

# Issue Salience and Controversy: Any Effect on Chair's Autonomy in Multilateral Negotiations?

*Spyros Blavoukos<sup>1</sup> and Dimitris Bourantonis<sup>2</sup>*

Dept. of International and European Economic Studies, Athens University of  
Economics and Business, 76 Patision Street, Athens, Greece  
(E-mail: [sblavo@aueb.gr](mailto:sblavo@aueb.gr); [bouranto@aueb.gr](mailto:bouranto@aueb.gr))

Received 17 April 2014; accepted 16 September 2014

## Abstract

High issue salience and controversy negatively affect the probability of success of multilateral negotiations. In such a context, Chairpersons acquire an important role in agenda management and brokerage among the bargaining partners. If they perform these functions neutrally and impartially, Chairs increase their effectiveness and emerge as key determinants of negotiation success. However, Chairs as agents often seek some degree of autonomy to pursue their own interests. We expect high issue salience and controversy to create a non-conducive environment for Chairs to follow their own agenda, due to greater principals' sensitivity, thus leading any such autonomy-seeking attempt to failure. We discuss four case studies of negotiations taken from the UN setting, in which Chairs sought autonomy in a highly polarized and controversial bargaining environment. Whereas in the first two cases, the Chairs' attempts ended in failure confirming our basic hypothesis, in the latter two cases the Chairs were successful.

## Keywords

chair – autonomy – multilateral negotiations – United Nations (UN)

- 
- 1 Spyros Blavoukos is Assistant Professor of Political Science at Athens University of Economics and Business, Department of International and European Economic Studies.
  - 2 Dimitris Bourantonis is Professor of International and European Studies at Athens University of Economics and Business, Department of International and European Economic Studies.

The chairmanship office is an omnipresent institution at all levels of political interaction where negotiations take place. It is set in place to resolve or mitigate collective action problems that arise in decentralized bargaining, exercising primary procedural control over the negotiations. In that respect, the role of the Chair becomes critical in delineating the negotiation space and affecting the direction of negotiations and outcome *per se*.

The first accounts of this institution were incorporated in broad treatises of multilateral negotiations, the Chair being considered a feature of the negotiation structure (Schelling 1960; Raiffa 1982). Acknowledging the potential influence of the Chair, recent research has produced important analytical and empirically-rich pieces of work on various international institutional settings such as the UN, EU, WTO, and the African Union (Blavoukos & Bourantonis 2011a; Odell 2005; Elgstrom 2003; Kufuor 2007). It is noteworthy that in most of these accounts, by assumption Chairs perform their functions in a neutral and impartial way. At least as far as the Chair's brokerage function is concerned, this assumption ignores core insights of the international mediation literature that provide empirical evidence that the mediator is often accepted by the negotiating parties not because of its neutrality but because of its ability to deliver an acceptable and attractive outcome (Zartman & Touval 1985a; Touval & Zartman 1985). In that respect, a biased mediator can be very helpful under the assumption that (s)he delivers consent to the agreement of the party toward which (s)he is biased (Zartman 2008).

In this vein, Chairs as agents of the negotiating principals may also not be neutral and impartial, but rather pursue their own national or personal preferences in the conduct of their assigned tasks. Like policy and business entrepreneurs, they invest their personal or country-of-origin's resources, pushing forward and advocating specific proposals in hopes of a future return (Kingdom 1995). Future return that exceeds the cost of taking up any entrepreneurial activity is a *sine qua non* condition for the emergence of the Chair as policy entrepreneur (Blavoukos & Bourantonis 2011b).

This article focuses on autonomy-seeking Chairs and the main determinants of their endeavor's success or failure. More specifically, we examine how issue salience and controversy affect the Chair's pursuit of autonomy. We hypothesize that in a highly polarized negotiating environment in which an issue of great salience is under negotiation, the bargaining parties are more alarmed by any attempt of the Chairs to conduct and direct negotiations in pursuit of their own preferences. Thus, it is more difficult for Chairs to successfully realize their autonomy goals.

We draw our empirical evidence from the UN setting, the most significant international forum of institutionalized multilateral negotiations. The four

case studies we examine include the negotiations for the UN Security Council (UNSC) reform (the Rajali Plan, 1997–8), the deliberations of Committee I in the UN Law of the Sea Conference (UNCLOS, 1976–7), the 1974 UN General Assembly (UNGA) decision on the South African representation, and the American and Soviet co-chairmanship of the ‘Eighteen Nation Disarmament Committee’ (ENDC, 1962–8).

The case studies span a long period of time and the entirety of UN institutional spectrum (General Assembly and *ad hoc* Working Groups, Conferences and Committees under the UN auspices, etc.). The cases have been chosen to control for important conditioning parameters like the institutional format and framework within which the Chairs operate, as well as the overarching international political environment that may be more or less conducive to the Chair’s functions. Furthermore, they cover highly controversial negotiations on issues of high salience, in which the Chairs played a distinctive role with their interventions generating considerable concern among the negotiating parties. Thus, we acknowledge a bias in the ‘dependent’ variable, which makes our set of case studies special to some extent; however, this is intentional as our aim is to shed some light on the question of whether such a negotiating environment may or may not lead to more autonomy-seeking Chairs. Methodologically speaking, we envisage a focused pairwise comparison of the four cases (Tarrow 2010; George & Bennett 2005: 67–72) that provides a mix of control and variation on important alternative explanatory variables like national interests and background conditions (Gerring 2007).

One important caveat in our analysis is that there exist two kinds of Chairs in International Organizations (IOs): first, IO representatives from the organizational bureaucracy of the IO; and second, national representatives who perform chairing tasks. In the first case, autonomy refers to the IO ‘collective’ urge to direct negotiations towards the desired end that derives from the organization’s mandate and *raison d’être* (in the UN setting, for example, the desired end might be a ceasefire or a peace settlement). In the second case, the Chair’s autonomy essentially entails the pursuit of national interests through chairing tasks. Our case studies feature national representatives that play the role of the Chair in various multilateral negotiating formats within the UN setting. Thus, in this article we focus on the second category of Chairs, namely national representatives with a double-hatted function. Although we believe that the conclusions are generalizable to the first category as well, it is important to bear in mind this particular characteristic of our empirical base of analysis.

In any case, our empirical findings only partially confirm our main hypothesis. In the first two case studies, the Chairs’ efforts were unsuccessful, considerably damaging the Chair’s status and legitimacy; however, in the other two, the

Chairs managed to push forward their own agenda and direct negotiations at their own will. Exploring these cases in depth, two critical parameters emerge inductively, each one associated with a cluster of the Chairmanship's institutional features: first, decision-making rules, which are part of the constraints set by principals to control agentic autonomy; and second, the political capital of the Chairs, which is linked to the Chair's available resources.

In the next section, we elaborate on the Chairmanship institution and its basic features; we then present the empirical evidence from the UN setting and case studies; and finally we discuss the main findings.

### The Rationale of the Chairmanship Institution

According to the rational approach in designing international institutions (Koremenos et al. 2004), Chairs act as a form of governance and have functional origins. In an attempt to address collective action impediments in multilateral negotiations, the constituent states-principals that partake in negotiations set in place Chairs-agents to overcome information asymmetries in political and technical areas of governance and to enhance rule-making efficiency (Thatcher & Stone Sweet 2002). The negotiation setting and especially the international institutional structures in which negotiations may be embedded (for example, IOs like the UN) determine the exact functions of the Chair, which mainly include agenda management, brokerage services, and external representation (Tallberg 2006).

Agenda management includes both an administrative-procedural and an agenda-shaping component (Tallberg 2010). Brokerage service is meant to tackle negotiation failures due to tactical information concealing, with the Chair functioning as a channel of more or less reliable information about states' preferences. Such informational resources constitute the Chair's most important asset (Moe & Howell 1999). Resorting to existing bureaucratic resources (like Secretariats) and procedural arrangements (like confidential bilateral meetings), the Chair gets privileged access to undisclosed information regarding preferences, which can be instrumentally used for the exact demarcation of the existing contract zone, thereby facilitating multilateral agreement. Additional resources comprise the level of the Chair's legitimacy and authority as well as socialization-related resources (Metcalf 1998; Wall & Lynn 1993).<sup>3</sup>

---

3 Legitimacy strengthens the political power [of rational political actors], improves their access to positions of authority, enhances their capacity to govern and eventually extends

In the principals' mind, the supply of solutions to these problems assumes a Chair without personal agenda, seeking centrist negotiating outcomes. However, the setting up of an agent constitutes a contractual agreement, which is – to one or another extent – incomplete. Hence, in the fulfillment of the delegated tasks, the Chair-agent enjoys an element of discretion and can be motivated to exercise assigned functions to further his or her own preferences. The Chair's quest for autonomy can either have a distributional effect directing negotiations to a preferred outcome along the Pareto-optimal frontier or induce a sub-optimal solution, which better reflects the Chair's own preferences. In any case, agent-Chair's autonomy is the price principals have to pay to tackle collective action impediments. To their defense and to curtail Chair's autonomy potential, the negotiating principals set in place formal institutional constraints, in the form of restricting decision-making rules<sup>4</sup> and *ex post* or *ex ante*,<sup>5</sup> formal or informal control mechanisms.<sup>6</sup>

---

their period of rule. For this argument see Schimmelfennig (2000: 117). Authority captures the relation between an actor and an institution when the actor considers the institution legitimate and the actor's behaviour conforms to the rules associated with the functioning of the institution; see Hurd (2007: 60–61). If the Chair's intervention is seen legitimate by negotiating partners and (s)he is considered an authoritative source of action, the Chair's autonomy potential rises. In contrast, initiatives perceived as illegitimate by some or all principals curtail the Chair's autonomy potential. Such loss of legitimacy and authority may derive from a Chair's distributional bias in previous negotiation rounds that has alienated negotiation partners, attempts to expand the mandate or bypass principals' control, and/or changes in the bargaining structure that result in the Chair's status degradation.

- 4 Majoritarian decision-making rules constitute a more conducive environment for an autonomy-prone Chair to master the necessary support through the appropriate redistribution of agreement benefits, although the prevalence of a consensus norm may curtail the Chair's autonomy potential. In more demanding decision-making settings, which require special majorities or even unanimity, the principals can more easily block Chair's initiatives that exceed his/her mandate.
- 5 The nature and strictness of these control mechanisms depend on the purpose of delegation. If principals create an agent in order to realize pre-determined and quite specific objectives, then the distribution of policy preferences among principals at the time of the delegation will determine *ex ante* the exact scope of agent discretion. In contrast, in cases of high level of uncertainty, rapid change or the existence of several policy alternatives along the Pareto line, effective *ex post* controls will be better suited to deal with 'agency losses'. See Thatcher and Stone Sweet (2002: 5) and Elster (2000).
- 6 Formal constraints include mainly the institutional procedures that provide the formal basis of the agency and take the form of appointment, administrative and oversight procedures; see (Tallberg 2010: 25–27; Kiewiet & McCubbins 1991; McCubbins & Weingast 1987). Informal constraints comprise basically the – most often implicit – norms associated with the principal-agent relationship imposing *ex ante* constraints to the agent's behavior. Most commonly met

In negotiations of highly salient issues, the negotiating partners are much more sensitive to Chairs' assertiveness and there exists much more vigilance and scrutiny over their actions. The same holds for negotiations over highly controversial issues. Issue controversy refers to the compromise potential of an issue, examining whether an issue is amenable to compromise among the negotiating parties (Young 1989).<sup>7</sup> It refers not only to preference divergence among principals, but also to the divergence in preferences between the constituent principals and the agent-Chair, in other words the spatial location of the Chair's own preferences *qua* the principals' contract zone. If the Chair's preferred outcome is a great distance from the principals' preferences (within or even outside the existing contract zone), it is more difficult for the Chair to seek autonomy. Thus, both issue salience and controversy have a negative correlation with the Chair's autonomy.

In the next section, we discuss four cases of multilateral negotiations that took place in the UN setting and in which the Chair pursued his/her own goals.

### Autonomous Chairs in the UN

#### *The Open-Ended Working Group on UNSC Reform: The Rajali Involvement (1997)*

Following the end of the bipolar era and the dissolution of the Soviet Union, the issue of the UN Security Council reform resurfaced in an attempt to render the most significant political body of the organization more representative of the post-Cold War world. In response to calls for reform, the UN General Assembly (UNGA) established, in 1993, an Open-Ended Working Group (OEWG) to reflect on the issue.<sup>8</sup> The OEWG was open to all UN members that wished to participate and operated on a consensus basis. From its birth in 1993 until 1997, it was a forum for much discussion though it resulted in little actual impact.

---

are the norms of efficiency (directly linked with the functional nature of the agent to deliver prosperity-enhancing solutions to the collective action problems), neutrality and impartiality, with regard to the choice of options from the multitude available at the Pareto frontier. For a discussion of the above mentioned informal constraints see Tallberg (2010: 29).

7 Three criteria are set to assess the compromise potential of an issue: first, negotiating sides should be able to see a clear need for departure from the current status quo (to the same direction). Second, it should be possible to derive arrangements perceived equitable to more or even better all sides involved. Third, identifiable salient solutions should exist around which the debate can be focused. For a useful discussion of these criteria, see Smith (2002: 124–126).

8 See UNGA Resolution 48/26 of 1993.

According to the Rules of Procedure of UNGA (Rule 35) that apply also to UN Working Groups, Chairs in these settings have only procedural control over the deliberations without any formal brokerage mandate. However, in 1997 this narrow and limited mandate did not hinder the then UNGA and OEWG President, Ambassador Ismael Rajali of Malaysia, to seek a more active role in negotiations. Following extensive consultation with most OEWG members,<sup>9</sup> Ambassador Rajali put forward his devised three-stage reform plan with focal points around which bargaining could eventually converge (Luck 2007: 661–663). The ‘Rajali plan’ was novel in that it did not require two-thirds approval by the entire UNGA membership during the first two stages. Only the third amendment resolution would need the approval of two-thirds of all member states, as stipulated in UN Charter amendment provisions of Article 108. By circumventing Article 108 of the UN Charter in the first two and most crucial stages (during which the member states would agree on the SC reform formula and select the new five permanent members), the UNSC reform would become more feasible, since only a simple majority would be required for the passage of the two *framework* resolutions that would delineate the reform path (Bourantonis 2005: 74–77).

Support to the plan came from the ranks of the permanent UNSC members, which saw it as an opportunity to safeguard their unique veto privilege that was not envisaged for the new permanent UNSC members. Furthermore, a group of European states as well as other aspiring permanent members like Germany, Japan, Brazil and India that would emerge as primary candidates for the new permanent UNSC posts also endorsed the plan (Penketh 1997). In contrast, the Non Aligned Movement (NAM) heavily criticized the plan on grounds that it was a procedural shortcut to ease the most powerful contenders’ access to the UNSC from back-door channels (Fulci 1999). This decision reflected NAM’s heterogeneity and intention to safeguard the unity of the movement. The Rajali plan envisaged the elevation of a few developing countries to permanent membership, thus bringing discord and disarray among the NAM ranks about appropriate candidates. The NAM countries collectively considered the Rajali initiative to put the viability of the Movement under severe strain; therefore, they proposed it should be rejected for the sake of NAM’s cohesion.

On those grounds, several NAM countries attacked the OEWG President and his interference in the negotiations. They accused Ambassador Rajali that by presenting the plan in his capacity as OEWG Chairman, he implicitly portrayed it as the negotiated middle ground, which was clearly not the case as it did

---

9 During his period in office, the Ambassador of Malaysia held meetings with 165 of the 185 UN members (*Indian Express*, 20 July 1997).



not enjoy NAM's acquiescence. Since the Chairman had not been formally delegated any extraordinary brokerage power, the Ambassador of Malaysia was criticized for having abused the presidential power and authority to produce such a document, which undermined and jeopardized the further evolution of OEWG negotiations.<sup>10</sup> As a result of NAM's opposition, the Rajali initiative was ultimately shelved without producing the much-aspired breakthrough.

### *Chairing Committee I of UNCLOS III (1976–7)*

The Committee I of the Third United Nations Conference on the Law of the Sea (UNCLOS III) focused on seabed resources (minerals, etc.) beyond national jurisdiction. Consensus of all participating countries was necessary to take a decision and the Committees' Chairmen had formal authority to draft negotiating texts (Oxman 1977: 248–249).<sup>11</sup> In that respect, Chairs were explicitly expected "... to act as neutral drafters as well as selectors, prompters and legitimizing agents of compromises worked out by groups of delegates" (Buzan 1981: 335).

In contrast to Committees II and III, little progress had been made in Committee I from 1973 to 1976, mainly because the exploitation of seabed mineral resources had important economic consequences and touched upon economic interests of two distinct groups. On the one hand, the advanced industrial countries led by the United States, envisaged a regime of uncontrolled access to these resources that would obviously favour the developed states that had the technical capability to exploit them. On the other hand, the "Group of 77," which included over 100 developing, landlocked or self-locked, states advocated the establishment of an International Seabed Authority (ISA) that would regulate access and control the free-market seabed industry that would reap all benefits for the developed countries. The 'Group of 77' associated UNCLOS III negotiations with the New International Economic Order (NIEO) that the less developed countries had put forward in the UN to close the economic gap between developed and developing states (Swing 1977). Despite their diametrically opposing positions, the two main contending groups made efforts towards a compromise. Thus, expectations arose that an agreement was

---

10 The most militant states comprised Pakistan, Argentina, and Mexico, which did not want to see their regional rivals (India, Brazil) elevated to permanent membership and other regional powers, such as Egypt or Indonesia. See in particular the very critical statement of the Permanent Representative of Pakistan in the OEWG (20 April 1997).

11 See also UNCLOS III, Rules of Procedure, UN Doc. A/CONF.62/30/Rev.2 (1976), especially Rules 37–40.



feasible during the May–July 1977 session, especially after the “Evensen group” that met informally in smaller numbers produced a composite text for most of the substantive issues.<sup>12</sup> Both sides accepted the text as the basis for further negotiations, giving the impression of an imminent settlement of all outstanding issues.

However, the Committee Chair, Ambassador Paul Engo of Cameroon, permitted the session to end after eight weeks of negotiations without producing a consolidated text. After the conclusion of the session, he circulated a draft agreement text that deviated considerably from what seemed to be an emerging consensus. This deviation was dictated by ideological considerations related to the North-South division and Cameroon’s role in the Group of 77 and NAM. The two groups had an overlapping though not identical membership and were interacting in the articulation of NIEO.<sup>13</sup> Cameroon lined up with the most intransigent members of the Group of 77, which became increasingly marginalized in the course of negotiations. The submitted text was a last minute attempt to polarize negotiations and revitalize the hard-core stance of the Group.

By altering core provisions of the “Evensen group” text, the Chair’s text undermined the progress achieved in the previous years. Key states, like the USA, expressed doubts about the utility of the negotiations and played with the idea of abandoning the Conference.<sup>14</sup> Considering the significant repercussions of such individual initiatives, UNCLOS participants subsequently altered the Conference’s rules of procedure, putting restrictions to the Chair’s exclusive right to make alterations in the negotiating texts. From that point onwards, modifications or text revisions would be the collective responsibility of a team comprising several Conference officials (Buzan 1981:337).<sup>15</sup> The result of this highly contested initiative was the tightening of the Chair’s mandate and the curtailment of his intervention repertoire.

---

12 The Evensen text can be found in the Revised Single Negotiating Text, UN Doc. A/CONF.62/WP.8/ Rev.1 (6 May 1976).

13 In the 1976 Colombo Summit, the Non-Aligned Countries “... emphasize[d] the highly constructive role of the Group of 77 in the negotiations for advancing the cause of the developing countries and particularly in the establishment of the New International Economic Order”, cited in Jankowitsch & Sauvart (1978: 303–305).

14 US Department of State *Delegation, Report of the Sixth Session of UNCLOS*, May 23–July 15, 1977, at p. 6.

15 See also 10 UNCLOS III, Official Records 6, 8, UN Doc. A/CONF.62/62 (1978).

### *Chairing UNGA: The Case of South Africa (1974)*

The case of the South African participation in the UN during the apartheid period generated many tensions in UNGA until an acceptable *modus operandi* was reached in the beginning of the 1970s. The suspension of UN membership or expulsion from the UN requires a UNGA decision upon a SC recommendation (Articles 5 and 6 of UN Charter). However, at the time, the US, France and the UK did not embrace such a course of action in the SC, despite the overwhelming UNGA majority in favor of South Africa's UN membership suspension. Thus, an alternative course of action was followed from 1970 to 1973: under the so-called "Hambro formula,"<sup>16</sup> UNGA rejected the credentials of the South African delegation but allowed it to sit and participate in its deliberations (Giobanu 1976: 352).

This arrangement was challenged in 1974 during the presidency of the Algerian Foreign Minister Abdelaziz Bouteflika. In the first UNGA meeting under his chairmanship in September 1974, he remained in line with current practice and did not raise any objections to the "Hambro formula." As a result, the South African delegation participated in UNGA works as usual despite the rejection of its credentials. Following the rejection by the UNSC of a Resolution that called for the reviewing of the UN relationship with South Africa in light of the constant violation of the Charter principles and the Universal Declaration of Human Rights, the UNGA President changed the course. Prompted by NAM African members,<sup>17</sup> he gave a ruling in the November 1974 UNGA meeting interpreting the September rejection of South Africa delegation credentials as "... tantamount to saying in explicit terms that the General Assembly refuses to allow the delegation of South Africa to participate in its work."<sup>18</sup> His ruling was immediately challenged by the Western countries but was comfortably sustained by 91 votes to 22 with 10 abstentions.

By such a ruling, the Algerian Ambassador disregarded existing practice followed with consistency by previous UNGA Chairs and re-interpreted UNGA's Rules of Procedure. The credentials issue has to do with the question of whether delegates are formally authorized to represent the government and not whether the particular government of a member represents the people of the state (UNGA Rule of Procedure 27). In that respect, he made a political

---

16 The formula took the name of ex-UNGA President, Ambassador Edward Hambro of Norway, who negotiated in 1970 a way out of the existing at the time conundrum over the issue of South African representation.

17 See UN Doc. A/PV. 2281, 12 November 1974, pp. 8–9.

18 UN Doc. A/PV. 2281, 12 November 1974, p. 76.

judgment about the government of South Africa violating the UN Charter.<sup>19</sup> Ambassador Bouteflika played the game according to the rules of NAM and Third World politics rather than UNGA and the UN Charter provisions (Gross 1983: 571). Holding the NAM Chair from 1973 to 1976, Algeria had emerged as one of the NAM leading forces, playing a catalytic role for the shift of NAM attitude from moderation to radicalism. In successive non-aligned states conferences, in particular the 1973 Algiers summit, Algeria orchestrated NAM's assertiveness in international affairs and emphasized the need for stronger anti-colonial and anti-apartheid policies in international fora.<sup>20</sup> The UNGA Presidency provided a first-rank opportunity to manifest the hardening of NAM's stance in a series of issues, starting with the apartheid regime.

*Co-chairing Disarmament Negotiations in the 'Eighteen Nation Disarmament Committee' (1962–8)*

The 'Eighteen Nation Disarmament Committee' (ENDC) was set up in 1962, as a negotiating forum for issues of disarmament and arms control under the aegis of UNGA. The ENDC comprised five states from the Eastern group, five from the Western group and eight from the group of the non-aligned states, reflecting the then tripartite division of the UN membership into these three main blocs. In its first meeting, the ENDC adopted by consensus a synoptic procedural arrangement, conferring on the US and the Soviet Union privileged procedural control through the establishment of a permanent co-chairmanship office.<sup>21</sup> The co-chairmanship office ensured a form of co-operative cohabitation of the two major powers at the head of the negotiating body. The co-Chairs were authorized to run the negotiation process (sequence and frequency of the meetings, etc.) as well as table draft agreement texts. All issues, procedural and substantive, were decided on the basis of unanimity.

The co-Chairs managed gradually to shift the ENDC agenda focus from disarmament to arms control, despite UNGA's calls to move in the opposite direction.<sup>22</sup> According to the co-Chairs, negotiations on general and complete

19 According to the UN Legal Council "... the participation in meetings of the General Assembly is quite clear one of the important rights and privileges of membership. Suspension of this right through the rejection of credentials would not satisfy the foregoing requirements and would therefore be contrary to the Charter." See UN Doc.A/8160, 11 Nov. 1970.

20 In the Algiers summit the non-aligned states adopted a Declaration on the Struggle for National Liberation which devotes several paragraphs to the situation in South Africa (cited in Jankowitsch & Sauvart 1978: 207–213).

21 See Doc. ENDC/1 of 14 March 1962, Agreement on Procedural Arrangements.

22 UNGA Resolution 1722 of 20 December 1961.

disarmament including nuclear weaponry were not feasible at that particular time and instead, the ENDC had to focus on arms control measures. Given the ENDC unanimity decision-making rule, the ease with which the two co-Chairs took control over the agenda in the period 1962–8 is noteworthy. This owed much to the attitude of the eight non-aligned ENDC members, reflecting the still moderate NAM stance in the UN (Mortimer 1980: 12; Myrdal 1978: 168; Mates 1972: 263). The agenda-setting power of the two co-Chairs declined in the 1970s, owing much to the adoption by NAM of a more assertive attitude in word affairs as discussed in the previous case study. The NAM members sought to reinstate the General Assembly as the real agenda-setter for ENDC and called consistently for specific nuclear disarmament measures, a concrete disarmament program and a comprehensive test-ban treaty. Still, the two super powers ignored the UNGA's demands (Sullivan 1975: 392–393), an attitude that led NAM to criticize the co-chairmanship office for pursuing individual political interests and demand its abolishment in order to lessen the stranglehold of the two major powers.<sup>23</sup> The co-chairmanship was finally replaced by a rotating Chair in 1978, bringing about the complete subjection of the negotiating body to the UNGA.

Besides directing the agenda according to their own preferences, the ENDC co-chairs brokered an agreement during the Non-Proliferation Treaty (NPT) negotiations (1965–8) that best suited their interests. The issue of non-proliferation of nuclear weapons was highly salient for both co-chairs who sought the consolidation of existing arsenal and the setting of a nuclear *status quo*. While the superpowers had clear preferences outlined in the draft treaties they each presented in the early stages of the negotiations, the non-aligned, non-nuclear weapon states (NNWS) had no common position.<sup>24</sup> In order to adopt a common bargaining stance and increase their negotiating power in the ongoing NPT negotiations, the non-aligned states called for a NNWS Conference to meet no later than 1968.

The two co-Chairs realized the need to conclude NPT negotiations prior to the Conference. With that objective in mind, they submitted an over-optimistic interim ENDC report to UNGA and subsequently sponsored a UNGA

23 NAM representatives argued that "... the fact that the formulation of the agenda of the conference [i.e. the CCD] falls within the province of the co-chairmen explains why that body is not responsive in the desired degree to the urgent requests of the General Assembly" (see Doc. CCD/PV. 662, p. 15).

24 See, for instance, Doc. ENDC/PV.298, 23 May 1967, p. 9; Doc. ENDC/PV. 334, 28 September 1967, pp. 6–7 and 8; Doc. ENDC/PV.293, 14 March 1967, p. 10; and Doc. ENDC/PV.304, 13 June 1967, p. 6.

draft resolution that specified a concrete timetable for the conclusion of NPT negotiations.<sup>25</sup> By virtue of this resolution, UNGA requested the ENDC to submit on or before 15 March 1968 a NPT draft treaty. Having set a very tight deadline, the ENDC members were called to focus, conveniently for the co-Chairs, on the prohibition of nuclear weapons horizontal proliferation, and not to strive for their own versions of Treaty. On the basis of their discretionary power to present draft treaties on a “take it or leave it” basis, the co-Chairs submitted to the ENDC in the following months treaty versions without engaging themselves in actual negotiations with NNWS.<sup>26</sup> Only at the final stage, did the co-Chairs submit an improved draft treaty, still heavily reflecting their own interests but also containing some concessions to the NNWS. This draft, tabled shortly before the due time of the Treaty submission to UNGA, laid the political burden of negotiation failure on the NNWS. Although the draft Treaty remained far from what the NNWS envisaged, they did not reject it, leading to its adoption subsequently by an overwhelming UNGA majority.

### **Issue Salience and Controversy: Do They Really Constrain a Chair’s Autonomy?**

Summarizing our four case studies, the Chairs exceeded to one or another extent their official mandate in pursuit of their own national interests. The Malaysian OEWG Chairman unsuccessfully attempted to upload own national preferences and expand his role in the OEWG deliberations. The Chairman of the Committee I of UNCLOS III submitted a draft agreement text that reflected his country’s own preferences, though his initiative was turned down. In the case of the South African representation, the Algerian UNGA President in line with his country’s and NAM’s positions overturned previous Chair rulings. The two ENDC co-chairmen (US and USSR) successfully managed to shape the negotiation agenda around arms control instead of disarmament and direct NPT negotiations towards their desired outcome.

In the first case, the highly controversial and polarizing nature of the UNSC reform suggested that the Chair’s attempt to shift the negotiation outcome towards an own preferred direction was bound to meet the forceful reaction of (some of) the negotiating partners. The consensual decision-making rule in the OEWG rendered any such Chair’s initiative hopeless, with the Chair being ultimately de-legitimized and accused of overstepping his official and

25 UNGA Resolution 2346 of 19 December 1967.

26 Interview with John Edmonds, Chief British Negotiator in the ENDC.

authorized mandate. In the second case, the great divergence of preferences between the Chair and the two negotiating groups in Committee I meant that the Chair's autonomy quest was tantamount to the undermining of the existing bargaining progress. In the end, the consensual decision-making rule ensured that the principals' interests were safeguarded, but the Chair was heavily criticized and de-legitimized. The first two cases confirm our basic hypothesis that issue salience and controversy have a negative effect on the Chair's autonomy potential.

However, the third and fourth cases offer different insights, constituting by and large success stories of autonomy-seeking Chairs despite high issue salience and controversy. The South African issue was highly controversial as illustrated by the repeated negative response of the Western permanent UNSC members to the UNGA's majority call to suspend membership or expel the country. The implicit support that was provided in this way to the apartheid regime became one of the most salient issues for the NAM countries that still lagged behind translating their numerical strength into power and influence in international politics. Considering both dimensions of issue salience and controversy, it would seem rather difficult for the Chair to successfully seek autonomy in such a negotiating contour. However, the UNGA constitutes a far less constraining environment for an autonomy-prone Chair than the UNSC in terms of decision-making rule. The Chair could rely on UNGA's majoritarian rule and NAM's overwhelming majority to sustain the contested ruling that reflected Algerian (and NAM's) own preferences.

In the same vein, the ENDC negotiations were highly influenced by the two co-chairmen with regard to both the agenda setting and the bargaining outcome. Despite issue salience, in the agenda setting stage, the co-Chairs capitalized on the conducive environment and positive disposition of the non-aligned countries and realized their own preferences, despite the constraining decision-making rule. Being the "big beasts in the world jungle," the main negotiation interlocutors and the countries with the greater stake at the negotiations, the two co-Chairs enjoyed high political authority to impose their agenda preferences. In the NPT negotiations, they instrumentally used their drafting monopoly to achieve an outcome reflecting their preferences. Thus, despite high issue salience and controversy, the two co-Chairs managed by virtue of their position and the assigned procedural powers to set the agenda and direct negotiations at will (Sims 1979: 12).

Taken together, all four cases deal with issues of high salience and controversy, the latter either among principals (Rajali plan and South African representation) or between the Chair and the negotiating principals (UNCLOS III and ENDC). However, despite this non-conducive negotiating environment,

Chairs managed to realize in two cases their autonomy potential (South African representation and ENDC). How do we account for this counter-intuitive finding?

To start with, it is worth recalling the caveat we mentioned in the introduction, namely that in our cases, the Chair is a state that takes part in the negotiations and not a member of the UN bureaucracy. In that respect, the Chair has its own national preferences siding along one negotiating party over the other. The endorsement the Chair receives from the respective support group clearly affects the success potential of Chair's autonomy, the distributional impact of the undertaken initiatives, and the supply cost of the Chair services to overall bargaining efficiency. See, for example, NAM's support to the Algerian UNGA President or the support provided to the two ENDC co-Chairs by their respective blocs; *contra* the failure of the OEWG and UNCLOS III Chairs to master adequate support. This important feature brings in the foreground the resources of the Chair. Besides informational resources, legitimacy, authority and socialization resources that have been well identified in the relevant literature, the political capital of the Chair also significantly raises the autonomy potential. Such capital may take the form of official or unofficial support received by (some of) the negotiating principals. Or it may derive from the structural, country-specific attributes of the country that holds the office, like in the ENDC case the US and Soviet Union, which exercise additional pressure to negotiating principals to tolerate autonomous Chairs. Political capital and support increase even further the autonomy potential of the Chair in negotiating environments with less demanding decision-making rules. The requirement for consensus or unanimity safeguards the principals' interests and curtails the Chair's autonomy potential (like in OEWG and UNCLOS), whereas majoritarian rules provide more opportunities to the Chair (see the Chair's ruling in UNGA that was upheld despite ardent opposition).

### Conclusions

Chairs are set in place to provide solutions to collective action problems inherent in multilateral negotiations. However, the supply of such solutions comes with some cost for the negotiating parties: autonomy-prone Chairs may pursue their own interests, undermining potentially overall negotiation efficiency. We expect this to be less the case in issues of high salience and controversy, as in such negotiations the principals are more sensitive to Chair's over-assertiveness. We have tested this hypothesis by looking at four significant negotiations in the UN setting where the Chair actively intervened in pursuit



of own preferences. Two of our cases have confirmed the curtailment of the Chair's autonomy potential by high issue salience and controversy. However, in the other two cases, Chairs were successful in directing negotiations toward their own preferred outcome. Inductively, the two case studies highlight the issue of the Chair's political capital and reinstate the significance of less restrictive decision-making rules. In that respect, Chair's autonomy is possible even in very controversial or salient issues, if decision-making rules are more accommodating to the existing majority and the Chair's preferences converge to this majority or the Chair manages to master the required political support.

An important caveat is that the Chair's autonomy potential should not be confused with actual agent autonomy. We have treated negotiation process and outcome uniformly; however, if for analytical reasons we distinguish between the two, issue salience, controversy and the political capital of the Chair condition the scope and modality of Chair's interventions in the bargaining process. The decision-making rules mostly relate to the output of the Chair's interventions and the realization of the autonomy potential (whether success or failure), although they cast their shadow throughout the negotiations. For example, in a majoritarian or consensus-based environment, the Chair may invoke an implicit or explicit threat to call for a vote to bring in line the more recalcitrant negotiating parties.

A second caveat is that the analysis assumes fixed preferences of negotiating parties in single bargaining games. A more *dynamic* approach (and one closer to real-life negotiations) should also consider changes in the bargaining structure in the sense of (a) curtailment or expansion of the contract zone, due to variations in the position-formation functions of the negotiating parties and (b) 'nested' games. Such an alteration of the bargaining structure obviously affects the significance of the identified parameters. For example, despite opposing preferences, a negotiating party may choose to side along the Chair and keep a low voice on an issue of high salience and controversy, not making use of the constraining decision-making rule, because of a more critical, ongoing, parallel "game" where either the Chair's or the other parties' assistance is required. In such a case, the 'other game' fully overshadows any of the identified parameters.

## References

- Blavoukos, Spyros and Dimitris Bourantonis (2011a). *Chairing Multilateral Negotiations: The Case of the United Nations*. London: Routledge.

- and Dimitris Bourantonis (2011b). "Chairs as Policy Entrepreneurs in Multilateral Negotiations." *Review of International Studies* 37, 2: 653–672.
- Bourantonis, Dimitris (2005). *The History and Politics of the UN Security Council Reform*. London: Routledge.
- Buzan, Barry (1981). "Negotiating by Consensus: Developments in Technique at the United Nations Conference on the Law of the Sea." *The American Journal of International Law* 75, 2: 324–348.
- Ciobanu, Dan (1976). "Credentials of Delegations and Representation of Member States at the United Nations." *International and Comparative Law Quarterly* 25, 2: 352.
- Elgström, Ole, editor (2003). *European Union Council Presidencies: A Comparative Perspective*. London: Routledge.
- Elster, John (2000). *Ulysses Unbound. Studies in Rationality, Precommitment, and Constraints*. Cambridge: Cambridge University Press.
- Fulci, Paolo (1999). "Italy and the Reform of the UN Security Council." *The International Spectator* 34, 2: 7–16.
- George, A. L. and A. Bennett (2005). *Case Studies and Theory Development in the Social Sciences*. Cambridge, MA: MIT Press.
- Gerring, John (2007). *Case Study Research: Principles and Practices*. Cambridge: Cambridge University Press.
- Gross, Leo (1983). "On the Degradation of the Constitutional Environment of the United Nations." *American Journal of International Law* 77, 3: 569–584.
- Hurd, Ian (2007). *After Anarchy: Legitimacy and Power in the United Nations Security Council*. Princeton: Princeton University Press.
- Jankowitsch, Odette and Karl Sauvart, editors (1978). *The Third World without Superpowers: The Collected Documents of the Non-Aligned Countries*. New York: Oceana Publications.
- Kingdon, John (1982). *Agendas, Alternatives, and Public Policies*. New York: Longman.
- Koremenos, B., C. Lipson, and D. Snidal (2004). "The Rational Design of International Institutions," in B. Koremenos, C. Lipson, and D. Snidal, editors, *The Rational Design of International Institutions*. Cambridge: Cambridge University Press.
- Kiewiet, Roderick and Mathew McCubbins (1991). *The Logic of Delegation: Congressional Parties and the Appropriation Process*. Chicago: University of Chicago Press.
- Kufuor, John (2007). "The Chair of the African Union." *African Journal of International and Comparative Law* 15, 2: 276–292.
- Luck, Edward (2007). "Principal Organs," in Thomas Weiss and Sam Daws, editors, *The Oxford Handbook on the United Nations*. Oxford: Oxford University Press.
- Mates, Leo (1972). *Non-Alignment: Theory and Current Policy*. London & Belgrade: Oceana Publications.

- McCubbins, Mathew, and Barry Weingast (1987). "Administrative Procedures as Instruments of Political Control." *Journal of Law, Economics, and Organization* 3, 2: 243–277.
- Metcalf, D. (1998). "Leadership in European Union Negotiations: The Presidency of the Council." *International Negotiation* 3, 3: 413–434.
- Moe, Terry and William G. Howell, (1999). "The Presidential Power of Unilateral Action." *Journal of Law, Economics and Organization* 15, 1: 132–179.
- Mortimer, Robert (1980). *Third World Coalition in International Politics*. New York: Praeger.
- Myrdal, Alva (1978). *The Game of Disarmament: How the United States and Russia Run the Arms Race*. New York: Pantheon Books.
- Odell, John (2005). "Chairing a WTO Negotiation." *Journal of International Economic Law* 8, 2: 425–448.
- Oxman, Bernard (1977). "The Third United Nations Conference on the Law of the Sea: The 1976 New York Sessions." *The American Journal of International Law* 71, 2: 248–249.
- Penketh, A. (1997). "New Security Council Enlargement Plan Unveiled." *Agence France Presse*, 20 March.
- Raiffa, Howard (1982). *The Art and Science of Negotiation*. Cambridge, MA: Harvard University Press.
- Schelling, T. (1960). *The Strategy of Conflict*. Cambridge, MA: Harvard University Press.
- Schimmelfennig, Frank (2000). "International Socialization in the New Europe: Rational Action in an Institutional Environment." *European Journal of International Relations* 6, 1: 109–139.
- Sims, Nicholas (1979). *Approaches to Disarmament: An Introductory Analysis*. London: Quaker Peace & Service.
- Smith, Courtney (2002). "Three Perspectives on Global Consensus Building: A Framework for Analysis." *International Journal of Organization Theory and Behavior* 5, 1&2: 115–144.
- Sullivan, Michael (1975). "Conference at the Crossroads: Future Prospects for the CCD." *International Organization* 29, 2: 392–393.
- Swing, John (1977). "The Law of the Sea." *Proceedings of the Academy of Political Science* 32, 4: 128–141.
- Tallberg, Jonas (2002). "Delegation to Supranational Institutions: Why, How and with what Consequences", *West European Politics* 25(1): 23–46
- (2003). "The Agenda-Shaping Powers of the EU Council Presidency," *Journal of European Public Policy* 10, 1: 1–19.
- (2004). "The Power of the Presidency: Brokerage, Efficiency and Distribution in EU Negotiations." *Journal of Common Market Studies* 42, 5: 999–1022.

- (2006). *Leadership and Negotiation in the European Union*, Cambridge: Cambridge University Press.
- (2010). "The Power of the Chair: Formal Leadership in International Cooperation." *International Studies Quarterly* 54, 2: 241–265.
- Thatcher, Marc and Stone Sweet, Alec (2002). "Theory and Practice of Delegation to Non-Majoritarian Institutions." *West European Politics* 25, 1: 1–22.
- Tarrow, Sidney (2010). "The Strategy of Paired Comparison: Toward a Theory of Practice." *Comparative Political Studies* 43, 2:230–59.
- Touval, Saadia and I. William Zartman, editors (1985). *The Man in the Middle: International Mediation in Theory and Practice*. Boulder, CO: Westview Press.
- Wall, James and Ann Lynn (1993). "Mediation: A Current Review." *Journal of Conflict Resolution* 37, 1:160–194.
- Young, Oran (1989). "The Politics of International Regime Formation: Managing Natural Resources and the Environment." *International Organization* 43, 3: 349–375.
- Zartman, I. William (2008). "Introduction: Bias, Pre-negotiation and Leverage in Mediation." *International Negotiation* 13, 3: 305–310.
- and Touval, Saadia (1985a). "International Mediation: Conflict Resolution and Power Politics." *Journal of Social Issues* 41, 2: 27–45.