

The Methods of Multilateral Diplomacy¹

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It is never possible to separate completely multilateral from bilateral diplomatic interaction. In fact, the two complement each other and, as indicated before, multilateral institutions can provide a forum for bilateral interaction. Moreover, a considerable part of the multilateral diplomat's work is accomplished through bilateral contacts. In this lecture, we describe the methods of interaction frequently used in multilateral diplomacy. A study of an advisory opinion of the International Court of Justice will show that using such method brings new clarifications on the relationship between organs of the United Nations (UN).

Methods

UNILATERAL ACTIONS

Unilateral actions are common to all forms of diplomacy, including multilateral diplomacy. They may be self-contained in the sense that once accomplished (having provided information, made a formal statement, ratified a document, or accepted an agreement), they do not require any further steps. Alternatively, such action may aim at initiating another process of interaction, in particular, negotiation. In such cases, their effect is subordinate to another actor's reaction.

BILATERAL INTERACTION

Bilateral interaction takes place between actors at preparatory stages of multilateral activities; it may also take place during and as a consequence of multilateral activities. For example, a state that wishes to convene an international conference will sound out



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bilaterally the main prospective actors, investigating the opportunity of such an event, the desirable agenda, and the selection of participants. When preparing for attending a conference or a meeting of a deliberative organ, a state is likely to consult others regarding the manner of dealing with the agenda, perhaps with a view to joint action or to seek a common ground for deliberation.

A state may also simply seek support for a policy it is contemplating or already pursuing. In 2001 and 2002, the USA actively sought allies for its proposed coalition against terrorism. This occurred through bilateral discussions with prospective members of that coalition.

Bilateral interaction also takes place alongside deliberations of multilateral fora. A state may seek support for or against a proposal. One can witness this bilateral action regularly when the Security Council of the UN is discussing a proposal or draft resolution regarding a conflict situation. Here, not only members, but also other concerned countries take bilateral action. In the latter case, countries seek out delegates to convince them to vote for the resolution they favour or against the one they would like to see defeated. They may also try to persuade a member to make a statement or submit a proposal that they would like to the Council to consider.

REGIONAL INTERACTION

Regional interaction in multilateral diplomacy occurs for a number of reasons. To be effective in a multilateral context, a country needs support from several others, such as those sharing a region. Another reason for regional interaction is that multilateral activity at the global level relies on preparatory deliberations at regional levels, so that global level interactions deal with only a limited number of regionally agreed positions.

Regional deliberations take place within the framework of existing organisations and of more-or-less permanent groups. However, depending on the subject matter, alliances may suggest themselves that do not coincide with existing organisations or groups. The formation of new, opportunistic alliances may be initiated by one country or spontaneously brought to life during informal discussions among several actors. Historical examples are the Neutral and Non-Aligned Group within the framework of the Conference on Security and Cooperation in Europe and the Group of Landlocked and Geographically Disadvantaged Countries at the UN Conference on the Law of the Sea. During the 2009 Copenhagen Conference on Climate Change, the Alliance of Small Island States was a very active group.

INTERACTION WITH INTERNATIONAL SECRETARIATS

To some extent, secretariats fulfil the role of an organisation's foreign ministry. Permanent representatives are accredited to the head of the secretariat. The secretariat receives interventions by member missions and presents the organisation's views to the latter.

Multilateral interactions with secretariats take many forms. For instance, the role of secretariats in preparing meetings of deliberative organs is growing, particularly where the organisation concerned has a vast membership and seeks to prevent aimless

discussions on minor points. Thus, secretariats not only prepare background papers, but also consult with permanent representatives of member countries whose positions are important or desirable to influence in a manner to favour consensus on the issues at hand.

Delegates and permanent missions of member states, in their turn, can influence the manner in which a secretariat presents or comments on an issue. They may do so by seeking out the officials in charge of a file, to present to them the view of their country, to convince them to introduce items or to modify the presentation of items along the lines desired by their country. Observer delegations may be able to influence matters at this stage, as rules may prevent their active participation in the deliberations of the collective organ.

When a deliberation is under way, representatives of member states can still approach the secretariat to feed it with information likely to bolster the position of their country or to weaken positions their country opposes. The secretariat may then include such information in additional briefs it submits to the chair or circulates among delegations.

FORMAL MEETINGS

Until recently, the bulk of multilateral deliberation took place during formal meetings governed by rules of procedure. These rules normally limit the freedom of delegations to submit proposals and amendments and to get the floor. The agenda of this type of meeting is often set in advance by a special committee and cannot be easily adjusted to include new items. Decisions, whether on issues of procedure or on substance, are taken in conformity with the rules of procedure.

However, the formality of such meetings may provide tools for clever delegates to delay or even to abort votes likely to go against the wishes of their country or group of countries. By exploiting intricacies of or loopholes in the rules of procedure, delegates may influence events in their favour. Consequently, deliberations on difficult matters tended to last a long time and often ended inconclusively. Individual countries and groups of countries also tended to inject issues not directly related to the subject matter at hand and to make their assent to any decision dependent on such issues being discussed and even on the addition of a resolution regarding them to the final document.

INFORMAL CONTACTS AND DELIBERATIONS

Initially, informal contacts took place primarily with members of secretariats and between delegates outside the formal meetings. These contacts between delegates outside of formal meetings have always been important when a formal meeting was deadlocked and no side could climb down from its position. The art of a chair or an individual delegate consisted in bringing the delegates responsible for the deadlock together informally. Outside of the formal meetings, they might work out a compromise solution that they could then present jointly to the formal meeting, thus saving face all around.

In recent years, it has become usual not only to resort to informal contacts in the case

of deadlocks, but to suspend a formal meeting altogether whenever things become difficult. Letting delegates discuss matters more-or-less informally has led to the emergence of a wholly new approach to certain types of multilateral negotiation.

United Nations Meetings

CONVENING OF MEETINGS

A specific authority convenes every UN meeting. This may be a *standing authority* provided for in the Charter; a *general authority*, such as that of the governing body or of a subsidiary body of the General Assembly; or it may be an *ad hoc authority* established via a specific resolution.

No matter the specific authority calling a meeting, all UN meetings are organised on behalf of the Secretary-General. The pertinent secretariat sends individual notifications to the member states concerned, to permanent missions, and to capitals. The notifications provide essential information (date, time, place, agenda, etc.), and request states to indicate the name(s) of their representatives and advisers who will attend. In other cases, the meeting may be notified simply via the published calendar of the body concerned, without the need for individual communication. In the event of a meeting of experts serving in their individual capacities, the secretariat sends notifications directly.

For certain major meetings, for all UN special or plenipotentiary conferences or meetings of states parties to a treaty or Convention, representatives of states must present credentials in proper form for examination by a credentials committee. Procedure may differ in each case, but credentials are normally issued by the head of state or government, or by the minister of foreign affairs.

PREPARATIONS

All meetings have some documentation before them, which may range from a one-page agenda to hundreds of pages of substantive and background material. The documentation may emanate from a number of sources, including reports of special *rapporteurs*, contributions from governments and various organisations, sometimes including NGOs. The secretariat prepares most documents. These documents may be directly required by a previous decision of the body concerned or initiated by the secretariat itself to bring issues to the attention of delegations.

Within the UN secretariat, the process of drafting documents proceeds from initial outline through successive drafts to final policy clearance and submission for processing. The processing of texts involves a number of distinct operations in the multilingual UN context. The first decision made concerns the languages in which the document should be produced and determines the original version to serve as a basis for translation into other working languages.

THE NATURE OF UN MEETINGS

Meetings may fall into a number of distinct categories: they may be public or private, official or unofficial, formal or informal, and regular or special.

Public or private. A *public* meeting is open not only to invited participants, but also to the public and to the press; the media may freely report it and broadcast recordings of the proceedings on radio and television. A *private* meeting is a meeting to which only invited participants have access; sound recordings may be made for the internal archives or for later reference, and a report may be issued subsequently to cover the proceedings. Members of the public and the press may not attend such meetings.

Official or unofficial. *Official* meetings are meetings of the duly constituted bodies of the organ concerned and are usually, but not exclusively, held in public. *Unofficial* meetings include ad hoc meetings of working groups and study groups, usually of limited composition. Caucus meetings of regional and common-interest groups are unofficial meetings.

Formal or informal. *Formal* meetings are those in which participants are seated in a strictly established manner and which are governed by the rules of procedures. In *informal* meetings, participants may be seated in a special manner for purposes of convenience or for other reasons, or simply with no specific order whatsoever.

Regular or special. *Regular* meetings are those that take place by virtue of the pre-determined calendar, annually or twice a year, or more often depending on the constitution of the body concerned. *Special* or *extraordinary* meetings are not normally planned. They follow a separate, formal decision and convene at the initiative of a country or group of countries after being formally approved. In general, special meetings are supposed to discuss urgent issues that cannot wait until the forthcoming regular session.

RECORDS OF MEETINGS

The result of a meeting is usually expressed in the form of a text and, thus, most meetings require some form of draft proposals for discussion. These often take the form of draft resolutions or decisions sponsored by a state or group of states, or submitted by the presiding officer of the body concerned in light of consultations aimed at reaching an agreed conclusion.

Most sessions will end their proceedings with the adoption of a report, the nature of which can vary widely depending on the type and number of subjects dealt with, past practice or special needs. For example, meetings for which summary records are prepared will generally have reports of a relatively procedural character, containing only the decisions taken and a procedural account of the meeting.

Very few bodies still maintain the practice of verbatim records in which the full text of statements delivered is recorded and translated into other languages. This practice is becoming very expensive and cumbersome. Conferences increasingly use the Internet to post full statements of interested delegations by simple reproduction and without translation.

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