

## Theory and Practice: Multilateral Diplomacy<sup>1</sup>

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Conferences attended by three or more states exploded in number in the 20th Century, reaching their pinnacles of influence in the meetings of the G8 countries and the secret caucuses of the P5 on the UN Security Council following the end of the Cold War. They vary hugely in subject, scope, size, level of attendance, longevity, and extent of bureaucratization - from the small ad hoc (one-off) conference to the universal international organization like the UN (see the box below). What are their advantages, and what are their characteristic procedures?

### **Box 1. International organizations, or why some conferences have become permanent**

Multilateral conferences that achieve permanent status do so principally because the problem with which they were established to grapple is itself a permanent problem for the UN, preserving international peace without jeopardizing the security of its member states. An international organization has a constitution or 'charter' stating its aims, organs, and rules of procedure. Most important is provision for a governing body and a permanent secretariat. Meetings of the full membership, held at regular intervals, do not normally have great influence but this may be greater in emergencies, when special meetings may be held. Temporary delegations or permanently accredited diplomatic missions are sent to the seat of the organization by the member states. A multilateral conference that, as in the case of the IAEA, settles down to permanent status, keeps the problem that stimulated its creation under constant surveillance, encourages the accumulation of specialised knowledge, signals serious commitment, creates a lobby for the cause in question, often provides



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technical assistance to states requiring it and does all this without raising the excessive expectations often generated by ad hoc conferences. The price to be paid for this is that the power structure of its governing body tends to remain frozen in the shape it assumed at the time of the organization's creation, together with the culture convenient to it.

## The Advantages Of Multilateral Diplomacy

In certain circumstances multilateral diplomacy provides the best chance for a successful negotiation. A conference:

- is subject-focused and concentrates minds on one issue or series of related issues
- ideally brings together all the parties whose agreement is necessary
- encourages informality in its corridors
- may even develop a certain *esprit de corps* among its members
- has a president with a vested interest in its success
- always provides especially in the case of international organizations opportunities for bilaterals, not only on matters on the formal agenda but on those which are quite outside it; this is of special value to states that do not enjoy diplomatic relations with each other or cannot afford an extensive network of embassies
- ill, if it is an ad hoc conference, embody a deadline that will also help to concentrate minds, because it cannot go on for ever
- promises to make agreements stick by its reflexive disposition to provide monitoring or follow-up machinery, and
- even if no agreement is achieved, a multilateral conference at least shows that the participants have tried to do something about the problem on its agenda, e.g. the annual UN climate change conferences, and is thus a perfect vehicle for so-called public diplomacy.

## Questions Of Procedure

Whether multilateral conferences are ad hoc or permanent, they tend to share similar procedural problems:

### VENUE

This is sometimes a question of symbolic and always one of practical significance in prenegotiations, and has already been mentioned in the previous text. However, it is obviously of special importance when the creation of a *permanent* conference is contemplated; and the more important the organization the greater the excitement that this issue tends to generate, e.g. the controversy surrounding the site for a permanent home for the UN, a question which fell into the lap of its Preparatory Commission in late 1945 (see Box 2).

## **Box 2. The argument over the UN's permanent home**

This argument basically resolved into one over whether it should be located in Europe or America. The argument for Europe was that this had always been the major cockpit of international conflict and hence where the UN was likely to have most of its work to do. Besides, the old buildings of the League of Nations remained available in Geneva, itself in a neutral country and in easy reach of Europe, the Middle East, and the east coast of the Americas. Conversely, it was maintained that a US headquarters was necessary chiefly to retain America's interest and avoid a repeat of its refusal to join the League of Nations after World War I. When the decision was made in favour of the United States the question then arose of precisely where in this vast country the UN's permanent home would be located. New York was finally chosen though it was opposed by the Arabs, who disliked the strong Jewish atmosphere of New York and preferred San Francisco. For sound political reasons, the UN's other major agencies were distributed among other important cities, notably Paris, Vienna, Geneva, Washington, and Rome.

Venue is also significant for ad hoc conferences:

- not all cities by any means have the communications systems, hotel space, and pools of qualified interpreters to cope with large conferences of this sort
- some venues assist the publicity of a conference, which is no doubt why the South Pacific island state of Samoa was chosen to host the UN's Third International Conference on Small Island Developing States in September 2014

Venue is also significant because it is customary for the presidents of ad hoc conferences to be the foreign minister or principal delegate of the host country, and this person has important duties:

1. explaining the background and purposes of the conference, and setting its tone in an opening speech
2. directing administrative arrangements
3. orchestrating any 'diversions', which provide an opportunity to show off local achievements, and above all
4. chairing plenary sessions and perhaps drawing up any final report

The host country will generally have a special interest in the success of the conference and this may put it under pressure to make concessions of its own. Nevertheless, its possession of the conference presidency is a position of influence.

## **PARTICIPATION**

The *sponsors* of conferences dealing with matters of peace and security are traditionally major powers or 'regional great powers'. In other matters, they are those with a close interest in the subject at issue. But who should be the *invitees*? This is a sensitive matter since the invitation list is usually public knowledge, and prestige – possibly even de facto recognition of a government or a state – is thus at stake.

The rule of thumb for who should be invited used to be the *criterion of interest*: invitees should be limited to important states with a direct interest in the subject; others might be accorded observer status. This remained substantially the case in the twentieth century for most ad hoc conferences other than those of the 'open-to-all' type spawned by the UN system.

For example:

(a) The Geneva Conference on Indo-China in 1954 was limited to the USA, the Soviet Union, France, Britain, Communist China, Vietnam, Cambodia, Laos, and the Vietminh.

(b) The Arab-Israeli multilaterals, inaugurated in January 1992, were limited to the main regional parties together with those external parties who had in effect assumed a mediating role of some kind.

This traditional system had its own problems and others have different sources of difficulty. What are they?

1. The criterion of interest is often insufficient to produce an uncontroversial list of invitees, since one state's assertion of a 'legitimate interest' in a subject is to another simply an attempt at 'interference' in matters which do not concern it. This was dramatically highlighted in January 2014 by the controversy over whether Iran should have been invited to the Geneva Conference on Syria. (Obviously, it should have been.)
2. States have traditionally taken the view that non-state bodies have neither rights nor duties under international law (no international personality) and therefore insufficient standing to participate in international conferences even if they could demonstrate a strong interest and had the ability to make a significant impact on events.

EG: The Vietminh were not admitted to the Indo-Chinese phase of the Geneva Conference in 1954 until the last minute.

This view has run into increasingly strident opposition from NGOs in recent years and has begun to give a little ground to multistakeholder diplomacy; for example, the conference on conflict diamonds hosted by the South African government in 2000, at which not only were diamond-producing states represented but also the international diamond industry and various NGOs.

3. Conference participation may also be troubled by political rivalry between the sponsor and possible co-sponsors or others. This is a classic dilemma:
  - a. inviting interested rivals will add to their prestige and probably make the deliberations of the conference more difficult
  - b. on the other hand, it will provide the opportunity to 'carry them along' and forestall the subsequent sabotage of any agreement reached

EG: In 1977 it was US President Jimmy Carter's instinct to invite the Soviet Union to co-sponsor talks on the Middle East, although in the event

this proved impossible owing chiefly to opposition from Egypt.

EG: A special case of problematical conference participation which in some measure reflects the dilemma just described is the question of the permanent, veto-wielding membership of the UN Security Council. This has been controversial for some years.

4. States or other agencies widely acknowledged to have a legitimate interest in a subject, and that may be prepared to engage in confidential bilateral discussions, may be reluctant to be observed on the same conference platform. Until the early 1990s, this was a constant problem for all attempts to involve the Israeli government in multilateral talks in which the PLO was a participant; Hamas has now replaced the PLO in this regard.
5. In many international organizations the problem of participation is in principle solved by admitting all states (the 'universal membership organizations'), although in practice this means all *qualifying* states. The People's Republic of China, for example, was not admitted to UN membership until October 1971.

An important footnote to this point is that universal or near universal membership often encourages each participant to have a say in the affairs of all of the others, whether they have an obvious interest or not. Such problems will be exacerbated if discussion is conducted in public, as it is in the UN General Assembly. In short, universal membership may well be anti-diplomatic, gratuitously worsening relations between states that in an earlier era would have had little contact at all.

EG: It is unlikely that relations between Britain and Ireland would have suffered as a result of the Falklands crisis in 1982 had they not both been members of the Security Council at the time.

It should not be forgotten that sometimes a state does not want to be invited to participate in multilateral talks, especially if the issue to be discussed is one on which its position is unpopular and it is a key player. This is why in 1970 the Conservative government in Britain rejected the idea of multilateral talks with Commonwealth representatives on arms sales to South Africa it knew that it would be put in the dock.

## AGENDA

Problems concerning the agenda vary in some degree between ad hoc and permanent conferences. Where the former is concerned, attendance is likely to be influenced by the draft agenda, which may contain embarrassing items. By contrast, the charter-prescribed 'functions' of permanent conferences are translated into a working agenda by the most influential members before each session, and those who do not like it can only refuse to attend with difficulty since they have already accepted permanent membership.

However, devices exist to ensure that the sessional agendas of standing conferences are broadly acceptable:

- Agenda approval by special majorities two-thirds of the members present and

- voting being typical is normally required.
- Broad consultation usually ensures that a vote on the agenda does not need to be taken.
- States hostile to the inclusion of a particular item may be mollified by a vague or general formulation of it practice adopted by the UN Security Council. And failing all else they can temporarily absent themselves from meetings or maintain only a token presence.

## **PUBLIC DEBATE AND PRIVATE DISCUSSION**

When debate takes place between delegations in public without any serious attempt to achieve prior agreement on key points in private ('open or parliamentary diplomacy'), the political necessity of playing to external audiences is irresistible and the give and take of genuine negotiation has no chance. Until recent decades parliamentary diplomacy was typical of both the UN General Assembly and the formal meetings of the Security Council. Even 'closed' plenary sessions of conferences are hardly likely to encourage real negotiation when over 190 states may be represented and the corridors outside are crawling with journalists and lobbyists from NGOs. (The 15th Conference of the Parties to the UN Climate Change Convention in Copenhagen in 2009 had over 24,000 delegates, including about 10,590 government officials, over 13,000 representatives of UN bodies and agencies, intergovernmental and non-governmental organizations, and 3,221 accredited media members. The Cancun session in 2010 had over 11,800 participants.)

Widespread recognition of the drawbacks of over-reliance on public debate has led to increased employment of sub-committees, private sessions, and informal consultations. EG:

- (a) Since the 1970s the UN Security Council itself has regularly met informally in private and the P5 have caucused in secret since the mid-1980s.
- (b) Conferences within the broader UN system are now preceded by preparatory committees and, once launched, now employ an elaborate mix of different kinds of session private and public, plenary and small group.
- (c) In the Arab-Israeli multilaterals in the first half of the 1990s, the real business was conducted in five functionally defined and informally conducted 'working groups' and in their 'inter-sessional' activities.

Public sessions of conferences that effectively rubber-stamp agreements thrashed out in private might induce cynicism but they are valuable in demonstrating unity on important issues.

## **DECISION-MAKING**

In most large conferences the order of battle is simplified by the formation of coalitions. In the UN Conference on the Law of the Sea, for instance, 150 states participated but in reality this boiled down to the West Europeans, the East Europeans, and the 'Group of 77'.

But how do they make their decisions?

The numbers involved in multilateral conferences, coupled with the force of the democratic idea, have always made it a strong temptation to employ (with variations) *majority voting* on the basis of 'one state, one vote':

EG: The UN General Assembly was authorized to pass resolutions on a simple majority (more than 50 per cent) of members 'present and voting', except in the case of 'important questions', which require a two-thirds majority.

However, the problem with giving 'one state, one vote' was that it collided head-on with political reality when a huge number of small, weak states emerged. In such circumstances it was inevitable that powerful minorities, i.e. the Americans and their friends, would become alienated as they duly did.

Could this dangerous position not have been prevented by giving more votes to the bigger battalions; that is to say, by using a system of *weighted voting*? Though perhaps attractive in principle, this idea has four main problems:

1. It is politically sensitive because it highlights differences in standing between states.
2. Where majority voting runs the risk of alienating powerful minorities, weighted voting runs the opposite risk; namely, the alienation of weak majorities.
3. It raises arguments over the most appropriate criteria to employ in computing the differences between states. Should it be population? Territorial area? GDP? Military strength? Financial contributions? And so on.
4. Weighting requires statistics and it is notorious that some states' statistics are less reliable than others. It is in fact only those measuring financial contributions to international organizations on which reliance can really be placed, since they can be measured by the recipients as well as the contributors.

As a result weighted voting has only proved acceptable in specialised economic organizations such as the IMF and the World Bank, where natural justice argues that the size of financial contributions provides a ready claim on the size of votes, and where there can be little dispute over the figures.

Multilateral diplomacy has therefore turned instead to *consensus decision-making*, the attempt to achieve agreement among all participants without the need for a divisive vote. In practice most decisions are now taken by consensus even in the IMF and the World Bank. It is this procedure that has saved the UN, where the General Assembly itself has for many years been passing its own resolutions and decisions largely on the basis of consensus.

A consensus exists when all parties are in agreement, which on the face of it is another way of saying that they are unanimous. However, a consensus may include some members whose support has been given only grudgingly perhaps in return for a concession on another issue or out of fear of isolation and have simply registered no *formal* objection. By contrast, unanimity implies broader enthusiasm. It might be

more accurate to say that a weak consensus is not the same as unanimity but that a strong one is.

Is consensus decision-making simply negotiation by another name? Not quite, because it is now common to find even a strong consensus fostered by special procedural devices, notably:

- giving a secretary-general or chairperson the right to conduct 'straw polls'; that is, the informal counting of votes by means of confidential 'consultations' with permanent missions or delegations
- allowing this official to employ a 'silence procedure'; that is, operating the rule that a proposal with strong support is deemed to have been agreed unless any member raises an objection to it so advertising its unpopular position before a precise deadline, e.g.: NATO, OSCE
- and of course, voting is still often required, even though this does no more than ratify a consensus already achieved.

It is obvious that there is no alternative to consensus decision-making but its imperfections need to be kept in mind:

1. It is slow.
2. It tends to produce vaguely worded agreements. UN Security Council Resolution 1441 of November 2002 on Iraq, notably in its reference to the 'serious consequences' that would follow non-compliance, is an important case in point.

## Multilateralism And Bilateralism

Multilateral diplomacy does not exist independently of bilateral diplomacy, especially when the latter is defined loosely. This has been implicit so far but now needs spelling out:

- Multilateral diplomacy never gets off the ground in the absence of *prior*, constructive, bilateral diplomacy, especially on the part of the more powerful states and is unlikely to be productive in the absence of its continuation in the wings of the conference. This is the true significance of consensus decision making.
- In the global financial crisis which developed in late 2008 the cry was raised for a 'new Bretton Woods conference'. (It was from this that the financial architecture of the post-1945 world emerged.) However, the shrewder commentators pointed out that, as the success of Bretton Woods turned essentially on bilateral Anglo-American agreement, so any revision of it was likely to require bilateral agreement between the USA (the world's greatest debtor) and China (the world's greatest creditor).
- Multilateral diplomacy provides opportunities for bilateral diplomacy on issues not even on the formal agenda, as already noted.

## Conclusion

Multilateral diplomacy blossomed after the Second World War with the great expansion in the number of states and the belief of the new ones that conference diplomacy within the UN system based on majority voting was their best chance of securing influence. However, the major Western powers became tired of paying for programmes to which they took strong political objection, and gradually by means of 'consensus decision-making' began to make their weight felt once more. In the 1980s, with the UN system staggering under the impact of American budgetary withholdings and the poorer states disillusioned, multilateralism experienced a crisis. The result was that, as the senior Singaporean diplomat, Kishore Mahbubani, recently lamented, 'fewer and fewer countries send their best diplomats to multilateral diplomacy'. But multilateralism is here to stay. It has weathered its crisis, and it has emerged a little leaner. It has also emerged a little more diplomatic.

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