

## MULTILATERAL NEGOTIATION

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### 1. Introduction

The era of multilateral negotiation or diplomatic legislation was inaugurated by the 1945 San Francisco Conference that established the United Nations. Large international conferences had been used before, but until World War I they were essentially European events and in the interwar period during the short life of the League of Nations their effect was limited. Only after World War II did conference diplomacy gain currency as a regular and basic means of conducting international relations, rather than an occasional, if important, event. In this period, multilateral negotiations have been used for two purposes: to conduct regular diplomatic business on an ongoing basis, as in the UN General Assembly and Security Council, and to establish and maintain international regimes—“principles, norms, rules and decision-making procedures around which actor expectations converge.” (Krasner 1983, 1). This newness may explain the paucity of conceptual, let alone theoretical, work on multilateral negotiation, a subject with its own characteristics quite different from bilateral negotiation. This essay will take stock of the conceptual work done as a guide to an understanding of the multilateral process and an introduction to further analytical work.

There are four basic theoretical modes of social decision-making: force, which imposes decisions by eliminating or threatening to eliminate one of the parties; hierarchy or judgement, which follows a decision rule delegating authority to one party and leaving the rest as petitioners; coalition, which follows a decision rule stipulating the number of parties whose agreement is necessary to make the decision; and negotiation, which follows a decision rule requiring unanimity among the parties. The analysis of negotiation focuses on different explanations of the way in which outcomes are produced out of initially divergent positions, as presented in the article on Negotiation by Fen Osler Hampson.

However, essentially all of the conceptualization presented on the analysis of negotiation concerns bilateral negotiation, or at least negotiation among a very small number of parties. In a bilateral encounter, structure dominates: the two parties are adversaries, united by their common and conflicting interests. Their strategies are multiple but their role is predetermined, as formally equal opponents (equal because the decision rule gives each of them a veto on agreement). Schools of analysis, as for example the strategic approach provided by two-person game theory, are also based on this binary structure.

None of these characteristics obtains in multilateral negotiation, on which very little theorization has been done. In contrast to the simple structure of bilateral negotiations, multilateral negotiations are a complex affair. The parties are in no established structural relationship to each other and there is no veto-based equality. Roles are multiple, and there is as yet no established conceptualization of them. The initial perception is interrogative, not adversarial, because participants do not know who is the adversary and all are not opponents of all. Rather, parties enter multilateral negotiations with open-ended questions about the complexity confronting them. Multilateral negotiation is the management of that complexity in order to produce an outcome.

## **2. Managing Complexity**

Complexity is not chaos; it is merely the existence of a large number of interacting variables with no dominant pattern or dimension. More specifically, multilateral negotiations fall into that subcategory known as organized complexity, which paradoxically is not susceptible to statistical analysis and does “not possess any hidden simplicity.” (Klir 1985, 96). This means that actors need to “decomplexify” the proceedings in order to make it manageable, by adopting three successive approaches: simplification, structuring, orientation.

Simplification, in the absence of any hidden dimension, is carried out according to the interests of each party. Negotiating parties try to reduce the number of parties, roles and issues into manageable numbers by various grouping and ordering devices. But simplification alone can merely lead to bipolarization and a return to bilateral negotiations. Structuring is needed as well, providing links and priorities among parties and issues, organizing the proceedings to make them manageable. But structuring alone can be static. Orientation is needed to give the simplified and structured proceedings direction toward a mutually agreeable outcome. The purpose of these activities is to produce an outcome that serves the party’s interests. Such an outcome may be an agreement that engages all or some of the other parties, or it may be prevention of an agreement or prevention of the infringement of some interests of the party--a variety that is only another dimension of the characteristic complexity. The interests of each party, the type of outcome it prefers, and its power in the multilateral negotiations determines the roles the party can play. A limited list of role strategies can be identified inductively, although there is not yet a clear conceptual dimension (other than metaphorical) to the list. Parties can drive, conduct, defend, brake, derail, ride, or leave. Drivers try to organize participation to produce an agreement that is consonant with their interests. Conductors also seek to produce an agreement but from a neutral position, with no interest axe of their own to grind. Defenders are single-issue players,

concerned more with incorporating a particular measure or position in the agreement than with the overall success of the negotiations. Brakers are the opposing or modifying resistance, brought into action by the progress being made on either the broad agreement or on specific issue items. Derailers are out to destroy an agreement, not merely soften or slow it down. Riders are filler, with no strong interests of their own and so available to act as followers. Leavers pursue an exit policy, either partially through individual exceptions and derogations, or wholly through withdrawal from the negotiations and the agreement. Roles, by their nature, are unilateral options. They fit into a number of different approaches used to analyze the multilateral process--coalition analysis including game theory, decision analysis, operational analysis, and some other less developed approaches.

### 3. Coalition

Independent (or as a result) of the roles the parties play, two types of processes are involved in the multilateral negotiation, coalition and consensuation. Coalition is the most broadly applicable way of simplifying, structuring and orienting multilateral negotiation, relating to both parties and to issues. Coalition among many parties is most often used as the theme for analyzing multilateral negotiation and gives rise to a limited number of strategies. Parties seek either to aggregate other groups and parties into a growing winning coalition, or to divide opposing groups into smaller parts so as to absorb or merely to weaken them, or to confront other groups to defeat them or work out a deal with them. Although coalitions are usually conceived of as international groupings of states, trans-national cooperation across states is a growing characteristic of multilateral negotiation. Transnational coalitions of scientists, technologists, activists and business constitute one type of coalition who mobilize their pluralistic resources--knowledge, skill, and money--to either raise the consciousness or strike an interest deal with political leaders accountable to constituent groups; more narrowly based coalitions of scientists and technicians who establish consensual knowledge have been termed epistemic communities.

Just as coalition is the predominant approach to the analysis of multilateral negotiation, so is it also the most developed subject theoretically. The importance of the Minimum Winning Coalition and the Minimum Contiguous Winning Coalition, and of latecomers and swing members, among other concepts, has been developed in sophisticated analysis. The most highly developed line of such analysis is N-person game, based on both collective and individual rationality. It shows the conditions under which a partial coalition will be preferable for some or all parties to a great coalition, i.e. a unanimous joint decision. But its emphasis is on explaining non-agreement rather than on agreement and the instability of ensuing coalitions, and its cases of agreement are coincident with the initial imputations. It does not tell how to move to large positive-sum outcomes or how to obtain a consensual agreement when smaller coalitions are preferred by some parties; "...the problem has no unique answer[;]...three different solutions...can be regarded as 'reasonable.'" (Rapoport 1989, p 313; Davis 1970). While many of the concepts are crucial and translate into useful guidelines for states' behavior, the theorization has often far outrun the practical applications; "propositions to this effect have been offered, most of them qualitative in nature and not yet fully empirically tested." (Dupont 1994, 150). Instead, more descriptive typologies and strategies such as

blocking, bridging and building coalitions, buying in, buying out and buying up, and proximity, intrabloc, issue, and opportunistic coalitions have been developed inductively from analysis of multilateral negotiations.

But coalitions can be made among issues as well as parties, in order to reduce substantive complexity and make the issues more manageable for agreement. Issue coalitions have their own tactics. Fractioning, packaging, linkages and trade-offs--the basic devices of the negotiation process--are all ways of making coalitions among issues, interests and positions. Two categories of trade-offs are available. One is the standard notion of substantive exchanges (compensation) and divisions (concession). In the first, one party's concession on one item is traded for another's concession on another item, including new items not previously on the agenda used as side-payments; in the second, the parties' moves concern quantities or qualities of the same item, until the positions meet somewhere between the two starting points. Trade-offs through exchanges can also be made within the same item, such as by trading breadth for depth in regulation.

Other trade-offs are procedural, buying agreement with special treatment, through such devices as exceptions and inducements. By providing exceptions to the agreement, a principle can be established but its effectiveness temporarily weakened. Later, the incipient regime can be consolidated by negotiating away the exceptions, possibly against other trade-offs in new circumstances. Or, as the reverse of the exception, restrictions can be traded for inducements, which are then tapered off as compliance proceeds on its own and becomes its own inducement. Many environmental negotiations have turned to compensation as a way of establishing trade-offs across the North-South divide. Indeed, the entire structure of UNCED is based on a massive trade-off designed to bridge the North-South gap between environment and development. Compensation can provide an immediate transfer of resources but has an air of bribery; it must be structured so that individual parties are not able to enjoy its benefits as a public good while opting out of its obligations.

The move from the Tokyo to the Uruguay round of negotiations within the General Agreement on Tariffs and Trade (GATT) involved bringing into the GATT regime new issues that had previously been excluded and that allowed for the basic trade-off of the Uruguay Round. Many are the cases where a regime began with a relatively strict coverage of a relatively small number of items, often achieved through a small number of steep steps, and was later expanded to cover a larger number of items. The opposite approach is a relatively broad coverage through loose restrictions or gentle steps. Each has its drawbacks that require recursive negotiations: the first can lead to incoherence and imperceptible results, whereas the second invites generalized resistance and tends to "fall backward," to less effectiveness.

The other type of negotiation process is consensuation, where the limits of the parties' positions are ascertained beforehand and then a proposal tabled which falls within those limits and achieves acceptance without bargaining. Consensus is the largest coalition, a coalition of the whole that is characteristic of multilateral negotiation, and it is based on a decision rule under which, essentially, abstention is an affirmative rather than a negative vote. (There may be some fora and occasions where votes can be taken and

smaller coalitions win, but these are exceptional and generally operate within a broader context of consensus). Multilateral agreements are arrived at by consensus when a coalition formed by a significant but unspecified number of parties is in favor and the rest do not oppose. Parties not in agreement can abstain without blocking the outcome, and parties opposing can be left out as long as their number does not become significant. Strategies of incremental participation and agreement then become possible. At the same time, the significant number requirement means that lowest common denominator (LCD) agreements without teeth are common.

A more specific form of coalition analysis, small group analysis, explains outcomes in terms of the interactions that occur in a restricted pluralist setting. Although usually applied as an explanation of conformity pressures, small group analysis can be used to show dynamics of agreement in multilateral bargaining. Like other approaches, small group analysis handles complexity by assuming a reduced number of players and focusing on both within-group and among-group interactions, both seen as small coalition behavior. Decision-making is analyzed as an aggregative process in which the group moves through the large uncoalesced mass of many parties to form one or several core groups and then to move to a single consensus. Small group analysis comes from social psychology and thus focuses on the interpersonal and intergroup pressures rather than simply the organizational structures that operate on the actors. Their behavior then becomes a function of the nexus created by their own interaction. The group is assumed to exist (an assumption that cannot be made in the bilateral process), and self-preservation becomes the purpose or task of the group, in order to accomplish other tasks. By extension, then, negotiation is the building of group consensus when confronted with innovation. The various effects that constrain small group behavior can be used either to analyze or to guide that consensus-building or -restoring process when consensus is disrupted by new issues. Negotiation becomes a coalition-formation and -maintenance process.

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William Zartman received his MS in Political Science from The Johns Hopkins University in 1952 and his doctorate in International Relations from Yale University in 1956; he holds a doctorat honoris causa from the Catholic University of Louvain. He was on the faculty of the University of South Carolina, New York University, where he was Department Head, and the School of Advanced International Studies of the Johns Hopkins University as Jacob Blaustein Distinguished Professor of International Organization and Conflict Resolution, where he directs the Conflict Management Program. He has been visiting professor at the American University in Cairo, Olin Professor at the US Naval Academy, and Halévy Professor at the Institut d'Études Politiques at the University of Paris, and was a Distinguished Fellow at the US Institute of Peace and Fellow at the Woodrow Wilson International Center. He is author and editor of numerous books and articles, including *Ripe for Resolution* (1985, 1989), *Power and Negotiation* (with Jeffrey Rubin) (2001), *Preventive Negotiation* (2000), *Escalation and Negotiation* (2003), *Peacemaking in International Conflicts* (1997, 2003), *The 50% Solution* (1976), *The Practical Negotiator* (1982), *Cooperative Security* (with Victor Kremenyuk) (1995), and *International Mediation in Theory and Practice* (with Saadia Touval) (1985).