In Theory

Multilateral Negotiation: An Analytic Approach

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The term *multilateral* literally means "many sided." Because multilateral negotiation generally calls for simultaneous negotiation by three or more parties over multiple issues, and aims at an agreement acceptable to all participants, it is often regarded as a complex and cumbersome process. Nevertheless, multilateral negotiation occurs in a wide variety of international settings, and it is considered to be an acceptable and effective means of reaching settlement.

The question I wish to address is *how*, given the complexity of multilateral negotiation, such agreements are actually arrived at. Although systems of three or more parties can logically be broken down into dyadic component subsystems—and although multilateral negotiation often takes place through bilateral interactions—I believe that the dynamics of multilateral negotiation cannot adequately be described as a sequence of bilateral negotiations. Understanding multilateral negotiation requires explanation of the process by which the interests of all participants are adjusted and a *joint* decision is reached.

Even though the study of negotiation has benefited from considerable attention in the past three decades, most of this work has focused on bilateral negotiation. Trilateral negotiation, which is less extensively studied, has also received much attention, especially in studies of coalition formation and the intervention of third parties. Multilateral negotiation, however, has been the object of relatively little analytic consideration. There are numerous case studies of particular negotiations, but few theoretical analytic treatments explaining the process and the way it leads to agreement.[1]

This paucity of conceptual emphasis and research must be juxtaposed against the frequent use of multilateral negotiation as a tool of international diplomacy. As contemporary international problems have increasingly come to affect the interests of several states, governments have resorted to multilateral

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processes in their attempts to reach agreement among all the parties concerned. Multilateral negotiation has been used to establish new organizations (the United Nations, NATO, the European Economic Community, to mention a few prominent ones); negotiate arms control and other agreements for the reduction of international tensions (e. g., the Nuclear Non-proliferation treaty, the 1975 Helsinki agreements of the Conference on Security and Cooperation in Europe); settle bitter conflicts (e. g., the 1954 Geneva accords to end the Indochina war, the 1979 Rhodesia/Zimbabwe settlement); and regulate economic relations among states (e. g., the various trade liberalization agreements, or concerted action for the adjustment of currency exchange rates). The trend toward seeking unanimous agreement is apparent even in international organizations that are authorized by their charters to decide issues by vote.[2]

Phases of Multilateral Negotiation: An Overview

All negotiations move through a series of stages or phases, and multilateral negotiations are no exception.[3] In examining each of these phases, I shall compare multilateral negotiation with its bilateral counterpart.

Pre-negotiation

This phase is characterized by informal contact among the parties. Several important aspects of the negotiation are typically addressed during this preliminary stage: a list of participants is agreed upon; initial coalitions emerge; role differentiation takes place among the participants; and substantive and procedural issues are addressed as the parties learn more about the problems, develop an agenda, and search for a formula or general framework within which an agreement can be reached.

1. *Participants.* In bilateral negotiation, by definition, the question of who should participate does not arise at all. In multilateral arrangements, this is a crucial—and at times highly controversial—question (except, of course, in negotiations within international organizations where participation is coterminous with membership). Without agreement on the list of participants, negotiations cannot take place.

Several considerations are likely to affect the actors' attitudes on the question of participation. First, who must be included if agreement is to be reached? The participation of some actors is necessary because their contribution is required for resolving the issue in question. Others must be invited simply because they may act as spoilers if excluded. Second, there are considerations of competitive advantage. All participants hope that the presence of certain other parties will improve their chances of attaining their own goals. By the same token, each expects that the inclusion of certain others stands to make the attainment of those goals more difficult. Third, there are considerations of status. When participation is believed to enhance a party's status, some states may seek to exclude others, while those who would be excluded, in turn, covet an invitation.

The discussions about who should participate in the 1954 Geneva Conference on Indochina brought all these considerations into play. The United States did not recognize the People's Republic of China at the time, yet realized that China's participation was necessary if any effective agreement was to be reached. The participation of the Vietminh, the Communist-backed movement that was fighting France was also essential, although the movement was not recognized by

any of the Western allies.

The newly independent states of Vietnam, Laos and Cambodia, which were just emerging from French rule, presented a different problem. Because these states were expected to take a strong anti-Communist stand, and because participation would strengthen their domestic and international legitimacy, their inclusion was favored by the United States. France, however, was hesitant, since to include them as full and equal participants would necessitate granting the same standing to the Vietminh. Furthermore, France may have been reluctant to accord the three states such status at that moment because the terms of their newly acquired independence were still being negotiated. The possibility that their strong anti-Communist stand might inhibit France's freedom of action, especially if French interests required granting concessions to the Communist side, appears to have been an additional reason for French hesitation. Proposals for the participation of additional Asian states were evaluated in light of the attitudes that each would likely adopt at the conference. In the end, it was agreed (in consultations among the Western allies and with the Communist side) that participation would be limited to nine parties: France, Britain, the United States, Vietnam, Cambodia, Laos, the Soviet Union, China, and the Democratic Republic of Vietnam (Vietminh).[4]

2. *Coalitions.* Usually coalitions antedate negotiations, especially in East-West and North-South discussions. When this is not the case, coalitions are often formed during the pre-negotiation phase. Needless to say, there are no coalitions in bilateral negotiations.

Why do coalitions form if multilateral decisions are not made by voting? States probably believe that being a member of a coalition improves their bargaining power. A coalition is better able to affect the interests of other actors than a state acting alone. The implicit threat to others that if they do not accept the terms proposed, their relationship with all members of the coalition will suffer is more impressive than a similar threat made by a single state. Threats to break off negotiations without reaching an agreement may also be more effective, for states will be perceived by their opponents as being better able to withstand the consequences of no agreement if they are members of a coalition.

3. *Role Differentiation.* Social psychologists have amply demonstrated that whenever a group of people proceed to work on a set of group tasks, members tend to differentiate themselves into various roles, serving a variety of functions. Such role differentiation also tends to take place within a group of states. Some states may assume leadership roles, persuading participants to take a common stand on an issue and to join a coalition. Leaders may also play a more active role than other members of the coalition in the negotiating process proper: shaping proposals, urging members of their coalition to assume certain positions, and seeking to influence members of other coalitions. Leaders often have greater resources at their disposal than other members of the coalition and may use them in their persuasive efforts.

An actor who takes on the role of mediator, may plead with participants to change their positions. In contrast to leaders, who are advocates and encourage participants to rally to a cause, mediators search for a middle ground and seek compromise between conflicting points of view. Although leaders may sometimes act as mediators, there are important differences between the two roles. They differ both in style (compromise vs. rallying to a cause), and in the methods and

resources used in the course of persuasion; leaders have greater recourse to sticks and carrots than mediators. While leadership is usually determined by the power and status of the actor, both inside and outside the negotiation, and is a relatively permanent role performed by few states, mediation can be assumed by almost any participant, and can be temporary—actors may move in and out of a mediator's role as the negotiation evolves.

Usually, some states will be more active in the negotiations than others. Such states likely have a greater stake in the issues being discussed; thus, their active cooperation may be more crucial for the implementation of any agreement reached, than that of the other participants. Such activist states may sometimes act as representatives of a group even without being regarded as leaders.

Finally, chairing meetings constitutes a role in its own right. While this is primarily a formal-procedural role, it may also overlap with the roles of leader and mediator; for instance, the chair will usually perform some mediatory functions, leaders may serve as chairs, and they may sometimes perform all three functions simultaneously (Midgaard and Underdal, 1977, p. 335-336).

4. *Learning, Formula, Procedures, and Agenda.* In both bilateral and multilateral negotiation, much of the learning about issues takes place through informal discussion. In multilateral arrangements, because of the number of parties and issues, this learning process may be prolonged—as the parties seek to familiarize themselves with the positions of each participant on each of those issues. When issues are highly technical, such as in the Law of the Seas negotiation, learning through preliminary contacts may take years (Friedheim, 1987, p. 90).

Preparatory discussions among the parties often lead to an understanding on a formula or framework within which a detailed and formal agreement will be sought (Zartman, 1978, p. 67-86). Finally, the participants must agree on an agenda, and the rules of procedure; without such agreement the formal negotiation cannot open.

In both bilateral and multilateral negotiation, these pre-negotiation steps all have an important effect on formal negotiations. There is a difference, however, in the process by which these understandings are reached. Not surprisingly, the process is far more complex in multilateral arrangements.

The Formal Negotiation Phase

The exchange of information, and the negotiation proper over the detailed terms of an agreement takes place during this phase. The actors explore various alternative packages, and may reach some tentative, conditional understandings.

The processes that take place in the formal negotiation phase in multilateral negotiation resemble those at this same phase in bilateral talks. Since these have received much attention in the literature, I shall not discuss them here.

The Agreement Phase

It is here that the parties translate tentative understandings into legally phrased agreements. The parties—in both bilateral and multilateral arrangements—often have second thoughts about the terms that they have agreed upon. Furthermore, their concerns over the implementation of the agreement tend to increase. Such misgivings may prompt efforts to obtain new assurances about compliance and implementation. These last-minute problems may prolong the agreement phase, the end of which is sometimes facilitated by deadlines. Because of the sheer

number of participants, such reservations and the introduction of any new proposals at this stage are both likely to delay the conclusion of a multilateral negotiation.

In addition, some participants in a multilateral negotiation may be tempted to choose this concluding moment to press for the adoption of proposals that thus far were unacceptable. By simply withholding consent until the last possible moment—when an agreement is ready for signature—an actor exercises considerable leverage. For example, at the 1975 Conference on Security and Cooperation in Europe, when Romania, Malta and Turkey withheld their consent to the text of the Final Act, they delayed closure of the conference until their respective proposals were accepted (Maresca, 1985, p. 184-5, 187, 193).

Impediments to Effectiveness

There are elements in both the structure and process of multilateral negotiation that make it more difficult and cumbersome than bilateral negotiation.

Structure. Clearly the sheer *number* of participants in multilateral negotiation is a major problem. Each participant has interests that require accommodation. The larger the number of participants, the greater the likelihood of conflicting interests and positions, and the more complex the interconnections among the parties. Small wonder, then, that the process of reshaping the participants' positions and rendering them mutually compatible will be cumbersome.

The workings 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 may well leave little room for flexibility; any change in position would require a difficult renegotiation, and perhaps generate tensions and disagreements that the members of the coalition prefer to avoid. An example of this problem is the rigid stance assumed by UNCTAD and the Group of 77 in the negotiations on commodity trade. According to Rothstein (1987, p. 33) they "had become prisoners of the bargaining structure in which they operated, for unity was the primary value; compromise threatened unity. . . and thus the only choice was to 'hang tough'. . ."

Process. Several processes are strongly affected by the structural features of multilateral negotiation. Communication and information processing, despite the multilateral setting, often takes place through bilateral contact. In addition, there are meetings of groups of states. The sheer quantity of communication, increasing as it does with the number of participants, is difficult to manage. Each participant is likely to experience difficulty orchestrating the different signals that are to be sent—sometimes simultaneously—to different audiences, and interpreting the statements and signals made by the other participants. In addition, inconsistent or contradictory messages, as well as errors in interpretation, may cause friction, generate distrust, and hinder the successful conclusion of negotiations.

Another impediment is the tendency of participants to engage in oratory and grandstanding. Even when the public and the press are excluded from the meeting, the presence of a sizable number of representatives—along with their attendant staff—often tempts participants to posturing (Nye, 1986, p. 90). Such behavior, in turn, may lead to the development of extreme positions from which the parties feel disinclined to budge.

A further obstacle to agreement stems from the complexity of trading concessions in a multilateral forum. In bilateral negotiation, the norm of reciprocity facilitates the exchange of concessions. But, the reciprocal exchange of concessions often loses its meaning in multilateral negotiation because a concession offered to one participant may have a differential effect upon the rest, and may even be considered by some as detrimental to their interests.[5] Another problem, described by Gilbert Winham (1977, p. 359), with reference to the Kennedy Round of trade negotiations, involves losing track of information: Because of the complexity of the issues, negotiators sometimes are unaware of a concession they may have received. Thus, granting concessions may not lead to reciprocity, nor will it necessarily bring the parties any nearer to agreement.

Finally, there is the potential problem of time. Since multilateral negotiation involves so many moving parts, it is reasonable to expect they will require a great deal of time. The analysis of issues, communication and information processing, decision making, and the development of plans for implementation and monitoring the behavior of the parties to the agreement, all take time. Snags in the in the agreement phase of the talks compounds the problem, and adds to the time required to reach agreement.

Facilitating Factors

Despite the hindrances discussed in the previous section, the fact remains that multilateral negotiation often leads to agreement. The question then is, how are these impediments overcome?

Coalitions and Groups. The almost chaotic structure suggested by large numbers of participants is, in practice, somewhat simplified by the coalescence of states into groups. These may endure through the entire negotiation, or may be ad hoc arrangements that form over specific issues. In either case, coalitions can simplify the process.

For instance, participants in the United Nations Law of the Sea conference, which involved more than 150 states, reorganized for negotiating purposes into a much smaller number of groups. These groups sometimes overlapped, as states chose to identify with different groups on different issues. The principal groups that emerged were the West European, the East European, and the "Group of 77." The last-mentioned coalition split on occasion into the Latin American, African, and Asian groups. In addition, some states joined to form a group identified as "Landlocked and Geographically Disadvantaged." Negotiations at the Conference on Security and Cooperation in Europe, with 35 participants, were also simplified by the emergence of three major groups—East, West, and neutrals. Similar processes take place in most other multilateral negotiations.[6]

The effective negotiating structure that emerges as a result of the coalescence of groups may be reduced to very few negotiators. However, bargaining among a small number of groups is still much more complex than in bilateral negotiation. Even when the structure is reduced to merely two coalitions, the complexities of intra-group negotiations and the problems of maintaining group cohesion and preventing defections to rival coalitions result in a process that is significantly different from—and far more difficult than—bilateral negotiation. Nevertheless, the coalescence of participants into groups greatly reduces the cognitive complexity discussed in the previous section, and renders communication and information processing more manageable.

Negotiation by Representatives. Negotiation between coalitions is often conducted through representatives. These may be the leaders of coalitions or states that particularly care about the issue in question. Among the examples of negotiation by leaders are the roles of the U. S. and the USSR in several of the disarmament negotiations conducted within U. N. committees. On several occasions, draft agreements were concluded in American-Soviet bilateral negotiations, that were subsequently adopted by the disarmament committee. This kind of procedure brought about the conclusion of the treaty banning nuclear testing in outer space; the Non-Proliferation Treaty; the agreement prohibiting the emplacement of nuclear weapons on the seabed and the ocean floor; and the Convention on Biological Weapons. Additional examples are the roles of Saudi Arabia and Iran in negotiating OPEC's oil production quota agreement in August 1986. There are numerous other examples of the roles of representatives, who are not leaders, in the Law of the Sea, General Agreement on Tariffs and Trade (GATT), and Conference on Security and Cooperation in Europe (CSCE) negotiations. In the latter case, during 1974 and 1975, it was Britain that negotiated for NATO, while the United States deliberately assumed a low profile.[7]

Putnam and Bayne (1984, p. 31-32) describe an interesting example of a simplifying restructuring of the negotiation that led to the adoption of the currency exchange rates regime at the Rambouillet summit, in November 1975, by the leaders of Britain, France, Italy, Japan, West Germany and the United States. The agreement was actually prenegotiated by France and the U. S., two states that had sharply disagreed over the issue in the past. The understanding between these two states served as the basis for the Rambouillet agreement among all the participants.

Flexible Participants. The differentiation among participants is not limited to the roles that they assume as leaders, mediators, representatives and chair. Another important distinction is between active and passive participants. The more active participants usually have important interests at stake, while the passive ones may have joined the negotiation for reasons of status, rather than because of a strong concern about the substantive issues. This differentiation also helps to simplify the negotiation process, as the more passive states usually adopt a flexible stance and tend to go along with arrangements developed by the more active participants.

Asymmetries of Interest and Priority. The different parties to a negotiation are likely to have different interests, priorities, and resources. In multilateral as in bilateral negotiation, these asymmetries facilitate the creation of package agreements. The increased number of parties in 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. Linkage sometimes provides an opportunity for side payments that compensate parties for concessions, thus increasing the possibility of constructing package agreements. A circular barter can take place when a bilateral exchange of concessions is not possible. But, if party A desires something from party B, and B can be compensated by a resource that is possessed by C, and C can benefit from some action of D, and D can be paid off by A—a circular barter is possible (Touval, 1982, p. 327).

An example of potential linkage took place at the Geneva negotiations on

Indochina in 1954. One of the proposed arrangements mentioned at the time would have linked the cessation of Communist pressure on France in Vietnam to French abandonment of the proposed establishment of the European Defense Community (EDC), to which the Soviet Union was strongly opposed. Another proposal, attributed to France, would have linked Communist concessions in Vietnam to American recognition of the Chinese People's Republic and its admission to membership in the United Nations (Randle, 1969, p. 42, 130).

Nothing came of either idea (the EDC project was defeated in the French National Assembly for reasons unrelated to the Indochina negotiation). But the floating of such ideas illustrates how the possibility of satisfying the needs of the various parties through creative packaging and circular barters tends to increase with the number of participants, and the concomitant asymmetry of their interests and priorities. This is not to say that it is easier to reach a multilateral agreement than a bilateral one. Rather, the argument is that the complexity and difficulty of multilateral negotiation is offset to some extent by opportunities that are inherent in multilateral structures, and do not exist in bilateral ones.

Power Asymmetry. The more powerful parties in a negotiation may possess resources that can be used as "sticks" and "carrots" to influence other participants and bring about agreement. "Power asymmetry" may actually refer to resource asymmetry—with some parties possessing greater capabilities on some issues and in some domains. Such asymmetries, like those in interests and priorities, tend to create opportunities for exchange and linkage, and thus carry the potential for constructing package agreements. The opposite condition of power symmetry would eliminate the possibility of using "sticks" and "carrots" in this way. Moreover, equality of resources would certainly offer fewer possibilities for creative linkages that can facilitate multilateral agreement.

Stable versus Changing Structures. The preceding discussion has implied that stable structures—coalitions and powerful actors who can serve as leaders—tend to facilitate the conclusion of agreements. Yet such stability also has a drawback: it inhibits the bridging effect of the cross-cutting interests that are likely to exist when several parties are present. For example, although the United States, Britain and France on the one hand, and the Soviet Union on the other, almost always find themselves in opposing camps, the four joined in a group at the CSCE in 1974-75 to press for protection of their status as occupying powers in Berlin. On this issue, the four took a common stand, in opposition to the formulation preferred by most other participants. The cross-cutting associations and communication that result from such a distribution of interests may help overall communication within the system, may reduce antagonisms, and facilitate the construction of creative linkage and package agreements (Zartman, 1987, p. 295-296; Maresca, 1985, p. 82-84, 183).

Problem Solving. States usually approach negotiation with a mixture of competitive, zero-sum perceptions and problem-solving, positive-sum dispositions. 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 tends to moderate attitudes, and to stimulate the search for solutions that accommodate the interests of as large a number of participants as possible.

Trust and Risk. The absence of trust often hinders agreement in bilateral negotiation. It would seem to make sense that if this absence is an obstacle when only one other party is involved, it should be an even greater impediment when there are many others. Paradoxically, it is not; in fact the issue of trust may be even less of an impediment in multilateral than in bilateral arrangements.

The problem of trust arises because of the risk that the other party may seek to exploit the trusting negotiator. There is also the risk that the other will violate any agreement that has been concluded. These same risks exist, of course, in multilateral negotiation, and may even be multiplied by the number of participants. Yet the impact of any single negotiator is less in a multilateral structure than in a bilateral one. As a result, the harm caused to trusting negotiators by the exploitative behavior of a single participant is likely to be smaller in a multilateral structure than a bilateral one.

The same argument can be applied to the risk of violation of an agreement. Because of the aura of legitimacy that usually accompanies multilateral agreements, and because a violator would have to contend with the displeasure of all the parties to the agreement, violations of multilateral agreements may be less likely to occur than violations of bilateral ones. The enhanced ability to manage the risk of negotiation in multilateral settings will therefore facilitate negotiations and counter-balance some of its impediments.

Mediation

There are many similarities between mediation of bilateral and multilateral conflicts, perhaps because, even in multilateral negotiation, mediation is often between two sides. The functions of mediators are therefore basically the same in the two settings: Mediators help the parties to communicate, explain to each the interests and constraints of the other, invent and propose ideas, help the parties to reduce the risks of negotiation and agreement, and use incentives and pressures to persuade them to agree.[8]

Despite this functional similarity, there are several distinctive features of mediation in multilateral settings. Mediators in bilateral negotiation are typically external to the conflict, and often must use leverage to gain acceptance. Their intervention transforms the bargaining structure from a dyad to a triad. In multilateral settings, on the other hand, mediators are usually part of the negotiation; their intervention neither alters the structure of the situation, nor requires a difficult decision about acceptance. Furthermore, there are likely to be several mediators in multilateral negotiation, performing their role from several different vantage points. The chair of a negotiation inevitably combines mediation with the purely formal and technical functions of chairmanship. So do representatives and rapporteurs. Since all of them are also participants in the negotiations, their involvement is less likely to raise the usual questions of acceptability.

Another distinction concerns the leverage that the mediator exercises in trying to persuade parties to change their positions. The degree of leverage of the successful mediator seems to be greater in negotiations concerning political-security issues—when the conflict is between two cohesive and antagonistic coalitions, and the context is highly competitive—than in disputes over political-economic issues, where coalitions are not strongly cohesive and the parties approach the issues more in a problem-solving than competitive spirit.

Mediator leverage derives from three main sources: the parties' needs; the

mediator's ability to manipulate the parties and their perceptions of need; and mediator ability to exert pressure, offer inducements, and side-payments in order to persuade the parties to agree (Zartman and Touval, 1985).

A mediator's use of leverage in multilateral negotiation over political-security issues resembles mediation in the same context in bilateral conflicts. An interesting example is Britain's mediation at the 1954 Geneva conference on Indochina. Britain was motivated to mediate by its concern that the French setbacks in the war might lead to American intervention, thereby drawing in Britain and leading to a major war, the outcome of which was highly uncertain. Although Britain was not an impartial third party, its mediation was readily accepted by the Communist side, which preferred to see Britain as a mediator at the conference rather than as an enemy on the battlefield. Britain's influence derived from its reluctance to support American military intervention in Indochina. The source of Britain's leverage is indicated in a reported conversation between Anthony Eden, the British Foreign Secretary, and Chou En-lai, his Chinese counterpart. In a private conversation on May 20, 1954,[9] Eden reportedly warned Chou that the "situation was dangerous and might lead to serious and unpredictable results." Chou replied that he "was counting on Britain to prevent this happening." In response, Eden "warned him not to do so," because in the event of a showdown "Britain would stand with the United States." Although Britain did not use its leverage very skillfully, it did play an important role in bringing about an agreed settlement to the war.

A mediator is likely to have far less sway in negotiations over political-economic issues, when alignments are not so sharply drawn, and when the parties approach the negotiation more in a problem-solving spirit. Two sources of mediator influence—the manipulation of the parties and the ability to punish and reward—appear less effective here than in negotiation over security issues. In the latter case, the mediator's position may have a significant effect on the balance of power. Furthermore, within such a context, the mediator may be the only source of possible side payments and "creative linkages." But in negotiation over economic issues, the effect of the mediator defecting from one coalition and joining a rival coalition, is not likely to be as fateful. Side payments may be available from several other participants, thus diminishing the relative weight of the mediator's contribution. If the mediator is not the leader of a coalition, then the mediator's resources, either for pressure or inducement, are less significant than those of coalition leaders who, by definition, are endowed with considerable resources. The mediator is also not the only source for possible linkages. All participants in the negotiations are potential providers of linkage. All of the mediator's contributions can be diluted, even neutralized, by other participants. For all these reasons, mediators are likely to be less influential in this context.

Although a single mediator may not be as influential in negotiations over economic issues, the cumulative contribution of mediatory functions—often performed sequentially by several actors—can still be crucial in the successful conclusion of an agreement.

The work of mediators (as well as chairs) in multilateral negotiation can be greatly facilitated by the use of the "single negotiating text" technique. This technique is sometimes used in bilateral talks as well, but in multilateral negotiations, it is almost essential. As described by Fisher and Ury (1981) and by Friedheim (1987), the single negotiating text procedure allows a mediator to

move back and forth between the principals, extracting from each a set of suggested requirements for inclusion in the single draft proposal that results. The mediator requests that each side criticize the single draft proposal developed, indicating what needs to be changed in order to produce an acceptable text. This technique assumes the acceptance by the parties of a basic framework for agreement, and allows for marginal changes. By moving from one party to the next and eliciting suggestions for improving the emerging draft agreement, it is possible for the mediator to construct a document that all sides can perhaps live with. This technique has been used with some success in a number of negotiations, most notably the Law of the Seas between 1975 and 1980, and the Camp David mediation between Egypt and Israel in 1978.[10]

Building Consensus

The principal challenge of multilateral negotiation is inherent in the requirement that agreements be unanimous. Examination of the nature of agreements, the meaning of unanimity, and the way in which such agreements are reached, all help to explain the ability of many multilateral gatherings to arrive at a successful conclusion.

Many agreements are reached by *consensus*. The term has come to mean that none of the participants opposes the agreement, although the degree of support for the agreement among them may vary. Decisions by consensus are quite common not only in ad hoc multilateral gatherings, but also in many negotiations conducted within the framework of those international organizations whose charters provide for decisions to be reached by voting.[11]

The key to the adoption of consensus decisions in multilateral negotiation is the differentiation of interests and motives among the participants. As stated earlier, the parties rarely hold equally strong views on the issues discussed, and some may participate for reasons of status (or mere membership in the case of international organizations) rather than a substantive interest in the issue on the agenda. The building of consensus often begins from a small core of those who are most interested in a given issue, and are able to reach agreement on it, then proceeds to winning the adherence of the other participants who are less concerned with that issue.

Still, arrival at consensus requires that those opposed to the terms of an agreement drop their objections. This is accomplished in part by bilateral bargaining, mediation, the construction of package agreements, and through compensation and side payments.

Several additional techniques facilitate consensus. A common practice involves narrowing the agreement to cover only those issues on which consensus is possible, while leaving other issues unresolved. Given the impediments to multilateral negotiation however, reaching even partial agreement is usually a difficult process.

Another technique entails resorting deliberately to ambiguous and imprecise wording of agreements. By creating the possibility of different interpretations, it is often possible to win the assent of participants who would otherwise oppose the agreement. While this also holds true for bilateral agreements, it seems more prevalent in multilateral negotiation—where the consent of many parties is required. Prominent examples of ambiguous multilateral documents

are the U. N. Security Council Resolution 242 on the Arab-Israeli conflict, and the Final Act of the 1975 Conference on Security and Cooperation in Europe.

The disadvantages of ambiguity are obvious. Ambiguity creates, in the words of Robert Rothstein (1987, p. 30), "counterfeit agreements." It produces the illusion of agreement where little agreement actually exists, and increases the risk of a bitter dispute developing over conflicting interpretations of the document. Yet ambiguity also confers important benefits; it is often better to arrive at an imprecise agreement (and thus establish a modicum of cooperation) than to use the continuing gap between existing positions to justify refraining from any cooperation. The balance of advantages and disadvantages will, of course, depend on the particular circumstances of the case. Important to note here, however, is simply that the technique of ambiguity greatly facilitates the conclusion of multilateral agreements.

Occasionally, the conclusion of agreements is facilitated because of the aversion that many states have to isolation. The prospect of finding oneself alone on an issue over which agreement exists among a large group of states can sometimes be uncomfortable for governments. To avoid isolation, states may withdraw their objections, enabling a consensus or unanimous decision to be adopted. According to Putnam and Bayne (1984, p. 49), this aversion to isolation was a significant factor facilitating agreement at the Seven Power Summit conferences.

One should not credit the aversion to isolation with too great a role in facilitating agreements. After all, it is from the ability to veto agreements that the participants derive their bargaining power in multilateral negotiations. This implies the necessity to stand alone sometimes, and even risk exclusion from the negotiating group. An extreme example of such behavior is provided by Malta's position at the CSCE gatherings, where even the threat of exclusion failed to deter it from pressing its position, and winning points in the compromise agreements to which Malta finally consented (see Maresca, 1985, p. 185-187; Sizoo and Jurrjens, 1984, p. 58-59 and 242-244).

The legal device of allowing participants to register reservations is another method that helps in the adoption of consensus decisions. To be sure, serious reservations among actors who are essential to the implementation of an accord can nullify this agreement; the views of such critical actors must therefore be accommodated. But the opposition of states whose cooperation is of lesser consequence can be addressed merely by allowing them to place their reservations on the record.

An interesting case, going beyond mere registration of reservation and falling short of a veto, was the American position with respect to the Final Declaration of the Geneva conference on Indochina in 1954. The United States refused to join in the Declaration as worded; instead, it made a formal statement "taking note" of the agreements concluded, declaring that the U. S. would view a violation of those agreements "with grave concern," and restating the American position on the reunification of Vietnam through free elections. This device enabled the Conference to end in agreement, while at the same time allowing the United States to demonstrate its dissociation from the outcome.[12]

Finally, the assent of wavering states is sometimes won by the aura of legitimacy that accompanies the pronouncements and actions of large groups of

states. When a view is endorsed by many, it acquires a certain legitimacy that can be used by politicians to persuade domestic opponents of the agreement about the merits of joining in a consensus.

Conclusion

The complexity of multilateral negotiation is widely recognized. In the words of K. J. Holsti (1982, p. 160), "the problem with this kind of diplomacy... is that it is often a very messy affair, almost defying generalization." Part of the reason generalization appears difficult is that key concepts that are usually helpful in the analysis of bilateral negotiation—bargaining, information processing, decision making—are inadequate for describing and explaining multilateral negotiation. The employment of additional concepts is called for: coalition formation, differentiation of interests, and differentiation of roles. Furthermore, an understanding of multilateral negotiation requires a comprehensive systemic perspective, recognizing the variety of structures, sub-structures, and processes that are present. Thus, in addition to bilateral bargaining, one finds mediation within triangular structures, coalition formation, and the enactment of different roles by different actors.

The metaphor of the market perhaps comes closest to describing the apparent chaos of multilateral negotiation: it involves many traders exchanging a variety of goods. Bargaining takes place in this market. But it takes place among different kinds of actors (states as well as coalitions); in different contexts (within coalitions, as well between them; among allies, as well as among rivals); and within a complex system, with many sensitive inter-relationships among actors and issues.

Multilateral negotiation has become an important instrument for the management of international problems. It is therefore incumbent upon social scientists and practitioners alike to understand how it works. I hope that the ideas presented here will help advance this understanding, and suggest directions for further research.

NOTES

1. Among the analytic studies of multilateral negotiation, see Holsti (1982), Midgaard and Underdal (1977), Raiffa (1982), Sebenius (1984), Winham (1977 and 1987) and Zartman (1987).
2. According to a recent study, more than half of the U. N. General Assembly resolutions adopted since 1975 were adopted without a vote. In 1950, they constituted only 23.1 percent. See Marín-Bosch (1987, p.709).
3. For general models of negotiation phases, see Gulliver (1979) and Zartman and Berman (1982). For a discussion of phases in the Law of the Sea negotiations, see Friedheim (1987).
4. These various considerations are reflected in the diplomatic correspondence of the period. See *Foreign Relations of the United States, 1952-1954*, vol. XVI: *The Geneva Conference* (Washington, D.C.: U.S. Government Printing Office, 1981) passim, and especially pp. 16-17, 415-417, 428-432, 481-483, 514-519, and 591-592.
5. This is not to minimize the importance of reciprocal obligations, often formally institutionalized in international organizations. Robert Keohane's (1986, p. 4) distinction between specific and diffuse reciprocity is of relevance in this connection.

6. On the simplification of structures, see Midgaard and Underdal (1977, p. 343). On the Law of the Sea negotiations see Sebenius (1984); Friedheim (1987, p. 73-114); and Miles (1977, p. 159-234). On the Conference on Security and Cooperation in Europe (CSCE), see Maresca (1985) and Sizoo and Jurrjens (1984).

7. On the disarmament negotiations, see Thorsson (1985); on the OPEC example, see *New York Times,* August 7, 1986, p. D-3; on the Law of the Sea, see Sebenius (1984, p. 38); on GATT, see Patterson (1986, p. 186); on CSCE, see Maresca (1985, p. 89 and 102).

8. There is a vast literature on international mediation. For an elaboration of the mediator's functions listed here, see Rubin (1981, p. 3-43) and Zartman and Touval (1985).

9. *Foreign Relations of the United States, 1952-1954,* vol. XVI: *The Geneva Conference* (Washington, D.C.: U.S. Government Printing Office, 1981), p. 864.

10. In his analysis of the single negotiating text in the Law of the Sea negotiations, Friedheim (1987, p. 92-101) draws an interesting distinction between the tactics used by those who willingly accept the basic framework and those who accept it unwillingly. On the use of the technique in the Egyptian-Israeli negotiation, see Quandt (1986, p. 225-253).

11. For a review of the evolution of decision rules in international organizations, see Claude (1971, p. 118-140); see also Henrikson (1986, p. 241-243). On decisions by consensus in GATT, see Patterson (1986, p. 184). In the Law of the Sea Conference, see Koh (1986, p. 41-42) and Buzan (1981). On consensus decisions at the Conference on Security and Cooperation in Europe, see Sizoo and Jurrjens (1984). On decisions in the Commonwealth, see Smith (1985, p. 62-63).

12. Even stronger objections were expressed by the representative of the State of Vietnam (South Vietnam). For a description of the final session, and the texts of the various reservations, see Randle (1969, p. 341-346). For an account of the Rules of Procedure of the CSCE with respect to the registering of reservations, see Sizoo and Jurrjens (1984, p. 60-63).

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