

Multilateral Negotiations: From Strategic Considerations to Tactical Recommendations

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Introduction

Negotiation is a topic that has been extensively studied. Therefore, those who want to improve their negotiating skills can easily find in the literature numerous theories and methods to refer to.

However most of the relevant literature is explicitly or implicitly focused on *bilateral* negotiation and little has been written about the vast and equally important area of multilateral negotiation. This is unfortunate for at least two reasons:

- First, in the public sector in particular, more and more issues that used to be dealt with in a series of distinct negotiations between one State and another, are nowadays brought into one single international forum to be discussed and resolved on a multilateral basis.
- Second, the efficiency of multilateral negotiation processes is far too low. Many multilateral negotiations take years or even decades to be completed. Exasperating disputes create endless deadlocks. Outsiders often get the feeling that agreements are finally signed mostly because the negotiators are exhausted. As a matter of fact, many of those agreements either only reflect the "least common denominator" between the parties involved or end up not being ratified by a sufficient number of States.

Government officials and diplomats are therefore increasingly missing the methodological principles as well as practical and didactic tools that would help them facing the challenge of multilateral negotiation more successfully.

Starting from theoretical considerations and practical observations made over 15 years in the civil aviation field on the other hand², the objective of this article is to provide some strategic and tactical guidance in order to improve the multilateral negotiation process. In particular, we will assess whether the concept of "principled negotiation" (Fisher, Ury and Patton 1991) can form the basis for such strategic and tactical advice.

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² Civil aviation is a particularly good case to look at when studying bilateral and multilateral negotiations. Commercial air traffic is indeed regulated by a very large series of international conventions and agreements reflecting the results of countless multilateral and bilateral negotiations. Multilateral negotiation has furthermore become an ongoing process within institutions such as the International Civil Aviation Organization (ICAO, one of the specialized agencies within the United Nations Organization) and the European Civil Aviation Conference (CEAC).

The Specificity of Multilateral Negotiations

Definition

One could easily start a debate concerning the definition of the term “multilateral negotiation”. As a matter of fact:

- Based upon the number of States or issues involved, some authors make a difference between plurilateral and multilateral negotiations.
- Other authors list a range of features - in addition to the number of participants - that characterize multilateral negotiations (e.g. Zartman 1994: 4-7).
- One can differentiate several sub-types of multilateral negotiations according to, for instance: the participants (governments versus private entities); the institutional set-up; the outcome (rule making versus redistribution of tangible goods); etc.
- More than two parties are involved in the majority of so-called “bilateral” negotiations, since each side is almost always composite; therefore, the difference between bilateral and multilateral negotiation is not a clear-cut one (Zartman 1991: 74).

For the purpose of this article, the term “multilateral negotiation” shall simply describe any negotiation that is conducted simultaneously by a large number of governmental entities, usually under the auspices of an international organization.

Differences between Multilateral and Bilateral Negotiations

Obviously, the basic difference between multilateral and bilateral negotiations relates to the number of parties that sit around the table. But beyond this triviality, the most meaningful differences are the following:

- Multilateral negotiations are usually much more complex than bilateral ones. This complexity reflects the great variety of interests at stake, the many variables involved in the negotiation process and quite often the high number of issues under consideration (Kolb and Faure: 127).
- The number of potential trade-offs tends to increase exponentially with the number of participants in a negotiation; measuring the respective value of dozens of potential trade-offs at the same time becomes overwhelmingly complicated.
- Intercultural differences grow with the number of countries that participate in the negotiation. This complicates the communication process and increases the risk of misunderstandings tremendously, be it only because of language difficulties (Dupont and Faure 1991: 47-48).
- The progress of a bilateral negotiation is relatively easy to assess (e.g.: when one party makes a statement, it receives a feedback from the other party more or less immediately). As opposed to this, the negotiator in a multilateral setting is like a soldier on a large battlefield: he may well move ahead (or feel that he does) but, as all other soldiers are also constantly moving back and forth, it is extremely difficult for him to know whether he is truly influencing the course of the whole battle.
- The dominant form of communication in bilateral negotiations is the conversation, allowing for a direct and immediate exchange of views and arguments between the parties. To a large extent, communication in multilateral negotiations is made through formal declarations and the presentation of working papers, i.e. a very cumbersome, slow and inflexible process.

- Coalitions play a key role in the multilateral negotiation process, while being nonexistent in bilateral negotiations (at least in principle).
- Decisions in multilateral negotiations are being taken in many cases through voting procedures, that do not come into consideration in truly bilateral negotiations.

Therefore and above all, it appears that each individual negotiator is much less in control of the negotiation process in a multilateral setting than in a bilateral one.

It is generally assumed that, because of the above-mentioned complexity, agreement is much more difficult to reach in a multilateral than in a bilateral setting. This would explain - if not justify - the fact that most multilateral negotiations are so cumbersome and lengthy. However, the following points indicate that the difficulty to conclude multilateral agreements may be overstated.

- Through the formation of coalitions, the complexity of many multilateral negotiations is reduced to a level that is not considerably higher than the one of bilateral negotiations in which each party has to deal with internal conflicts of interest.
- As described by Saadia Touval (1989: 165-167):
 - * The different parties to a negotiation have different interests, priorities and resources - and these asymmetries facilitate the creation of package agreements. The high number of participants in a multilateral negotiation enlarges the potential for “circular barter” and for linkages to issues that are of concern to some participants but not to all, as well as to issues that may be extraneous to the negotiation.
 - * A multilateral forum tends to induce some restraint in competitive attitudes, since the presence of parties with whom no serious conflict exists requires that their interests be taken into account. The desire to win the support and cooperation of those other parties stimulates the search for solutions that accommodate the interests of as large a number of participants as possible.
 - * Because the impact of any single negotiator is relatively small, the harm caused by the untrustworthiness or exploitative behavior of a single participant is likely to be smaller in a multilateral structure than a bilateral one.
- The pressure to reach an agreement is at least as strong in a multilateral negotiation than in a bilateral one. As a matter of fact, multilateral negotiations often attract a great deal of public interest and it is much more attractive for any negotiator to appear smiling on television to announce that an agreement has been signed, than to explain in a gloomy atmosphere why disagreement prevailed!

In any case, bilateral and multilateral negotiations have something in common: many of them remain unsuccessful in spite of the basic willingness of the parties to reach an agreement. Furthermore, even in the case of a happy end, the feeling often prevails that getting to an agreement was unreasonably difficult.

“Principled Negotiation” in a Multilateral Setting

Practically every human being experiences the difficulty of negotiating. One of the major reasons explaining this difficulty is that people tend to focus on the negotiation outcome and neglect the negotiation process. Being totally absorbed by “*what*” they want to negotiate, they forget to think about “*how*” they want to do it - i.e., they ignore that one can only reach a satisfactory outcome if the underlying process is effective (Rubin and Swap 1991: 145).

One of the most useful set of prescriptive rules on how to improve a negotiation process is to be found in the seminal book *Getting to Yes* by Fisher, Ury and Patton (1991). Although the "principled negotiation" method described by Fisher and colleagues is not explicitly designed for bilateral negotiations only, investigating its applicability in a multilateral setting is instructive.

Rule # 1: Address relationship and substance independently

It is tempting to think that personal relationships play a minor role in international negotiations between governmental authorities. As a matter of fact, the strict diplomatic rules and the formal negotiation procedures followed by most international organizations may appear to leave less room for the expression of individual feelings and emotions in a multilateral setting than in bilateral negotiations between private entities in particular.

However, diplomats and civil servants representing their country in a negotiation are just normal human beings! They have their own personality and particularities, as well as emotions. They are driven to a large extent by feelings of sympathy or aversion. They all react to anger, impatience, or gratitude. And of course, they all have personal ambitions that may have little to do - if anything at all - with the national interests of the State which they represent (Iklé 1965: 159).

Disentangling substance and relationship, and dealing with both on its own merits, is therefore a piece of advice that should apply in any negotiation, be it bilateral or multilateral, public or private.

Moreover, prejudices, different perceptions and interpretations of the same „facts“, as well as misunderstandings caused by cultural differences and language difficulties, obviously represent a much bigger burden in multilateral negotiations than in bilateral ones.

Patience, in particular, is a critical ingredient in multilateral negotiations. The notion of «time» varies considerably from one culture to the other. Therefore, a delicate balance has to be found between the urge of the ones to „get things done“ and the importance given by the others to palaver as a way to build up a relationship.

Rule # 2: Focus on interests, not positions

Positional bargaining is certainly not less uncommon and damaging in multilateral negotiations than in bilateral ones!

Actually, for the following reasons, the bad habit of positional bargaining is probably even more widespread and problematic in a multilateral setting:

- Multilateral negotiations quite often involve dealing with values and ideologies. It is far more difficult to agree on principles than on the concrete consequences of their implementation. Furthermore, the emotional basis of ideological positions makes them hard to abandon explicitly (Dupond and Faure 1991: 50)
- A frequent tendency of participants in conference diplomacy is to engage in oratory and grand-standing. Such behavior may lead to the development of extreme positions from which the parties feel disinclined to budge (Touval 1989: 163).
- According to the usual procedures of conference diplomacy, delegations are expected to state their national positions. The attention of all delegations is then focused on such positions, which may serve to define an adversary process: nations can easily become committed to their stances and then require strong political reasons to move from them (Raiffa 1982: 282).

A further problem in multilateral negotiations is that States have great difficulties in defining their true interests.

Governments and bureaucracies are composite entities. Very often the stances taken by different ministries within one single and supposedly homogeneous government are as far apart than the national priorities of different States adhering to opposite ideologies. Furthermore, governments have to deal with powerful, but contradictory pressures from political parties, private lobbies and non-governmental organizations (Putnam 1988: 427).

As a result, what is claimed to be the “national interest” is quite frequently an odd kind of compromise - one that adds up the desires of the different parts of the government and floats far above the real world (Fisher 1989: 34). And in any other cases, the so-called “national interest” merely reflects the individual interests of highly skilled lobbyists or those of the elites that are in power³.

Rule # 3: Invent options for mutual gain

The solutions to the issues debated in the framework of multilateral negotiations are rarely obvious. As in any other setting, problem solving in such negotiations can only benefit from an open and creative brainstorming process.

As stated by Arild Underdal (1994: 188): “Actors quite often enter international negotiations with incomplete and imperfect information and also with tentative or vague preferences. Whenever they do (...), diagnosing the problem and discovering, inventing and exploring possible solutions are likely to be important elements of the process”.

As far as the Law of the Sea treaty is concerned, educational seminars conducted under Methodist/Quaker auspices, original ideas such as the linkage between institutional arrangements and economic issues, and the creative exploitation of differences have been described as key success factors in the negotiation process (Raiffa 1982: 287).

In multilateral negotiations, the task of preparing an agreement by developing a series of different possible solutions is usually given to technical committees or groups of experts. Unfortunately, the conditions for successful brainstorming are rarely met within such committees and groups.

First, creativeness would require the constitution of heterogeneous groups, thereby making it likely that many different ideas will be put on the table (Rubin and Swap: 146). However, most technical committees are essentially homogeneous and many of them keep on arguing for years over the same old expert opinions and disagreements, instead of creatively inventing new solutions. Furthermore, such committees are often much too large and lack the informal atmosphere that is a prerequisite for creative work.

Second, one of the most important brainstorming rules is that ideas should not be assessed and judged right away. The phases of creative thinking on the one hand, assessment and commitment on the other hand should be kept strictly separated. However, many experts immediately behave as if they would carry the ultimate responsibility for the final negotiation outcome on their shoulders! Instead of looking at the problem with an open mind, they come

³ Examples of such abnormalities are not to be found in dictatorships only. The governments of democratic countries often defend the interests of small but well organized pressure groups in a way that appears clearly damaging to the nation as a whole.

to the first meeting with a predefined proposal that is already cast in stone! Consequently, they spend all their energy trying to "sell" their ideas to the other members of the group.

Rule # 4: Use neutral, jointly chosen decision criteria

As soon as a negotiation - be it bilateral or multilateral - has something to do with distributive issues, common sense indicates that applying independent standards and neutral criteria will help to resolve those issues in a way that is perceived as being fair and legitimate by the parties involved.

As described by Howard Raiffa (1982: 281-287), the existence of a commonly accepted - and commonly criticized! - computer model comparing the economic performance of a hypothetical deepsea-mining system under different conditions, that had been developed by a team at the Massachusetts Institute of Technology, was critical for the progress of the United Nations Conference on the Law of the Sea.

Even when multilateral negotiations are mainly a matter of rule making, criteria of fairness will do more to resolve conflicts of interest than arbitrariness, threats and other coercive strategies.

Rule # 5: Assess the alternatives to a negotiated agreement

In a bilateral negotiation, the relative strength of the parties is primarily determined by the attractiveness of their respective „best alternative to a negotiated agreement“ (BATNA): i.e., their "walk-away" alternative. More generally, a strong BATNA is a major source of power in any negotiation.

Many times however, the parties to a multilateral negotiation choose to avoid any type of trial of strength: they temporarily agree to disagree and reconvene at a later stage; they build up consensus gradually, either narrowing the agreement to cover only the uncontested issues, while leaving other issues unresolved, or beginning from a small core of those States that are able to reach agreement, while parties not agreeing abstain without blocking the outcome (Zartman 1994: 6 and Touval 1989: 169); they resort deliberately to ambiguous and imprecise wording of agreements, or allow participants to register reservations (Touval 1989: 169-170); etc. In all those situations, the BATNA concept may not play an important role.

Nevertheless, one should consider that in both bilateral and multilateral negotiations the most commonly invoked BATNA is the status quo - i.e., one or several parties prefer to maintain the status quo than to sacrifice some of their interests in order to reach a negotiated agreement with the other parties. In those cases, the challenge for the parties that want to change the current order is to find legitimate ways to convince the reluctant States that the status quo actually hurts them or will soon become intolerable.

Missing Elements

The previous considerations indicate that all the elements of the “principled negotiation” method apply to the multilateral negotiation process and could help to improve it significantly. However, the literature as well as our own experience show that the success of multilateral negotiation is determined by at least two additional elements: structure (and coalitions in particular) and leadership.

Structure

The “structure” of a multilateral negotiation is determined by a series of elements such as the convening organization and its own internal configuration, the formal and tacit rules that apply to the negotiation process, the emergence of coalitions, the roles assigned to the presidency, the secretariat, ad-hoc groups and commissions, and the time-factor (i.e., whether the negotiation is a one-time event or a recurring process⁴).

Finding the right structure is critical in order to “decomplexify” multilateral negotiations to the point where complexity becomes manageable (Zartman 1994: 219).

As stated by Deborah Kolb and Guy-Olivier Faure (1994: 118): „The formality of the convening organization’s structure and the leverage of specialized subunits have a number of potential impacts on negotiations. First, an organization that has a well-articulated formal structure for managing the routine elements of its work will be able to use its standard approach in the design of negotiations in ways that make it likely that the process and outcomes it favors will result. (...). Second, organizations with well-articulated formal structures are partially insulated from interference from constituents or client groups. (...). Organizations that lack such structures will typically find themselves buffeted by their stakeholder groups and have difficulty exerting authority over the course of the negotiations“.

The same authors point out that the European Union for instance has a well-articulated formal structure of roles and responsibilities, and a set of formal rules and procedures that enable it, in competition with the actions of the member states, to have considerable influence on the design of negotiations⁵. It also has rules and procedures in place that affect negotiations. Most critical are the voting procedures, which push the organization to a slow but consensual approach in resolving differences.

– *Coalitions*

One of the most important structural features of multilateral negotiation is the emergence of coalitions.

Obviously, coalitions form because they allow their members to exert more influence in a negotiation than they could as individual participants (Stevenson, Pearce and Porter 1985: 262 and Touval 1989: 161).

It is tempting to view the management of coalitions as the key driver of the multilateral negotiation process. As a matter of fact, coalitions represent the most effective instrument to

⁴ According to J. Rubin and W. Swap (1994: 136), groups whose members have a history of working together - and who may anticipate doing so in the future - are likely to be more effective than those that do not have such a history, but only if their prior history has been one of productivity.

⁵ See also Metcalfe 1998

reduce the complexity of multilateral negotiations to a manageable level. They are practically indispensable for decision making, because no meaningful bargaining can take place among 100 or 150 participating governments (Lang W. 1994: 208).

One approach to improve the effectiveness of the multilateral negotiation process could therefore be to identify the best conditions for the formation and functioning of coalitions. Such conditions may relate to the size, the objectives, and the homogeneity or heterogeneity of the coalition.

The Uruguay Round provides two examples of coalitions that improved the efficiency of the negotiation process:

- The so-called Cairns group, a coalition of about fourteen countries that were competitive exporters of agricultural goods. Its strengths were a strong identification with a common single issue, the capacity and will of its leaders to make solidarity relative to key questions predominate over conflict on other issues, the acceptance of compromise when needed, strong and imaginative leadership, international credibility, an adequate power base (for example, the large market share of the combined countries in certain exports), and balanced strategies which successfully raised the debates from technical or bureaucratic to political and decision-making levels (Dupont 1994: 175).
- The „de la Paix“ group, a coalition of middle and minor trading nations. This group was able to play a facilitating role in the negotiation that can be described as a mixture of leadership and mediation. It did not present proposals in its own name, but its members strove collectively to promote constructive and acceptable solutions at the table. Because it did not include neither any of the great industrialized actors nor any of their leading opponents (e.g., Brazil and India), it was not a typically “powerful” coalition; but for just that reason, it was able to influence the negotiation process on the basis of impartiality and credibility (Sjöstedt 1994: 63).

However, the working of coalitions may also hinder agreement. Because it is often difficult for coalitions to agree on a common negotiating stance, any consensus that a coalition does reach has little room for flexibility. Any change in position with respect to such consensus requires a difficult renegotiation within the coalition. This renegotiation quickly generates tensions and disagreements that the members of the coalition would prefer to avoid (Touval 1989: 163).

The principles and rules that enable a coalition to positively influence the multilateral negotiation process are therefore likely to be the very same ones that should govern the multilateral negotiations themselves!

Leadership

Although nobody has ever been able to define precisely what leadership really is, everybody agrees that it is essential for any group of people to work well and achieve its goals.

In a useful attempt to at least describe the concept, A. Underdal (1994: 183-189) differentiates three modes of leadership:

- Coercive leadership; i.e. the „sticks-and-carrots“ approach applied to convince others to accept one’s own terms or to make concessions.
- Leadership through unilateral action; i.e. the determination to solve a collective problem by one’s own efforts, thereby setting an example or setting the pace for others to follow.
- Instrumental leadership; i.e. the ability to persuade and engineer consensus, or the ability to motivate others to work together effectively in order to achieve common goals.

In any type of negotiation, the exercise of coercive leadership tends to create long-lasting damages. It may enable a „powerful“ negotiator to reach his or her own goals in the short-term, but it has invariably the following effects: it is detrimental to a good working relationship between the parties; it creates resentments; and it strongly motivates the surrendering parties to prepare to take revenge as soon as possible.

Leadership through unilateral action is a double-edged sword. On the one hand, taking unilateral actions can turn out to be just another form of coercive leadership. On the other hand, deciding unilaterally to set a good example or making a firm, constructive offer (Fisher 1983: 159-160) can positively influence the negotiation process.

Whatever the case may be, the instrumental type of leadership appears to be the most conducive to a constructive and efficient negotiation process.

The key ingredients of instrumental leadership in multilateral negotiation appear to be the following:

- The ability to introduce a „superordinate goal“ in a negotiation - i.e., a common objective that bridges existing bases of conflicts or competition - and to rally the parties around it. (Rubin and Swap: 136 and 145-146)
- Skills (understood as both basic negotiating skills and tactical skills), energy and hard work (the later being related to the amount of knowledge that a negotiator has been able to acquire: knowledge about the facts, about the people involved, and about their respective interests).
- The ability to act as a mediator.

Because of its characteristics, instrumental leadership is the most powerful instrument available to smaller countries (the above-mentioned „de la Paix“ group confirms it). As a matter of fact, becoming more knowledgeable and improving one's own basic negotiating skills can be done independently from geopolitical power.

Some of the most important negotiation skills are the ability to listen, to become aware of the emotions and psychological concerns of others, to communicate clearly and effectively - if possible in different languages (Fisher 1983: 153-154). Other, even more basic skills are those of analysis, logic, and the organization of ideas. Considered this way, negotiation and instrumental leadership skills appear to be just one and the same thing!

Tactical recommendations

Based upon the preceding considerations, we would like to offer some practical advice to negotiators concerning what they should do both before and during a multilateral conference.

Before the conference

A good preparation is a key success factor in any negotiation. The rule of the 5 P's (Perfect Preparation Prevents Poor Performance) that is used mainly in a military context applies to negotiation as well. Special attention should be paid to the following points:

Analyze the scope and the structure of the conference

Start by asking yourself: What is the purpose of the conference? Why was it called? What is the problem that led to convening it? What is the overall goal to be achieved?

Your answers to these questions will give you the framework within which you can start thinking about your own goals and interests.

Then, consider the structure of the conference: the organization under the auspices of which it takes place, the presidency, the secretariat, the committees and subcommittees, the voting procedures, etc. Understanding the structure of a negotiation is a precondition to influencing its course and its outcome.

Consider what you could do to improve the negotiation process by (re-) shaping this structure. Work toward structures that favor creativity as well as the development of good, stable relationships between the individuals involved. In other words, consider negotiating the process and the structure before starting any discussion of substantive issues.

Define your own goals

Defining your own goals should be the most simple thing to do. It is however one of the most critical and difficult issues facing you.

Because the different ministries within your own government and a number of pressure groups that you have to take into consideration have widely diverging expectations, you may be tempted to restrict the formulation of your goals to some vague concepts and broad directions. This is clearly insufficient.

What you need is a clear and precise written document describing where you want to go (the drafting of a written document will force you to clarify your thoughts and put them in a form that can be shown to others - e.g. your staff and the members of your delegation - for critical review).

However, while being clear and precise, do not define your goals as a set of narrow-minded claims and demands, but focus instead on the fundamental interests of your country that have to be met. Do not say „We want at least a 12.5% share of the proceeds“, but rather „We want to have enough resources in order to achieve our economic development objectives“. This will allow you to consider a much wider range of options to reach your goals.

Furthermore, do not define your goals without taking the BATNAs into consideration. Ask yourself carefully which course of action your country can and will follow if no agreement is

reached at the negotiating table. Think just as much about what the other countries might do in that case.

These last two questions especially will help you in coping with pressure groups and ministries defending their own turf.

Reconsider instructions

„(...) the role of a negotiator should not be treated like that of a dog on a leash, with the length of the leash being gradually extended. Rather, a negotiator should be treated more like a handyman who is asked to undertake different tasks at different times. As a negotiation progresses, the work to be done changes, and so should the instructions“ (Fisher 1989: 37).

In line with the above-mentioned recommendations concerning the goal-setting process, consider two different sets of instructions. The initial one should encourage your delegation to identify the interests, needs and perceptions of the other parties, to jointly explore the available options and to identify relevant criteria of fairness. It should preclude any type of firm substantive commitment. The second set of instructions should be written after the exploratory phase has been completed and should then address the kind of substantive commitments that may be made in order to reach a final agreement (Fisher and Davis 1999: 59-80).

Prepare your delegation carefully

You should never go alone to an international conference. As an extensive part of negotiating activities does not take place during the plenary sessions, but behind the scenes or in working groups sitting together simultaneously, you will rely upon members of your delegation to be present on different spots at the same time.

Organizational representation should not be your sole concern when building up a delegation. Being able to rely upon a variety of individual personalities and negotiating skills (ability to listen and observe, analytical strength, creativity, assertiveness, resistance to stress, etc.) is at least as important.

Make sure that the members of your delegation agree on the fundamental interests underlying the goals that you will pursue during the conference, as well as on your best alternative to a negotiated agreement. If there is no such agreement within your delegation, address the issue openly and negotiate internally first!

Influence the agenda

With your homework done, you can now consider the conference itself. Start with its agenda.

The importance of the process leading to the agenda of a conference is often underestimated. The agenda is normally prepared by the secretariat of the organization concerned, then approved by a higher body, before being sent out as a draft to the participants in the conference.

Try to find out, before the agenda is being sent out for comments, how it is structured. Do not only look at the different items, but also at the order in which they are listed. Then, if needed, give your input. The sooner you can influence the agenda, the easier and better.

The agenda also determines the number and the content of the Working Papers (WP) that you should submit. A WP that does not fit exactly into the Agenda may, later on, not be given

enough attention or have to be defended under several headings, a fact that significantly reduces its impact.

If the agenda has not been definitely adopted in advance, try to influence the final draft by discussing it with the secretariat and the president of the convening organization and/or conference.

As an ultimate alternative - e.g., if your concerns have not been adequately taken into consideration, in spite of your efforts, during the preparation phase - redraft the agenda and present your proposal at the beginning of the conference. In order to increase the likelihood that such a proposal will be accepted, it should not reflect your own concerns only and it should be supported by other delegates too.

Prepare effective Working Papers

In an environment where direct and immediate conversation is not the primary form of communication, good Working Papers (WP) are one of the most efficient tools to reach your goals. This is true for mainly three reasons:

- Putting your thoughts in writing will again force you to describe clearly what you want: i.e., your goals, as well as the underlying fundamental interests, and the arguments justifying them.
- Written WPs will help you to get the support from other delegations by facilitating their positioning in relation to your ideas.
- They will allow you to have the floor during the conference to present your ideas and goals.

A good WP should not be too long (if it has to be more than four pages long, prepare a covering sheet with an executive summary). It should be written in a clear, simple language and, as far as its scope is concerned, be limited to one specific agenda item. In order to facilitate the presentation and the discussion later on, it should have a distinct, numbered section for each argument. It should explain the reasons behind your thinking and end with a clear conclusion - i.e., the action to be taken.

WPs should be ready well in advance of a conference. This will allow you to have them translated into the different official languages of the convening organization and to give other delegations enough time to study and discuss them internally. You will thus be able to use your WPs as a tool to gain support for your ideas even before the conference starts. (Some people may argue that the early publication of a WP gives time to your opponents to react. However, distributing a WP as late as possible gives them a pretext to postpone the discussion of the topic concerned).

Actually, a WP without explicit support from other delegations has no chance of success. You should, therefore, actively seek such support before the conference. Then, prepare a list of the supporting States and keep it updated.

When you plan to present a WP in an international organization, make sure that you will get the support of countries from different regions of the world. Otherwise, you will contribute to a polarization between regional blocks.

Know the infrastructure

A good infrastructure at the conference venue can be of great assistance. Therefore, check in advance the different possibilities to have a paper written, translated, photocopied, etc.

When you arrive at the conference, take some time to familiarize yourselves with the technical facilities, from the use of the microphone up to finding a quiet corner for informal meetings.

During the conference

Remember the human dimension

Never forget that you, as well as the other delegates, are first and foremost human beings! You may be tempted to think that there is little room for individuality in the process because national interests are at stake and the current negotiation may influence the course of history... However, neglecting personal feelings and emotions, sympathy or antipathy, as well as individual ambitions of the negotiators involved, will dramatically reduce your ability to influence both the course and the outcome of the negotiation.

As a cross-cultural process, multilateral negotiation is full of communication-related traps. Therefore, avoid oratory grandiloquence; be concise and express yourself as clearly as possible. Above all, make every effort to really understand what the other delegates think and say. Question systematically your own assumptions about their standpoints. Do not judge the way they think.

On a very practical level, get in touch with the chairman of the conference and the people from the secretariat. Their major preoccupation is to make sure that things run smoothly and it is to your own advantage to work with them in order to improve the negotiation process. In any case, introduce yourself and give them notice of your intentions. Let them know as early as possible when and why you will ask for the floor.

Get in touch with the interpreters too. They often have the best global picture of a conference, beside the chairman, and their casual observations can be extremely instructive. Give them copies of your speaking notes: your presentations will be translated more accurately and their impact will thus be reinforced considerably.

Think and talk about the process

Do not think only about what you want to achieve and how the final outcome of the conference should look like. Instead, ask yourself over and over again what can be done in order to improve the quality and efficiency of the negotiation process. During the course of the negotiation, discuss regularly with other delegates how you could improve the way you are negotiating together.

In some cases, it may be helpful to organize a private workshop with other delegates, perhaps with the assistance of an independent moderator, to discuss some issues more openly. Such a meeting can help to develop bolder ideas and test their acceptability, before slipping them into the official deliberations.

Beware of positional bargaining

Although you are expected to state the position of your country (as it has been done since the early days of international negotiation...), don't say: „This is what we want“ or „Those are the conditions that have to be met if you want us to sign an agreement“. Instead, explain the underlying needs and interests that your country is trying to satisfy by taking part in the negotiation. Do not say flatly: „No!“, but explain what are the constraints that your country faces.

Encourage the other delegates to do the same. If they don't, ask them *why* their country wants this or that and *why* it refuses this or that. The answers to „why“-questions usually point out to the underlying interests and needs that you are trying to identify.

When you seek the support from other delegations, look at it as a two-way street. Explain your goal and motivation on the one hand; listen carefully and try to understand their own point of view on the other hand. Try to find out if there is a possibility of cross-support. Very often opportunities for trade-offs exist, whereby you offer your support on one issue in order to get support on another issue. (Coffee breaks and cocktails are excellent occasions for such „trading“ activities. If needed, arrange for an informal meeting with one or several supporting candidates).

Finally, don't argue about basic principles and values, or ideology. If you think that you can convince other delegates to change their deeply held beliefs, values and world views, you are wrong (LeBaron and Carstarphen 1997)! What you can do successfully, however, is to identify shared interests and focus on practical problem-solving. Therefore, discuss what you could usefully do together in spite of ideological differences.

Be careful with coalitions

As soon as other delegations agree to support one of your WPs, what is usually called a coalition starts building up.

Coalitions can be very useful to simplify the multilateral negotiation process. When they reflect a sound balance between homogeneity and heterogeneity, they can generate internally the middle-ground formulas and step-by-step approaches that will later form the basis of a general agreement. Similarly, such coalitions can act as mediators and bridges between conflicting parties.

However, coalitions can introduce a considerable degree of inflexibility in the negotiation process and let you run two risks. First, if you try to use them mainly to switch the balance of power to your advantage, you may transform the negotiation into a trial of strength between

competing coalitions. Second, if you build up a coalition that becomes too large and visible or too powerful, it is likely that someone else will try to take over the internal leadership role and reduce the degree of your own influence.

Strive for the position of instrumental leader

There is plenty of room to apply instrumental leadership skills in the highly complex and confused environment of multilateral negotiation. Therefore, grab the opportunity!

Most importantly, you should be the one who helps the process move forward by constantly refocusing the attention of the delegates on a „superordinate“ common goal and by acting as an informal mediator.

Work harder than other delegates. If you are more knowledgeable about the relevant facts, push the best ideas forward (without taking all the credit for yourself), and find out which criteria of legitimacy could help dividing the cake fairly, you will become more influential.

However, do not take the floor too often. Speak only when your contribution can really make a difference. Actually, the timing of an intervention is at least as crucial as its content. For each intervention, there is one specific moment during a conference where it will have the greatest impact and the best chance of rallying support: we call it the „culmination point“. One characteristic of instrumental leadership is the ability to identify the right moment. There is no precise rule to be followed, but experience and common sense are of great help. If your preparation has shown that a large number of delegations basically support your ideas, move on early. If it has shown that most delegations have not yet made up their mind, let them clarify their thoughts first. If the conference is deadlocked, wait until you feel that most delegations would welcome a compromise. (Do not forget that you may not always receive the floor when you ask for it! In a large conference, there may even be a lapse of time of several hours. Therefore, stay in close contact with the chairman: he will be more than willing to give you the floor exceptionally if he knows that your contribution will make a difference.)

When you have the floor, your intervention should be well argued, precise and concise. If possible, prepare yourself with a speaking note and then talk slowly, clearly and politely. During the discussion following your intervention, listen carefully the statements that are being made and take comprehensive notes. Wait for the first round of discussion to be over before taking the floor again. At that time, thank for the supporting remarks, counter-argue the critical ones, restate your needs as well as your conclusions - possibly with some amendments in consideration of some convincing remarks made by others, in order to show an adequate degree of flexibility.

Encourage creativity

Do not determine a solution in anticipation of the negotiating process and then try to impose it on the other parties. If you do it, the other parties will do it too, and you will end up in an exhausting battle of positions.

Rather, be ready to explore as many different solutions as possible. Contribute your own ideas to this exploratory process and welcome the ideas of the other parties. Good ideas have gold value - wherever they come from.

Remember that criticizing an idea as soon as it has been expressed is a creativity killer: „Judgment hinders imagination“ (Fischer, Ury and Patton 1991: 58).

Do not leave homogeneous groups of technical experts in charge of inventing the possible solutions to the problems that are being negotiated. Involve non-experts that may ask naïve questions and bring in fresh ideas. Make sure that such groups are as diverse as possible with respect to the age, background and personality structure of their members.

Make clear to the members of such groups that their task is not to (pre-) negotiate the terms of the final agreement, but to develop a range of possible options that could enable the parties to satisfy their underlying interests and needs and, therefore, form a basis for agreement.

Pursue legitimacy, not arbitrariness

When you face conflicting interests or have to „divide the cake“ with the other parties, look for precedents, legal standards, neutral models and other criteria of fairness that might later provide a sound basis for satisfying the respective governments and their constituents - political parties, associations, pressure groups, media, etc. - that they are being fairly treated in the agreement.

At the end

Decisions in multilateral conferences are rarely the result of a vote. They rather reflect a consensus among a large number of parties, while the others do not categorically oppose.

Do not express a dissenting view, unless the decision is clearly unacceptable for your country. In particular, ignore minor differences of opinion, as they may be corrected through the adoption of the final report or more certainly at a later conference.

Never forget to express your thanks to your supporters. Share with them the feeling of having made progress. This will help you to build a capital of sympathy for future times.

Above all, take implementation seriously! One of the greatest weaknesses of international conferences is that a lot of energy is spent on drafting, discussing and adopting standards, recommendations and resolutions, while neglecting implementation - i.e., the most important part that remains to be done. As most issues will come back sooner or later on the floor of a conference, you will gain a lot of credibility by following up on the implementations of the decisions that have been taken.

Finally, hold a debriefing session after each conference. Analyze with your team the successes and failures, and discuss the lessons to be learned in order to avoid the same mistakes the next time.

Conclusion

Multilateral negotiations are certainly a complicated and somewhat messy affair. No set of theoretical considerations and practical rules will ever transform them into a well organized process allowing the various countries of the world to reach mutually beneficial agreements easily and quickly.

This being said, multilateral negotiations are not intrinsically different from other kinds of negotiations. In particular, the well-described mechanisms that regularly transform bilateral negotiations into an exhausting and frustrating exercise - however well intentioned and well qualified the parties may be - definitely occur in the multilateral setting too, e.g.: focusing on narrowly defined positions and trying to sell one's own arguments to the other side; confusing matters of relationship or personal feelings with those of substance; assuming that the „pie“ is of fixed size and that any gain for one party represents a loss for the other.

The method of principled negotiation has proved highly effective in „switching off“ those mechanisms in bilateral negotiations. Considering the relevant literature and based upon our own practical experience, we come to the conclusion that this approach can definitely improve the multilateral negotiation process as well as its outcome. Together with insights concerning the negotiation structure and the role of leadership, it can help diplomats and other involved experts to improve their individual performance in facing the challenge of multilateral negotiation.

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