to so signify. These votes are counted

by the secretariat (for a large meeting and a sensitive vote, it will have at least two independent tally takers), followed by 'all those against' and finally by 'abstentions'. In UNGA and some other large conferences, delegations vote by pressing one of three buttons at their allotted seat. The vote is shown by a light on a vast overhead screen: green for 'yes', red for 'no' and, appropriately, yellow for 'abstain'. In conference rooms not so equipped, delegates normally vote by raising their nameplates. In a highly contested vote the drama is considerable. The lights or the nameplates go up a few at a time, some delegates being a little bit slower than others, some waiting to see how others are voting, others perhaps not wishing to seem too eager. Where there are not overhead boards and when many delegations are participating, it is sometimes difficult to see who is voting. A large delegation may post officers at several vantage points to get a full tally.

Roll-call vote

Most conference Rules of Procedure provide that a vote shall be by roll-call if any delegation so requests. This means that the secretariat calls on each delegation in turn (in alphabetical order, starting from one selected at random) to vote orally 'yes', 'no' or 'abstain', in one of the languages of the conference. In a conference of 180 members this takes over an hour. The ostensible purpose of a roll-call is to emphasise the gravity of an issue and the individual accountability of member governments for their vote. It can also be used cynically to heighten tension or to waste time.

One particular feature of a roll-call vote is that the first few delegations called upon to vote must do so in ignorance of the vote cast by other delegations. I have seen delegates deeply embarrassed by this predicament, where for example the procedural situation is confusing to them, or their instructions are to vote in line with certain other delegations and they have not been able to inform themselves as to how those delegations will vote.

Elections

Voting in elections is a special case, different from voting on the adoption of resolutions, amendments or other such texts. These can be elections for the countries that will be represented on a committee, a working group or perhaps a key decision-making body such as the Security Council; or they can be to elect individuals to an expert panel, to the bench of the International Court of Justice or to the position of chief executive of a Specialised Agency, etc.

These are typically secret, presumably to protect those who failed to support the ultimate winner. If there are more candidates than there are places to fill, a series of ballots are held, as a process of elimination which achieves the same result as a preferential voting system. After a first straw poll,[4] each candidate can see how the land lies and those who have insufficient support may decide to withdraw. If not, after the first formal ballot, the candidate with the least votes is eliminated and a second round of voting is held with the reduced field. The voting and elimination continues, if necessary, until a choice is made between the last two surviving candidates. In a genteel gesture after a particularly hard-fought election, the chairman may then call for a final round of voting, this time to elect the successful candidate unanimously.

Here again is an anecdote to illustrate how much 'process' can matter. At ECOSOC in 1991, Australia was elected to the Commission on Human Rights, and the United Kingdom was not. Australia's winning margin was 3 votes and there were 4 votes cast for Ireland, which was not a candidate. It transpired that 'The United Kingdom of Great Britain and Northern Ireland' did not fit on one line on the ballot paper and the word 'Ireland' appeared on the next line. Four delegations had circled the word 'Ireland' and these ballots were not counted. The British said the votes for 'Ireland' were clearly intended for them. Australia thought that delegations that had preferred Ireland to the UK would probably also have preferred Australia. No one will ever know, because the vote was secret. The Irish Ambassador said 'That's what you get for including the name of another country in yours.' But the use of a smaller typeface on the ballot would have left no room for doubt.

Evaluating the result

One final procedural point deserves to be mentioned. The demonstrated existence of consensus or a successful vote does not, of itself, make a conference decision. The presiding officer has to say something formalising the decision: for instance, 'I see that we are all agreed, the proposal is therefore accepted'; or the conference secretary may say 'There were 150 votes in favour, 2 against and 30 abstentions: the resolution is therefore carried.'

We must also return to the point made at the beginning of this chapter about the strong preference for consensus. In cold logic, if negotiations fail to achieve consensus and a vote is to be taken, the sponsors of a resolution or other text might be expected to discard the various compromises they made in the course of that failed endeavour and return to their original proposal, which more accurately reflects their objectives.

This almost never happens.[5] The reason is that if the sponsors of a proposal have to take it to a vote, they want as large a majority as they can achieve; in most cases, the negotiated text will attract greater support than the starker original. A majority of one vote is enough to defeat a proposal and the number of abstentions is then of little import. For a resolution to succeed, however, while technically a bare majority is enough, in political terms you want as large a majority and as few abstentions as you can possibly achieve. In other words, although opponents have forced your resolution to a vote, you still want to get as close as you can to consensus. Success is measured by the degree of support that your proposal secures. Acclamation is best (but rare), unanimity is excellent, consensus is very good (provided you have not given too much away to achieve it). At times an opponent will insist on a vote and then abstain. Mild opposition, it may seem, especially if no other delegations follow this lead; but still, he has denied you consensus and placed on record the existence of strongly held reservations about your proposal. A resolution that attracts one or more negative votes has done even less well. And so on down the scale, until ultimately a resolution adopted by say 62 in favour 56 against and 70 abstentions would be rated by most diplomats as having been as good as defeated. Such a result cannot be represented as reflecting a collective will of the conference. Beyond this, in political terms, success is also measured by the nature of your support: Does it include the United States? Other powerful countries? The countries whose policies you are trying to influence? Those with whom you wish to associate?

Conclusion

One absolutely fundamental point emerges from all this: the only formal output or product that a multilateral conference is capable of generating is agreement or something closely related to agreement. Multilateral diplomacy succeeds to the extent that it approaches agreement. On this lapidary insight, successful multilateral diplomacy is built.

11
Negotiation

A multilateral conference is an encounter between nation states, sometimes deciding on matters of great importance. But, as we saw in previous chapters, a multilateral conference is also a room full of people, moving towards collective decisions which can only be made by agreement (or something close to agreement). If your aim is to influence these decisions, your task boils down to bringing these people to acquiesce in whatever you want, by interacting with them. We call this process 'negotiation'.

Levers of influence

These people are delegates. In other words, they are people with:

- *Instructions* from the government (or other entity) they represent, or at least from an element thereof, such as the International Organisations Department of the Foreign Ministry.
- *Responsibilities* that they feel, usually towards a wider constituency. This may for instance include the government as a whole, the nation and perhaps certain principles that the delegate values.
- *Accountability* to individual superior officers, to the sending government, potentially to the media and Parliament, etc.
- *A viewpoint* which comes from their national perspective and the personal background and professional responsibilities of the individual and other such factors.
- *Expectations* as to the likely course of the conference, its probable outcome, the prospects of achieving their preferred result and other considerations of this kind.

- *Personal factors*, which can include a particular commitment to a cause, extraneous preoccupations, personal vanity, etc.
- *Basic humanity*: simply the attributes that all people share, such as their wish to be treated with consideration, their susceptibility to fatigue and hunger, etc.

These are the factors that will determine how they vote and what they will agree to. They are what you have to work on.

Instructions

Your government may have exerted itself before the conference in an attempt to influence the instructions issued by other governments to their representatives; but by the time the conference starts these are settled. The United States (rarely other countries) sometimes make representations in capitals during the course of a conference, trying to get another delegation's instructions changed. You may, at times, be able to persuade another delegate to contact his authorities and seek changes to his or her instructions.[1] More often, if another delegate's instructions are unhelpful to your objective, your best prospect lies in persuading him (or leading him to see for himself) that his responsibilities require him to 'interpret' his instructions as being subject to perhaps unwritten qualifications. This is less of a tall order than it may appear because it is usually true. Realistic instructions are not so categorical as to require delegates to stick to the letter of the brief at the expense of more compelling considerations, and a responsible delegate will rarely pursue one point of his brief to the extent of compromising other objectives which he knows his government to value.

Responsibilities

As implied in the previous paragraph and earlier discussion, the function of delegates is not simply to carry out specific instructions from headquarters. Their overriding brief is to do the best they can for the government they represent, in the circumstances as these develop at the conference. No specific instructions can ever be fully comprehensive: they cannot cover every possible scenario that may unfold at a conference, such as the need to trade off one objective against another, the possibility of new issues arising unexpectedly or of different issues becoming linked in unforeseen ways. In short, a delegate's responsibilities are even more important than his instructions and experienced delegates are well aware of this. This is helpful because a responsible assessment of the most appropriate course at a multilateral conference is likely to

be more flexible and more accommodating of the concerns of others than can be expected of any set of instructions written at home headquarters (and open to scrutiny in a purely domestic frame of reference). If you can demonstrate to another delegate that acting as you wish is what he should do in view of his responsibilities, you are close to winning.

Accountability

Other delegates' accountability to their various domestic constituencies is more likely to be an obstacle than an aid to achieving your objectives. Your task is likely to be to help them see how they can convincingly report that what they did (at your instigation) was the right thing to do in the circumstances. I have known a delegate to offer a sentence for another delegate's reporting telegram.

Viewpoint

In the early days of Macedonia's independence (the late 1990s), its delegates saw every issue primarily in terms of its possible impact on their nation's struggle for international recognition, against fierce opposition from Greece. That is an extreme case; but each delegate sees the world and thus every multilateral conference and every issue which arises there from his or her own particular point of view, based on his or her national (and sometimes personal) preoccupations. It would be unrealistic to expect anything else. Therefore, it would be pointless to argue 'I want this because it is in my country's interest'; your task always is to help your interlocutors to see why what you propose is desirable from their point of view.

Expectations

Expectations play a major role in determining human behaviour. We strive for that which we expect to be achievable. If our expectations change, our goals and the energy with which we pursue them are likely to alter in consequence. An extremely important part of the process of bringing a multilateral conference to a particular decision is to manage the evolution of the expectations of all relevant delegations. Effective conference strategies cannot overlook this factor.

Personal factors

Personal factors and individual personalities matter even more in multilateral conference work than in most other human endeavours because such conferences involve intense interaction between individuals in what might be termed 'a crucible'. They are far from home, largely cut

off from other human contact and narrowly focused on issues which very few people outside the conference room could understand or would even be aware of. Personal affinities, susceptibilities, pressures due to life situations and the rest are all magnified in this situation. If you are trying to persuade people to acquiesce in your desired words or action, you need to take careful heed of personal factors of this kind.

Basic humanity

Besides their individual quirks, delegates all have in common their basic humanity. They react as you would expect people to react. This means that you know of many things you should do and many things you should avoid in dealing with them, if you want their agreement. The cardinal rule of conference diplomacy is never give offence and never, under any circumstances, humiliate another delegate. (Imagine this: another delegate has instructions to vote for your candidate; but he also has a personal grievance against your delegation. It is a secret ballot: his own government will never know which way he voted. You should not needlessly put him in that situation.) The positive corollary is that it is elementary prudence to maintain as good personal relations as you can manage with all other delegates and secretariat members, especially those who may be in a position to help you and those who are potential trouble. The common human characteristics of delegates also underpin the uses that can be made of fatigue and of approaching or overdue mealtimes to nudge delegations towards agreement or conversely to frustrate it.

The final point about these seven levers of potential influence over the behaviour of other delegates is that they also work on you. Consequently, it is prudent to fully master these seven factors as they apply to you and your delegation. The next chapter gives some pointers for dealing with one's own brief, etc.; but the main injunction is to be aware of these seven factors and not to allow them to cause you to do anything you will later regret; if possible, use them as a source of strength.

Strategies

This background helps explain the following commonly deployed strategies to bring other delegations to agree to the position you are advocating:

1. Inform

The most effective way to alter expectations and to influence people's calculations of what is their appropriate course of action is to make sure

that they have all relevant information. You may also in the process subtly alter their perspective.

It is easy to supply information to other delegations: their demand is avid. Gathering information is one of the main reasons all delegations are at the conference. If, beyond that, they are interested in the course of the conference, they will want to hear your delegation's perspective and position on the issues being addressed. A large multilateral conference is a complex event with many different things happening at any given moment and many crucial developments taking place 'in the corridors' and in other restricted-membership groups. If you can establish a reputation for being well informed and willing to take the time to share your information, other delegations will tend to look to you as a valuable source. Naturally, this will gives you a good opportunity to get your own message across effectively.

People who know little about diplomacy often assume that the information you will be wanting to convey will be slanted, perhaps to the point of being plain misleading. In reality, there are extremely few occasions on which disinformation is a useful tactic and it risks destroying your reputation as a source of reliable information and consequently losing the benefits this can confer at this and future conferences. It could even cause lasting resentment, predisposing other delegates against anything you advocate. There is all the difference in the world between misleading another delegation and making sure they know all the facts that might influence them in directions helpful to you. The delicate borderline is that while no one would expect you to go out of your way to disseminate information unhelpful to your own cause, you will undermine your objectives if you take selectivity to the point of conveying a misleading picture.

In Chapter 8, the point was made that what is called the General Debate at a multilateral conference is not really a debate, and that statements made there are often directed at least as much to external audiences as to the participants in the conference. However, this does not mean that the General Debate does nothing to advance the work of the conference. The reason why delegations monitor what is said there, apart from general intelligence gathering and demonstrating courteous attention, is because it is a prime opportunity for the speakers to convey and disseminate information about their delegation's attitudes, intentions, arguments, etc. Indeed, all interventions that delegates make in conference sessions, including in committees, caucus group meetings, etc., are opportunities to disseminate information of this kind in a highly efficient manner, in that you have a

large attentive audience, often aided by interpretation and equipped for note-taking.

Much more labour-intensive is the dissemination of information in the corridors and in small group meetings; but this has several compensating advantages. It is possible in effect to trade information, to use the opportunity to learn something of the other delegation's attitude, intentions, etc., as well as what it knows about the attitudes and activities of third parties. The bilateral or small-group nature of these exchanges enables you to tailor your presentation to your audience (again, not misleading them but paying closer attention to aspects of the situation that interest them or might influence them). The essentially private nature of corridor conversations suggests a certain sense of exclusivity, even conspiracy, which you should be able to use to advantage.

2. Approach civilly and ask for support

There will be times when you have a universally attractive proposal, in which case a public announcement (that is to say, a statement made in formal session or in a working committee, or a document that is circulated to all delegations) can be all that is necessary to have it adopted; and there are times when a public appeal for support can suffice. As a general rule, however, approaching delegates individually for their support is more likely to be effective. Cajole, beg, demand if you have reason to think that may be effective (it almost never is); but at least do them the elementary courtesy of asking for their support. Of course this is labour-intensive and takes time (which is always tight when you need it most). Like most of the other prescriptions in this chapter, it is a counsel of perfection, difficult to apply totally in practice. They are offered as a guide to best practice, to be implemented to the degree possible and applied preferentially to priority objectives.

3. Offer inducements?

It is not unknown for one delegate to promise personal or national benefits in exchange for support in a multilateral meeting, although more frequently the inducement would have been offered at an earlier stage, before the conference even began. (Japan's attempts to exert influence by such means in the International Whaling Commission have been widely publicised.) The effectiveness depends on your credibility: a track record of keeping your promises would be useful. It also depends on what you have to offer; which means there is a cost, and if the impression gets abroad that you are in the business of offering inducements, not only will the price rapidly go up but more and more delegates

will suggest that their support is conditional on similar rewards. Most delegations will soon run out of trading stock. Most difficult to sway by this strategy would be the major powers (whose support, if it could be bought, would be very expensive), the representatives of transparent democracies and those delegations which have a stake in the issue but different objectives from yours. In short, I have given prominence to this strategy because it is one of the first which suggest themselves to the uninitiated, but in practice it is highly problematic and consequently rarely used.

The situations in which this strategy is most likely to be met are elections of heads of international organisations. The voting is secret: even the sending government will never know how their delegate voted. If one of the candidates has told you that, if elected, he will appoint you to a secretariat job that you badly want, the temptation can be extreme. I had the distinct impression at the 1993 elections for the Director General of the FAO that one of the candidates was offering such incentives. The difficulty (and the reason why that candidate was ultimately unsuccessful) is finding enough delegates who are both open to such temptation and believe the promise.

4. Make threats?

Again, this is a strategy which suggests itself to the uninitiated but is very difficult to use to good effect in real life.

I remember a Soviet delegate in 1980 at the Committee on Disarmament, at a lunch among delegates, saying to the Italian: 'You seem to be forgetting that we have dozens of nuclear-tipped missiles targeting your cities.' The Italian did not alter his stance: instead he got very angry and others present were outraged. The Soviet delegate had not advanced his cause (but then he had little to lose). Even more so than inducements, threats are more likely to be effective if conveyed in capitals: at least there they will be delivered by bilateral diplomats focused on how to handle that particular government. An American delegation leader once told me of representations his country had undertaken in Zimbabwe, plainly saying 'if you vote for this resolution you can forget about that $25 million aid project that is in the pipeline'. The government sent compliant instructions but the delegate still voted for the resolution. 'Expensive delegate', commented the American; but the expense was not borne exclusively by Zimbabwe: the cancelled aid project would have served American purposes as well. Very few governments are ever in a position to make effective threats and these are always resented and thus potentially costly. Credible personal

threats against individual delegates would be even rarer than credible personal incentives.

5. Bully, browbeat, dominate, overawe?

In theory, this should produce less effective leverage than specific threats and bear much the same costs. In practice it is much more effective and less costly. Because national and personal dignity are so highly valued, the domination of one delegate by another is only attempted in private but it can be highly effective. It is not an option available to all delegations, but its use is more widespread than might be expected. The truth is that many governments have accepted a subservient position to others, leaving their delegates open to pressure by those of the dominant partner. Soviet delegates, of course, were accustomed to issuing instructions to those of their Warsaw Pact clients and Mongolia. French delegates, with a little more subtlety but equal confidence, can pressure colleagues from former colonies in Africa to do their will. Some EU members make use of that group's ascendency over applicant states and clients. Israeli delegates, while respecting the forms of discourse among equals, do not hold back from demanding support and assistance from American delegations with an insistence that reflects a common awareness of the power that the Israeli government can exert in US domestic politics. Leaders of geographical groups can also use their position to gain ascendency over weak delegations of member countries and use it to influence their voting. These are examples of the political relationship between governments manifesting itself in relations between their respective delegates. But one also sees cases where the source of the domination is more personal, reflecting nothing more than the effect that an assertive personality can have over a less confident one. More frequently, it is a combination of these two factors, where a delegate with a domineering personality senses that the relevant political relationships and the personality of the victim leave them vulnerable to being swayed in this way. The more brutally this is done (and I recall one occasion on which an American official nearly overwhelmed me), the more likely it is to cause lasting resentment and only short-term gains. Conversely, when more sensitivity is deployed, a strong personality often influences weaker ones without much downside.

6. Trick or deceive?

At the Fourth Preparatory Meeting for the Rio Conference on Environment and Development, the Swedish delegation pretended to work with my delegations and others, while secretly preparing a competing text.

As with bribery and coercion, apart from considerations of morality and of embarrassment if exposed, deceptions of this type are difficult to perform. The people you are dealing with, the delegates of other countries, are an elite corps and the environment one in which a lot of information circulates freely. Moreover, if you succeed once, your chances of being found out are very high. Once you have earned mistrust, your future ability to influence other delegations will be greatly reduced. I find it difficult to imagine a situation in which this would be a sound tactic.

7. Wear them down

Still in the field of disagreeable personal interaction, dogged persistence with one's own priorities and making no concession to anyone else's wishes, and using up time that others need for other purposes (including eating and sleeping), is deeply resented by other delegates but it succeeds far too often.

8. Charisma and charm

There are, however, more benign ways in which one personality can gain influence over others, which do not usually leave a legacy of resentment. If you are blessed with the ability to inspire others to accept your leadership simply by the power of your personality and eloquence, this asset should not be neglected in a multilateral conference, although the brand of charisma that works there is rather different from that which serves a political demagogue. Personal friendship is of course a strong motivator and can make all the difference, especially when its dictates do not clash too sharply with a delegate's brief or sense of responsibility. Likewise, simply being an engaging individual is a source of influence over delegates, as it is over most people. Good looks, a ready smile, an open friendly manner – in short, all attractive human characteristics – are aids to effectiveness in conference diplomacy: delegates and secretariat staff, because they are human, and more so if they are especially susceptible, will often be more helpful to you than to your less-well-endowed competitors. An Australian ambassador to ECOSOC used to refer to an attractive, bright young member of his delegation as 'my secret weapon' because other delegates were always eager to talk to her and please her.

The main problem with factors of this kind – and also with the more personal forms of coercion – is that they do not pass the test of delegates' accountability. They can be extremely effective in matters that are not of great moment to the other delegate's sending government, but any action which he is going to have to explain needs a different cover story.

So you will have a better chance of charming or bullying a delegate into departing from his brief if you can also supply him with a more defensible reason for having done so.

9. Comfort in company

We now turn to factors in which the essential humanity and personal proclivities of delegates mesh in with aspects of their brief and accountability. Most people are responsive to appeals for solidarity, and these have the added attraction of dispensing with any need for mental effort, courage or discernment. Partly for the same reason, it also is the easiest solution for governments, especially in relation to matters to which they do not attach great importance or in relation to which they feel powerless.

This mutual reinforcement between factors affecting the individual delegate and the government which sent him or her, helps explain the force of geographical groups. It is so easy for the author of instructions of a minor power to write 'when in doubt, join in supporting our geographical group'. It is so easy for a delegate who faces contending pressures and arguments to find refuge in group solidarity, solving at one step both his dilemmas: deciding what to do and explaining his decision to headquarters. It even provides an escape from those who would pressure him: 'Sorry, your arguments are very persuasive and I wish I could agree; but I can't desert my geographical group.'

If a majority appears to be going in a particular direction, the herd instinct can be exploited to the full. Many delegates are won if they can tell themselves and those to whom they are accountable: 'This is the inevitable outcome, there is no point in doing anything else.' Nor is this necessarily despicable: if the wish of the overwhelming majority is clear, your government probably should not stand against it, especially if its own vital interests are not at risk.

If individual delegates and governments both feel the appeal of being with the majority, they are even more susceptible to its converse: the fear of isolation. Here, again, the personal discomfort most delegates feel in maintaining and defending a position against the opposition of a clear majority, reinforces policy considerations: if we oppose the winning side we risk its retribution, domestic critics will paint our isolation as failure, persistence would be futile, etc. Very often, instructions will be explicit: 'maintain this position unless entirely isolated'. Very often, delegates argue with each other: 'if you take that position, you will be totally isolated'. And very often such arguments, if credible, are persuasive. Of course there are exceptions: the great powers, and especially the

Superpower, if they attach importance to an issue, can withstand isolation; governments (such as those of Israel, the Democratic People's Republic of Korea, and Milosevic's Yugoslavia) that encourage a siege mentality to enhance their domestic popularity, at times revel in isolation. And some perverse delegates manifestly take great personal satisfaction from the attention they can attract by maintaining idiosyncratic positions against all comers.

The Western Group and (post-1990) Eastern Group are less coherent than the other geographical groups but, in determining their own positions, their members still pay a lot of attention to what other delegations are doing. Acting and voting with ('in the company of') selected other delegations can be firm national policy, particularly among groups of countries which are seeking to forge a closer association, such as the member nations of ASEAN and the European Union (the latter, in fact, have a treaty obligation under Maastricht to seek to align their voting). Less rigidly, on particular issues, voting in company can be a manifestation of broader foreign policy concerns. The ex-communist countries of Eastern Europe, for instance, tend to follow the EU, both to affirm their new identities and to reinforce their credentials for membership of the Union.

For a democracy, there is also the question of public accountability. If a voting decision needs to be defended, the fact that 'respectable' countries took the same decision can be a plus. Thus, for example, on human rights, administrative and many other issues, Australia usually seeks to vote the same way as 'like-minded' delegations. (Under the previous three governments, this meant New Zealand, Canada and the Scandinavians. In the early 1990s, Australia also attached growing importance to how its voting meshed with that of it regional neighbours. More recently, solidarity with the United States has been the priority. But for a country like Australia, 'good company' is issue-specific: on a number of trade issues, Canada most definitely is not good company; on others the only company that matters is that of the ASEANs plus Japan.) But instructions to vote on a particular issue 'in good company' do not mean 'follow sheep-like'. On the contrary, they allow you, the delegate, considerable freedom to follow the dictates of your conscience and your concept of the national interest – as long as you can assemble 'good company' around your preferred stance. For one thing, in some cases you have latitude in deciding what constitutes 'good company': countries like Ireland and the Netherlands may be acceptable substitutes for the Scandinavians, if the latter are going what you think is the wrong way. Even when 'good company' is specified in your brief you can try to

convince this company to vote the way you want to. In this, you will often be helped by finding that their instructions mirror yours: they are the 'good company' you need; but you are also part of the 'good company' they need. But it is not quite the free-for-all this may seem to imply: fairly typically, because your countries are genuinely 'like-minded', what you, as Australian delegate, think would be a defensible voting position has a good chance of being close to what the Canadian thinks would pass muster in his country. 'Good company' is also useful protection if you feel it is necessary to depart from the line suggested in your brief.

10. Manage expectations

Typically, delegations come to a multilateral conference with a broad predisposition for it to get through its agenda, take the decisions, and adopt the resolutions or reports which the agenda implies. They expect to get an opportunity to voice their particular concerns and that an effort will be made to accommodate these in the final outcome, to the degree that the concerns of others permit. They can be expected to look reasonably constructively at any proposition which advances these broad objectives and to be resistant to anything which tends to frustrate them. The propositions you advance or support will have a better chance of success if they pass this filter, and propositions you are trying to defeat can be harmed if they are shown up as failing this test. As a general rule, there is a widespread disposition amongst delegates to find widely acceptable solutions to the problems encountered by the conference. There is, in short, far more goodwill abroad in multilateral diplomacy than non-practitioners might expect and this can be put to good use.

Beyond this, all delegates will arrive with certain expectations – broad-brush or quite specific – as to what the conference outcome is likely to be. If these expectations are helpful to your objectives it is obviously in your interest to sustain and reinforce them. To the extent that they are unhelpful to your objective, your interest is that they should change. As noted above, expectations as to the likely outcome inevitably have a strong influence on the behaviour of delegates. Most delegates will be strongly attracted to propositions which they see as having good prospects of securing general acceptance. All are likely to adjust their tactics and their objectives in function of their evolving expectations as to what is achievable. (For instance, a delegate who originally sets out to work for outcome X as opposed to Y, if he becomes convinced that some variant of Y is the most likely outcome will rationally drop X and redirect his efforts towards seeking some moderation of Y.) In the management of changing expectations you should bear in mind that

people are usually more comfortable if their expectations change gradually and, ideally, subconsciously. Sudden and dramatic changes of expectations give rise to resistance and can bring on panic or elation.

11. Flexible negotiation

The basic technique of negotiating texts is to start by establishing as much common ground as possible before turning to the portions of the text which are not immediately acceptable to your counterpart(s) (i.e. the people with whom you are negotiating). When you do turn to these, you should be ready to consider or offer alternative formulations ('language' in conference jargon). Many of their objections will be found to be with implications which they place on the words originally offered but which may not be essential to your purpose. Often 'language' can be found which serves your purposes while still being tolerable to them. In some cases, it is not necessary for all parties to place the same interpretation on the words. For example, when the words themselves are important to you for declaratory purposes, it is tolerable if others do not read them exactly as you do; in cases where the words specify actions to be undertaken, the reverse applies: the implications you read into the words are less important than the way they are understood by others. With experience you will develop a sense for the occasions on which an element of ambiguity can be accepted without compromising your basic objectives.

Throughout such a negotiation you should display (if necessary feign) respect for the difficulties others see. This tends to make any alternative wording you suggest appear to be a concession to their position (which helps them accept it: they can believe and/or report that they secured some improvement in the text). The other most important principle of this type of negotiation is to maintain an optimistic and cooperative demeanour. When a point of difference seems irreconcilable, you should express confidence that a solution can be found by continuing to work together and suggest that the negotiators return to this point later. In fact, you or they may indeed at that time have a new idea for a solution, or other developments may cause the difficulty to disappear. If, as is more likely, it remains unresolved, then at least it will not have stood in the way of agreement on other points.

12. Christmas trees and packages

As noted in Chapter 1, a frequent solution to decision-making in committees (and therefore in multilateral conferences) is to build a

'Christmas tree', that is a decision so structured that it can hold many 'goodies' , where each 'goody' is something attractive to one or more of the participants. If there are enough 'goodies' and provided none of them is too repellent for most participants, the Christmas tree is sure to attract widespread approval. To guard against delegations 'cherry picking' only the elements or features which they prefer, a Christmas tree is always a 'package': something which has to be accepted as a whole. The disadvantage of this strategy is that it results in complex decisions with many elements or features and that some delegations will withhold agreement, regardless of the merits of whatever is proposed, in the hope of securing inclusion in the package of something of value to them.

13. The 'constructed' or 'welcome solution'

One of the most effective strategies for achieving your objectives is to devise a solution to any issue facing the conference that both advances your own objectives and at the same time goes as far as possible towards meeting the objectives of others. This can be a package or a simple reformulation, as long as it enables you in effect to offer incentives to other delegations to support your proposition; but this time incentives wholly intrinsic to the putative conference outcome. Provided the solution you offer is such as to attract widespread support, and especially if it comes at a time when delegations are keen to dispose of the issue, it will be welcome to the chairman and many delegations and has good prospects of being adopted by the conference. You can often develop such a solution by the process of 'proto-negotiation' described in Chapter 5.

One of the beauties of this strategy is that not only does it bring the conference to an outcome consistent with your objectives, but since it also conforms in considerable measure with the objectives of others it is likely to prove an effective and durable agreement, one which governments will willingly implement. It differs from the 'Christmas tree' in that instead of each delegation being free to demand this or that 'goody' for themselves, you, as author, retain control. You will load the package with features attractive to others, but harmless for the interests that you represent – these will be cost-free to you. On an issue where competing objectives or perspectives clash, it may be necessary to offer a less-than-ideal solution from your own point of view, for the sake of ensuring that the whole will attract the support that you need. Making such concessions does mean settling for less than your full wish-list; but if they gain support for something which still meets your essential needs, you are well rewarded.

The main disadvantage is the heavy demand this strategy makes on your resources of manpower, time, empathy and creativity. Sometimes, small and medium-sized delegations pool resources for this purpose. (One example is the G10, group of the previously cited delegations from governments of small and middle powers strongly committed to the cause of nuclear non-proliferation, which prepared drafts of several key passages for the final documents of several of the NPT Review Conferences, with considerable success.) The other challenge is that of 'selling' your solution to others: there can be mistrust of the author(s), resentment at being denied the role of problem-solver or reticence about accepting a solution in which they have had no direct hand. Enemies of the proposal can describe it as having been 'concocted behind our backs' but this is misleading: other delegations have in fact participated by proxy in the construction. The solution has no prospect of being accepted unless the authors have taken pains to inform themselves of the objectives and perspectives of each of a representative sample of the conference membership, including particularly its leaders and those most engaged by the issue at hand. And, unless they have satisfied the key concerns of most of these other delegations, the attempt will fail.

14. 'Horse-trading' or 'haggling'

The alternative strategy which also involves giving incentives intrinsic to the conference outcome and making concessions with a view to developing a solution which will satisfy others while meeting as many of your own objectives as possible, is sometimes known a negotiation, although I prefer to reserve that term for the much wider process of developing a mutually acceptable outcome. Essentially, it boils down to 'horse-trading', where each 'concession' by one party has to be matched by a 'concession' by others. It can be thought of as give and take, with each ultimately agreed element being seen as having been taken by one party and given by another. In a multilateral conference, such horse-trading can be either multilateral or broken down into a series of bilateral or small-group negotiations, which are later amalgamated into the multilateral whole.

A great deal has been written about negotiation of this kind in many contexts. Some of the best studies, highly relevant to conference diplomacy, originate from business schools; and much of the strategic and tactical wisdom has been refined in the market places of the world over many centuries. Only a few principles need to be enunciated here.

The main difference from the 'welcome solution' is that, under horse-trading, the authors are not a single delegation or a group of like-minded allies but, on the contrary, the proponents of at times mutually antagonistic positions. The exercise has some of the characteristics of a contest, and can become charged with all the emotions generated by winning and losing. Each participant is conscious of being engaged in trading: they focus on 'how much they can get' in exchange for each concession they make. Each is trying to maximise his or her 'gains' and minimise his 'losses' or concessions.

This leads to reluctance to 'show one's hand' (whereas in the 'welcome solution' strategy the more you inform the solution-writer of your aims and concerns, the more you stand to gain). It leads to a desire to hold back from making concessions until you have a clear picture of what you can gain thereby. At the extreme, this could prevent effective trading. The solution is to keep repeating that what is under discussion is a 'package' and that 'nothing is agreed until everything is agreed'. This enables concessions to be at least hinted at, with a view to 'smoking out' what can be gained in exchange, without actually making the concessions.

There is another reason to delay revealing the concessions you are prepared to make: the perverse human psychology of gains and losses. As marketing researchers have confirmed, if someone finds $100 on his way to work but loses $100 on the way home, he ends the day feeling despondent; if, conversely, he loses $100 but a little later comes by the same amount unexpectedly, he ends the day feeling quite cheerful – although in both cases the net effect on his wealth is zero. In fact, he will be quite happy to recover $90. This translates in a horse-trading context to the desirability of taking gains before giving concessions of value to others. This way, you can achieve your own objectives at less cost because the other parties are likely to be satisfied with less if their gain comes after their loss. Moreover, concessions hard won will be valued the more: this is another incentive to drag out the process of making concessions. All of which makes for protracted and at times acrimonious haggling.

This process also often leads to blackmail: 'unless you agree to X, I will insist on Y' (where Y may not be of great importance to me but I know it is anathema to you). The very powerful school for diplomats of the late Soviet Union manifestly taught this tactic: their delegates would almost invariably introduce proposals that they must have known had no prospect of being accepted by Western countries (as we then were), not so much as ambit claims[2] as to create negotiating coin. I recall the

gilded son of a high-ranking apparatchik in a Working Group on Nuclear Weapon Free Zones in 1983 doing so in such a crude manner one afternoon that I asked him: 'What do you object to in the draft, to make you pile so much garbage on the table?'

Against these and other disadvantages, horse-trading remains less demanding a strategy than that of constructing 'welcome' solutions. It does not require extensive preparatory work before the conference. It can give other participants a greater sense of satisfaction, of having had a direct hand in determining the conference outcome, and a higher degree of (self-deluding) confidence that they have indeed achieved the best possible solution for the cause they represent.

15. Cross-issue blackmail

It is possible to take haggling to the point of discarding any pretence of concern for other delegations' objectives. The most dramatic form of this is seen when a powerful country announces its intention to block agreement on an issue of importance to the majority of conference members, unless they agree, against their wishes, to its demands on an entirely different issue. The United States used this tactic in 2002 as part of its all-consuming attempt to secure exemption for US citizens from the purview of the International Criminal Court. It is difficult to conceive of a US objective that could be more universally repugnant to the 96 per cent of the human race who are not American. The only hope the US had of getting the UN Security Council to give any ground on this issue, was to threaten to block agreement on vitally needed peacekeeping forces. The outcome was a messy, short-term compromise; and widespread alienation and resentment that will impede the achievement of other US objectives for many years.

All I can say about this strategy is that it is inconsistent with, and destructive of, the concept of multilateralism.

16. Mediation

In cases where negotiations stall, the opportunity arises for mediation. A conference officer or other delegate takes on the role of 'honest broker' or mediator. He or she speaks separately to the principal contenders and seeks to develop a solution acceptable to all. This can include simply acting as intermediary in ongoing horse-trading and/or proposing solutions of his own invention which he thinks may be acceptable.

The mediation must be acceptable to all concerned. One prerequisite is that they must have a degree of confidence in the mediator's ability

and (relative) impartiality. No one would expect a mediator to produce an outcome inimical to his own objectives, and all understand that the role of mediator does often enable a delegation to advance its own objectives. This is no impediment to a mediator's acceptability as long as he is believed to be genuinely committed to finding a solution acceptable to all other delegations. A chairman is often acceptable as mediator, because of his interest in securing general agreement. The 'chairman's texts' previously mentioned are often the result of mediation but they can also be produced as unheralded 'welcome solutions' or as a result of horse-trading in a back room.

Combinations

In practice, the 16 strategies outlined above are less distinct than is suggested here. The normal course of most conferences sees many delegations using several of the strategies concurrently and in combination. In particular, what starts as flexible negotiation or an attempt to craft a 'welcome solution' often ends up as the starting point for a round of horse-trading. As previously noted, what all successful strategies have in common is that they aim to produce agreement and that concern for the degree of satisfaction of other parties is not altruism, it is the most effective thing you can do to get an agreement incorporating your objectives and to ensure that that agreement proves durable.

Damage limitation

All of the above is written from the perspective of delegations achieving their objectives, but, at times, you may find yourself losing, and the emerging text not in accordance with your objectives. In those circumstances, the defences available are all bad (bad for your objectives and those of most other delegates); but not as fatal to your objectives as allowing the emerging text to be adopted unamended. Some examples of damage-limitation strategies are the following.

(a) Ambiguity

To accommodate conflicting viewpoints, make the text somewhat ambiguous, so that different parties can read it differently. From the point of view of the defending party, this means that their position is not entirely overwhelmed. Obviously, an agreement which is less than clear is less than a full agreement. But, sometimes, an unclear agreement is less bad than no agreement; and the supporters of the original text may settle for partial achievement of their objectives.

(b) Qualification

To accommodate particular fears or aspirations, add qualifying phrases and exceptions. Here again, it may be possible by such means to protect your position, or to limit the damage to it while still giving the promoters enough to satisfy them. From their perspective, some exceptions are likely to be tolerable, again for the sake of the rest of the agreement, and specific qualifications are preferable to ambiguity, because less open-ended. If you are winning but decide to give a defender any latitude in either of these two ways, you should resist conceding anything more than is strictly necessary: just because part of the agreement is vague or soft, is no reason to let any more of it go that way.

(c) Brinkmanship

Pretend you are about to say 'no' or walk out. This is dangerous because rarely do you really want to do that. Nearly always it would be the worst outcome for you as well as for others. You may be caught bluffing.

Destructive strategies

In the last resort, if you cannot adequately protect your position by compromise, it is possible to fall back on a range of strategies to frustrate the aims of the supporters of texts that you cannot accept.

(a) Walk-out

The ultimate protest is to withdraw from the conference, as Japan walked out of the League of Nations when its actions in Manchuria and China were denounced. The clear intent is to make any further action by that conference irrelevant for your country. As the Soviet Union found out in 1949, the risk is that it will take decisions in your absence which are none the less important for you. The Security Council, which the Soviets were boycotting in protest at its refusal to allow Mongolia to join the UN, decided to intervene militarily against North Korea's invasion of the South.

(b) Veto

The institution of the veto for the Permanent Members of the Security Council has been much discussed. In practice, a single country can very often frustrate agreement in almost multilateral conferences, simply by saying 'no'. The United States, in practice, has the power to veto almost any draft international conventions and many a lesser endeavour, simply because the proposed agreement would have little practical value

without the participation and support of the Superpower. Formerly, the Soviet Union had an almost comparable ability to say 'nyet!' To a less marked degree, many projected agreements or standard-setting declarations would be of limited worth without the participation of parties of the weight of China, India, the European Union, etc. For most day-to-day purposes, as previously noted, there is a very strong wish on the part of conferences to reach consensus and a number of organisations have a more or less codified rule that this is their only mode of decision-making. The corollary is that an individual delegation, if it feels strongly enough about the point at issue, always has the power to prevent consensus: 'If you insist on that, I will have to call for a vote.' This is powerful leverage and very often, in effect, a veto.

(c) Filibuster

This art was developed in the United States Congress: speaking at such length that time runs out before a decision can be taken. The rules of procedure of most conferences are proof against this in its crude form (limits on length of interventions and provisions allowing for a question to be put to the vote without further debate). But a determined delegate can still waste a tremendous amount of the time of a conference, exploiting the other delegates' tolerance and ultimately testing the limits of that tolerance. You can chew up a lot of time on earlier agenda items, before discussion even starts on the one where the prospective agreement is problematic for you; moreover, your opponents may take a while to wake up to your real objective. You can prepare the ground for such a strategy by seeking to have the problem item placed close to the end of the agenda.

You do not have to talk until the conference finishes: you only have to use up as much time as will ensure that not enough is left for the negotiations and other processes that would be necessary for the agreement to be concluded.

(d) Diversion

Moreover, you do not have to do all the talking yourself. It requires little creativity to launch an argument that others will be dragged into. I saw the Yugoslav delegation frustrate agreement at the Second Review Conference of the NPT by raising the issue of Palestine and the rights of the Palestinians. In no time, an absolute stand-off had been erected between the Arabs and the Americans. This persisted so long that the conference was not able to record agreement on anything at all. This was a classic red herring, because Yugoslavia's real objective,

I believe, was to frustrate an agreement between NATO and the Warsaw Pact on nuclear non-proliferation, to which most Third World countries would have been party, because that would have devalued the Non-Aligned Movement which Yugoslavia saw as its source of stature and influence.

An alternative tactic is that of the squid (I owe the term to the Philippine Parliament): to launch so many different diversions as to create total confusion and obscurity. Getting susceptible individuals angry, preferably with each other, can work wonders in this vein.

(e) Deferral

It is also possible, and often preferable, to be more open about your purpose. You can argue for delay on such grounds as that your government or delegation has not had time to study the document ('no instructions') or that it requires more extensive discussion among delegations ('not ripe for decision'). At times, an argument can be mounted, sometimes validly, that an issue is not on the agenda for the meeting or not within the responsibility of that particular conference ('wrong venue') and that the delegations are 'not competent' to resolve it.

(f) Procedural motions

If the Chair resists these arguments, you can try to use the procedural motions which that particular conference's Rules of Procedure permit. These are likely to include:

No action motion

Most conference rules of procedure permit a motion that the conference take no action on a draft resolution and require that motion to be put to the vote after very limited, if any, debate. At the Commission on Human Rights in 1992 (and subsequent years), when a number of Western countries sought to have the conference adopt a resolution drawing attention to infringements of human rights in China, Pakistan moved that the conference not address the issue. Unfortunately, apart from those countries with a vested interest in the Commission not denouncing grave breaches, a sufficient number of countries found it easier to vote for 'no action' than to have to choose how to vote on a resolution which, however well founded and moderately worded, was offensive to China (which does not accept that its actions are open to censure from any quarter). To their eternal shame, the resolution was carried.

Motion to defer consideration

Without going to those lengths, it is possible to move that consideration of an issue be deferred and, you probably will have to add, 'included on the agenda for next year's meeting' (a vacuous phrase since each conference determines its own agenda). Of course, before moving any procedural proposal, you would want to be reasonably sure that you have the numbers, i.e. that it will be carried.

Motion to sidetrack an issue

Alternatively, you can seek to have the issue 'referred for further consideration' by a committee or expert group. This is not a simple procedural move as it involves replacing the draft resolution by another proposal. It would best be handled by demonstrating to the proponent that the draft resolution will not pass, and securing their cooperation to ensure this face-saving outcome.

There is nothing particularly clever about any of these tactics aimed at preventing agreement but they are of interest for the implications they carry as to what should be the behaviour of delegations that are trying to achieve agreement. Also interesting is the challenge of devising counter-strategies for defeating them.

12
Delegation Management

As in any demanding endeavour, a delegation to a multilateral conference has to have three fundamental preoccupations: clarity as to its objectives, the application of its resources to the achievement of those objectives, and management of the most limited and inelastic factor: time.

Delegation objectives

We have already said a lot about the objectives that governments and delegates can pursue at multilateral conferences; but how you go about achieving them will depend on which of the following rubrics they fall into.

1. Participation

Almost without exception, the minimal objective of every delegation is to be present and to have its presence recorded. To do this, delegations must register, and they should occupy the seat bearing their name, at least fleetingly and preferably on the symbolically most important occasion: the formal opening. Anything beyond that is optional and dependent on your other objectives.

2. Monitoring

The next most fundamental objective of any delegation is to find out what happens at the conference. If your objectives for the conference and/or your resources are very limited, it may be sufficient to wait until the conference is over, and then collect its Final Document and such other documents as record its main decisions or other points of interest. If a fuller appreciation of what happened is wanted, you can seek assessments from members of the conference secretariat and

selected delegations. Even if your delegation is well resourced and well informed about the course of the conference, its monitoring task is not complete until it has conducted such a 'post mortem'.

To the extent that their level of interest and their resources permit, delegations will also seek to keep abreast of what is happening at the conference as it progresses. For a small delegation this can be very challenging, as they cannot be present in every committee and peripheral meeting, and cannot possibly track the state of work on every agenda item nor the state of play on every issue engaged. They need to be highly selective and focused on what matters most to them, and their effectiveness is likely to depend on the degree to which they can 'piggy-back' on others. Their choice of sources of information is, therefore, crucial and they will be at risk of making avoidable errors if they rely too heavily on their own group or sub-group. The delegations of active, moderate middle powers (Canada, the Netherlands, Sweden, New Zealand, South Africa, Austria and Australia) are probably their best source: 'best' in the sense of themselves being well informed, likely to give an objective account, and small enough so that information within their delegations is not too compartmentalised (the person you speak to knows enough to answer your question instead of having to refer you to a specialist); also 'best' in being approachable and non-intimidating. National delegations tend to be preferable to conference secretariats, in that their insight into what is going on is likely to be more political, and they are more likely to have been present in crucial 'back-room' meetings. Conference secretariats can be good sources, especially for the procedural state of play, and can be seen as politically benign (in most cases).

Larger delegations will also find the task of keeping abreast with conference developments challenging and deserving of focused management. At the beginning of a conference, the delegation should assemble and apportion tasks to each of its members, with careful attention to the monitoring function. Responsibility should also be divided and allocated for maintaining liaison with each geographical group, with particular delegations, with the secretariat, and with NGOs, etc. Others may be tasked to monitor the media, the procedural state of play, etc. All this should start with the most elementary task – getting the daily issue of the conference journal[1] to each delegation member by a specified time each morning – and should not omit provision, in the allocation of time, for delegates to pool the information they have gathered in accordance with this planned programme. Particular items to listen for may have to be highlighted: 'tell me immediately if any delegation raises the issue of . . . '.

3. Reporting

The third fundamental task of a delegation (in almost every instance) is to report to headquarters. This, too, needs deliberate planning and prioritisation. What needs to be reported, in what format, on what time table, in how much detail, etc.? In short, what will be useful to the sending authority? Its needs include the ability to react to any development at the conference which impinges on its interests, perhaps by issuing new instructions to the delegation, warning political masters of possible questions they may face, briefing the media, etc. This means some reporting during the conference, as events unfold. At a more technical level but with a less immediate time frame, headquarters also needs to be equipped to prepare the brief for the next meeting and, especially in the case of treaties (but by extension also in the case of any other agreement), a record of the negotiating history, which is an authority for interpreting what the agreement means. Here, again, responsibilities need to be allocated, both for the preparation of reports and for the physical services they require: access to ciphered communications, couriers, etc. Information gathering and reporting can be made more efficient by having ready prepared forms or templates. For instance, the relays of junior officers assigned to monitor the General Debate can have a form for recording what each speaker says, with headings representing the topics of most interest to your delegation. This will help standardise the record-keeping and highlight your priority issues (it is also a good device for drawing the attention of inexperienced officers to any significant silences in the statements of other delegations). As with monitoring, there is likely to be far more that, in an ideal world, should be covered than can be reported with the resources and especially the time available. So there will have to be tight prioritisation.

It is tempting to think that part of the answer might again be 'piggy-backing' on to other delegations. If a lot of delegations are writing reports on the same meeting, this must involve a great deal of duplication: why not share the work and pool the results? This is more difficult in practice than one might imagine, and not only because of problems of language and divergent objectives (which is why the members of the European Union, for all their commitment to working together at multilateral conferences, continue to send home separate and different reports to their respective national capitals).

As Australian delegation leader to the Commission on Human Rights, I once tried this approach with the New Zealand delegation. That year, we merged our delegation meetings (see below), divided coverage of the various committees and subgroups in which we

defended each other's interests and pooled all our communications. We both report in English, our bureaucratic cultures are similar, and our national perspectives on human rights in distant places were at that time very similar. My scheme was that an Australian would write the report on the work of the first committee, a New Zealander that of the second, etc., and we would sign each other's reports and send one copy each to Wellington and Canberra. Both delegations would save a lot of time, of which we were both desperately short. The experiment was a total failure. I had not allowed for the difference in size between the two countries and, consequently, in their appetite for and capacity to handle detail. The Australian government has a larger foreign ministry, servicing a much bigger and more varied community than New Zealand's. It needed far more detail. The reports written by the Australian delegates were too long for the New Zealand Ministry of External Affairs: the New Zealand delegates had to rewrite them in their entirety in the more condensed format that was useful to their masters. The reports written by New Zealanders also needed rewriting by their Australian colleagues before they could be sent to Canberra. But the task of the Australians was even more time-consuming: to fill in the missing detail, they had to go and interview other delegations able to give them the many points that the New Zealanders had not recorded before boarding their plane for New York. I still think the idea should be capable of being applied productively by some delegations; but it needs more work.

4. Extraneous objectives

There is an important distinction to be drawn, although the borders often become blurred, between what a delegation is trying to do *at* a conference and what it may be trying to do *with* the conference. My fourth category is the former: those objectives which can be achieved independently of any decisions taken by the conference or indeed regardless of the outcome of the conference. It includes such extremely common objectives as: being seen to participate, placing a particular view on the record, nourishing relations with selected countries, gathering or disseminating information about just about anything, and projecting to domestic audiences in your own country an image of a government taking effective action to advance national interests and standing up valiantly against sinister outside forces, etc. Also less routine, but not extraordinary, are objectives such as seeking to inflict political damage or embarrassment on an opponent, defending your government against attacks from whatever source,

building up your personal or national reputation, indulging personal foibles, etc.

These objectives may be extremely important to your government, and they may even be very worthy and constructive. But it is useful to bear in mind that they are, technically, extraneous to the work of the conference itself, which is no more than the venue or medium in which your activities take place. Therefore, you can pursue them unencumbered by many of the constraints that apply to delegations trying to influence the conference outcome. In particular, they often do not require you to secure the cooperation of other delegations. This in turn means that your prospects of success are higher and the cost of attempting such objectives is relatively low. No wonder they figure prominently in the activity one can observe at all multilateral conferences! But there are limits to this dispensation: these are approached when your activities start to impede the efforts of other delegations to advance *their* objectives. The more idiosyncratic your objective, the more it is likely to irritate other delegations if you pursue it in ways which damage their endeavours. And, in the pressure-cooker world of multilateral conferences, such irritation will manifest itself as a reduced willingness to accommodate your concerns, or at the extreme, in a determined effort to punish you, either personally or nationally.

5. Operational objectives

Only fifth comes the objective of shaping the outcome of the conference itself or of some of its specific decisions. Only fifth because it is more difficult and more demanding of resources and determination than are the other four categories: inevitably, it is attempted by fewer delegations and only when they have particular reasons to do so. The rest of this chapter (and the next) is about the things which have to be done (besides persuasion and negotiation addressed in previous chapters and pre-conference preparations discussed in Chapter 5) to get a conference to produce a desired outcome. Such operational objectives could, for example, be to establish a new regime to help meet a problem faced by your government, to make an existing regime operate helpfully – or, negatively, to ensure that the efforts of other governments to address their problems through multilateral action do not have adverse consequences for your government. Or the aim can be to get the conference to adopt a specific set of words, or to achieve any of a wide range of non- textual objectives, such as that of conveying an impression of purposeful collective action, or, contrariwise, of ensuring that the conference fails in its stated objective, etc.

Delegation organisation

Whichever the category or categories your objectives fall into, the next step is to deploy the resources of your delegation in their pursuit.

Reference has already been made to delegation meetings: these are a key tool of conference diplomacy. Any serious delegation will assemble at the conference venue or nearby, a day or two before the conference begins, to review together their objectives and tactics, to allocate responsibilities, plan how to coordinate their activities and so on, and generally to bond as a team. Beyond this, it will be necessary to arrange for the delegation to meet periodically (in many cases daily, before the work of the conference starts) to pool information and get a coordinated view of their objectives for the day. Responsibilities have to be allocated, not only for monitoring, maintaining liaison and reporting but also for specific operational tasks (to provide delegation transport, to participate in the work of this or that committee, to lobby this or that other delegation, etc.). As mentioned earlier, you may also wish to allocate time and people to briefing other delegations, the media, NGOs, etc. on developments. The delegation leader does not have to do all this personally, but has to be satisfied that it will be done correctly.

Delegation leaders

This brings us to the role of the delegation leader. Partly, it is that of a figurehead, to give structure to the delegation for both internal and external purposes. For those outside the delegation, the delegation leader is the head person, equal (in diplomatic protocol) to the leaders of all other delegations. He or she is the sole true 'delegate' and 'representative' of the sending entity, and the standing of other members of the delegation derives from that of the leader. Accordingly, the leader is looked to for ceremonial purposes and as the person to whom messages can be addressed with the greatest solemnity; also the person who can speak most authoritatively. Because he is their 'front man', it is in the interest of all members of the delegation to uphold his status and personal stature.[2]

Inside the delegation as well, the leader has a ceremonial role as focus and the highest decision-making authority. It is improper and undisciplined for a delegation member to go 'over the head' of the delegation leader by asking for guidance from headquarters without his consent, or reporting in a manner that can undermine the leader. He or she has prime responsibility for staying focused on the overall picture, as

opposed to the detail of each individual issue and encounter. In this sense, the leader embodies the collective purpose of the delegation. He is also the one to resolve any difference of view within the delegation and generally to determine delegation policy and practice (although often this is done simply by endorsing a delegation consensus, or the advice of the delegation member best placed to make the necessary judgement).

The leader carries ultimate accountability for the delegation's performance. He or she is the general manager of the delegation, responsible for making sure that all delegation members are employed to the best of their ability and that they receive the support they need. He is also responsible for the welfare of all members of his team, which can extend far beyond questions directly related to the task at hand. Finally it is also his job to provide that intangible: leadership. Some delegations operate as a disciplined and rigid hierarchy but the best results are achieved by those where the authority of the delegation leader is not exercised autocratically but rather as an embodiment of a collective will, available to be used by all delegation members for their common purpose.

For major conferences, the delegation leader is often a minister or other high dignitary who probably is not equipped to manage the delegation in detail, has other things to do and, in any case, is unlikely to be able to stay for the full duration of the conference. In those cases, there has to be a deputy leader who fulfils those elements of the role not exercised by the formal leader, and takes over the total role when the latter departs.

Instructions

Given the importance of instructions in determining what a delegation should do, these clearly deserve careful attention by all members of the delegation. Ideally, at least the senior ones among them should be involved in their preparation, to ensure that they contain all that the delegation needs, and that, conversely, they do not contain excessively constraining injunctions. The delegation leader (and other senior members) should also be focused on the question of whether they need additional or revised guidance during the course of the conference. This possibility will influence their decision on how much reporting headquarters should get as the conference progresses (it will need to understand the context of any request for further guidance).

The point has already been made that all briefs are inevitably incomplete and have to be supplemented by a delegate's broader knowledge of his

or her government's concerns and national interests. More problematic is the fact that most briefs are also unrealistic in that they represent a wish list of everything your authorities would like the delegation to achieve, which often exceeds what is actually achievable. Beyond that, no brief-writer can foresee all the possible courses a conference can take, nor all the circumstances that delegates will face. This leads to two of the most challenging responsibilities of delegation leaders, which might be called the duty to neglect and the duty to disobey.

The first of these comes simply from the fact that, at almost every multilateral conference, there is a vast gap between what the delegation should do to advance its government's interests and the available resources in terms of people and time. It is easy to see what needs to be done; not too difficult to see what is essential and what deserves a lower priority. The fine judgement comes in deciding which essential task to neglect for the sake of others.

The duty to disobey requires a fuller explanation. Every delegation leader has three sources of guidance: the general lines of policy and regulations set by the government, the specific instructions received for that conference, and a third, unstated and disavowable but overriding instruction: 'Do anything that comes into your head, as long as, with the benefit of hindsight, we are happy with the outcome.' A delegation leader deserves the sack if he or she reports 'I did exactly what you instructed and everything went wrong; I could see a more advantageous option but my brief stopped me from pursuing it.' But of course, it is catastrophic to have to report 'I disobeyed your orders and the result is a disaster.' If you depart from your brief, you have to get a better result, from the point of view of your masters, than was otherwise achievable. If this were not hard enough, there can be no guarantee that your masters have unified or mutually consistent objectives and interests; you lose the protection of the inter-agency committee that settled on the brief. Moreover, some bosses are resentful of independent initiatives, even when these are objectively sound, and sometimes it is difficult to pull off something like this without showing up failures on the part of the instruction-givers. In circumstances like these, delegation leaders earn their pay.[3]

Informal consultations

As explained in Chapter 9, the process of delegates speaking to each other, as opposed to addressing the presiding officer in formal conference proceedings, is called 'informal consultations'. Its purposes range from

maintaining personal relations between the delegates whose interaction will shape the course and outcome of the conference; to disseminating information which the delegates see as useful to their purposes; to finding out everything that will affect the behaviour of each delegate: their instructions, expectations, intentions, mood, etc. – all the factors listed in the previous chapter; to exploratory discussion of the specific issues before the conference; and ultimately to detailed negotiation over specific texts. These may in logic seem to be distinct, successive phases of interaction, but in practice many conversations serve several of these purposes at the same time. Conveying information to other delegates has the potential to change their perspective, their expectations and thus their plans and actions. An intense textual negotiation is also an intense personal interaction, which inevitably leaves traces on the relations between the individuals concerned. And, as a final example, an ostensibly 'social' exchange can carry an unstated operational message, especially as between delegates who are deeply immersed in conference activities: a cheerful comment about the latest sporting results can serve as a reminder of promised support in a forthcoming vote.

Understandably, delegates like to be consulted and to feel that their views have been taken into account as you develop your own position or, especially, to see them reflected in the conference outcome. Consequently, a delegation which develops a reputation for consulting widely, understanding and respecting the views of others, will have greater credibility in future conferences, and other delegations will tend to be more receptive to its comments and suggestions. Individuals who excel at consultation are more likely to be elected to positions of influence, such as committee chairmanships and rapporteur roles. This is a valuable spin-off from consulting effectively in pursuit of your immediate objectives.

Make it happen

The first consequence of acknowledging the importance of these informal consultations is that you must make sure that they take place. A delegate who takes his or her job seriously will seek out useful contacts from the moment delegations begin to assemble in the city where the conference is to be held, and will not cease seeking opportunities for such exchanges until the conference concludes. Neophytes who may feel shy about approaching other delegates whom they do not know and engaging them in conversation about their instructions, their expectations, etc. should put such hesitations aside: all the other delegates are there for the same purpose as you are, and they are as keen as you are to exchange

information, to develop a sense of whom they are dealing with and to have an opportunity to put their perspective and their arguments to you.

Beyond this, active delegates take steps to create occasions at which informal consultations can take place. All major conferences are marked by a number of receptions, the purpose of which is to enable delegates to network and to talk shop. In fact, the reception or 'cocktail party', which in bilateral diplomacy can so often be a vacuous occasion, is an immensely useful tool of trade for conference delegates. Since all other active delegates will have as much reason as you do to attend, you can go there confident of finding the people you want to talk to, without having to make appointments or wasting time travelling to a succession of meetings and without vesting the exchange with the formality that would be unavoidable if you called on them in their office. In Vienna for many years, the Australian mission hosted a reception and the Indian mission a buffet dinner,[4] the Sunday evening before the start of the General Conference of the IAEA. Although not formally part of the proceedings of the conference, these get-togethers became a fixture, which all active delegations made a point of not missing: for practical purposes the conference began at these functions.

Consultations can be initiated by going up to other delegations at their seats in the conference hall and talking to them in a hushed voice while someone else is addressing the conference (obviously in such a case you ask deferentially if they can speak to you: they may be closely following the debate). Or you can speak to them in the aisles or empty spaces of the conference room, or in the corridors, lounges, coffee shops, etc., still in the conference building but outside the conference hall itself. Often delegates will want more privacy that this, and in some cases they will be very secretive, not wanting to be seen to be talking to each other: they may use meeting rooms in the conference building or their respective mission offices or hotels or restaurants, etc. It is useful to anticipate possible needs of this kind: reconnoitre the conference venue, locate the quiet corners, the private venues where meetings can take place; even reserve meeting rooms, private dining rooms or whatever, perhaps on a contingency basis.

As an aid or stimulus to corridor discussions, it is sometimes useful to distribute written texts. These can be draft resolutions or amendments, formal 'position papers', etc. They can also be 'non-papers'. This quaint (I think Scandinavian) coinage attaches to texts when a government or delegate wants to emphasise their informal nature. A non-paper is presented as an aid to thinking and discussion, most assuredly not the

definitive position of the originator or a formal proposal – although non-papers are at times gradually 'promoted' to that status.

Being there

Of course, some consultations are more important than others. In particular, learning the intentions of the 'movers and shakers', having an opportunity to inject your suggestions or demands when the final deals are being cut, and generally being present at any conversation that is crucial to the course of the conference, maximises your chances of achieving your objectives as to the conference outcome. One of the constant concerns of a professional delegate is to make sure that his delegation is present in all important consultations. If an issue really matters to your delegation, and the chairman has time to speak to only 20 delegates before finalising the proposal he will put to the meeting, you should make sure you are one of those 20. If a small group of key delegates are having dinner together to talk shop (and they have little time for anything else) you want to be at that table. The most obvious way of making sure that happens is to host the dinner. In the run-up to the Rio Conference, I asked myself, Which delegations should be having lunch together on the second last day of that conference, to stitch up the final deals and resolve the remaining problems? I then invited them to lunch during the second preparatory meeting, a year or so before Rio, and told them how I had drawn up the invitation list. I suggested that the same group should have a meal together at least twice at each preparatory conference and as often as they found useful in Rio itself. As my representation funds were not unlimited, but also so that they would feel that they owned the process, I suggested that we take turns to host the get-togethers. An initiative like this has several attractions: few delegations could afford not to be present at such a venue and the exclusivity was flattering or reassuring to some (China, for instance, was still very insecure in its role in multilateral conferences and I believe was helped by being included in this group). I think the 'Walker lunches' as they came to be known contributed to the successful outcome of the Rio Conference, one of the most ambitious multilateral conferences ever attempted.

Delegations such as those of the United States, China, the presidency of the European Union, the current chair of the G77 or the Non Aligned Movement are assured of a place in such exclusive meetings, but for the majority of countries, including middle powers such as Australia, there can be a lot of competition for the remaining few seats. This can give rise to difficult choices: at some conferences, on some issues of major

importance to Australia, much as Australia would like to be present at all key discussions, it is even more important in terms of her national interest that Japan or some other country be represented there.[5] As a further dilemma, in such a situation you may not be sure that that other country's delegation will be as effective as you could be at representing *its* concerns.

Personal relations

Given the importance of consultations of this kind, the focus on mutual information and persuasion, and the interest in each other's instructions, but also in each other's sense of responsibility, accountability and all the other factors previously mentioned, it is evident that personal relations between delegates are important. These relationships, such as whether you are close friends with another delegate, or whether you are simply on reasonably good terms, or whether you are indifferent or even hostile to each other, must affect your readiness to share information, to listen to each other's arguments, to be open to persuasion, etc. If you know another delegate well, you are much better placed to understand exactly what he is trying to convey, to detect any reticence or reservations he may have, to judge how best to approach him, to sense how much reliance you can place on what he says... and so forth. As in every other field of endeavour, multilateral diplomats who cultivate networks of friends and acquaintances and maintain and use them well, reap the benefits they deserve in increased effectiveness.

In the previous chapter, we noted that common prudence dictates doing your best to get and stay on good terms with people. The most obvious precept is to be civil at all times and as pleasant as possible towards all other delegates. You should, at the very least, take the trouble to greet everyone as if you were genuinely pleased to see them, and you should listen courteously to whatever anyone says. Common-sensical as these injunctions are, they have produced a culture of ritualised courtesy so extreme that it approaches the absurd. In formal session of most conferences all delegates refer to each other as 'the distinguished representative of country X'. Disagreement is typically expressed in the most muted terms ('I would be glad to agree to anything which the distinguished delegate proposes, but would prefer a slightly different formulation' means 'I am adamantly opposed to your proposal'), and every presiding officer is warmly congratulated on their election by all speakers, even when everyone knows that it results from an automatic rotation. Any delegate who defies this tedious tradition is likely to pay for his temerity in reduced effectiveness. But, if the occasion arises to

deliberately depart from these established forms, this can be done in carefully graduated degrees, to clearly convey the extent of displeasure or menace. When the Committee on Disarmament in 1979 discussed chemical weapons, the Pakistani delegate spoke repeatedly of the alleged use of these prohibited weapons by the Soviet Union in Afghanistan. The Soviet delegate, as he got angrier and angrier, first put the Pakistani on notice by referring to him as 'the representative of Pakistan' (the absence of the word 'distinguished' resounded like a shot in the conference room) and, as the dispute got hotter, in decreasingly respectful terms and, ultimately, as 'the spokesman for the Islamabad regime' – no longer distinguished, no longer representing a state, nor even a government, but merely the mouthpiece of an entity of dubious standing. Was it the coldly calculated menace it sounded like (a representative of the second military superpower of that day, which was occupying Pakistan's border, casting doubt on the legitimacy of its government)? Or genuine, personal anger?

It is often difficult to tell where effective representation ends and individual feelings take over – the more so because the two are closely intertwined in delegates, whose very identity comes from what they represent. No doubt there exist individuals who are professionally detached, playing their roles without personally identifying with the causes they represent – but if I have met any, they were very good at dissembling. To be an effective representative, you must give the impression of believing what you say and stand for. Few can do that without succumbing to the contagion of their causes. Add to this that they are individuals selected by their employers for, among other qualities, ambition, and that their professional success, their satisfaction, and the esteem of their peers all rest on how well they do at achieving their set goals at multilateral conferences. How could they not see these goals as worthy of their deepest commitment? Moreover, the delegates have often had a hand in defining the goals: where there are written briefs, they have often contributed by their reporting, by drafting the instructions, often by shepherding them through the inter-agency process, at times fighting for particular aspects of them, etc.; where the goals have not been specified in instructions, the delegate personally will have been the one to convert broad instructions or a personal conception of the national interest into detailed textual or tactical goals . . . In both cases, the sense of paternity will reinforce the delegate's personal commitment.

As in other walks of life, attractive young women (and probably men, too, at times) are likely to meet difficult situations in the murky

borderlines between seeking good professional relations and inviting unwanted attentions. This is especially difficult in conference diplomacy because of its lack of cultural homogeneity (behaviour that many Australians would take as pleasant banter will be read by many Arabs and Latin Americans as a salacious invitation), and there is no shortage of unscrupulous males, far from the inhibitions of home, seeking to exploit a female delegate's wish to do her job (gathering information, building relationships, persuading, etc.), to gratify their own desire for titillation or worse.

Finally, although many proud delegates would dismiss this factor, you will perform better if you recognise and make appropriate allowance for the fact that, especially towards the closing phase of most conferences when the intensity of work builds up and the working day stretches from ten, to sixteen or twenty hours, delegates are stressed, tired and sustained by adrenalin (and in some cases alcohol and other stimulants). Judgement fails before other faculties. You should monitor the symptoms in other delegations and adjust your approach accordingly. Husbanding the physical resources of your own delegation, despite their self-confidence and eagerness for the fray, merits an attempt.

In all these ways, multilateral conferences tend to be a very personal experience for the individuals concerned.

13
Conference Management

As we have seen, a multilateral conference is a gathering of many delegates and other participants, each with their own purposes and objectives. At the same time, the conference that they constitute also has a collective purpose: to fulfil its mandate and execute its agenda. The outcome – if there is one – will be agreement (complete or partial) on a number of propositions (procedural and/or substantive), each expressed in a set of words. This outcome will be determined by whatever has been done before the conference assembles with a view to predetermining its outcome, and by how the interaction of the various individual and collective purposes of the conference participants is resolved. This resolution is a complex process which needs to be managed.

The movers and shakers

In general, on any specific issue before a multilateral conference, most delegations have relatively undemanding briefs or objectives: to be present; to observe and report whatever is of significance to their sending government. An undemanding brief could also require the delegation to place their government's position on record and, if required to vote, to follow the lead of an allied delegation or a geographical group. Others may have more ambitious objectives: to have the conference adopt specific proposals, or, conversely, to frustrate potential outcomes to which their governments object, or again to achieve broader objectives such as conveying an impression of purposeful action, changing the expectations of other governments, humiliating some chosen target, and so on. (As noted in Chapter 6, in most cases such objectives derive from the concerns of the governments represented; but sometimes individual delegates have given themselves

demanding objectives, beyond their official instructions or even their government's wishes.) Whenever such ambitions do not correspond to the expectations or intentions of other delegations, they can be demanding. Where the aims of one delegation clash with those of others, achieving them will be challenging.

Inevitably, the delegations that have the more demanding objectives tend to take the running, in the corridors and (often) in the latter phases of the formal proceedings as well. Typically, they will seek each other out early to try to discover what obstacles they face in achieving these objectives, to explore the scope for accommodation between their competing ambitions, to initiate negotiations or otherwise to work towards a conference outcome that will reflect their respective objectives to the degree that can be managed. In this way, they become the 'movers and shakers', the 'leading delegations', those who determine the course and outcome of the conference.

Delegations with less demanding objectives tend, at least to a degree, to be sidelined. They are unlikely to present comparable problems and can be left for a later stage of the conference, when relatively little effort is likely to be necessary to get them to rally to whatever outcome has been worked out between the prime contenders. In fact, if you wish (if only for the prudent purpose of staying abreast with developments) to be in the thick of the discussions shaping the conference outcome, it can be good tactics to start by advertising ambitions which are sufficiently idiosyncratic to ensure that ambitious delegations have to attempt to deal with them from an early stage. Carefully calibrating the potential threat that your advertised ambitions present to the ambitions of others should get you a place in the inner circle, and when, at the very end, you gracefully refrain from pressing your position, you will earn nothing but gratitude.

Presiding officers

As we have previously noted, a multilateral conference is more than an amalgam of the objectives of individual participants: it also has a collective purpose, expressed in the conference mandate and broadly accepted by all participants, albeit with varying degrees of commitment. For the conference to succeed, someone has to take on the role of champion of the collective purpose: this is the role of the person elected to chair the meeting (as explained in Chapter 8).

If the responsibilities of the conference president are formally spelt out in the Rules of Procedure or other authoritative document, they are

usually confined to ensuring 'an orderly debate' and that the Rules of Procedure are followed. But logic and the expectations of other delegates are that he or she will do a great deal more than that: the chairman's real mandate is nothing less than to bring the conference to a successful conclusion. This involves a large range of managerial functions of an administrative kind; but in many cases it requires something more: a commitment to making sure the conference produces a coherent, workable, widely supported outcome. This leads to an ambiguous situation. The chairman is, by convention, 'the servant of the conference' and is firmly expected to give effect to the wishes of the conference. Beyond this, he or she is called upon to behave impartially and therefore to subsume personal or national preferences as to the conference outcome. All of which may seem to imply a dispassionate, indeed disinterested role. Against this is the reality that whereas a conference can at times express collective wishes, without effective leadership these are unlikely to add up to a coherent, complete whole. They are even less likely to be the most technically sound, politically viable and generally constructive outcome the conference was capable of achieving. For that task there simply is no substitute for a single human mind. Moreover, the human mind that is capable of producing anything like that result will certainly not be disinterested, probably not dispassionate and, indeed, will find it very difficult to be entirely impartial as to substantive issues.

Impartiality

In theory, once an individual accepts responsibility for chairing a conference, he or she should surrender all competing responsibilities, including those towards his own government: he should become de-nationalised.[1] At the formal level, he can no longer speak or vote on behalf of his delegation, and his ability to perform the other functions of delegation member can be constrained: a deputy has to step in. The practice is inevitably more complex, because the individuals elected as chairmen are delegates (often delegation leaders): they have responsibilities towards their own governments. No government can realistically be expected to have its delegate preside over the production of an outcome which it sees as compromising its important interests. I believe that governments – or at least the officials directly involved – understand this dilemma and appreciate that perfect impartiality is an unrealistic ideal.

Indeed, the policy imperatives of the government of the presiding officer are important in setting limits on the possible outcomes of a

particular conference. For example, at the 1995–6 conference reviewing Protocol 2 to the Inhumane Weapons Convention, one point of crucial importance to China and Russia was that they should have the possibility of a long delay in the implementation of any requirement to cease production and dispose of anti-personnel landmines (other than those equipped to automatically deactivate themselves or self-destruct after a specified period). The election of a Swedish official as conference president was a key element in persuading these countries to participate in the negotiations: the Swedish government was the only other on Earth which shared this policy requirement.[2]

Nevertheless, a government which allows one of its officials to accept the responsibilities of chairmanship has to place a successful outcome to the conference above the achievement of precisely its own national preferred outcomes on every minor point. The expectation of the other conference participants is that, having offered a candidate for the presidency of a conference, you will allow him, if elected, to do the job. Otherwise, your nationals are less likely to be elected as presiding officers in future. Beyond that, leading a conference to a successful outcome is essentially a matter of personal skill: directions from headquarters are not of much use. Presiding officers are thus partially freed from national constraints.

Qualities wanted in chairmen

In addition to the requirement mentioned above, that his political and substantive objectives for the conference should be acceptable to the other participants, the ideal presiding officer should have:

(a) a strong commitment to producing a technically sound conference outcome – where 'technical' includes both the specifics of the subject matter and the formal requirements for coherence, comprehensiveness, legal validity, etc.
(b) an equally strong commitment to producing a politically sound outcome. As will be further explained below, this means one which is acceptable to the overwhelming majority and goes as far as possible to accommodating as many as possible of their concerns.
(c) a willingness to treat all delegations impartially in the 'mechanical' aspects of the conference : their access to the microphone, their ability to distribute documents, the availability of interpretation services, and the like.

The presiding officer, thus, should give the impression of being no more than a midwife while, in reality, combining that role with that of shaper of the conference outcome.

There are many different styles in which a conference (like anything else) can be successfully managed. Some chairmen openly lead, some by force of character, some by intellect, some by emotion; others may avoid the limelight, leaving overt leadership to others while themselves quietly harvesting the results of this work or exerting influence in subtle ways. Probably the only general rule is that the style should match the personality of the manager. It is possible – indeed necessary – to learn techniques of conference management (not to say manipulation); but affectation and artifice are likely to misfire. Sincerity tends to be rewarded with trust, cooperation and indulgence.

Conference midwifery

There is a purely 'mechanical' dimension to the role of conference management. This involves, for example, going through the requisite formalities, from getting the conference to adopt its agenda, to going through that agenda in a methodical manner and recording decisions on all essential matters. In the case of treaties, budgets and other matters with legal aspects, there may be particular formulations that have to be used. By far the biggest part of the job, however, is managing a room full of people through the process of 'getting their minds round' the issues (early in the conference or even before it begins), 'getting off their chest' whatever they feel a need to express, and ultimately coming to agreement, usually on a fairly large number of points or a document with many elements.

The first of these phases is relatively straightforward: it is largely a matter of seeing that they are provided with the necessary documentation (this will have been prepared by the secretariat) and that they have adequate opportunities for discussion, both in formal meetings and privately (in 'informal consultations'). The chair needs only to be satisfied that the process is taking place to a sufficient degree.

The second requires closer management. The General Debate is important in this respect, as it allows delegations to ventilate their government's views and demonstrate whatever they feel needs to be demonstrated (e.g. that they have argued passionately for their government's position). Delegations' requirements to perform their demonstrations may stretch on to many other conference activities (such as the stance they take in the course of negotiations) and to many peripheral activities such as

press conferences and NGO meetings, etc. The chair's preoccupation is to make sure that enough of all this takes place so as to achieve three objectives: that

1. to the extent that individual delegates' agendas for the conference can be satisfied by such means, their objectives are (at least largely) met;
2. this business is disposed of, so as to allow those delegates who are interested in reaching agreement on the subject matter of the conference to focus on that task; and
3. it is disposed of in ways which do not make more difficult the achievement of agreement on the desired conference outcome.

Without undervaluing the declaratory and demonstration function of conferences, a conference manager will usually be primarily focused on getting the conference to agree on the content (and form) of the decisions it is called upon to make. This process can be likened to a construction project: the construction of a text (or series of texts) that the conference will agree to and the construction of a coalition of support for the putative conference outcome, with that outcome developing so as to garner more and more support until it carries at least a solid majority of the conference, ideally the whole.

This in turn leaves the conference manager with three very distinct challenges:

(a) As each element of the construction (i.e. each point on which the conference is capable of reaching agreement) takes shape, he has to seize it and add it to the components he is assembling. Thus the chair will listen to the debate on each particular issue and, at the appropriate point, 'harvest' elements (i.e. ideas or snippets of text) on which there seems to be agreement. He might, for instance, choose his moment to say 'Having listened to the debate so far, it seems to me that we are agreed on the following points: . . '. If this passes uncontested or is formally adopted, these points become components of the final construct, elements of the putative conference outcome. Naturally, this process allows the chair considerable opportunities to shape that outcome – indeed it requires him to do so – by his choices of precisely which points to 'harvest' and the formulations he proposes for doing so.

(b) These components then have to be assembled into a coherent whole; preferably one which is technically sound and politically workable. As the conference manager oversees the emergence of

the new construct, he or she should be exerting 'quality control' to make sure that these criteria are met. At some stage there has to be a framework and, ultimately, a draft of the whole to-be-agreed text, even though many elements of that text may still be subject to change (because not yet agreed). Such a text will often be produced by the secretariat; sometimes it will be produced and proposed by one or more delegations and sometimes by the chair.

(c) Once there is a partially agreed text, attention can focus on the areas (issues, wordings, etc.) on which there is not yet agreement, and work can focus, from the point of view of the conference manager, on finding a 'solution' to each such outstanding area of disagreement. Participating delegates can be much more focused on achieving their own particular objectives; but since the nature of the exercise is a search for agreement, they too will have to advance their aims in the form of a 'solution' to which all can agree.

Scenarios

Once agreement has been secured, the requisite decisions still have to be actually taken by the conference. This can be simply a matter of ensuring that all necessary formalities are completed. But, at times, it also demands attention to all the steps which lead up to a decision's being formally taken, the manner in which it is taken and what follows immediately thereafter.

At NPTREC in 1995, I saw Richard Butler[3] at what appeared to be the end of a luncheon at which the concluding deals had been struck, stop his guests as they were about to rise, saying, 'How, precisely, is it to be done?' A few minutes of the chairman of the conference and others spelling out what they thought would happen step-by-step showed that it would not work. Then Butler spelt out the series of steps which he believed were a workable route to the desired outcome. After some further discussion and agreement, the meeting broke up, not only with a common view of what the conference result should be, but also a common view as to how it would be achieved. Before any encounter on which a great deal hangs, the prudent player will think through the course of events – the chairman will say this, delegation X will say that, delegation Y will call for a vote, and so on – and also the possible problems – what if delegation Z pops up and says such and such? – and plans to counter such eventualities. This is what we call a 'scenario' or a 'road map', sometimes 'choreography'. A concrete example is given later on in

this chapter. Needless to say, once a scenario has been developed, it has to be agreed by all relevant actors, and individuals have to be tasked to play their assigned roles on cue.

Time management

The first requirement for a successful conference is that there should be enough time to go through all these phases and to record the final consensus. For the conference to complete its work in time, the secretariat and chairman will have to develop a plan providing so much time for the 'general debate', for the consideration in committee and plenary of each agenda item, for the various necessary formalities and, crucially, for all the corridor and backroom consultation and negotiation which is the process from which will emerge the actual agreements which are to be the outcome of the conference. They will have to allow time for the conference to build up a sense of urgency (the first few days are always relatively slow, as delegates 'find their feet', focus on the issues and develop their working relationships), for ideas to sink in, for all delegations to feel that they have had adequate opportunity to express their views and, perhaps, to get additional instructions from headquarters. The chair will have to ensure that meetings start on time[4] and proceed expeditiously. Often it will be necessary to ration the amount of time any one speaker can occupy the microphone, prolong meetings after interpretation stops and schedule additional meetings after dinner in the closing phases (a marathon last night of negotiation has become almost a ritual requirement for most major conferences) and sometimes a conference will have to extend beyond its scheduled termination date to complete its work.[5]

There are many strategies available to presiding officers to control the consumption of time. Appeals to delegates to limit the amount of time spent on a particular point will often be heeded. Handwritten notes, body language and facial grimaces can all be used to convey to speakers that they are approaching or have exceeded their allotted time. In many conference halls there is a system of lights for signaling to speakers at the rostrum. In extreme cases, a speaker can be interrupted by the chair or even have his microphone cut off. If controversy over a particular point is holding up progress, the protagonists can be asked to discuss the matter outside the main meeting and to report back once they have reached agreement. And so on.

The typical situation is that the chair will be trying to hasten the conference along and preciously husbanding any available time, only

to make it available to delegates when they seem disposed to make constructive use of it. Sometimes, however, the reverse can be productive (as in negotiation): allowing time to run short so that the prospect of its running out before an impending agreement is achieved can give delegates an incentive to drop minor concerns and focus on what has to be done to reach agreement. In practice, the chair is often juggling these two contradictory strategies: providing enough time for delegates to go through all the processes and emotions they need to traverse before agreement becomes possible and squeezing them to force agreement.

Sometimes, however, a small number of delegates – often it is only one delegate – are deliberately trying to delay the work of the conference (perhaps because they are opposed to the substance on which it is approaching agreement) or are selfishly pursuing an idiosyncratic preoccupation, at the expense of the wish of the rest of the conference to get on with its work. Or a single delegate or a small group may be pressing their own position with such persistence that the wishes of the majority are at risk of being drowned out. In cases such as this, the chair faces a delicate task: how to frustrate such endeavours – in other words, how to defeat some delegates – while maintaining the forms of impartiality. A 'troublemaking' delegate is likely to complain vociferously at any apparent intention on the part of the chair to deny them their full 'right' to be heard and to plead their case. Indeed, they may groundlessly claim unfair treatment in the hope of gaining sympathy from other delegations, or of unsettling a chairman whom they suspect of harbouring different objectives from theirs, or again, of convincing their own masters that they did everything possible in the face of impossible obstacles.

A chairman may have to find ways of, in fact, limiting that delegate's use of the microphone without appearing to do so intentionally. It is possible to overlook, at least for a while, a delegate who is seeking the floor and it is possible to amend the informal list showing in which order delegates have sought the floor. The most extreme measure I saw used was against the Iranian delegate in the closing phases of a conference in 1995. The Arabs had, as usual, moved a motion of condemnation of Israel and, as usual, this had, over many hours, been negotiated back into a formulation which the United States found tolerable. However, the Iranian delegation thereupon set out to demonstrate that its hostility to Israel was more radical than that of the Arabs and seemed intent on using several more hours of the rapidly dwindling time the conference needed to formally take decisions on the many matters it had agreed. When the conference reassembled in plenary, a television camera partly blocked the chairman's view so that he could plausibly

claim not to have seen the Iranian clamouring for the floor and so was able to lead the conference productively through its closing stages. After all the decisions had been taken, the chairman finally spotted the gesticulating Iranian and apologised profusely to him; he ruled however that it was too late to reopen the substantive discussion: the Iranian could have his views recorded in the conference documents. I have no doubt that the chair knew precisely what was going on and that the secretariat was involved in the placement of the TV camera; what I do not know is whether the Iranian delegation leader was also a knowing actor in the charade. I guess this met his government's requirements, which did not include frustrating the substantive work of the conference or earning the resentment of other delegations; but if anyone at home did not understand all of this, it also enabled the delegation to report it had done everything possible in the circumstances.

Atmospherics and chemistry

The point has already been made that multilateral conferences, besides being encounters between representatives of states, are also meetings of individual human beings and their product is the result of interaction between individuals. It follows that anything that can influence the behaviour of individuals also operates on delegates. This must be taken into account by presiding officers and all others wishing to influence the conference outcome and can often be manipulated so as to influence that result.

One of the most intangible, but important, of such factors is the general atmosphere of the meeting. As every meeting progresses, human interactions take place: delegates get on well together or fail to do so, they inspire or irritate one another, or whatever: this is often called the 'chemistry' of the meeting. This chemistry, the cumulative effect of successive incidents and many other disparate factors impact on the collective mood of the delegates and predispose them to disagreement or, alternatively, to mutual tolerance, accommodation and agreement.

Partly this is a matter of physical comfort. Conference organisers should ensure that meeting rooms are well aired and large enough for the number of delegates present, that food, drink, toilet facilities, etc. are readily available, and that the support facilities such as communications, laptop computer sockets, photocopying, etc. at least do not cause delays and frustration. There are rare exceptions when the physical discomfort of delegates can be constructive. Thus I recall Hans Blix, as Director General of the IAEA, at the 1992 General Conference of the organisation,

postponing from hour to hour the cocktail-supper to which all delegates were invited on the closing evening, in the hope that hunger would drive them to conclude their negotiations. Blix, on that occasion, said he had been at a conference where the chairman had the air-conditioning turned off, again hoping to increase the pressure on delegates to conclude. The general rule, however, is that bad-tempered, unhappy people are less likely to listen to each other's concerns or to agree on anything; conversely, that keeping delegates comfortable, free from stress, and reasonably cheerful is conducive to cooperation, mutual tolerance and constructive compromise.

Coaxing agreement

As noted above, the ideal chair has a considerable technical understanding of the substance of the issue under consideration and a commitment to securing a technically and politically effective outcome. Beyond this, the chair should have, or develop during the meeting, a conception of what will be the outcome, that is to say what will be the terms of the final consensus of the meeting. Necessarily, this conception will have to be adjusted as the conference develops.

Managing delegations' access to the microphone is one way a chairman can manipulate the course and substantive outcome of a conference. If done crudely, in a way that reveals favour for the proponents of a particular position, this would be doubly counter-productive: it would weaken the authority and potential influence of the chair with many uncommitted delegations and it would give the moral high ground to those who have suffered discrimination. But often, when a debate is proving difficult, a chairman can get away with giving priority access to a delegate who will propose a widely acceptable (or 'welcome') solution. If necessary, such proposals from the floor can be prompted by the chair; they could even be drafted by the chair and the timing and manner of their presentation by a selected delegate 'orchestrated' by him or her as well.

As noted in Chapter 7, the chairman will also often be able to submit such 'problem solving' formulations to the conference in his own name. Such 'chairman's texts' are presented as an attempt to find the position which requires an acceptable degree of compromise by several delegations, but which goes as far as possible towards meeting the objectives or concerns of most delegations. Unless the proposal does in fact meet this test, it has very little prospect of being accepted and its rejection will damage the chair's standing; but these constraints still leave

considerable latitude to the chair to place his personal stamp on the text, both as to style and substance.

The manner in which such texts are developed, as well as the timing and manner of their presentation to the conference, may require careful consideration. For instance, to what degree can the chair base himself entirely on what has been said in the conference meetings? Or does he need to consult delegations privately to understand their views better, to flatter them, to give them advance notice of his intention and perhaps time to consider the proposal and even consult their capitals, etc.? If so, which delegations should he consult, which can he afford not to? When he presents the text, how tentative, or how assertive should he be? Should he be cajoling, or insistent that this is the last chance for a constructive outcome? etc. etc.

In short, the ideal presiding officer has political flair coupled with practicality: a sense of the 'balance' between what has to be done to carry the majority and to contain dissent to manageable proportions, and what has to be done to husband the substantive aspects of the emerging outcome, so as to ensure that it is technically correct, practically workable and consistent with the objectives of most participants. Presiding officers also should possess a good sense of 'crowd dynamics'. They should be able to sense when a roomful of delegates is stalled, when it is tentative and uncertain and when it is moving towards agreement. And, ideally, they should know how to coax the room from one state to the next, and ultimately to create a sense of momentum towards an outcome which gradually comes to seem irresistible. Those who have a genuine gift for leadership – in all its many guises and styles – are well equipped to lead international meetings.

Aiding the chair

Because the chair can play such a role in bringing the conference to agreement, the ceremonial assurances of support which greet the election of every presiding officer are more than vacuous politeness. Every delegate who has an interest in the conference reaching a positive outcome has a strong interest in the success of the chair in reaching these demanding standards. This self-interested support needs to be manifest in many practical ways. Obviously, every delegate who is present in other than a destructive role, should cooperate to the maximum with the chair in all procedural matters and should be predisposed to support the chair against any challengers. They should uphold the authority of the chair by both talking it up

and by deferring to it when the occasion arises – or, if useful, when it can be manufactured.

The chairman should not be the only person in the room concerned for the atmospherics mentioned above. As long as there is hope of the conference producing agreement(s) that are of value to you or to those whom you represent, you should exert yourself to help the conference maintain a constructive atmosphere. Each of the destructive tactics listed in Chapter 11 has a constructive 'mirror image' which can be deployed by those working for agreement.

There are obvious things not to do: do not say or do anything which is likely to irritate any other delegate. And equally obvious positive things: elaborate courtesy all the time and indulgence for (but not encouragement of) personal foibles and national preoccupations that may be a waste of everyone else's time. If a delegation gets itself into an untenable position, do the diplomatic thing: offer it the ladder it can use to climb down with dignity. Remain cheerful and optimistic-sounding at all times. A joke, a pleasantry, can be helpful (but be very careful: humour does not translate easily from one language or culture to another). It comes naturally to some delegates to display a generally cheerful and optimistic manner, a readiness to be helpful to one another and overall an attempt to make the conference a reasonably pleasant experience for all participants. Those whose personal or cultural baggage inclines them in other directions should be aware of the harm this can do to their operational objectives.

Support everyone's right to be heard, and seek to redress any grievance which smaller or weaker delegations may have. It is in your interest that all should have an opportunity to register their views, that these views should be treated with respect by the conference, and, beyond this, that all delegations should achieve their operational objectives – to the extent that this is not incompatible with the achievement of your own. You should deploy your efforts, use your networks, knowledge and skills to satisfy as many delegates as possible, and where they cannot be fully satisfied (because of whatever else is necessary to achieve general agreement on terms satisfactory to you), they should at least come away with a sense that they were listened to and that a genuine effort was made to meet their desires. This is not an injunction to 'jolly along' other delegates insincerely – although even that may be helpful in some extreme cases – but in general this commonsensical self-interested strategy requires you to make genuine efforts on behalf of others, indeed to incorporate their objectives with your own, to the extent practicable.

The benefits of making this part of your standard *modus operandi* extend far beyond the tactical interest in doing what is necessary to reach agreement at any particular time. There is also the broader and longer-term likelihood that such a stance will predispose many other delegates favourably towards you. Without expecting gratitude, you can hope at least to moderate any negative feelings impeding other delegations' openness to you, and perhaps gain somewhat more willingness to listen to you, to share information, etc. Ultimately, if you establish an image as someone who is concerned that all delegates should get fair treatment, you will increase your prospects of being seen as a suitable individual to preside over conferences, to convene informal groups, etc. If all participants emerge reasonably satisfied with the outcome, and provided the process of getting to agreement has been managed in such a way as to protect the feelings of all, it will leave a positive legacy, to the benefit of future interaction between these individuals. Such personal gains are also likely to be shared in some degree by your delegation and ultimately by those whom you represent – provided, of course, that your own 'virtue' is not seen as atypical of your kind.

Devote yourself to smoothing over differences between other delegations. Try to influence what other delegations, friends or foes on the particular issue in play, are intending to say. I have often intervened in the Western Group to say, 'For our part we will be saying X. We will not be saying Y because our soundings indicate that that would be felt as provocative to the Latin Americans', when I had reason to believe that one of the Western delegations was intending to develop the unhelpful line of argument. Just as we noted that one of the most effective destructive strategies is to get other delegates irritated with each other, the peacemaker serves his own interests as well as those of the conference as a whole, even on issues of little importance to your delegation, since disputes over one topic can easily sour the atmosphere for agreement on another. The NPT Review Conference of 1985 in its closing phase needed a peacemaker and a scenario writer. As I later heard the story, it was 2 a.m. on the night of the last day; agreement had painfully been negotiated on all the difficult issues between the Warsaw Pact, the Western Powers, and the Neutral and Non-Aligned. The conference was laboriously going through the formal endorsement of the many deals stitched up in backrooms and committees and over restaurant tables. It was essentially just a formality, until the Iranian delegate said something which infuriated the Iraqi: their two countries were at war. The Iraqi replied deliberately offensively, the Iranian riposted and an oral battle developed between these two. The exhausted president of the conference

was unable to contain it and the business of the conference was stalled. The impasse was only resolved when Australian delegate, Richard Butler,[6] quietly approached each of the two protagonists separately. 'This can't go on for ever. In what circumstances would you be prepared to stop?' Each delegate said that the only reason they were continuing the exchange was that they could not let the other have the last word: Butler got the impression that each was afraid of what his own people would do to him if he allowed the other to get the better of the argument. In about twenty minutes' shuttle diplomacy of going from one to the other, Butler had developed a scenario which both were prepared to live with. The Iraqi would have the last word but the Iranian would have the last jab (or was it the other way round?). One would deliver one last insult to his opponent who would reply with a very innocuous, indeed, in that context, ambiguous phrase: perhaps a quotation from the Quran along the lines of 'those who live by the sword will die by the sword' and then the chairman would declare the discussion on that item closed. Having secured the agreement of the Iranian and Iraqi delegates, Butler then went and explained the scenario to the chairman. Then each of the three actors played his part according to Butler's scenario. At 4 a.m. the conference was able to conclude, with every delegate feeling they could safely go home. Australia had no stake in the Iraq–Iran contest and normally would keep well out of it; but it had a major stake in the NPT and consequently in a successful Review Conference: its delegate could not let the conference fail on this extraneous issue.

Every delegate seeking agreement (whatever its content) should be as careful as the presiding officer with the scarcest commodity: time. They should be prepared to sacrifice the pleasure of hearing their own voice and the pursuit of non-essential objectives to the overriding objective of the successful time management of the conference. As necessary, they should exert themselves to get others to observe a similar discipline.

In the same sense they should share with the chair all information that could help him or her. This includes forewarning of initiatives you are planning, intelligence you pick up as to the intentions of other delegations, and 'feedback' as to how delegations are responding to developments at the conference and to the activities of the chair. Assistance to the chair can also include advice as to how to handle issues and problems as well as suggestions for specific actions and texts. You might approach the chairman privately, during a break in conference proceedings, and say some- thing like, 'I have been thinking about what might be a possible basis for agreement. Please feel free to use these words if you find them useful.'

Intelligent chairmen realise that they can use all the help on offer. They also appreciate that how they react to such offers can become a factor in gathering support for the emerging conference outcome: delegations which feel they have contributed to its development are thereby made more supportive.

As previously mentioned, communications between the presiding officer and individual delegations or groups tend to take place in private. Indeed, the very fact that they are taking place is best not publicised: that only serves to draw the attention of other delegations to their exclusion. If the impression gets around that a presiding officer is unduly influenced by delegations of one persuasion, the support of other delegations will be less forthcoming. This can be a problem when he is presiding over a conference sitting. A written message can be discreetly passed up, through the secretariat. At other times, there is no option but to make your suggestions from the floor in open conference. An experienced chair will have an idea of which delegations are most likely to come up with a helpful suggestion and give them the floor preferentially. For many years, Australian delegations specialised in this role (because their interest usually was in a successful conference outcome) and exploited the fact that the alphabet often placed their seat at the front of the conference hall, so that eye contact with the chair was possible.

Particularly with an inexperienced chair, other approaches are necessary. I recall an occasion in Geneva during the early stages of the Climate Change negotiations, when the committee I was working in was losing its way. Following a particularly rambling statement by the chairman, which I thought unhelpful, not to say dangerous for my objectives, I said, 'From what you have just said Chairman, I take it you wish the committee to proceed as follows: . . . ' But of course, instead of paraphrasing what he had actually said, I outlined a quite different course of action. The Chairman, who was more at a loss than ill-intentioned, accepted this lifeline with gratitude. 'Yes, that is what I propose. May I take it the Committee agrees?', which it did. A Sri Lankan from the secretariat came up to me laughing: 'Up to your usual tricks I see, Ron, chairing the meeting from the floor!' I wished he would not speak so loudly. If you have to give public guidance to the chairman, you will need all your tact to make sure he sees your activity as helpful, not offensive. A hostile presiding officer is very well placed to frustrate your ambitions.

But the overriding consideration is that if you are committed to achieving a particular outcome you cannot afford to sit back and leave the conduct of the meeting to whoever has formal responsibility for chairing it. If the exercise threatens to go off the rails, for whatever

reason, it is your job to make sure it doesn't. And, personal vanity aside, a presiding officer does not have to be a genius operating in a vacuum: there is no reason why she or he should not consider suggestions from delegations. If your suggestion or draft is good, in terms of meeting the needs of the participants in the conference, there is a good chance the chair will use it and there is nothing improper in this.

Generalising this point further, all delegates who want a constructive outcome to the conference need to accept partial responsibility for the management of the conference and not load it all on to presiding officers. Delegations that want the conference to agree on certain points have to ensure not only that there is no effective opposition to those points but that the conference actually does formally record its agreement. Anything which threatens to prevent such agreement being recorded is an obstacle to be overcome, whether it be substantive objection by any delegate to the decision you want, extraneous distractions, an administrative slip on the part of the conference secretariat or a tactical mistake by its chairman.

The substance of agreement

Of course, management of time and atmospherics, and successfully coaxing delegations to agreement, important prerequisites though they are, is not enough to make a successful meeting: the agreement that is achieved should be worth having.

A recurring theme of the last three chapters has been that of working towards agreement, to the point that inattentive readers might imagine that conference participants seek harmony and accord above all else and regardless of its content. In fact, this apparent love-fest reflects the hard-nosed pursuit of individual objectives. The lust for agreement comes from the point emphasised in Chapter 9: the only formal product of which a conference is capable, is agreement (or the near-agreement that is a majority decision). The corollary is that the only way you can get a conference to take a decision that advances your objectives is that it should reach agreement on a package supportive of those objectives. Your objective is that there should be agreement, possibly agreement which includes matters of little or no interest to you, and if necessary may even include elements unhelpful to your cause; but to the extent that it includes elements favourable to your position, you can claim success.

This is just the beginning: there are many other hard-nosed reasons to strive for as broad and deep an agreement as the differing viewpoints represented at the conference permit. In the discussion of atmospherics,

the point was made that a constructive atmosphere will enhance the prospects of securing the agreement, that is to say, the conference outcome, that you want. This makes it your business to try to ensure that the emerging conference outcome should be satisfactory – or at least tolerable – to as many participants as possible. The same injunction was made in the discussion of negotiating tactics: if you want agreement, your interest is in a 'package' which not only contains what you want but also as much as you can muster that is valued by the other parties to the negotiation. This will give them an incentive to agree to the package, and thus to what you want. But in multilateral diplomacy there is an additional reason, beyond such conference room benefits, why you should exert yourself for the achievement not only of the aims of your own delegation, but also of those of as many others as possible. This is the nature of the agreements you are seeking: exhortations, international standards or regimes that will cause foreign governments to behave in ways that you want. Obviously, they are much more likely to do so if they believe that in so doing they are furthering their own objectives. The more delegates who are satisfied, and especially the higher the level of satisfaction amongst those whom they represent, the better the prospects of there being a commitment to maintaining and implementing whatever has been agreed. If there is a high level of satisfaction, the conference result is well on the way to being self-implementing: something governments will do, not because they are forced to but because they want to. This is why it is often in your interest to help another delegate achieve his objectives to the full, so as to increase the 'general satisfaction score', thereby getting more security for whatever success you have achieved.

Moreover, the subject matter of multilateralism (solving political, economic and environmental problems, etc.) is such that a successful conference outcome for each individual delegation is not simply that the agreement should incorporate particular language which serves that delegation's purposes (and that it avoids language inimical to its interests). Most delegations also aspire to the conferences' decisions making an effective contribution to the management of the problem(s) they address. The world of multilateralism is not a zero-sum gain, in which one party's gain must be another's loss. There are cases when one or other participant may have interests opposed to those of most others; but more typically, all benefit to the extent that each one benefits from whatever is agreed, because nations are interdependent to a considerable degree.[7]

14
National Styles

What makes an effective delegation

The implication of the preceding chapters is that yet another determinant of the outcome of a multilateral conference is how well the various delegations perform: how effectively they represent their governments' objectives and their national interests, how conscientious they are in learning each other's concerns, how creative they are in devising solutions that will accommodate as many such concerns as possible in the circumstances of the day, how flexible and judicious in deciding what to settle for, and so on. In all this, the most valuable single asset is an individual of exceptional ability at this peculiar type of work. At any particular conference, any delegation may be lucky enough to have one or more of these and is likely to profit thereby. But for sustained success, over a number of conferences and a spectrum of issues, what is required is a high general standard of professionalism not only in the delegation itself but also at headquarters where the briefs are written and all other preparations for the conference are performed. An effective delegation requires sufficient depth of backup at HQ: people with sufficient organisation, comprehensive files, technical and legal advice, etc.; also a global network of missions capable of discussing multilateral issues with their host countries. There must be significant policy-making resources focused on multilateral issues. The delegates themselves have to be motivated, energetic and prepared to master complex briefs. They must be numerous enough to get around the conference, consulting widely, and uninhibited about doing so. They need to be at ease with delegations from many different cultures. These requirements narrow the field. The countries whose delegations display a consistently high standard of

professionalism number some two dozen (out of a total UN membership of over 190).

Diplomats are notoriously cosmopolitan, even de-nationalised, and multilateral diplomats work in a common culture. Nevertheless, delegations have marked national traits that evolve over time, as the societies themselves change. The following necessarily personal observations reflect the multilateral conference scene as I saw it, from 1974 to 96. Some of the following stereotypes (from which there were always many departures) may be dated; but most are likely to be durable.

The United States of America

The Superpower, simply by virtue of that power and the influence that goes with it, is central to virtually any enterprise which might be undertaken multilaterally, always a key player and very often the most problematic country to bring to agreement. It is notoriously schizophrenic about multilateralism: the creator of much of the system and its principal animator while also its most ardent detractor and one of its most rebellious (not to say 'rogue') members.

American delegations are also very distinctive. They are large, well equipped in every way and outstandingly well briefed. They have access to research capabilities which none other can approach. They invariably include highly able operators and the leader has gone through a tough selection process. He or she typically has far more specialised experience in the topic, as well as general ability, than the leaders of most other delegations.

The US government is large and complex; it has a multitude of agencies, constituencies and interests, most of which get reflected in one way or another in its government system. That system operates through an elaborate and, it seems from the outside, particularly confrontational inter-agency process. One of the reasons US delegations are so large is the number of agencies which seek representation thereon – and can afford the people and the money. Partly this is because the agencies do not trust each other and want someone on the spot to uphold their agency interests. Although discipline usually keeps any lack of unanimity private, it cannot always be hidden from foreigners. Managing such a delegation requires great diplomatic skill and strength of leadership.

The tensions are exacerbated by the fact that quite frequently the brief has not been settled by the time the conference starts and sometimes

not before the delegation has to take a position. To explain this surprising lapse in an otherwise highly professional operation, my guess is:

(a) The complexity and difficulty of the inter-agency process inevitably makes it slow.
(b) Multilateral conferences are rarely high priorities within the US government: it is probably difficult to get the attention of senior people in good time.
(c) For the same reason, that they usually have other and often bigger fish to fry, many people in the US government would be profoundly ignorant of the way multilateral conferences actually perform and, once informed, incredulous and rebellious. It would be difficult to get useful briefings cleared through such people and very time-consuming.

Whenever a difficult issue arises not fully covered in the brief, the delegation has to ask for further instructions and that precipitates a resumption of the inter-agency process. Sometimes, controversial issues have to go through several levels of government: I have been at conferences where the issue had to go to the President himself to resolve contested points. Far too often, US delegations have to tell others that they are awaiting instructions and not infrequently the work of a conference will be delayed or at least have to be reorganised in consequence.

Several times I have been aware that the inter-agency process was not finished by the time the US delegation leader felt it necessary to start working towards getting the US position accepted by the conference. This meant having to anticipate where the inter-agency process would come out, before it had actually done so. He then had to lead his delegation to work for as yet unauthorised objectives, despite the presence on that delegation of representatives of agencies that were still opposing this course and who would promptly complain to Washington of his 'indiscipline'. Even more remarkable, I recall only two occasions on which they got it badly wrong. One was the 1980 NPT Review Conference when President Carter overruled the advice of the Defense Department and the Joint Chiefs of Staff on a matter relating to nuclear testing. The US delegation leader had not anticipated this outcome and was left with inadequate time to clinch the agreement which this shift made possible. In 1998, the newspapers reported Madeleine Albright as Permanent Representative to the UN, negotiating in the Security Council a text (on Israel) which she believed would be acceptable to Washington but proved not to be. I do not envy the lot of US delegation leaders.

As shown by both these examples, by repeated US vetos in the Security Council on resolutions concerning Israel, by its refusal to ratify the Kyoto Protocol, the Comprehensive (nuclear) Test Ban Treaty and the International Criminal Court, the US, more perhaps than any other country except Israel and the DPRK, when it is displeased with what the rest of the planet says or wants, is inclined to dig its heels in and say NO, alone if necessary and even if its position is extremely unpopular (internationally).

There are obvious practical consequences from all this for anyone working to influence the outcome of a multilateral conference: you should devote a major effort to learning the concerns and intentions of the US delegation and to seeking their support for your position.

Speak to them very early (several days earlier than you need to with any other delegation) and then be careful about which agency's representative you approach and present your proposal sensitively, bearing in mind the inter-agency process through which it will have to go. In fact, if it is likely to face a difficult passage, you probably have to get your Washington Embassy to approach the key agencies separately and try to sell the proposition to them direct. Speak very openly and directly to US delegations: they like straight talk and are put off by attempts to manipulate them. Don't lie to them, of all delegations: with the means of information available to them, that is almost certain to backfire.

You can argue the intrinsic merit of your proposal – the US has such widespread interests that it is often possible to find one or more that is helped by your proposal. For instance, more than any other country it has a stake in peace and prosperity in virtually every region, so your objective (security and prosperity for your own country) should coincide with America's. But the United States also has a number of peculiar ideas and perspectives, reflecting the concerns of disparate pressure groups, so logic will not always be as powerful an argument as it should be. Nor will your country's good relations with the US weigh as much as your people think they should: chances are other delegations with at least as strong a claim to the Administration's friendship are pulling the other way.

We Australians often had a better chance of bringing the US around to a position more to our liking by arguing not that 'this would suit us better' but 'this will secure wider international acceptance'. Certainly such a line of negotiation puts less of your own at risk. How could they resent it? How could they ask for something in exchange for their concession?

The rub is, they are no fools – far from it: this argument will only work if it is true. In fact, we are back at the strategy recommended in previous chapters: consult widely, understand the concerns and objectives of others, work out a solution they can all live with (and of course include your own concerns), then sell the solution to other delegations by showing them how it meets *their* needs. It works as well on the United States as on other countries.

In most major conferences, on most issues, the United States has 30 or more votes it can count upon. One more is not all that valuable to them; besides, Australia aspired to mean more to the US than does Grenada or Belgium. Much more appreciated by them was a delegation that could explore the no-man's-land and find routes to solutions that the US could not achieve without this help, because:

- other countries were more reticent in dealing with the Superpower than with a middle power genuinely seeking the common ground,
- US decision-making processes being more cumbersome and US stakes being heavier than Australia's, we could be more agile, and
- we could explore options freely without risk of compromising US negotiating positions.

Of course, this strategy implies a relationship of confidence strong enough to withstand the moments when you range too far forward for their present instructions or negotiating position. It requires a good sense of where their real bottom line will be when decision time comes, not allowing yourself to be crippled by their telling you 'we could never agree to that', nor deterred by their attempts to get your capital to pull you back into line. We spent many a conference in heated argument with the Americans; but regularly ended with expressions of their gratitude for our help, while we rejoiced at having led the US to bring its positions closer to our own national objectives. Again I emphasise, there was no element of trickery in this strategy: it was more a conniving symbiosis from which both benefited – and I believe that the other countries also benefited, because it helped the necessary accommodations to be developed.

China

I place China second in importance only to the United States on the global stage. It is also of particular interest to Australian delegations because, although not an enemy, it is often at the other end of the

spectrum on many issues that are treated in multilateral conferences: human rights, the environment, weapons proliferation to mention only three. In my years as a multilateral diplomat, China's *persona* in multilateral bodies changed rapidly, as did the style of Chinese delegations. I am confident that this trend will continue, so that some of what follows will soon be dated; but some of it will stay relevant for a few decades.

Like the United States, China is one of the most self-sufficient countries on earth, one that has retained more effective sovereignty than most others and is animated by an unusually strident form of patriotism. It also shares the American belief in its own exceptionalism (apparently echoing the traditional Chinese world-view in which all other countries were, in the natural order, subservient to the Middle Kingdom).

Until the late 1980s, the proportion of the Chinese nation that had any dealings with the outside world was tiny. Foreign ideas were seen as a threat. Chinese diplomats tended to express rigid, doctrinaire positions and were usually unresponsive in negotiation or in informal conversation. This made them one of the least effective delegations: whatever they did achieve was attributable to the weight other governments put on Chinese positions and owed nothing to Chinese diplomatic skills.

Delegates from all communist countries in those days lived in fear of being denounced if they showed any receptivity to Western delegations. But I gained the impression that what cramped the style of many Chinese delegates was more than this: that they believed their government's propaganda about the capitalist countries being hostile to China. Whatever the reason, not only were most of them uncommunicative, many were sour-faced and surly.

These days, a rapidly growing proportion of Chinese diplomats are versatile, more sophisticated operators, able to at least imitate the informal conversational exchange of other delegations. I worked cooperatively with an urbane Chinese delegation leader – once. Some seem to want to be cheerful and friendly but still in the mid-1990s some others gave at least me the impression that they were finding it difficult to suppress their personal hatred of 'Western' countries.

My advice would be to survey the Chinese delegation and find the most approachable-mannered member. If you get the impression that this person is not entirely genuine, having been assigned the 'good cop' role, give him or her the benefit of the doubt: even if your suspicions are well founded, they probably got the role because of an outgoing

and cheerful temperament, so at least they will be more pleasant to deal with.

The ardent nationalism that the Chinese government promotes clashes with the internationalist forms that colour multilateral endeavours. The internationalist aspect of communism, however, enabled China to enter multilateralism in the guise of champion of the developing world, which it sometimes presented as 'the proletariat of the international community'. In the late 1990s, it was still seeking to identify itself with the G77 and the Non-Aligned (although technically not a member of either). But of course China is a major industrial power and in this regard has very little common interest with the non-industrialised countries; it is also a major competitor for most of the Newly Industrialised Countries. Moreover, the Third World places great hopes in multilateralism, while the notion of achieving national objectives by sub-ordinating national sovereignty to internationally negotiated regimes doesn't resonate in China. Finally, although China is still a developing country, it is also a great power; the relationships which really matter to it are with the other great powers.

Despite this ambiguous *persona*, the policy of identifying with the Third World has considerable success: many developing countries find China's presence in their corner reassuring and show considerable deference to Chinese wishes. For China this is a rational strategy to gain influence, in support of Chinese national objectives; but I think it also has something to do with China's self-image: liking to see themselves in the noble role of the only true friend of the underprivileged. This would tally with China's propensity (more than most other countries) to represent their own positions as high-principled and purely altruistic.

So how do you persuade a Chinese delegation to support your proposal? Not easy for a Westerner. For what it may be worth, I would not explicitly tell them that my proposal is good for China or morally good: but I would tell them enough so that they could see that for themselves. Arguing with Chinese tends to be unproductive: your interlocutor seems to focus on refuting your arguments rather than on listening. Instead, while remaining at all times friendly and polite, I would speak very directly and bluntly to Chinese delegations, dealing with them as one pragmatic person to another. Finally, if I could show them that my proposal had wide support from Third World countries, I would have some hope of achieving Chinese acquiescence.

The Chinese government's present steps towards a less isolationist stance sometimes sound more like lip service than deep conversion, but

I believe the Chinese nation genuinely is opening up: future conference diplomats may find Chinese delegations more accommodating than I did.

However, I think it will be decades before any Chinese government develops any sense of a multilateral world order, as opposed to a crude conception of power politics.

Europe

As noted in Chapter 7, the European Union operates as a unit in many international conferences and approximates unity in many others; but still, the main way of influencing EU positions remains to talk to the Member States.

France

France is the most important of all the Europeans, by a long chalk, on most issues. France's special role comes from its distinctive world-view, its wide network of influence and its exceptionally high-quality foreign service. France's world-view is a paradox: a global perspective but a highly self-centred one. French representatives have particular skill at arguing their objectives in the form of principles and broad concepts of wide appeal. They convincingly articulate the national self-image as a country with a message for the world and a suggestion that French aspirations rejoin those of many other countries. Concurrently they are ruthless in advancing uniquely French objectives. All this makes France more like a world power than any of the other Europeans. The Third World and others respond to the interest France displays in their problems. Because of its focus on principles, France finds allies from many quarters on particular issues. (Even Australia: despite the number of issues on which the narrow national perspectives of French and Australian governments have collided since 1940, we found ourselves close to French delegations on many topics, from human rights to financial probity.) But they do irritate the Americans and British to an extent that is dysfunctional.

The United Kingdom

The members of the British Foreign Service remain highly professional in all that they do. However, I saw them as hampered by the several roles they try to juggle. A defining characteristic of the UK *persona* in international affairs is the overriding priority it places on its 'special relationship' with the United States. This demands resolute solidarity with the US in the hope that it will translate into privileged access and

influence. In multilateral conferences this diminishes the ability of British delegations to fight their own corner, because, on highly contested issues, other delegations know that they only need to win over the US, to be assured that the UK will follow. Second, the British play the European card, while – at least in the time I knew them – habitually denigrating European institutions and colleagues, so that outsiders felt that the way to engage the core of the EU was to deal with more committed members. Third, they try to play on their Commonwealth relationships and in this do appear sincere; but there is little follow-through as the US and EU entanglements get in the way. In addition, British conference diplomats rarely seem personally comfortable dealing with, and often manage to offend susceptibilities of, 'colonials, continentals and coloureds'. All this handicaps them for leading successful negotiations in a multilateral context; but they are excellent to work with when you need meticulous staff work on budgets, competent chairmen for technical committees, etc.

Germany and Italy

Surprisingly for so powerful a country and so professional a foreign service, Germany displays little aptitude for conference diplomacy. In my experience, German delegations generally kept a much lower profile that their country's weight would warrant, occasionally interrupted by ineffectual stridency on the part of individual delegates. They were heavily focused on intra-European affairs, and displayed no sense of the inclusiveness that makes for effective multilateralism.

The other major European country, Italy, fielded more than its share of bright, creative and well-informed individual delegates, but managed at the same time to convey an impression of incoherence of their overall national posture. To outside observers, it often appeared that the various ministries in Rome were only loosely coordinated. The Italian government at times invested large resources (for example in multilateral efforts against crime), which gave a temporary boost to their representatives. But it sometimes displayed petulance at the failure of other countries to accord to Italy the respect that its economic and cultural achievements warrant.

Russia

Soviet staff-work used to be outstanding and its diplomats extremely well trained in diplomatic techniques but at times inclined to be overbearing. In the late 1990s, many Russian diplomats were still demoralised by their demotion, from representatives of the feared (if overrated)

second superpower, to representatives of an impoverished country in perpetual domestic crisis. They were treated with considerable respect and generosity by the United States but found themselves largely alone on the multilateral scene, deserted by their former vassals and bereft of their former means of exerting influence. Their national preoccupations were much reduced and they had become obsessed with financial issues.

The mediators

The period of which I write was dominated, in multilateral conferences, by great confrontations between the Soviet-dominated East and the West, and between the poor 'South' and the industrialised 'North' (which was in practice another manifestation of the West). For conferences to succeed there had to be agile but trusted delegations capable of exploring the no-man's-land between the two opponents and finding the common ground therein. This role was played mainly by Sweden, the Netherlands, Canada and Australia. In the mid-1990s South Africa was rising rapidly to prominence in this role and I believe that Australia has since, at least partly, relinquished it.

These five delegations had much in common, apart from basic professional competence and solid backup from their respective headquarters. They represented countries which each had an unusually wide range of external involvements and a consequently broad outlook. New Zealand, Ireland, Norway or Finland also played this role at times, contrarily trading on their limited global entanglements. All these governments believed that as relatively weak countries, their interests were best served by an international order based on collectively devised and generally accepted rules. Both of these factors translated to a predilection for multilaterally negotiated solutions, acceptable to the overwhelming majority of countries. This in turn made them 'honest brokers', recognised as such by other delegations from all camps. Canada, Australia and the Netherlands moreover had close relations with the United States, were trusted by the Americans and seen by others as intermediaries to the Superpower. They had to be bold and creative. The role was an exhilarating one, to which individuals took with enthusiasm.

Sweden

For most of the period to which I refer, Swedish delegations were prominent and highly influential at multilateral conferences. Their country's

declared (but disingenuous) neutrality in the Cold War, its generosity towards the Third World and its ideological commitment to multilateralism, gave them powerful credentials as builders of consensus. These, backed up with the funds and political effort they were willing to deploy, combined powerfully with the professional competence and dogged persistence of their foreign service. Their weakness, perhaps, was that the distinctive Swedish national objectives, which at times they injected into their proposals, tended to be idiosyncratic. In the years when Australia and Sweden were active in the same niche as progressive activists, seeking to bridge the North–South gap, they manifested some rivalry towards Australia. In recent years, economic problems, more conservative governments in Stockholm, the meaninglessness of their neutrality in present circumstances and now entry into the EU have reduced Sweden's commitment to multilateralism on the global scale; but it remains one of the more active and responsive West Europeans.

The Netherlands

For decades, the Dutch were prominent as an activist, progressive delegation, in the middle ground on many issues, reaching out to the Third World and seeking compromise positions. Their government was even more generous than the Scandinavians in its contributions to voluntary multilateral programmes to assist the poorer countries. Their diplomats had a solid urbanity that served them well in multilateral conferences: they seemed to be comfortable with everybody and inspired confidence. They also showed some independence from the EU. In later years, as their governments have become more conservative, they were less active and, like other members of the EU, their delegations became more fully preoccupied with its affairs.

Canada

The champion mediator was and is Canada. No country is closer to the United States and yet it maintains a distinctive identity of its own and unique links to African, Latin American, Francophone, European and Commonwealth countries (in short, to most of the planet). It displays a muted version of American resourcefulness and drive, while having a much less ambiguous commitment to multilateralism. The resources, financial, human and of policy, that Canada at times deploys in multilateral activity, and its wide acceptability, give it an unrivalled ability to advance its own ends by seeking the common ground. Its only weaknesses evident to me were its more constrained ability to distance itself

from its powerful neighbour and particularly savage budgetary cuts in the 1980s and 90s which weakened its foreign service (there were often too few Canadian delegates to make use of the opportunities open to them) and led to its adopting extreme positions on international organisation budgetary issues.

Latin America

Brazil has long had an exceptionally high-quality foreign service (the Rio Branca Diplomatic Academy is said to be one of the best in the world) but its delegations were disadvantaged in multilateral conferences by their federal administration's visible wariness of commitments that would require it to seek the cooperation of any of the other Brazilian power centres (Congress, provincial governments, army and navy). As a large country with a long history of independence, Brazil has an abiding faith in its destiny to be a great power and its diplomats behave as if it already were. It is obviously the major power in Latin America but there is considerable rivalry towards Brazil on the part of both Argentina and Mexico.

Mexico has a long tradition in multilateral conferences of being a leading light of the Non Aligned Movement. Its diplomats tend to be clever and strong-willed, with a personal taste for twisting the tail of the Gringos. this style sits uncomfortably with Mexico's membership of the NAFTA (following which it left the G77) and its extensive and growing interdependence with the United States. Perhaps it is a necessary counterbalance.

In the trio of major Latin American counties, Argentina probably ranks third in influence, not because of any deficiency on the part of its diplomats but because of its transitional national status. It clearly is not a 'developing country'; but nor has it the wealth and solidity of a 'fully developed country'.

Africa

The long-established leading delegations of Sub-Saharan Africa are those of the richest countries: Nigeria, Senegal and the Ivory Coast. Each of these is active across a broad range of issues and organisations which are the subject of multilateral conferences. These delegations have professional confidence and serious back-up at home. For many other African countries, inadequacy of resources tends to limit their delegations' prospects of major achievement. Nevertheless, some of

their delegates sporadically came to prominence because of the personal qualities of individuals; among these, the francophones stand out by their erudition and strength of character.

Following the demise of apartheid, the Republic of South Africa, as seen in multilateral conferences, underwent a total transformation. From being ostracised and excluded from most conferences, they were suddenly the beneficiaries of a great wave of goodwill. Rapidly their delegations rose to prominence, displaying a developed-country standard of professionalism and support, all the more remarkable because the foreign service had undergone an almost complete change of personnel. This powerful delegation is in the camp of and at the service of the Third World and especially the deeply disadvantaged Sub-Saharan Africa. Understanding the force of the 'welcome solution' as a way for weak countries to optimise the outcome of multilateral conferences (despite having no previous experience in doing so) they soon became adept at using it. The sudden emergence of this new player among the Third World delegations disconcerted some of the traditional leaders of that group; but most of the less powerful members saw these tactics yielding better results than the futile confrontations of yore. The RSA seems assured of a leading role in multilateral conferences for many years to come.

The delegations of the arabised North of Africa have a distinctive character. Egypt has one of the best foreign services in the world, with many high-quality operators and a strong headquarters which provides effective guidance. This makes it one of the most effective operators in multilateral conferences and a leading delegation. Egypt's persona in multilateral conferences however is an uncomfortable one as it seeks to balance its African and Arab credentials: it is needed by both for the contribution it makes to their joint efforts, without being fully accepted by either group as 'one of us'. Its position *vis-à-vis* Israel is also difficult, with many individual diplomats, despite the peace treaty, not able to overcome their personal resentment towards that state's past and present actions. Egyptian delegations also have to contend with the rivalry of both their Algerian and Moroccan colleagues. The three countries that the outside world often sees as similar are deeply divided by history, culture and political order.

Algerian diplomats, themselves one of the few delegations equipped and supported to play a prominent role in multilateral conferences, resent the Egyptian assumption of primacy while being even more severely afflicted by the problem of being perceived as neither fully Arab nor fully African. Algerians have made a speciality of mediating the most daunting

controversies with more success than they are credited with. Morocco sees itself as superior to Egypt and Algeria but cannot match them in multilateral conferences: Moroccan delegations are too hierarchical and the King delegates too little for his agents to be fully effective.

Asia

India's numerous and extremely able diplomats represent a hyper-nationalistic country with no complexes about adopting positions that put it in a minority of one. On strongly contested issues, the Indian delegation is usually one of the last to be satisfied. In taking such stands, Indian delegates habitually to try to convey that they are acting as champion of the Third World. As a large industrial power, India's interests are in fact quite different from those of most small developing countries. However, the strength of Indian delegations, including their command of the English language, means that they are often able to make themselves indispensable to the G77 and Non Aligned, which gives them opportunities to lead these groups to support Indian objectives.

Pakistani delegations have similar high levels of professional competence and commitment but habitually deploy these to compete with India on every possible issue. In this they are frequently frustrated by the extent of their community of interests and objectives (determination to circumvent the nuclear non-proliferation regime, parallel industrial interests and ambitions, a common geographical focus, similar public institutions, etc.).

Japanese delegations are more active than those of Germany in multilateral conferences but share their inability to exert leadership commensurate with their country's economic strength and the resources it deploys for multilateral endeavours. Japan is still in a strong reaction away from the unilateralist policies and marginalisation that led it into the Second World War. It displays a powerful attraction to the concept of multilateralism and has contributed much treasure and effort to the success of multilateral operations. However, it conveys a sense of being ill at ease in the international environment and of nurturing an unrequited longing for more deference than it receives. Its foreign service has almost all of the hallmarks of high professionalism (and none is more assiduous) but is hampered by a complex domestic civil service decision-making system that is slow to react and has suffered from a shortage of some of the skills that multilateralism particularly rewards. Thus, for all their characteristic subtlety and sensibility, an empathic ability to see the world from a foreigner's perspective has not been the strong suit of

Japanese delegates; nor has an ability to act autonomously, while still closely serving their government. The Gaimusho understands the importance of this quality and has given free rein to a number of Japanese multilateralists with an inclination for autonomy; but these often turned out to be loners, insufficiently integrated into their domestic system and in some cases eccentric or even dangerously unpredictable. In recent years, it seems to have found the solution: making fuller use of female diplomats who seem better equipped in these respects than their male colleagues.

Few South East Asian countries have yet achieved effectiveness in multilateral conferences to match their economic progress. The limiting factor seems to be excessively hierarchical foreign services, in which junior officers are expected to take orders instead of acting independently. Malaysia is a partial exception and Singapore highly effective but focused on a narrow selection of topics. The Republic of Korea is an interesting case, only just beginning to emerge as a significant player in line with its economic strength and still looking for its role. Unlike most other Asian delegations, those of Korea have no natural affinity to any other member of that group.

Conclusion

These were usually the most significant delegations in the period of which I write and I expect that they will have retained their prominence. Countries like Poland and the Czech Republic, as they recover from their decades of communist repression, can be expected to claim a place among the delegations most influential in shaping the outcome of multilateral conferences, while the formerly prominent Yugoslavia has disappeared and Cuba's days of prominence are past. Many delegations omitted from this list have in the past played major roles at important multilateral conferences and will no doubt do so again in future – but less regularly than those featured above. Each of these has its own distinctive characteristics which need to be known by those who would engage with them to shape the conference outcome. Just as the personalities of individual delegates matter in multilateral conferences, so do the 'personalities' of national delegations.

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Part III
Evaluation

Outline

After exploring the context of multilateral diplomacy in which multilateral conferences are held and looking in detail at how these conferences operate to produce their results, one large question still remains unanswered: To what avail all this activity?

In a sharp break from the focus on minutiae in Part II, the concluding chapter attempts to give a very broad-picture answer. It begins by evaluating the common criticisms that are directed at multilateral conferences and concludes by assessing the place of these conferences in the present world order.

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15
The Worth of Multilateral Conferences

Multilateral conferences have a generally bad press. In 2003, some American right-wingers had worked themselves up into an anti-multilateralist frenzy, but, over a longer period, objections to multilateral conferences have come from many different quarters. They are often disparaged as inefficient or ineffective or, conversely, denounced as too powerful and illegitimate.

Inefficient and wasteful

While the bustle, celebrities and high hopes of the opening session of a major conference have some glamour, a spectator of the working sessions sees and hears very little to inspire enthusiasm or even respect. The 'general debate', as we have noted, consists of 'suits' reading prepared statements to an almost empty hall. If outsiders gain access to negotiating sessions, they are often appalled by the protracted discussion over minor textual points. If they are so ill-advised as to attempt to witness the closing phase of a major conference, chances are that what they will see, two or ten hours after its scheduled closing time, is a conference room full of bored, somnolent delegates, waiting while in some back room, the European Union brokers once again a formulation on Palestine, tolerable to both the Arabs and the United States. Add up the salaries of the idle delegates, the after-hours, and over-contract pay of the equally idle interpreters and conference staff – the overwhelming impression is one of waste.

Partly this is a matter of perception. The committees and drafting groups where most formal negotiation takes place are mainly held behind closed doors. The myriad of 'informal consultations' in which the bulk of the real work is done, and the hours spent by delegates after meetings

communicating with headquarters, preparing reports and planning the next days' work are invisible and unimagined by the uninformed. At a large conference, as we have seen, so much is happening in different venues at the same time that delegations themselves are often hard pressed to keep up, and especially to keep an eye on the overall picture through the forest of detail. It is very difficult for an outside spectator to appreciate what is taking place and consequently to develop a meaningful view as to whether or not the process is efficient.[1]

But it is true that conference participants themselves resent the waste when one of their number drags the conference or one of its committees into protracted and unproductive disputation. They also dislike having to hang around idly, in the closing stages of conferences, when the work for which they are responsible is done but other components of the total 'package' that is to be the conference outcome are still being finalised elsewhere. There is also often some delay about meetings starting on time, with the interpreters and conference staff being paid to wait while delegates take their time to enter the hall and settle in their appointed seats. This is wasteful, and good conference managers exert themselves to reduce it to a minimum. Too much enforced idleness is reprehensible; but some element of waiting is an unavoidable part of every human activity that involves a sizable number of people – as, for example, when several people board a bus. Multilateral conferences certainly involve far less 'down time' for individual participants than do many other endeavours – especially team sports or warfare. That many delegates enjoy the taxpayer-funded travel and social interaction a multilateral conference provides is undeniable, as is the fact that a 70-hour working week for delegates is fairly typical. Is either of these a measure of efficiency?

This leads us to the hardest question in relation to the efficiency or wastefulness of multilateral conferences, and that is, as compared with what? For the past two decades it has been fashionable in the wealthier English-speaking countries to apply private enterprise standards to civil service operations. I reject this comparison (because the functions are different and consequently the measures of performance should also be specific). But it is noteworthy that private enterprise makes extensive use of large gatherings whose main purpose is to promote informal exchanges between the participants, that when it wants to establish standards it forms 'a committee in Geneva' such as the International Organization for Standardization, and that when it wants to manage a regime it forms a body such as the Bank of International Settlements or IATA. All of these resemble the intergovernmental conferences

described in this book and fail to demonstrate a higher standard of efficiency. The fact is that no alternative has been devised, let alone tested, for fulfilling the functions of multilateral conferences. On some particular issues bilateral diplomacy (or indeed, unilateral measures) can be a substitute for multilateral diplomacy; but which is the most cost-effective is case specific. Often a combination of all three is best.

Ineffective and futile

Closely related to the inefficiency argument – in fact, often underlying it or sheltering behind it – is the quite different argument that all the activity and resources devoted to multilateral conferences are wasted because the results of multilateral conferences are ineffectual. This argument appears in two versions.

Multilateralism defeated by power politics

One is that what determines the outcome of multilateral conferences is the power relationships between the participants: the powerful get their way, the weak can only comply. In other words, the argument runs, the result is the same as if there had been no multilateral aspect. I hope that enough has been said in earlier chapters of this book to demonstrate that whereas power relations do not miraculously evaporate when delegates enter a conference room, in a multilateral conference factors intervene which are far less present in bilateral dealings between powerful and weak nations. There is power in effective argumentation, in skilful use of process and system, in the ability to assemble other delegations to support your position, etc. Moreover, it is my contention that multilateral negotiations typically yield more for weak participants than do bilateral negotiations. In a multilateral context the powerful are seeking more: not just subservience to their wishes but also coordinated behaviour – because they are asking for more they can be made to pay more, in terms of deference to the concerns of the weaker parties. More important still, I argue that more so than bilateral ones, multilateral deals are not 'zero-sum' games – on the contrary, all participants have a greater interest in each other's satisfaction and both the powerful and the weak tend to do better.

Multilateral constructs ineffective

The other argument as to the futility of multilateral conferences rests on the assertion that the agreements they produce have no force. Multilateral conferences take many decisions that manifestly are

consequential: decisions about the management of international organisations and programmes, decisions for coordinated actions, and decisions for the settlement of disputes, to mention only a few. These are overlooked to focus instead on those agreements that relate to rule-making and standard-setting. The objection is sometimes expressed as: 'governments comply with them only to the extent that it suits them to do so'. That represents a complete misunderstanding of the whole process: governments make multilateral agreements because they want each other to behave accordingly or because they see other benefits in having multilaterally agreed standards. Non-compliance on their own part would undermine the very patterns of behaviour and benchmarks they want to uphold – non-compliance does occur, but it is aberrant and dysfunctional. Moreover, to secure these agreements, they have to make them attractive to as many parties as possible. Governments tend to comply with agreements they find attractive. So, if indeed governments comply only when it suits them, that turns out to be most of the time.

In addition, it is simply nonsense to suggest that non-compliance with internationally accepted standards or commitments made to a large number of other parties – however attractive that may appear to a government at some time – is cost free. Markets and the expectations of various constituencies militate in favour of – and often enforce – compliance with multilaterally agreed standards and regimes in a variety of ways – as explained in Chapter 3. Of course, there are cases of defiance of decisions taken by multilateral conferences, some of them prominently publicised and many more carefully hidden, just there are instances of breaches of domestic law. In neither case do they justify trivialising the whole system. The broad picture, overwhelmingly, is one of compliance.

The implication of this line of criticism seems to be that agreements reached between several governments are somehow less valid or less consequential than agreements reached bilaterally. This would be a bizarre contention: the reverse is more plausible, that an obligation entered into *vis-à-vis* several parties would be more difficult to escape from.

Too powerful and/or illegitimate

Usurpation of national sovereignty

Often the same critics also propound the contrary assertion that multilateral conferences usurp the powers of sovereign governments. 'We', asserts periodically the current Australian Prime Minister, on a variety of topics 'are a democratic country. Our Parliament makes the rules that apply in Australia. We are not going to be dictated to by some

committee in Geneva.' That is, of course, deliberate obfuscation and intoxication of uninformed audiences; but the line of argument has considerable appeal that governments should only accept rules and standards after careful deliberation and following domestic due process. The US Constitution even enshrines a requirement that the advice and consent of the Senate must be received before that government ratifies an international agreement (this provision was written with bilateral agreements in mind but has been applied – catastrophically[2] – to multilateral agreements as well). Many people in countries without such a constitutional requirement argue that the underlying principle should apply. The true situation is far 'worse' (in their lights) than the proponents of such arguments imagine.

As the description in previous chapters of decision-making in multilateral conferences shows, the process of reaching agreement boils down to developing formulations that are at least tolerable to a vast majority of participants and preferably attractive to a majority of them. Because national interests and perspectives and the objectives of governments differ, there have to be mutual accommodations. Moreover, however carefully prepared the brief given to delegations and however detailed the running instructions communicated during the conference, headquarters always loses full control of the delegation when the negotiations become intense. The conference timetable (within very narrow margins) is fixed and cannot wait for any one government's decision-making processes (except, occasionally, those of the United States). Only the people on the spot can make judgements as to how far to press a particular point, what element of your position to horse-trade away in exchange for partially achieving another, and so on. In the final crunch they and their interlocutors will be physically exhausted as well as 'high' on adrenalin, and a lot will depend on personal relations, group chemistry and the skill and luck of individuals. This is a very long way from the ideal of officialdom making carefully considered decisions in its own time and then having these evaluated and validated by elected policy-makers.

If any one participating government is dissatisfied with the outcome, or if the Australian or Albanian Parliament would like to change the text when they see it, there is no reopening of the negotiations. To be more precise, the negotiations could only be reopened if all participants agreed, and only the United States could aspire to securing such agreement, and then only in exceptional circumstances. In short, the policy-makers at home are stuck with the result of this unsatisfactory process. In the case of treaties, there is often the formal possibility of lodging

a 'reservation' or interpretation, but the reality is that if this departs significantly from the thrust of the treaty it will be disallowed or ineffectual. Besides, many of the most consequential agreements reached at multilateral conferences are not treaties. Often they are documents, which, while legally non-binding, none the less codify technical standards, or standards of behaviour, which, because they were multilaterally negotiated and agreed, become internationally accepted benchmarks. As previously noted, the theoretical sovereign ability of governments to ignore such benchmarks is in reality heavily qualified. In the last resort, if Albania or Australia refuses to accept a new standard, that is of little consequence: if most countries accept it, it will still be the international benchmark, applied to all (here again with a partial exception for the Superpower). In short, the ideal of full parliamentary responsibility is not achievable.

Does this make the results of multilateral conferences illegitimate? Again, as compared with what? The detractors of multilateral conferences cannot plausibly maintain that the ideal of careful, dispassionate, technical consideration, followed by wise decision-making focused on long-term national interests is the predominant actual performance of governments in the Western democracies, let alone in the majority of states. By the standards of what national governments actually deliver when left to their own solitary devices, the products of multilateral conferences (by and large) shine. Empirical observation to this effect is supported by logic. The outcomes of multilateral conferences rest on a much broader pool of knowledge and perspective than is available to national decision-makers. Nation-specific sectoral interests and domestic political factors – both of which tend to work against the national interest – are less powerful in multilateral conferences than in domestic decision-making. Conversely, the incentive is much greater to develop propositions that will withstand independent scrutiny and to attempt to accommodate all relevant concerns. These are grounds for expecting multilateral conferences to generate higher-quality outcomes than do national governments acting in isolation.

Unworthiness of participants

The legitimacy of multilateral conferences is sometimes impugned on yet another ground: that the participants are illegitimate. Occasionally, this takes the form of pointing out that the delegates who perform the conferences are unelected and therefore not fit to make rules applicable in democracies – as if they had not been directed by elected governments to do just that. More often, the argument is that the governments

represented in multilateral conferences are unworthy and that their deficiencies pollute the conference outcomes. This argument is often articulated by those who identify with the poorer countries: the powerful governments of rich countries 'do not understand' the poor or lack compassion. The reality is that they understand them too well and it is wishful thinking to hope that that multilateral conferences will perform the magic of making governments compassionate. A more forceful version of this argument, heard from both extremes of the political spectrum, is that many of the governments represented in multilateral conferences do not effectively represent their people and, sometimes, even, that the states and nations they represent are not legitimate. For some on the radical left and anti-statists, this disqualification extends to the Western democracies. For some right-wing radicals, only the Western democracies are legitimate. Both of these approaches leave a problem as to how to deal with all the other countries until such time as they reconstruct themselves on the approved plan. In the aftermath of the Cold War, some on the right in several democracies have argued that, because many of the participants in the multilateral conferences dealing with human rights represent undemocratic governments, the standards which these bodies uphold can be disregarded – not because they are inadequate, but because they are too high!

In its extreme form, the illegitimacy argument becomes simply: 'they hate us'. In Milosevic's Yugoslavia, when multilateral conferences condemned genocide, the explanation was that the participants all hated Serbs. For many Israelis and their supporters elsewhere, whenever Israeli government practices are condemned, the explanation is anti-Jewish sentiment. Recently, Americans have been urged to oppose the International Criminal Court on the grounds that anti-Americanism is rife. Perhaps the extreme of the extreme is those who 'reject moral equivalence': their own country is manifestly always right, and any who disagree are thereby disqualified from having a valid opinion or any right to defend their interests. Absurd nationalism ever was the refuge of scoundrels.

The functions of multilateral conferences

The common point between all these lines of criticism directed at multilateral conferences is that they sidestep the question of what function these conferences serve. Three earlier chapters of this book are about purposes; but at this point we can step back and put that issue in a broader perspective. The world of inter-state relations reflects a mix of

anarchy, rule by power (mainly US hegemony) and collective governance through multilaterally established rules and regimes. Multilateral conferences are held because governments find them useful in each of these different modes of interaction.

Multilateral conferences in the service of anarchy

At one level, states are sovereign and governments pursue their objectives with very little thought for the consequences for other countries. To the extent that their preoccupations lead them to want things from other governments, they deal directly with them, making such deals as suit the parties. There is no order, no overall scheme and nothing resembling a central authority. Even in such an anarchic system, governments feel a need for multilateral conferences. They are useful as a means of communicating with – and at times misleading – domestic audiences and foreign constituencies; they are an excellent way of communicating with foreign governments and gathering information about their views, experiences and intentions; they are necessary for developing and maintaining agreements with groups of other governments and so on, as previously explained.

Multilateral conferences in the service of state power

Of course, for all their legal sovereignty, governments are not really free to do whatever they like: they lack the power. When it comes to international dealings, some states (especially the United States) are more powerful than others and use that power to try to get other states to behave in ways that suit them. The United States was able to recruit and lead large military coalitions for both the 1991 Gulf War and the War on Terror without using multilateral conferences to manage them. This is highly unusual. More typically, if a powerful country wants several others to behave helpfully, it faces the problem so aptly described by the expression 'herding cats':[3] it can easily impose its will on any one of them, but getting coordinated behaviour is a major challenge. Multilateral conferences (and agreements they produce) is the most efficient way known of achieving that. Multilaterally negotiated agreements are 'cheaper' than bilateral ones because they favour burden-sharing (many US national objectives are advanced by multilateral programmes largely funded by other countries). Moreover, whereas the 'bundle of bilateral arrangements' model used for the Gulf War may have worked well on that occasion, more typically the more effective course is to get all the parties together, let them hear each other's questions and comments, even let them speak to each other – in short, to hold a multilateral

conference. This is the way the European Union manages its economic relations with the poor countries of Africa, the Caribbean and the Pacific (ACP) and France manages la Francophonie, the French language and culture promotional association.

Often a multilateral format 'softens' and disguises the exercise of national power, making it more acceptable and thus, paradoxically, more effective. An example might be that of nuclear power stations in Mexico. Clearly, the United States would not tolerate their existence unless it was confident they are not being used to produce nuclear weapons, and, equally clearly, it would be objectionable to most Mexicans for US inspectors to invigilate and pass judgement on Mexican behaviour. But Mexico willingly cooperates with the highly intrusive monitoring regime conducted by the International Atomic Energy Agency because this contributes to Mexican and global security, and because Mexico is a full partner in the IAEA – indeed, one of its leading lights. The United States, for its part, contributes money, technology and political support to the IAEA to make sure the regime is sufficiently robust to give the US the assurances it needs as to its own security. The international regime against nuclear proliferation, of which IAEA inspections are one component, represents an exercise of US power in the pursuit of its own interests, and it is far more powerful than any unilateral US programme or bundle of bilateral agreements could possibly be – but it only works that way because it also enhances the ability of other countries to advance their own interests.

It is not simply that national power can be more effective if it is diplomatically disguised: if the purpose of any programme can be broadened so that it serves the purposes of many parties rather than just one, and if they are given part ownership, all parties will put their weight behind the programme. Multilateral agreements, because they tend to yield more benefits for all participants than do bilateral ones, tend to produce a higher level of commitment and thus effective compliance, by all parties.

Multilateral governance and national sovereignty

Once you have multilateral conferences addressing an issue, with all parties providing their inputs and seeking to uphold their own interests, you have in fact moved into yet another mode of international interaction. This arises whenever several governments accept that a good way for them to manage a particular problem or a set of issues is through a multilateral cooperative venture, multilateral standard-setting, multilaterally devised regimes, and so on: in short, multilateral or collective management or governance. There is a great deal more collective

governance of the affairs of nations than most people realise: it would take another book to describe the multilateral regimes that impact on most fields of human activity. This concept alarms traditional nationalists who correctly sense that it involves derogations from absolute sovereignty. Governments that want to act in ways contrary to international norms appeal to nationalism as a competing source of legitimacy. However, multilateral governance is an option chosen by governments in the exercise of their nominal sovereignty, and supportive of their effective sovereignty, because it helps them achieve their objectives. The real forces diminishing effective national sovereignty are the growth of interdependence and the empowerment of individuals and other non-state entities, not the institutional arrangements that governments make in response.

The limits of multilateralism

Although a multilateral approach – and therefore multilateral conferences – can be used by governments for many purposes and often enables them to achieve objectives which otherwise would be beyond their reach, it is no panacea. It is most useful as one component of a wider approach that also includes bilateral, unilateral and domestic components. Moreover, it can be very demanding of the resources available to governments: many issues they deal with simply are not worth the effort. It is also understandable that some people are irritated by the multilateral conference process. Beyond this, there are some issues and some situations to which it is not suited. Many bilateral issues are best handled bilaterally, when there is adequate mutual goodwill and receptivity. The multilateral route is never quick: if immediate decisions are wanted, and having a number of adherents is a secondary consideration, multilateralism will not be the first tool governments reach for.

Because a multilateral approach means taking some account of the concerns of others, it is very difficult to use it in pursuit of objectives that many other governments see as inimical to their own interests, objectives or values. The spectacular failure of the United States and Britain to secure a semblance of legitimacy from the Security Council for their invasion of Iraq in 2003 illustrates this point. This factor also limits the degree to which it can be used to pursue idiosyncratic domestic objectives. In particular, of course, it is inimical to attempts to secure domestic political advantage by disparaging or demonising 'foreigners' or claiming exceptional merit or immunity from restraint for your own nationality. I rate these limitations as virtues of the multilateral approach.

Conclusion

There is no clear demarcation between the use of multilateral conferences for the individual (anarchic) purposes of governments, the exercise of power or collective governance. Most conferences manifest aspects of all three modes of interaction. Even at conferences devoted to collective governance, the power of the weightier players does not disappear, nor does the aspiration for effective sovereignty on the part of all participants. The constant that is true of all multilateral conferences is that they are means used by governments to handle their concerns. They can be used for trivial or vile purposes; but they can also be good servants of the interests of nations and effective ways of addressing the problems of mankind.

The final observation is that, whatever our feelings about multilateral conferences and however harshly we may judge them, they continue to be held in vast numbers (several thousand a year). Many of them make important decisions (the European Union uses them as its main means of decision-making) or otherwise influence the behaviour of governments and individuals, and no government can long afford to hold back from participation. Like Mount Everest, they exist, and both practitioners and analysts need to understand how they function.

Notes

1 Governments and Committees

1. If this approach needs a label, we can borrow one from Economics: 'behaviourist'.
2. As we shall see, others are international organisations, corporations and other non-government organisations, and individuals.
3. State institutions, such as law courts, armies and the 'state sector' of national economies are appendages of the state and concrete manifestations of its existence; but they cannot correctly be said to *be* the state. A state can exist without them. Somalia, for over a decade had no national government or army, nor even a national postal service, but it still existed as a state: it had recognised borders, a flag, and a seat (empty though it be) at the United Nations and other international organisations; it had legal obligations and debts (although unable to discharge them) and it still owned some property and had potential claims to other property. Conceptually and legally, Somalia will continue to exist as a state unless or until some other entity (or entities) achieves sovereignty over its territory.
4. Tautologically, they control those institutions which are subject to political direction. Thus, in this book at least, the judiciary, government auditors and many other such are, in most modern democracies, organs of the state but not part of the government.
5. Vital as these distinctions are for the purpose of rigorous analysis, in other contexts it would be pedantic not to blur them. In this book, I refer to 'countries' or name them and at times anthropomorphise them, without specifying whether I mean the nation, state or government, when the distinction is not important or obvious.
6. The interests of the state notoriously clash with those of the nation whenever 'reasons of state' crush human enterprise and the flowering of the human spirit. For an example of a clash between the interests of state and government one need look no further than 'pork barrel politics' when state treasure is squandered in the interest of the government of the day. Indeed, the interests of government only coincide with those of the state in that state power is a factor in the ability of government to advance its objectives.

   The problem with interest-based analysis goes deeper than this. Consider, for instance, the conduct of France in the lead-up to and during the course of the First World War. Some of the results were (most observers would agree) in accordance with the interests of the French state: e.g. the recovery of Alsace and Lorraine. Others were contrary to those interests: e.g. the loss of one and a half million young men. With hindsight, it is possible to form judgements as to whether or not the gains were worth the losses; but any such assessments are subjective and, more to the point, tell us nothing as to why this price was paid for this gain. To answer that question, one has to study the decision-making of the French government and Military High Command

at the time: what they knew and did not know, what they were trying to achieve, and so on.

7. Throughout this book, in conformity with general international usage, I write 'Ministry' for a major unit of government and 'Minister' for the political head of that unit. In the United States and Australia the corresponding terms are '(government) Department' and 'Secretary'. The Foreign Minister and Ministry are those which have prime responsibility for the government's international relations (= the Secretary of State and the State Department in the United States).
8. Territorial sea and seabed are part of the sovereign territory of a state, which consequently has an exclusive right under international law to dispose of their resources. Islands, like other sections of coastline, 'generate' territorial sea and seabed because these are defined as stretching 200 nautical miles from the coast.
9. By 'substance' I mean such concrete factors as an increase in state revenue, as opposed to the vanity of an individual or political preferences.
10. The final answer on oilrigs was that they are part of the national territory, like islands; but unlike islands, they do not generate territorial sea or seabed.
11. 'Why, you may take the most gallant sailor, the most intrepid airman and the most audacious soldier; put them at a table together – what do you get? The sum of all their fears.'
12. The political systems of the modern world can be divided into two models: those (like Germany) in which there is a head of state with an (almost exclusively) symbolic role and a separate head of government who in effect commands the resources of the state, as contrasted with those (like the United States) in which the head of state and the head of government roles are fused in the one individual. The latter is the most widespread model and those countries which follow the former observe that the personal prominence of the head of government is steadily growing, and tending to eclipse that of the head of state. Duumvirates, triumvirates, tetrarchies and collegiate leadership are rare and ephemeral experiments.

2 The Purposes of Multilateralism

1. The adjective 'diplomatic' formally (and in this book) means 'pertaining to inter-governmental dealings'. Thus 'diplomatic missions' are the offices that governments maintain in each other's capitals and 'diplomatic channels' are the means used by governments to communicate formally with each other: their Foreign Ministries and diplomatic missions. In everyday speech, 'diplomacy' and 'diplomatic' have come to refer to communicating in a manner that avoids causing offence. This is indeed a useful skill for those engaged in inter-governmental dealings; but it is not the only skill needed by diplomats, nor is it the manner they employ in all circumstances.
2. Particularly since these weapons are not militarily attractive for defensive purposes.
3. In fact, both the Organization of American States and the European Union have concluded extradition conventions and there are global conventions

providing for extradition for certain specified crimes, notably drug dealing and hostage taking.
4. Patriotism can be categorised as a form of idealism in that it is a value that many put above their own material interests.

3 Influence on Governments

1. At least for several years. In late 2002, the crisis reignited.
2. I realise that, in economic terms, the main benefit comes from lowering your own trade barriers; but in political terms, the issue is presented as reciprocal market access.
3. There are of course exceptions, where a country's very weakness threatens wider interests of the stronger country, or where the weak country benefits from particular sympathy.
4. I avoid the term 'the international community' to sidestep any debate of that concept, which is not central to my understanding of multilateral diplomacy.
5. There are also regional conventions, intended to apply to all countries in a particular region.
6. The rule of law '*pacta sunt servanda*' – treaties are to be implemented – also describes a norm.
7. In practice, these states also subject their civil nuclear industries to similar 'safeguards' implemented by the IAEA. The purpose and effect of safeguards is, of course, somewhat different in their case.
8. I first wrote this in a paper delivered to the Programme for Promoting Nuclear Non-Proliferation at Annecy, in 1997, but as this book was being finalised in January 2003, events in relation to North Korea were confirming the analysis.
9. An example is the export controls imposed by many countries to guard against their products being used elsewhere to make weapons of mass destruction.
10. President Ramos of the Philippines, for example, justified unpopular economic policy measures on the grounds that his country was about to host a meeting of APEC and consequently should not defy APEC standards.
11. People who ask for something.
12. In the aftermath of the First World War, the 1925 Protocol prohibiting the use of poison gas '*in war*' helped establish a norm. At the time, domestic affairs were seen as beyond the reach of such international prohibitions. But half a century later, when gas was used against domestic insurgents in Yemen and Iraq, although there was no 'war', the norm was widely held to have been violated.
13. The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which was adopted and opened for signature on 10 December 1984. It had been preceded in 1975 by the Declaration On The Protection Of All Persons From Being Subject To Torture And Other Cruel, Inhuman Or Degrading Treatment Or Punishment.
14. Governments fighting insurgents or terrorists often find it an effective weapon in an otherwise intractable task. Some governments see torture as a useful means of terrorising subject populations. For a number of governments, the practice is an ingrained habit.

15. In many countries, the armed forces enjoy a high degree of autonomy, which governments do not lightly challenge. Even where an attempt is politically feasible, changing deeply entrenched attitudes and practices is no easy matter.
16. A full description of regimes would also cover unilateral actions by governments, especially that of the United States; but that would take us beyond the subject of this book.

4 International Organisations

1. Other examples are UNIDIR, ICAO, UNESCO, OPANAL and UNCITRAL. The criterion appears to be whether it sounds reasonably pleasant and dignified. Participants in the World Intellectual Property Organization spell out the initials WIPO and are irritated by those who pronounce it like a brand of bathroom cleaner. I, and other authors of the South Pacific Nuclear Free Zone, never liked its being referred to as 'Spinfiz' – especially in the New Zealand pronunciation 'Spun fuzz'.
2. Australia is an exception.
3. Indeed, the deserters have rejoined, in the case of the United States, under the George W. Bush Administration.
4. The rationale for ZRG (like across-the-board budget cuts to government agencies) is that it will force management to increase efficiency and to impose stricter priorities. In practice, tightening priorities is very difficult in an organisation which serves many different masters whose priorities diverge: each programme has its advocates. The managers of international organisations often conclude that the only politically viable course is to apply pro-rata cuts across all programmes. This penalises those programmes and managers that were already using their budgets efficiently: they have less scope to find 'efficiency gains' to offset against the reduced funding. So it tends to be the better programmes that are damaged most. Inadequate and unreliable funding also lead to inefficiencies by compelling managers to engage in many wasteful stratagems and to devote disproportionate time to money issues as opposed to other aspects of management.

5 Multilateral Diplomacy

1. In this book, the word 'department' refers to an administrative subdivision of a ministry.
2. The politically correct term for what used to be called foreign aid. It covers gifts, concessional loans and transfers of technology to and from other governments and international organisations, with at least the ostensible purpose of promoting economic and /or social development in the recipient country.
3. For example, when I was Australia's Ambassador in Vienna, I and another officer were sent twice to tour francophone African capitals to lobby for the votes of their governments in the 1996 elections to the Security Council, one of a score of special emissaries deployed worldwide by the Australian government over a period of two years in that unsuccessful enterprise.

4. 'Diplomatic Missions' (or 'posts' in diplomats' jargon) are the offices maintained by a government in other countries. They include the offices of representatives formally accredited to foreign central governments, known as 'Embassies' (or, between member countries of the Commonwealth as 'High Commissions') , offices accredited to provincial or local governments ('Consulates-General', 'Consulates', 'Commissions'), and offices accredited to international organisations ('Resident Missions', 'Permanent Delegations').
5. In diplomatic jargon, 'capitals' refers to capital cities. Communications made 'in (foreign) capitals' are contrasted with the more routine channel which is from your Foreign Ministry to the (foreign) diplomatic missions in your capital city.
6. State funerals of world leaders are one of the venues often used for such approaches.
7. The Australian government had several reasons to wish such an association to be created. The Foreign Minister at the time, Gareth Evans, was an activist by temperament, conscious of the economic benefits which seemed promised to Australia by Asia Pacific Economic Cooperation (APEC) and driven, as were many Australian intellectuals at that time, by a desire to strengthen Australia's relationship with its neighbouring countries (as contrasted with Western Europe and North America with which it has strong cultural and historical ties). He would also not have been uninterested in the public appeal of such a project, especially in Western Australia, which borders on the Indian Ocean.
8. Perhaps it needs to be explained to readers in these countries that people in many other countries consider executions barbaric, unjust, ineffectual at deterring crime and demeaning to the human race.
9. Without the help of this Protocol, it had already been legally abolished in 12 American states and territories and moratoria were in force in several others.
10. That is, that it is supportive of the government achieving its objectives.
11. The agreement for regional cooperation in the Indian Ocean, mentioned above, was an exception: the conference at which this agreement was negotiated and concluded was called and presided over by the Prime Minister of Mauritius.
12. The European Union, when it acts collectively, can count on a large contingent of suitors. Germany and Japan, to a much lesser degree Britain and Italy, and to some degree Sweden and Canada have relationships which can be exploited in this way.
13. The only obvious examples are Israel's ability to secure American support for almost anything it wants, and Indonesia, in the days of President Suharto, being able to make effective calls for regional solidarity from fellow members of the ASEAN.
14. As explained in Chapter 6, these are multilateral conferences mandated to discuss issues but not to negotiate formal agreements.
15. At least, this is what the CTBT provides. At the time of writing, its entry into force is indefinitely postponed because of opposition from the party currently in power in the United States.
16. The activities of the Australian government during the 20 years prior to 1995 in which it was heavily committed to supporting the Nuclear Non-Proliferation Treaty (NPT) illustrate this process. Thus, for example, during

this period, in addition to sustaining a large declaratory output in support of the treaty, its objectives and the attendant international regime, Australia made its exports of uranium conditional on the importing countries implementing IAEA safeguards as required by the NPT. It made repeated representations to many other governments, urging them to sign the Treaty and to conclude safeguards agreements. It gave South Pacific Island states technical assistance in meeting their obligations under the NPT. These and many other measures were part of a coherent programme directed above all at building up the regime associated with the treaty; this in turn because of a belief that this would enhance Australia's security, both directly and through its effect on global 'hot spots'.

6 Purposes of Multilateral Conferences

1. See Chapter 8 for an elaboration for this term.

7 Delegations

1. For a few, mainly technical organisations, the permanent representatives have retained more of the culture and character of an outpost of their sending agencies.
2. Responsible for the UN Drug Control Programme, its Committee on the Peaceful Uses of Outer Space, its Crime Branch, its Committee on International Trade Law, etc.
3. For example, in 1980, while posted as Ambassador in Copenhagen, I also led the Australian Delegation to the Committee on Disarmament in Geneva. My deputy on that delegation, a First Secretary normally resident in Geneva, was detached to our delegation to the UN General Assembly in New York for two and a half months when the CD was not in session, while a member of the New York Permanent Mission travelled to Geneva, as I did, for the CD's sessions.
4. Until the DPRK left the organisation in 1995.
5. German Democratic Republic, i.e. East Germany, now defunct.
6. Australia–New Zealand–United States Pact.
7. Originally this meant all except Japan. More recently, Mexico has joined OECD and left the G77, as has Singapore. Similarly, during the Cold War, several developing countries were politically aligned with either the East (e.g. North Viet Nam) or the West (e.g. The Philippines). Now they have all adhered to the Non Aligned Movement.
8. At which the Non Aligned Movement was founded in 1955.
9. Respectively these are: The Canada–Australia–New Zealand and the South Pacific sub-groups, a coalition of agricultural exporting countries in the Multilateral Trade Negotiations and the major contributors to the budget of several international organisations.

8 The Format of Multilateral Conferences

1. 10 a.m. to 1 p.m., 3 p.m. to 6 p.m.
2. 'Traddutore traditore'.

3. I raised the question about 'lights' on an occasion when the Canadian chairman needed a bit of time to elapse before allowing substantive negotiations to resume: I was deliberately using up time in (I hoped) a harmless manner.
4. Sometimes, a courageous secretariat will surreptitiously correct texts after they have been agreed by the conference.

9 The Products of Multilateral Conferences

1. See next chapter on voting.
2. See Chapter 7.
3. In other words, that no nuclear material or equipment potentially useful in making nuclear weapons should be exported unless the importing country subjected all such material within its jurisdiction to inspection, 'material accountancy' and monitoring by the International Atomic Energy Agency.
4. This was not, of course, Waterloo: it was merely an incremental step in norm-making. China, at first, continued to assert that its own freedom of action in this area was unconstrained; but its behaviour has since moved closer to the international standard.
5. The Second Review Conference of the Nuclear Non-Proliferation Treaty, 1980. For more than 48 hours after the conference was due to end there was not even agreement to do that. The prospect was for the delegates to talk on, the saner ones leaving first, followed by others in dribs and drabs until the last one gave up and turned off the lights. Finally, even this conference did produce one set of words: the Chairman was allowed to say 'This conference is concluded.'

10 Decision-Making Processes

1. He subsequently became Under Secretary General for Political Affairs in the UN Secretariat and later head of its Geneva Office.
2. The private French position was that they were willing to deplore the necessity for nuclear testing. Therefore they could, if pressed, deplore the tests while reiterating their necessity. But of course they were joining 160 other governments in deploring the tests while speaking for and to themselves alone when adding the 'qualification' that the tests were none the less necessary. I am still amazed that anyone should see any point in such pirouettes.
3. The International Monetary Fund (IMF), the International Bank for Reconstruction and Development (IBRD) and several other bodies of this kind.
4. That is, a preliminary vote, the result of which is not formally recorded.
5. The exceptional circumstances in which it could arise are when the opponents are very few in number, and their concerns enjoy no support or sympathy from the overwhelming majority of delegations.

11 Negotiation

1. Among diplomats, what would actually be said is 'to seek additional instructions'.
2. A demand which includes everything you would like, but exceeds what you realistically expect to achieve.

12 Delegation Management

1. Which sets out the time and venue of the various committee meetings and other such basic information for each day. See Chapter 8.
2. Unless, of course, their agenda includes frustrating or harming the delegation leader.
3. The Austro-Hungarian Empire was a major military power for 300 years and had learnt something about the management of men in difficult situations. Any officer who disobeyed an order on the battlefield was automatically tried by court martial, and if convicted, he was shot. But if the court decided that his decision had been correct (perhaps because the battle had developed in ways unforeseen when the orders were issued) he was decorated with a special medal: the Theresian Medal. Instituted by the Empress Maria Theresa, this medal was awarded specifically in recognition of the courage and judgement required to correctly disobey orders.
4. It is of course no coincidence that these two missions represented, respectively, the most outspoken proponent of the Nuclear Non Proliferation Treaty and its most committed enemy.
5. Because an agreement which failed to cover the concerns of Australia's major trading partner would be a defective agreement in terms of Australia's interests.

13 Conference Management

1. When I chaired the Board of Governors of the IAEA during the 1993–4 crisis over North Korea's nuclear activities, the North Korean delegation, in an attempt at intimidation or a bid for sympathy from other countries, accused me of acting 'not as Chairman but Australian delegate'. They later apologised 'for these insulting remarks'.
2. The Swedish government abandoned this policy position a few years later, whereas the United States espoused it, also some time after the negotiations were concluded.
3. The Australian Permanent Representative to the United Nations who went on to head UNSCOM, the first UN weapons inspection programme in Iraq.
4. This is one aspect of chairmanship in which one sees more failure than success. A culture has become entrenched of allowing meetings to start 10 to 30 minutes after the scheduled starting time (although the interpreters are paid from that moment). This owes a lot to valid concerns: the importance accorded to 'informal consultations'; the desire to maintain a relaxed, collegiate atmosphere in which delegates are not 'hassled'; and the wish to show deference to the representatives of sovereign states. I found, however, that if I advertised my intention to start on time and did so resolutely, despite some initial grumbling, delegates soon took to appearing on time, lest they miss part of the action. But a chairman who irritates delegates can be humbled: they can simply boycott his meeting until they feel the point has been registered. In addition, the rules of procedure usually specify a quorum, without which the meeting cannot proceed. This is both a potential weapon in the hands of a disgruntled delegate and a reminder of the reality that, regardless of the chairman's bluster, the meeting cannot do its work unless enough participants are present. The

egregious sin for a chairman is to arrive later than an effective quorum, so that delegates face enforced idleness.
5. This safety margin is limited. Prolonging the work of interpreters and other conference staff beyond that contracted for is expensive. More finally, the conference staff and the conference rooms are probably committed to other uses from the morning of the Monday following the Friday on which the conference was scheduled to end.
6. At that time, Ambassador for Disarmament
7. Famously, 'what's good for General Motors is good for the USA', but before that, what's good for Argentina or Nigeria is good for General Motors – because it increases the market for cars. So what's good for any nation is also good for the USA and (in varying degrees) for all other nations. Political rhetoric notwithstanding, there are very few issues on which one nation's gain means a loss to others.

15 The Worth of Multilateral Conferences

1. It still rankles with me to have received, as we were working at 11:30 p.m. one Saturday night during the Rio Conference on the Environment and Development, a clipping from an Australian newspaper, with my name and those of my workmates as 'the Rio Passenger List'. The thrust of the story was that the Australian delegation had 46 members and the implication was that they had very little work to do in that attractive city. The journalists had not bothered to inform themselves of the significance of what the conference was doing, nor what that entailed in terms of work to be done by our delegation nor of the fact that other countries considered it worth a much greater deployment of resources. To our two parliamentarians, the US Congress had sent 60 and the Japanese delegation totalled over 1,000 members.
2. 'Catastrophically' because decisions in this matter by the US Senate often owe more to the state of relations between the Senate and the Executive, to party political considerations, to electoral posturing, and to linkages with other issues, etc. than to a dispassionate evaluation of the interests of the United States, let alone those of the rest of the planet.
3. Title of a book on multilateral operations edited by Chester A. Crocker, Fen Osler Hampson and Pamela Aall, United States Institute of Peace Press, New York, 1999.

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Bracketed numerals following page references for endnotes indicate the chapter to which the endnote refers, e.g. 258*n*4 (2) indicates page 258, endnote 4 of Chapter 2

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