INFORMATION TO USERS

This manuscript has been reproduced from the microfilm master. UMI films the text directly from the original or copy submitted. Thus, some thesis and dissertation copies are in typewriter face, while others may be from any type of computer printer.

The quality of this reproduction is dependent upon the quality of the copy submitted. Broken or indistinct print, colored or poor quality illustrations and photographs, print bleedthrough, substandard margins, and improper alignment can adversely affect reproduction.

In the unlikely event that the author did not send UMI a complete manuscript and there are missing pages, these will be noted. Also, if unauthorized copyright material had to be removed, a note will indicate the deletion.

Oversize materials (e.g., maps, drawings, charts) are reproduced by sectioning the original, beginning at the upper left-hand corner and continuing from left to right in equal sections with small overlaps. Each original is also photographed in one exposure and is included in reduced form at the back of the book.

Photographs included in the original manuscript have been reproduced xerographically in this copy. Higher quality 6” x 9” black and white photographic prints are available for any photographs or illustrations appearing in this copy for an additional charge. Contact UMI directly to order.

UMI
A Bell & Howell Information Company
300 North Zeeb Road, Ann Arbor MI 48106-1346 USA
313/761-4700 800/521-0600
THE POLITICS OF GLOBAL
CONSENSUS BUILDING:
DECISIONMAKING IN THE
UNITED NATIONS GENERAL ASSEMBLY

Dissertation

Presented in Partial Fulfillment of the Requirements for
the Degree Doctor of Philosophy in the Graduate
School of The Ohio State University

By
Courtney Bruce Smith, B.A., M.A.

*****

The Ohio State University
1998

Dissertation Committee:
Professor Chadwick Alger, Adviser
Professor Margaret Hermann
Professor Kimberly Zisk

Approved by

Adviser
Department of Political Science
Copyright by
Courtney Bruce Smith
1998
ABSTRACT

Pressure towards consensus now dominates almost all multilateral efforts at global problem solving and, as a result, it is imperative that scholars examine the process through which this consensus is built. The central question concerns why consensus is possible in the case of some of these multilateral decisions and not others? These issues are investigated by focusing on one forum for global policy, the United Nations General Assembly, where 185 Member States must try to reconcile their potentially diverse interests in search of a consensus on complex problems.

The dissertation draws on organizational theory, international relations scholarship, and descriptive accounts of UN politics to develop three different perspectives on the central dynamics of global consensus building: formal institutions, strategic bargaining, and informal networking. The contributions of these perspectives are synthesized into a framework which contains a series of propositions capturing the factors that are said to influence the internal processes of international organizations. Once the propositions are presented, the dissertation draws on UN documents and targeted interviews to explore their leverage in explaining the consensus building process that characterized four recent Assembly decisions: the 1991 debate on humanitarian assistance, the 1994 effort to renegotiate the Law of
the Sea, the 1996 discussions on a Comprehensive Test Ban Treaty, and the ongoing desire to reform the Security Council.

As a result, this dissertation makes three contributions to scholarly understanding of global consensus building. First, it explicitly focuses on the internal political processes of an international organization, a crucial area of concern which has been neglected over the past two decades of international organization research. Second, it identifies the six factors which have the most direct impact on whether or not a consensus will be reached in the UN context: negotiating groups, leadership, issue salience, brokers, informal contacts, and personal characteristics. Third, the dissertation offers a revised decisionmaking framework that could also be tested in other international organizations and global conferences, thereby further advancing our understanding of the dynamics of global consensus building more generally.
Dedicated to my parents for giving me the vision.

Dedicated to my wife for helping me achieve it.
ACKNOWLEDGMENTS

Training a new scholar is a collaborative process. In my case, this involved a wide range of faculty in the Political Science Department at The Ohio State University. As a group, they pushed me to think carefully about the major theories of international relations, encouraged me to learn the skills necessary to engage in detailed empirical research, and gave me the opportunity to experience the rewards of examining social science puzzles that can help us better understand important political phenomenon.

However, I am especially indebted to the intellectual guidance of the three faculty members who served on my dissertation committee. Most important in this respect was my advisor, Chadwick Alger. He did more than any other individual to encourage me to think about the world in new and exciting ways. The issues I was exposed to in his classes will continue to interest, stimulate, and even puzzle me for the rest of my academic career. Furthermore, at every stage of the dissertation process, he was open to my numerous questions and concerns, always careful to frame his responses in a way that helped me arrive at my own answers and solutions.

The other two members of my dissertation committee, Margaret Hermann and Kimberly Zisk, spent countless hours giving me advice about appropriate issues to examine, useful literatures to consult, and the most
effective means of presenting my results. Their unique insights and perspectives have resulted in a better research project than would otherwise have been possible. In addition, these two individuals provided me with general support across my years in graduate school, thereby helping to shape all aspects of my intellectual growth.

Beyond these individuals, I received assistance and feedback on my dissertation from numerous places. First, I wish to thank all of the United Nations delegates who agreed to be interviewed as part of my research (these individuals are listed in Table Two). Their experiences and insights changed the very nature of this dissertation and expanded the range of issues I could examine. Likewise, the staff of the Reference Desk at the Dag Hammarskjöld Library at UN headquarters in New York was very helpful when it came to locating official UN documents. In addition, I am indebted to The Ohio State University Graduate School for providing me with the necessary funding to conduct this field research in New York. Finally, I wish to thank my fellow political science graduate students at Ohio State and my fellow participants in the 1996 Summer Workshop on International Organization Studies. Their assistance was invaluable, although none of them bear any responsibility for the conclusions I reached.

One last person must be mentioned. None of this work would have been possible without the love and encouragement of my wife, Sharyn. She pushed me when required, and supported me always. While she may not have done the research or written the dissertation, her contribution is found on every page. Plus she made it all worthwhile.
VITA

January 7, 1971 ........................................... Born - Charlottesville, Virginia

1992 ......................................................... B.A. International Studies
Virginia Polytechnic Institute and
State University, Blacksburg, Virginia

1995 ......................................................... M.A. Political Science
The Ohio State University

1992 - present ........................................... Graduate Teaching and Research
Associate, The Ohio State University

FIELDS OF STUDY

Major Field: Political Science
# TABLE OF CONTENTS

Abstract ........................................................................................................................... ii
Dedication ...................................................................................................................... iv
Acknowledgments ........................................................................................................ v
Vita .................................................................................................................................. vii
List of Tables ................................................................................................................... xi

Chapters:

1. Introduction ............................................................................................................ 1
   - The Scope of the Study .................................................................................... 6
   - Research Design Issues .............................................................................. 12
      - The Dependent Variable .......................................................................... 13
   - Methodology .............................................................................................. 16
   - Case Selection ............................................................................................. 19
   - Sources of Data .......................................................................................... 23
   - Format of the Dissertation ........................................................................... 29

2. The Framework for Analysis .............................................................................. 32
   - A Review of Relevant Literature ................................................................ 33
   - The Framework .......................................................................................... 38
      - Perspective One: Formal Institutions .................................................. 40
      - Perspective Two: Strategic Interaction .............................................. 49
      - Perspective Three: Informal Networking .......................................... 57
   - Applying the Framework ........................................................................... 66

viii
3. The Coordination of Responses to Humanitarian Emergencies .......... 68
   The Context of Humanitarian Assistance ........................................ 69
   The Drafting of Resolution 46/182 .............................................. 74
   The Significance of Resolution 46/182 ........................................ 77
   Applying the Framework to this Case .......................................... 83
      Perspective One: Formal Institutions ....................................... 84
      Perspective Two: Strategic Interaction .................................... 95
      Perspective Three: Informal Networking .................................. 106
   Conclusions on this Case ....................................................... 115

4. The Renegotiation of the Law of the Sea Treaty .......................... 120
   The Context of the Law of the Sea ............................................. 122
   Negotiating the Seabed Mining Agreement .................................. 129
   The Significance of the Agreement ........................................... 137
   Applying the Framework to this Case ........................................ 141
      Perspective One: Formal Institutions ....................................... 144
      Perspective Two: Strategic Interaction .................................... 156
      Perspective Three: Informal Networking .................................. 169
   Conclusions on this Case ....................................................... 181

5. The Drafting of the Comprehensive Test Ban Treaty ..................... 186
   The Context of the Comprehensive Test Ban ................................ 188
   Drafting the Comprehensive Test Ban Treaty ................................ 196
   The Significance of the CTBT ................................................... 206
   Applying the Framework to this Case ........................................ 210
      Perspective One: Formal Institutions ....................................... 213
      Perspective Two: Strategic Interaction .................................... 228
      Perspective Three: Informal Networking .................................. 242
   Conclusions on this Case ....................................................... 256

   The Context of Security Council Reform ...................................... 263
   Discussions on Security Council Reform ..................................... 272
   Future Prospects for Council Reform ......................................... 282
   Applying the Framework to this Case ........................................ 285
      Perspective One: Formal Institutions ....................................... 288
      Perspective Two: Strategic Interaction .................................... 306
      Perspective Three: Informal Networking .................................. 322
   Conclusions on this Case ....................................................... 336
7. Conclusion ............................................................................................................... 340

Main Contributions of the Study ................................................................. 341
Towards a Revised Framework ................................................................. 345
The Importance of Interviews ................................................................. 362
Some Possible Alternate Explanations .................................................. 368
Implications for Future Research ........................................................... 372
Future Research Projects .............................................................................. 375

Bibliography .................................................................................................................. 378
# LIST OF TABLES

<table>
<thead>
<tr>
<th>Table</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The Four Decision Cases</td>
<td>22</td>
</tr>
<tr>
<td>2</td>
<td>Participants Interviewed</td>
<td>28</td>
</tr>
<tr>
<td>3</td>
<td>The Decisionmaking Framework</td>
<td>39</td>
</tr>
<tr>
<td>4</td>
<td>Summary of Findings, Case 1</td>
<td>117</td>
</tr>
<tr>
<td>5</td>
<td>Summary of Findings, Cases 1 &amp; 2</td>
<td>183</td>
</tr>
<tr>
<td>6</td>
<td>Summary of Findings, Cases 1 - 3</td>
<td>257</td>
</tr>
<tr>
<td>7</td>
<td>Summary of Findings, Cases 1 - 4</td>
<td>337</td>
</tr>
<tr>
<td>8</td>
<td>Key Variables in Consensus Building</td>
<td>351</td>
</tr>
<tr>
<td>9</td>
<td>Checklist for Participant Interviews</td>
<td>374</td>
</tr>
</tbody>
</table>
CHAPTER 1
INTRODUCTION

Increased activity in the area of global policymaking is one of the most dramatic developments in world politics at the close of the twentieth century. On issues as diverse as global warming, drug trafficking, infectious diseases, nuclear testing, and political oppression, the international community has come together in search of coordinated responses that will allow these pressing problems to be addressed more effectively. This is reflected in both the increased use of issue specific global conferences across the 1990s and in the renewed attention focused on the major institutions of the United Nations System, the world's primary vehicle for addressing global problems.

The results of these efforts have been mixed. In some cases the countries involved have agreed to and followed through on concrete steps to overcome these problems; in other cases dramatic policy statements were drafted only to be neglected once the spotlight of attention was removed; and finally, in still other cases the participants were unable to come to any type of meaningful agreement. It is this variation in the outcomes of United Nations sponsored efforts to address global problems that represents the puzzle which lies at the heart of this dissertation.

Why is consensus possible in the case of some United Nations decisions and not others? More precisely, what factors make it possible for an
organization which is composed of 185 sovereign member states, influenced by numerous nongovernmental organizations, lobbied by multinational corporations, and serviced by an international secretariat to reconcile all of these potentially diverse interests and goals in search of widespread agreement on the most pressing issues of the day? Unfortunately, scholars presently find themselves unable to investigate these important questions because they lack a theoretical perspective which could give them leverage in understanding the internal political processes of this organization. As a result, this dissertation develops an analytic framework that can be used to explore those factors which either facilitate or inhibit consensus building in international organizations. It then applies the framework to four recent General Assembly decisions, thereby contributing to scholarly understanding of both the UN specifically and international organizations more generally.

This puzzle merits scholarly inquiry for three reasons. First, the United Nations has found itself thrust into the spotlight of global politics as never before in its tumultuous history. The end of the Cold War and the accompanying breakdown of superpower rivalry has resulted in a dramatic increase in the demand for multilateral management of a growing range of transnational problems. As the world's only universal membership and general purpose international organization, it is clear that much of this demand will be directed towards the institutions of the UN System. This is reflected in Fischer & Galtung's observation that:

"The United Nations thus has a vital role to play in dealing with problems that defy local or national solutions, by helping to resolve international conflicts, providing a forum for the

---

1 For a discussion of the effects of the end of the Cold War on the UN, see Rosenau (1992); for a discussion of this increased demand, see Weiss, Forsythe, & Coate (1994: 10).
management of global commons, sharing information and technology for mutual benefit, and assisting those most in need” (1991: 289).

Unfortunately, these pressures for increased activity come at a time of shrinking resources and financial uncertainty such that the UN may find itself overstretched to the point where all of its programs are compromised.\(^2\)

As a result, it is imperative that scholars and policymakers examine the internal dynamics of the UN so that they can better understand how the organization might meet the complex challenges it now faces.

Second, this resurgence of activity centered on the UN comes at a time when scholarly understanding of the political processes of that organization is arguably less developed and nuanced than it was twenty-five years ago. Just as the UN was beginning its dramatic move back into the spotlight of global politics in the late 1980s and early 1990s, international organization scholars continued to focus their intellectual attention in other directions.\(^3\) While it is certainly possible to argue that this relative neglect of formal international organizations has been corrected, at least to some extent, with the growing focus on the United Nations across the past six years, it is also becoming clear that this new scholarship has only served to further illuminate some glaring shortcomings that must be addressed. For example, recent research on international organizations has centered on the nature of the decisions made


\(^3\) Writing in 1986, Kratochwil & Ruggie completed a review of the research published across the past four decades in *International Organization*, one of the leading journals in the subfield. They found that the number of articles focused on formal international organizations such as the UN had fallen to under five percent of the total (761). Rochester completed a supplemental review of the same issue but covering the period up to 1991. He found that, despite the increased attention on the UN after the end of the Cold War, only three percent of the articles focused specifically on this organization (1995: 203).
by these organizations and on the subsequent effects of these decisions, but little attention has been paid to the decisionmaking process itself. In other words, scholars have been content to look solely at the outputs of global policy rather than investigating the underlying dynamics of how and why certain decisions are made.

Third, just as the international environment in which the UN operates has been transformed in recent years, the internal structures and procedures of the organization have also evolved over time. For instance, many of the studies of UN voting patterns completed in the 1970s found that the nature of group and coalition politics had changed as the membership increased. Furthermore, descriptive analyses of the UN at this time found evidence that these groups have an important impact on UN processes. However, recent years have seen the membership of the UN increase at a time when many of these blocs are undergoing realignment such that they are not as unified or cohesive as they once were. Simultaneous with this change in membership has been a gradual shift from majority voting towards the use of consensus procedures in the Assembly and other UN bodies. Since these procedures structure all subsequent interaction and help to specify how much influence each member will have over the content of the decision,

---

1 Examples of these voting studies include Rowe (1969 & 1971) and Newcombe, Ross, & Newcombe (1970). Discussions of the impact of these groups on the functioning of the UN can be found in Bailey (1964: 21-5), Alger (1966: 143 & 1967: 54), and Cox & Jacobson (1973: 417-20).

2 For Discussions of this breakdown in bloc unity over time see Holloway (1990), Peterson (1986: 50), and Kaufmann (1980: 99-100 & 1988: 159).

3 Marin-Bosch (1987) has completed a statistical analysis of this development in the Assembly over time. Kaufmann (1994: 27-8) and Peterson (1986: 82-90) have also offered the same observation. In addition, Morrisette (1996) has explored the growing use of consensus decisionmaking in the General Assembly's Fifth (Administrative and Budgetary) Committee.

their impact on the processes of that body can be significant. As a result, previous research on the UN needs to be refined in light of recent internal developments in the Assembly.

Therefore, the goals of this dissertation are threefold. First, the dissertation seeks to contribute to scholarly understanding of the process through which consensus is built within the internal dynamics of the United Nations. This goal is achieved by examining three different perspectives regarding those factors which are argued to cause consensus to be possible in the case of certain decisions and not others. Second, the dissertation seeks to address a critical lacuna in current scholarship on the UN - the absence of analytical framework which can guide and focus our efforts to explore the internal dynamics of UN bodies and agencies. International organization scholars have repeatedly called for a more systematic and detailed examination of these decisionmaking procedures, but until now the research agenda suggested by these authors has been neglected. Third, through the use of four detailed case studies, the dissertation seeks to refine the propositions contained in the framework. This, in turn, should make it possible to test these propositions in regards to other international organizations in subsequent research. In meeting each of these three goals, the dissertation promises to contribute to our knowledge of the UN System and to other areas of ongoing research in the international organization subfield.

For example, in the late 1960s Keohane (1967: 221-2), Kay (1969: 958), and Alger (1970: 444) all argued that scholars had neglected the political processes that were central to the functioning of the UN. A similar conclusion was reached by Rochester (1986: 812) and Kratochwil & Ruggie (1986: 754) nearly two decades later when they called for an increased focus on the structure and processes of formal international organizations. Finally, this call has been heard as recently as 1994 when Kaufmann pushed for the systematic study of UN decisionmaking (28).
THE SCOPE OF THE STUDY

Before moving on to research design issues and a discussion of the framework itself, it is necessary to mention two concerns about the scope of the study. First, this research will focus on the process by which UN decisions are made. As such, only limited attention will be paid to the actual outputs of this process in terms of the subsequent implementation of the decisions. However, in order to help justify this research, it is necessary to briefly illustrate that the decisions made by multilateral bodies do have an influence on world politics. This is true if for no other reason than to silence those critics who would argue that studying these processes is pointless because the decisions made in the UN and other international organizations only have a marginal (if any) influence on patterns of international relations.

It is certainly easy to provide a list of UN decisions, recommendations, and resolutions which member states have failed to implement once they were drafted. For example, one need only look at the UN's activities in the area of human rights where, despite significant progress over the past four decades, individual members are still more than willing to ignore UN decisions when they appear to contradict the national interest of their particular country. However, in studies such as these which focus on specific issues over a set period of time, it will always be possible to find examples of situations when UN decisions were ignored. On the other hand, if one takes more of a long-term and holistic view of these decisions, the

---

* This is not meant to imply that implementation of UN decisions is unimportant; it only reflects the need to limit the scope of this dissertation in light of the complex processes that will be studied.

10 For examples of this argument see Donnelly (1994: 207) and Forsythe (1988: 255).
picture is often quite different. For example, in his study of the roots and reaches of UN decisions, Moskowitz offers the following observation:

"Although opinion is deeply divided on the question of the efficacy of the United Nations, its relevance and proper role in the larger world, the impact of the international organization for good or evil can be ignored only at our peril. The United Nations remains a world arena in which words and resolutions have moral and political consequences. Like individual tesserae of a mosaic which are but little bits of colored glass or stone until they are put together in a given order, so the individual resolutions or decisions of United Nations bodies often make little sense until they are put together to make a pattern" (1980: viii).

Moskowitz goes on to conclude that: "There is no nation in the world today, regardless of size, population, wealth or power, that is not in one way or another affected by, and in turn does not affect, the United Nations" (1980: 1).

Other scholars have taken an even stronger view of the influence of UN decisions on the behavior of member states. One classic conceptualization of this is Claude’s notion of “collective legitimization” which can be summarized as follows:

"A state may hesitate to pursue a policy that has engendered the formal disapproval of the Assembly, not because it is prepared to give the will of that organ priority over its national interest, but because it believes that the adverse judgment of the Assembly makes the pursuit of that policy disadvantageous to the national interest. This is simply to say that statesmen take collective legitimacy seriously as a factor in international politics" (1969: 93).

Claude further argues that the degree of collective legitimization present will vary based on the size and composition of the majorities supporting them, on the forcefulness of the language, and on the number of resolutions covering a particular issue with unanimous, unambiguous, and repeated decisions.
having the most influence (1969: 94). More recent authors have echoed these observations. For example, Puchala concludes that “most members currently respect the United Nations, accept commitments contained in its policies and programs, adhere to UN-inspired conventions and codes, and accord authority to resolutions that follow from consensus” (1982-83: 587). Likewise, Righter argues that “resolutions bind nobody, but like the Chinese water torture, they slowly penetrate the collective skull...they can nudge governments (1995: 69).

An additional indicator of the power of collective legitimization lies in the fact that most member states appear to have an intense interest in the decisions made by UN bodies. For example, Claude has observed that it is hard to estimate the degree of the influence of UN resolutions on state behavior; however, the intensity of concern exhibited by states about the outcomes of votes indicates that the seal of approval and the stigma of disapproval are taken seriously (1969: 102). More recently, Kaufmann has arrived at a similar conclusion:

“Although few United Nations Decisions are mandatory, the strenuous efforts delegations make in order to amend, defeat or avoid such draft resolutions, even when they contain very vague language, indicates the importance attached to these texts” (1980: 119).

As a result of these observations on the ability of the UN to influence the behavior of its members, it is clear that this organization should remain an important area of scholarly concern. And since its decisions, especially those reached through consensus procedures, have more than a marginal role in world politics, developing a deeper understanding of how these decisions are made would appear to be an important, and even necessary, undertaking.
Second, the goal of this dissertation is to explore the consensus building processes found in the United Nations. However, the UN itself is actually a system of organizations which includes six principle organs, some eighteen specialized agencies, and more than thirty programs or funds. In addition, a whole series of multilateral conferences have been held under UN auspices, with a majority of them occurring in the early 1990s. The picture of UN decisionmaking is further complicated by the fact that all of these bodies and meetings make decisions and all of them are understudied. While an "ideal" dissertation would endeavor to explain decisionmaking in all of these UN arenas, the realities of time and resources makes it such that this study will focus on only one of these bodies, the General Assembly.

Justifying the choice of the General Assembly is relatively straightforward. In the first place, the Assembly is the only body in the UN in which all members, now 185 of the 190 or so countries of the world, are represented. As a result of this near universal membership, Keohane has argued that:

"Neglect of the political process of the General Assembly not only hinders our understanding of the the United Nations and international organizations in general; it also prevents us from exploring international politics from a different perspective" (1967: 237).

Furthermore, the universal nature of that body makes it an ideal "global forum" in which states can raise any issue of concern. Many scholars have stressed the continued importance of this role of the Assembly. For example, Galtung has stated:

\[11\] Almost every discussion of the General Assembly highlights its role as a global forum where states can air their views and grievances. For example, see Peterson (1986: 241), Narasimhan (1988: 44-5), and Rochester (1990: 152).
“Hence the importance of keeping a General Assembly as the place where all problems are discussed...there may be separate committees and assemblies, but somewhere there should be an assembly that has to deal with it all and see it in perspective, constituted in such a way that it can articulate all important problems and conflicts” (1980: 372).

In addition, even the UN Charter appears to have envisioned such a role for the Assembly in Article 10 where it is given the power to “discuss any questions or any matters under the scope of the present Charter.”

In addition to its role as a forum where all states can gather, the General Assembly deserves attention since it is the principle organ of the UN System. While more power and prestige may be conferred on the Security Council, it is the Assembly which represents the center of the organization. This fact is argued most persuasively by Kaufmann:

“Because of the universality of its membership, the wide scope of its agenda, its supervisory role in relation to other UN organs, its budget-making powers, and the continuing desire, in spite of criticism, of statesmen of all countries to attend its sessions, the General Assembly can be rightly called the principle organ of the United Nations” (1980: 25).

This central position is also reflected in Bailey’s observation that, “the importance and power of the Assembly will wax and wane, but it will remain the only principal organ of the United Nations to which all member states permanently belong, and there are some essential functions which only it can perform” (1964: 20).

A representative, but not exhaustive, list of these functions would include the Assembly’s role in providing a formalized arena for state interaction, the fact that the Assembly receives annual reports from almost every other UN body, the Assembly’s ability to help define and articulate new
global values, the fact that participation in the Assembly forces some states to confront issues they might otherwise ignore, and that the Assembly helps to formulate general principles to govern state behavior. In addition to these functions, the internal processes of the Assembly are also deserving of attention because participation in that body has numerous non-resolution consequences for member states. These have been summarized by Alger as follows: work in the Assembly generates new friendships that cross national lines, work in the Assembly fosters the creation of cooperating groups of states, and work in the Assembly exposes states to the perspectives and interests of other countries (1961: 132-7). This wide range of functions performed by the Assembly illustrates both why it plays such a central role in relation to other UN bodies and how it influences the behavior of member states, both within and beyond the boundaries of the UN System.

All of these various reasons for focusing on the General Assembly are highlighted in an especially illuminating passage from Gordenker's account of the issues before the 34th session of the General Assembly in 1979:

"The United Nations General Assembly represents the organized views of more governments on more subjects that any periodic gathering in the world...Its recommendations make waves - sometimes ripples, sometimes great splashes - in the capitals and countrysides. Its agenda always contains both the unconquered difficulties of past years and the new issues of recent weeks...The General Assembly pronounces its opinions, whether measured and thoughtful or impulsive and overwrought, on these and a hundred issues...In both symbolic and practical senses, it presides over the daily difficulties of a world which has little inclination to honor any single conscience or to speak with one voice" (quoted in Kaufmann, 1980: 25).

---

11 These functions have been described by numerous UN scholars; for particularly useful discussions see Peterson (1986: 1-4, 218, 245-7, & 259-60) and Nicholas (1975: 117-130).
In addition to these important points, there are also two more academic reasons for focusing on the Assembly. First, much of the renewed scholarly attention directed at the UN in the post-Cold War period has focused solely on the Security Council and the more narrow range of global issues under its purview. Second, selecting the Assembly will benefit this study because almost all regional and global international organizations have bodies where all of the members are represented equally and, as a result, the potential generalizability of the findings will be increased.

As a result of these many reasons, the General Assembly appears to be the perfect body for studying United Nations decisionmaking, and it will serve as the basis for the empirical research included in this project. This decision to focus solely on the Assembly will be reflected in certain parts of the framework developed in chapter two of the dissertation. However, the ultimate goal of this research is to contribute to our understanding of the consensus building processes found throughout the many different international organizations and multilateral conferences responsible for global policymaking. Therefore, the framework will also be designed with an eye to its ultimate generalizability.

RESEARCH DESIGN ISSUES

The decisionmaking processes found in international organizations and multilateral conferences have received little in the way of systematic scholarly examination. Since this study is intended, at least in part, to correct this limitation, it is necessary to address certain research design issues such as the dependent variable, methodology, case selection, and data sources.
THE DEPENDENT VARIABLE

The dependent variable which lies at the center of this study is the presence or absence of consensus in the case of decisions made by an international organization such as the United Nations. More specifically, the dissertation seeks to uncover those factors which make consensus more or less likely in the case of General Assembly decisions because they either facilitate or inhibit the consensus building process. In order to accomplish this task, there are several issues relating to the use of consensus in global policymaking that must be addressed in more detail.

First, "consensus" can actually mean different things in different contexts, both across organizations and even within the same organization across issues or over time. However, consensus as it is most commonly used in the context of writings on the UN (and as it will be used in this specific study) refers to the fact that the decision was made without objection from any voting member of the particular body in question. In the case of the Assembly, this would mean that the decision was supported by, or at least not objectionable to, all 185 of its members.

Second, it should also be mentioned that not all consensus decisions reflect the same degree of support within the Assembly. In fact, there are a variety of procedures that can be used to determine if a consensus exists in regards to a particular agenda item, and these different procedures signal exactly how deep the agreement was supporting the decision. For example, both Kaufmann (1980: 128) and Peterson (1986: 86) observe that consensus "by agreement" indicates that all members participated in the decision and

---

13 Differences in the meaning of consensus have been discussed by Kaufmann (1980: 127-9), Peterson (1986: 84-8), and Kahler (1993: 318-9).
identify positively, at least to some extent, with the outcome whereas consensus "without objection" reflects the fact that either not all members were consulted or that some members remained ambivalent in regards to the proposed decision.

Kahler argues that the picture is further complicated by the fact that the "opaque exterior" of consensus can hide the fact that there are some instances when it is not necessary for every single participant to be included for there to be a "consensus" (1993: 319). In fact, he concludes that most multilateral institutions seem to have a “tip point” at which a large majority becomes a consensus, and that this tip point reflects underlying “rules of thumb” which indicate the degree of support that must be achieved as well as the specific parties that must be included. Furthermore, these rules of thumb are often difficult to uncover from official records because consensus decisions generally involve no formal vote. However, some of this confusion is avoided in the case of the Assembly because any member can request a roll call vote, even in instances where consensus is clearly the goal, on agenda items which they deem important enough to have a record of exactly who supported the decision, who did not, and who abstained.

The third point to mention about the dependent variable has to do with the differences between consensus and other common voting rules found in international organizations. The two main options in the Assembly are consensus and majority rule, both of which have advantages and disadvantages. Majority rule requires less support so decisions made in

---

14 If one compares across organizations, a wide variety of voting rules are possible depending on the weighting of votes, quorum requirements, majority requirements, and the method of taking the vote. For a discussion of these issues see Kaufmann (1988: 19).
this manner can, on occasion, include strong and unambiguous language. On the other hand, consensus requires the support, or at least acquiescence, of all participants thereby encouraging compromise and broad based support. Formal decisions in the Assembly require a simple majority unless they are on an "important question" which requires a two-thirds majority. In the early decades of the Assembly, this type of majority voting was more common. However, recent years have seen consensus procedures gradually replacing majority rule in the that body.

This is a welcome development in the eyes of observers such as Moskowitz because those decisions which are passed by a majority against the wishes of a significant minority often remain inoperable (1980: 15). However, those which are passed with broad based agreement are more likely to show up in the policies and decisions of the member states. Furthermore, while some observers like Righter (1995: 69-70) have argued that consensus has become a "ruse" for papering over differences with vague and ambiguous language, others like Childers & Urquhart (1994: 4) have concluded that decisions made by consensus can have concrete and specific outcomes representing more than just a "least common denominator" agreement.

While these debates and tradeoffs regarding consensus and majority rule are certainly important and interesting, they largely fall outside the scope of this dissertation because, as was mentioned before, the implementation of

---

15 Of course there is often debate within the Assembly regarding exactly what should be considered an "important question" (Peterson, 1986: 65-6). However, the basic rule of thumb appears to be that "important questions" are those relating to peace, security, elections, membership, budgets, and decolonization (Narasimhan, 1988: 64).

16 See the citations in footnote six. In addition, evidence of this was found by surveying voting records on all resolutions and decisions over the past seven years (data found in Annual Review of United Nations Affairs, published annually by Oceana Publications).
decisions will not be investigated in this study. Instead, the focus of concern is on examining the process through which members of the Assembly attempt to build consensus on key transnational issues. In other words, the goal of this dissertation is not to evaluate the relative merits of consensus and majority rule in terms of compliance, but to uncover those factors which make consensus more or less likely because they influence the dynamics of the Assembly's decisionmaking processes. The next several sections of the dissertation will explain exactly how this task will be accomplished.

**METHODOLOGY**

The research agenda suggested here is a challenging one if for no other reason than the fact that very few scholars have attempted to study the internal politics of international representative bodies like the General Assembly in a systematic fashion. This oversight has been especially glaring during the post-Cold War resurgence of the UN, but it is not a recent development. For instance, Keohane was one of the first scholars to come to the conclusion that research on the structure and processes of the Assembly was required if scholars were to understand the internal politics of that body (1967: 221).

The problem at that time was not so much the outright neglect of the Assembly, as is the case today. Instead, there was a wealth of systematic and rigorous research on the Assembly; however, much of this work was either focused on the outputs of the political processes or on the internal patterns of voting alignments. As such, these studies relied almost entirely on the new

---

17 For a review of the main findings of this research see Alger (1970).
statistical techniques which had recently come into vogue among the political scientists of the time. These efforts soon resulted in a significant amount of generalizable knowledge regarding a wide range of issues associated with international organizations. For example, both Keohane (1967) and Cox & Jacobson (1973) made important strides in conceptualizing, measuring, and analyzing influence within these organizations.

However, Keohane was also one of the first scholars to acknowledge an important limitation of this statistical research - it was impossible to uncover how or why certain states are able to affect policy outcomes (1967: 226). In order to explore these deeper aspects of influence, Keohane concluded that a model of the political processes found in the Assembly was required. Unfortunately, Keohane's efforts to develop such a model were hampered due to the fact that "the political process of the Assembly is varied, complex, and relatively poorly understood." In spite of this difficulty, Keohane proposed that scholars develop a set of theoretical questions regarding these processes which could then be used to guide their analysis in a series of case studies. If these were completed in a systematic manner, it would be possible to uncover any patterns of interaction present in the politics of the Assembly.

Unfortunately for scholarly understanding of the UN, Keohane never attempted this research. However, the methodological proposals advanced by Keohane are quite similar to the method of structured, focused comparison advanced by George (1979a & 1979b). This approach to research involves the use detailed case studies to uncover patterns of relationships present between variables. While case studies have an advantage over statistical approaches in their ability to capture the unique elements of a process, they are often
criticized because they are less amenable to generalizations than are large N studies. However, both George (1979a) and Eckstein (1975) have argued that case studies, when done in a certain manner, can be useful for building theory and they can provide generalizable results. Furthermore, these case studies are ideally suited for investigations into the dynamics of a process, something which is essential in any study of consensus building.

George's structured, focused comparison case study methodology attempts to balance a focus on the unique aspects of a process with the importance of drawing broader lessons which can be applied to other situations. This is accomplished through the use of a single framework or set of questions which guides the analysis across all of the cases. It is structured in its use of a set of controlled questions and it is focused because it deals only with certain aspects of each case. Therefore, the case studies are completed in a systematic fashion making it possible to develop broader generalizations which can subsequently be tested in future research.

Therefore, this project will involve four case studies of consensus building in the General Assembly using the method of structured, focused comparison. The framework which will guide the analysis across all four cases will be developed in Chapter Two of the dissertation. It represents an effort to compare and ultimately synthesize three different perspectives on the key dynamics of global consensus building. Each of these perspectives highlights certain factors as being those most important in either facilitating or inhibiting consensus, and each one of them has useful insights to offer.

---

18 A discussion of the procedures used for tracing the causal links between independent and dependent variables in case studies (as well as some possible drawbacks of this type of research) can be found in George (1979b: 104-19).
CASE SELECTION

There are four main considerations which will guide the case selection process for this dissertation. First, since one of the goals of this research is to gain an understanding of current global consensus building, the cases selected for analysis will all involve General Assembly decisions made in the 1990s after the end of the Cold War. This is important because it will structure the cases such that certain potential confounding variables can be eliminated from the analysis. For instance, selecting only cases from the 1990s means that changes in the international power structure, which have had an enormous impact on the Assembly in the past, will not influence the political process for these particular cases. In addition, focusing solely on the Assembly will restrict the degree of variation in organizational characteristics across the cases. While it is certainly true that these considerations will limit, at least to some extent, the generalizability of the findings, it is important to remember that the Assembly was selected for analysis due to the many structural and procedural features that it shares with other international organizations and global conferences.

Second, within this time period, it is also important to select cases for which it is possible to identify a rather precise starting point of Assembly consideration of an issue since many issues reoccur in the Assembly from year to year. Even with this starting point identified, it is likely that each case will actually include a series of decisions, some of which were made by consensus and some of which were made by majority rule. This will allow the study to compare decisionmaking processes in periods when consensus is present with periods in which it is absent.
Third, even though the focus of this dissertation is on consensus building, it is important to select case for which there is some degree of variation in the ultimate outcome. In other words, the study should include some cases where a high level of consensus was present, some cases where a weaker degree of consensus was achieved, and some cases where consensus has yet to be achieved.

Finally, since the ultimate goal of this study is to devise a framework that can be used to study decisionmaking in a variety of multilateral settings, it is important to draw cases from a range of different issue areas covered by the General Assembly. This will make it possible to determine if the political dynamics underlying the consensus building process vary from issue to issue. In addition, it will also allow for significant variation in the independent and dependent variables used in the study which should, in turn, increase the generalizability of the findings.

Cases selected based on these four considerations would offer a detailed picture of recent Assembly politics and provide the perfect opportunity to examine the various perspectives and propositions which will be discussed in Chapter Two. Therefore, the following four cases have been selected for this study: 1) deliberations over the need to improve the coordination of UN responses to humanitarian emergencies in 1991; 2) renegotiating the deep seabed mining provisions of the 1982 UN Convention on the Law of the Sea

---

1⁹ The importance of variation on the dependent variable has been most recently highlighted by King, Keohane, & Verba (1994: 107-9 & 128-49).

2⁰ The phrase "cases where consensus has yet to be achieved" is chosen very carefully. Ideally we would like to include a case where consensus failed; however, the reality of General Assembly processes is such that agenda items on which there is little agreement often appear again in subsequent years. Therefore, "cases where consensus has yet to be achieved" is the closest thing to a case of failed consensus present in the Assembly in recent years.
from 1990-1994; 3) efforts to negotiate a Comprehensive (Nuclear) Test Ban Treaty (CTBT) from 1993-1996; and 4) debate on reforming the composition, procedures, and mandate of the UN Security Council from 1993 to the present. A brief overview of each of these cases is provided in Table One.

These four cases fit the criteria outlined above almost perfectly. First, each one has been on the Assembly’s agenda in the early 1990s and each one has a rather precise starting point identified in Table One. In addition, each case is drawn from a different issue area in that humanitarian assistance is a social issue, renegotiating the Law of the Sea is primarily an economic issue, nuclear testing is a security issue, and reforming the Security Council is an administrative issue. As a result, these cases will provide sufficient variation in terms of the independent variables (identified and discussed in Chapter Two) which are argued to influence consensus building at the global level.

Furthermore, these four cases also include significant variation on the dependent variable, the degree of consensus ultimately achieved. As Table One indicates, humanitarian assistance resulted in a high degree of consensus with no exceptions; the Law of the Sea resulted in significant consensus but with seven abstentions; the Comprehensive Test Ban resulted in widespread agreement but with five abstentions and three no votes; and finally, as of yet there is little sign of consensus on Security Council reform. This variation in independent and dependent variables should make the findings of the study generalizable to a wide range of other global policy situations.

---

21 Since Member States can abstain without disrupting consensus (which a no vote would do), the reader may also think of these four cases in terms of a two-by-two design with humanitarian assistance and the Law of the Sea being cases of consensus and the CTBT and Council reform being cases of no consensus. In fact, some of the discussion that follows will consider the cases in this two-by-two format.
<table>
<thead>
<tr>
<th>Decision</th>
<th>Negotiating Arena</th>
<th>Overview of the Negotiations</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>Debate on the coordination of responses to humanitarian emergencies (July 1991 to December 1991)</td>
<td>High Level Working Group composed of more than forty states and chaired by Jan Eliasson of Sweden.</td>
<td>The negotiations began in Geneva during ECOSOC's summer session in 1991. They continued in the Plenary and High Level Working Group during the fall. Negotiations between developed and developing states centered on many issues, most importantly the appropriate balance between sovereignty and assistance.</td>
<td>Resolution 46/182 on the coordination of humanitarian assistance was approved by consensus in the Assembly on December 19, 1991.</td>
</tr>
<tr>
<td>Renegotiating the 1982 UN Convention on the Law of the Sea (July 1990 to July 1994)</td>
<td>Informal Consultations organized by the Secretary-General and composed of nearly eighty states.</td>
<td>The negotiations focused on Part XI of the convention dealing with seabed mining. During 1990 and 1991 the consultations centered on identifying the nine areas of disagreement regarding the 1982 treaty. In 1992 attention turned to determining which of these issues would be addressed now and which would be deferred until later. Finally, 1993 and 1994 involved drafting and revising the &quot;Boat Paper.&quot;</td>
<td>Resolution 48/263 on the Implementing Agreement relating to Part XI of the Law of the Sea Treaty was approved 121 to 0 (with 7 abstentions) on July 28, 1994.</td>
</tr>
<tr>
<td>Drafting the Comprehensive (Nuclear) Test Ban Treaty (CTBT) (August 1993 to September 1996)</td>
<td>Ad Hoc Committee on the Nuclear Test Ban created by the Conference on Disarmament and composed of more than forty members.</td>
<td>The discussions began amid enthusiasm for quick progress but were delayed by disagreements between nuclear weapons states, threshold states, and non-nuclear weapons states. Across 1995 and 1996 the talks centered on a &quot;rolling text&quot; that, after intense debate, became the draft treaty. Wide agreement was achieved on scope and verification, but India refused to support the treaty.</td>
<td>Resolution 50/245 containing the CTBT was approved by the Assembly 158 to 3 (with 5 abstentions) on September 10, 1996.</td>
</tr>
<tr>
<td>Debate on reforming the composition and working methods of the Security Council (December 1993 to the present)</td>
<td>Open-Ended Working Group on Security Council reform chaired by the President of the General Assembly and composed of nearly eighty members.</td>
<td>The negotiations have covered two clusters of issues: composition and working methods. During 1994 and 1995, states used the working group as a forum for exchanging views, mainly on Council composition. During the 51st Assembly Session (1996-1997), several concrete reform packages were offered, but they did little to bridge the differences between those who want a &quot;quick fix&quot; and those who do not.</td>
<td>Council reform remains unresolved at the end of the 52nd Assembly Session, where little progress was achieved due to the resentment created in 1997.</td>
</tr>
</tbody>
</table>

**TABLE 1: The Four Decision Cases**
SOURCES OF DATA

One of the biggest challenges of studying the internal processes of any political organization concerns access to the necessary types of data. Cox & Jacobson have concluded that measurements regarding voting, no matter how sophisticated they may be, are not able to capture the complex internal processes of any international organization (1973: 24-5). As a result, seemingly less precise types of data will half to be used in this study. However, even if these types of data are only able to roughly approximate the processes they attempt to capture, they will still offer valuable insight. Furthermore, Alger has observed that scholars can move to overcome these data problems by utilizing multiple research techniques in their analysis (1976: 59). As a result, this dissertation draws on three different sources of data: secondary accounts of the cases, official UN documents and records, and interviews with participants in the decisionmaking process.

The first step in completing the research outlined above was to consult secondary sources relating to each of the four cases. These sources were very useful in conducting the analysis for two reasons. First, secondary accounts provided an overall picture of the story underlying each case. More specifically, these accounts offered both objective information regarding who was involved and what was proposed as well as more nuanced insights regarding the key dynamics at hand. This was especially true in those cases where the secondary accounts were in fact written by participants in the decisions. Such accounts were uncovered in regards to all four cases, but most extensively on the Law of the Sea renegotiation and the debate over the comprehensive test ban treaty. Second, these sources also highlighted certain
factors or issues that needed to be explored in more depth during participant interviews. In fact, the secondary sources were vital in terms of actually identifying those participants who should be, and later were, contacted for interviews in New York.

The next step in gathering data focused on official United Nations documents. These were drawn primarily from the Dag Hammarskjöld Library at UN headquarters in New York and from the UN home page on the world wide web (www.un.org). Although the General Assembly does not publish an official record, the UN does publish all draft resolutions and related background documents considered by the Assembly as well as verbatim transcripts of all Plenary meetings. In addition, the working groups and other subsidiary bodies covered by the case study analysis published at least some of their reports and deliberations. These official records can be an extremely valuable resource for scholars studying the Assembly, particularly in terms of the clues they provide regarding who was active, in what ways, and to what effect.  While this type of data was clearly the least useful of the three in terms of uncovering the public and behind-the-scenes dynamics of the decision process, it was the single best source of information regarding the proposals that were made and the texts that were drafted.

However, as useful as these official documents are, Alger has reminded us that they provide only a partial view to UN processes since a significant amount of decisionmaking occurs in rather informal and private settings (1976: 58). Therefore, the biggest challenge in terms of data for this project concerned information on the informal networking and other behind-the-

---

22 Examples of scholars who have highlighted the usefulness of these records include Kaufmann (1988: 43), Alger (1966: 142), and Keohane (1967: 226).
scenes dynamics which play a key role in UN processes. Alger has attempted to capture the nature of informal networking through several studies of delegate interaction in the Fifth Committee of the General Assembly (1966, 1967, & 1989). He argues that by recording which delegates interact with each other, in terms of both duration and frequency, it is possible to determine which actors were most important in the political process, even if the official record does not indicate that they were active (1966: 158).

Unfortunately, there are several shortcomings of this interaction approach identified by Alger (1970: 437). First, this type of data does not provide any information on participant autonomy or personality, two variables that will be included in the framework; second, the specific content of the informal conversations remains unknown; and third, interaction within the public meeting halls is but one part of a much larger process of networking which occurs at UN sites. Nonetheless, this type of data could prove useful if it was to offer insights consistent with the other approaches. However, the cases selected for analysis in this project all involve studying decisions after they have been made and, as a result, it will not be possible to monitor delegate interaction as it occurs so this method cannot be used.

Since these other types of data are unable to capture all aspects of informal networking, one final source of information will be considered. Keohane has concluded that the best way to capture the full complexity of Assembly politics would be through interviews with individuals who actually participated in the process (1967: 226). Needless-to-say, interviews are rarely used in studies of political decisionmaking due to the assumed difficulty of gaining access to the participants. Furthermore, even when
sufficient access is achieved, Alger has cautioned that there are other potential pitfalls to keep in mind (1967: 53). For example, some aspects of the political process are best studied as they occur, rather than through interviews at a later time, because participants can forget, overrationalize, or suffer from selective memory based on their own vested interests. Also, even if a participant is accurate and forthcoming in the interview, it is still important to remember that their comments represent only their personal perspective.

Although this final type of data is not without its limitations, this study used a carefully designed series of interviews to avoid any possible problems that might emerge. For instance, problems with participant memory were not seen as being insurmountable for two reasons. First, all of the cases except humanitarian assistance occurred within the last five years and, second, the data gathered from the interviews was compared to information from secondary sources wherever possible. In all such situations, the information was found to be consistent. This is especially important since some of those participants interviewed had also written accounts of the decision when it occurred, and their impressions of the dynamics involved had not changed over time. In addition, problems with interviews only uncovering the participant's personal perspective were overcome by contacting individuals from all sides of the major issues of debate whenever it was possible to do so.

Research using secondary accounts of each case made it possible to identify thirty-three Member States who were active on one or more of the four cases studied. In late January of 1998, the UN mission for each of these countries was contacted through the mail. As a result of this initial contact,
twenty-eight interviews were conducted in New York in February and March of 1998. These twenty-eight interviews covered individuals from seventeen different UN missions along with several Secretariat officials. They also included delegates who had participated in all four of the decisions examined in the dissertation. These participants varied in rank from Permanent Representative (four were interviewed) to Attache, with many holding the post of Minister, Counsellor, or First Secretary. The names and positions of all twenty-eight individuals are listed in Table Two.

Most of the interviews were conducted in UN missions, but some were completed in the Delegates Lounge or other more informal settings. They ranged in length from thirty minutes to three hours, with most lasting for one to two hours (the average length was about one hour and fifteen minutes). None of the interviews were recorded (other than by taking copious notes) so that the delegates would feel as comfortable as possible in giving their honest impressions of the key dynamics involved in each case. In addition, the questions were as open-ended as possible so that the delegates would identify those factors which they felt were most important rather than merely focusing on the issues raised by the interviewer.

In all cases, the interview began with a general query regarding the politics of consensus building on a particular decision. Thereafter, follow-up questions would be asked depending on the apparent interests and expertise of the delegate or Secretariat official in question. For instance, some delegates clearly had a legal background and were most comfortable discussing debates over specific provisions whereas other individuals were more interested and willing to talk about the interpersonal dynamics that occurred.
<table>
<thead>
<tr>
<th>Participant</th>
<th>Position</th>
<th>Mission or Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bilahari Kausikan</td>
<td>Permanent Representative</td>
<td>Singapore</td>
</tr>
<tr>
<td>Mark Gray</td>
<td>First Secretary</td>
<td>Australia</td>
</tr>
<tr>
<td>Robert McCarthy</td>
<td>Commander, Political Advisor</td>
<td>United States</td>
</tr>
<tr>
<td>Joanna Darmanin</td>
<td>First Secretary</td>
<td>Malta</td>
</tr>
<tr>
<td>Adriaan Kooijmans</td>
<td>Counsellor</td>
<td>Netherlands</td>
</tr>
<tr>
<td>Alfred Bijisma</td>
<td>First Secretary</td>
<td>Netherlands</td>
</tr>
<tr>
<td>Robert Rosenstock</td>
<td>Minister Counsellor</td>
<td>United States</td>
</tr>
<tr>
<td>Markiyan Kulyk</td>
<td>Legal Advisor, President’s Office</td>
<td>Ukraine</td>
</tr>
<tr>
<td>Laurie Shestack</td>
<td>Political Advisor</td>
<td>United States</td>
</tr>
<tr>
<td>Simon Manley</td>
<td>First Secretary</td>
<td>United Kingdom</td>
</tr>
<tr>
<td>Miki Kunita</td>
<td>Attache</td>
<td>Japan</td>
</tr>
<tr>
<td>Tetsuo Kondo</td>
<td>First Secretary</td>
<td>Japan</td>
</tr>
<tr>
<td>Atul Khare</td>
<td>Counsellor, Head of Chancery</td>
<td>India</td>
</tr>
<tr>
<td>Navid Hanif</td>
<td>First Secretary</td>
<td>Pakistan</td>
</tr>
<tr>
<td>Magnus Lennartsson</td>
<td>First Secretary</td>
<td>Sweden</td>
</tr>
<tr>
<td>Per Thoresson</td>
<td>First Secretary</td>
<td>Sweden</td>
</tr>
<tr>
<td>Alejandro Verdier</td>
<td>First Secretary</td>
<td>Argentina</td>
</tr>
<tr>
<td>Alison Drayton</td>
<td>First Secretary</td>
<td>Guyana</td>
</tr>
<tr>
<td>Rashid Khalikov</td>
<td>Chief of Staff</td>
<td>Humanitarian Affairs</td>
</tr>
<tr>
<td>Francesco Fulci</td>
<td>Permanent Representative</td>
<td>Italy</td>
</tr>
<tr>
<td>Claudio Bisogniero</td>
<td>First Counsellor</td>
<td>Italy</td>
</tr>
<tr>
<td>Manuel Tello</td>
<td>Permanent Representative</td>
<td>Mexico</td>
</tr>
<tr>
<td>Pablo Macedo</td>
<td>Minister</td>
<td>Mexico</td>
</tr>
<tr>
<td>Jaap Ramaker</td>
<td>Permanent Representative</td>
<td>Netherlands</td>
</tr>
<tr>
<td>Caroline Millar</td>
<td>Counsellor (Political)</td>
<td>Australia</td>
</tr>
<tr>
<td>Ed Tsui</td>
<td>Director, Policy and Analysis</td>
<td>Humanitarian Affairs</td>
</tr>
<tr>
<td>Alan March</td>
<td>Counsellor (Development)</td>
<td>Australia</td>
</tr>
<tr>
<td>Dag Holter</td>
<td>Counsellor</td>
<td>Norway</td>
</tr>
</tbody>
</table>

**TABLE 2: Participants Interviewed**
On the whole, the interviews completed as part of this research exceeded all possible expectations. A wide range of participants were consulted in very detailed conversations. These individuals were extremely accessible, patient, thoughtful, and surprisingly forthcoming. In addition, their information appears to be of high quality given the fact that many of them offered similar observations in regards to particular events or developments. In fact, the only real limitation of the interviews was the absence of any participants from Africa. The original list of Member States to contact included countries from all geographic regions. And fortunately, Europe, Asia, and the Americas were all represented in the set of interviews; however, Africa was not. Hopefully, this limitation does not compromise the results of the study, but it should be mentioned nonetheless.

While no single research strategy is perfect, this project combines secondary analysis, official documents, and in-person interviews such that the disadvantages of each can be overcome. As a result, this multi-method approach to data gathering makes it possible to explore all of the factors, variables, and propositions that are included in the framework developed in Chapter Two of the dissertation.

FORMAT OF THE DISSERTATION

The research project developed in the previous pages will result in a seven chapter dissertation. Chapter One has introduced the research puzzle, discussed the context of the study, and pointed to some important lacunae in current scholarship on international organizations. It has also addressed the scope of the project and covered research design issues such as the dependent
variable, methodology, case selection, and data sources. Chapter Two will focus on the framework for analysis. It will begin with a brief overview of the purpose of the framework and the literature from which it was created. Next it will develop the framework itself, making sure to clearly explain each of its perspectives as well as the factors and propositions they suggest. Finally, Chapter Two will include a discussion of how the three different perspectives in the framework interrelate and explain exactly how each of the case studies will be conducted using the framework.

The next four chapters will contain the case studies. These studies will be completed in the order that they appeared on the Assembly's agenda. This will allow the study to uncover any changes or trends within Assembly decisionmaking across the early 1990s. Each chapter will begin with a discussion of previous UN decisionmaking in that particular area. This will provide the context for current consensus building efforts in each area and help to assess any significant long-term changes in the relationships between variables identified in the framework. Next, the framework will be applied to the case in a systematic fashion as described in Chapter Two. Since the same framework will be applied to all of the cases, it should be possible to draw on the similarities and differences between the findings of each case study to refine the propositions regarding Assembly decisionmaking outlined in Chapter Two and to generate a series of future research questions based on the new insights that emerge.

The concluding chapter of the dissertation will seek to examine the various findings of the empirical research, offer some conclusions about which independent variables offer the greatest analytical leverage in
understanding consensus building, outline a revised decisionmaking framework, and consider the implications of this research for some of the areas of literature surveyed, and utilized, in Chapter Two. In addition, the conclusion will also stress the value of direct access to participants in international organization decisionmaking by discussing some of the key insights into United Nations processes uncovered during the interviews at UN headquarters in New York. Finally, the final chapter will conclude with a brief consideration of some possible alternate explanations for the variation in the level of consensus reached on the four case studies and mention some of the implications of this project for future research on international organizations.
CHAPTER 2
THE FRAMEWORK FOR ANALYSIS

This chapter is devoted to designing the framework which will guide the analysis of consensus building in each of the four case studies included in this dissertation. The first step in this regard is to review the literature that is relevant to the study of decisionmaking in international organizations. Once this is completed, the framework itself will be discussed, with special attention focused on each of its three perspectives as well as on the factors and propositions they suggest. Finally, this chapter will outline exactly how the framework will be applied to each case. But first, a few words about the purpose of the framework are required.

The immediate goal of these efforts is to create a framework that can be used to explore the internal dynamics of General Assembly decisionmaking in a systematic fashion. As a result, much of the literature used in designing the framework focuses explicitly on this organization. However, the ultimate goal of this project is to offer a framework that can capture the consensus building process found in a variety of international organizations and global conferences. In order to accomplish this broader task, a range of different literatures will be surveyed in search of useful concepts. Therefore, the framework designed here will need to synthesize the insights of several of these areas of scholarship if it is to effectively meet each of these goals.
A REVIEW OF RELEVANT LITERATURE

The study of international organizations dates back almost as far as the organizations themselves. The creation of the League of Nations and the United Nations was accompanied by a flurry of writings on the origins, structures, and early activities of these new organizations. Unfortunately, these were typically descriptive or thematic treatments which provided useful information but offered little in the way of theory. However, the field of international organization studies has given rise to several important theoretical traditions across the past fifty years such as functionalism, neo-functionalism, transnational relations, complex interdependence, and regime analysis. These efforts have had some notable success in trying to push scholars beyond the state-centered and conflict-based realist paradigm; but unfortunately, their utility for the purposes of this study remains limited due to their neglect of the formal and informal structures and procedures that characterize the consensus building process in international organizations.

Just as the United Nations emerged from four decades of Cold War paralysis in the late 1980s, the international organization subfield started to move beyond the confines of regime analysis which had dominated this area of scholarship for nearly a decade. Scholars began to offer new theoretical

1 For example of this type of writing see Claude (1971) which was first published in 1956. This writing has been reviewed quite thoroughly in Archer (1983: 71-131).

2 There is a rich literature on each of these but the classic texts are Mitrany (1943) for functionalism, E. Haas (1958) and Nye (1970) for neo-functionalism, Nye & Keohane (1971) for transnational relations, Keohane & Nye (1977) for complex interdependence, and Krasner (1983) for regime analysis. These writings have been extensively reviewed in Archer (1983), Gordenker & Saunders (1978), Alger (1977), Taylor (1990), Harrison (1990), Willetts (1989), Haggard & Simmons (1987), and Henderson (1988).

perspectives that tried to overcome some of the most glaring limitations of this previous writing. And while these efforts have yet to fully embrace the call for research focused on the internal political processes of international organizations, they do offer some insights for the propositions contained in the analytic framework outlined in the following section.

In addition to this general literature on international organizations, a second area of research which is also relevant to this particular study has focused more directly on the United Nations itself. There are several types of useful studies within this general grouping. The first are empirical studies which have addressed certain aspects of the internal workings of the organization. While these efforts were largely completed nearly thirty years ago and none of them focused specifically on decisionmaking, they did address related issues such as influence and participation. The second type are decisionmaking studies written by former participants in the political processes of the UN. Some of these have focused exclusively on the principle organs of the UN, while others have addressed conference diplomacy more broadly. The only disadvantage to these approaches is that they were not guided by a systematic framework. The third type are studies

1 Examples of these efforts are Jonsson (1986) who brings interorganizational theory to the study of international organizations, Ness & Brechin (1988) who draw on organizational sociology for their key concepts, Young (1989) who stresses the importance of bargaining in regime formation, and E. Haas (1990) who focuses on the role of adaptation, learning, and knowledge in organizational change.

2 Even within the past few years, scholars have once again observed the need for systematic exploration of UN decisionmaking, see Kaufmann (1994: 28) and Rochester (1995: 199).


4 The best examples of this type of work are Kaufmann's 1962 (reprinted in 1980) study of UN decisionmaking and his 1988 study of conference diplomacy. Kaufmann is a former Permanent Representative to the UN from the Netherlands. See also Narasimhan (1988).
which specifically focus on the General Assembly.* These efforts have provided a wealth of information about its functions, procedures, and processes, but again, the analysis was not guided by a systematic framework.

Despite the fact that much of this UN focused literature has important shortcomings, at least in terms of the goals of this dissertation, it nonetheless offers concepts that are relevant to the study of global consensus building. For instance, UN scholars have long highlighted the importance of leadership, issue salience, procedures, delegate autonomy, actor attributes, networking, individual personalities, and the external environment as important factors that can influence the internal dynamics of international organizations. As a result, each of these factors will be included in the decision-making framework developed in this study. However, since these authors did not draw on any type of theoretical framework to link these diverse concepts together, it is impossible to simply take their ideas and proceed to study decisionmaking in a systematic fashion.

Fortunately, this limitation can be overcome by turning to a third area of scholarship, organizational sociology, in search of some different theoretical perspectives that can serve as the underlying basis of the framework. Like many other academic disciplines, this area of study is extremely diverse and complex; however, it has been usefully summarized and organized by Scott (1992: 22-26). He groups the study of the internal processes of organizations into three possible perspectives. The first of these perspectives focuses on the formal rules and procedures of the organization, the second highlights the strategic interaction between members of the

---

* Examples of this type of study are Peterson (1986) and Bailey (1964).
organization, and the last directs attention towards the informal networking that takes place behind-the-scenes. The framework developed in the next section will use these three perspectives to organize the diverse range of concepts identified by previous UN scholarship.

Finally, there are two other specific areas of literature which also have useful insights to offer in the study of global consensus building. First would be the foreign policy decisionmaking literature, in particular those scholars who focus on decision units and the study of small group dynamics. These authors stress the importance of identifying the set of participants who are actually going to be making the decision and then studying their interaction in detail. Second would be the literature which focuses on cartels and other multilateral situations where coordination is required. These studies offer both general insights and even some specific propositions regarding the effects of group size and procedures on the consensus building process.

Therefore, the framework used in this study finds its roots in at least five distinct areas of scholarship, all of which have significant insights to offer. However, the key contribution of this particular project will be to synthesize these seemingly diverse concepts into an integrated framework that can be used to identify and understand the factors which cause consensus to be possible within the complex dynamics of the UN System.

Before moving to discuss the framework, it is necessary to mention that there are three areas of recent scholarship which do not directly contribute to this framework but do address some related issues. As a result,

---

* See, for example, Hermann, Hermann and Hagan (1987) and Hermann (1993).

10 Examples of this literature include Spar (1994), Frey (1984), and Kahler (1993).
it is likely that the results of this research will contribute to these other areas of concern. The first such area would be the literature referred to as new institutionalism which focuses on the ability of both formal and informal institutions to constrain choices, alter preferences, and influence outcomes. As a result, these authors might be able to draw insights from any preliminary observations that could be made regarding the influence of the type of decision process on the ultimate policy outcome.

The second area would be the literature on multilateralism which is interested in the broad universe of international institutional forms that bring multiple parties together in particular areas of concern. While international organizations represent only one fraction of this universe, any findings regarding the nature of relations within these forums would be of interest to these scholars, especially if they were found to hold true for other multilateral arrangements such as global conferences.

The third area would be the recent writings on global governance which explore those areas of international activity where relationships that transcend national frontiers are governed without the presence of sovereign authority. In other words, global governance is doing internationally what

\begin{footnotesize}
\begin{enumerate}
\item The volume of literature devoted to new institutionalism is extensive. Some useful sources include Powell & DiMaggio (1991), March & Olsen (1989), and Thelen & Steinmo (1992). These authors tend to neglect the internal functioning of institutions (which is the focus of this particular project) in favor of studying the impact of the institutions themselves on the ultimate policy outcome.

\item The most comprehensive treatment of this literature is found in Ruggie's (1993) edited volume. However, his volume also reflects an important limitation of this work to date. Ruggie argues that formal international organizations represent only one small part of the broader universe that interests scholars of multilateralism (6-7), and so they are essentially neglected in this particular collection. However, the premise of this dissertation is that formal international organizations represent an important part of this universe and should be included in the analysis.
\end{enumerate}
\end{footnotesize}
governments do at home. As such, these scholars would certainly find any effort to explore the consensus building processes found in international organizations a useful contribution to our understanding of the many dynamics that are included as part of global governance. Any further elaboration on the possible contributions of this research to the literature on new institutionalism, multilateralism, and global governance will be included in the concluding chapter of the dissertation.

THE FRAMEWORK

The decisionmaking framework developed here is composed of three different perspectives on the central dynamics of the global consensus building process. One of these perspectives highlights formal institutions, another focuses on strategic interaction, and the last addresses informal networking. Each of these perspectives, in turn, offers a series of independent variables that are argued to cause consensus to be possible in the case of certain decisions and not others. The framework includes propositions that specify the exact nature of the expected relationship between each independent variable and the likelihood of consensus. However, it is important to stress that the primary focus of the framework is on applying these perspectives to an new area of study rather than on testing the specific propositions as something controversial. The framework is summarized in Table Three and discussed in the following pages.

13 This literature has been introduced, discussed, and reviewed in Rosenau & Czempiel (1992), Rosenau (1995), and Finkelstein (1995). The main criticisms focus on the fact that global governance is usually defined so broadly that the concept appears to include virtually anything, thereby preventing it from offering any analytical leverage in examining the internal processes of international organizations.
<table>
<thead>
<tr>
<th>Perspective</th>
<th>Variable</th>
<th>Proposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Formal Institutions</td>
<td>Size</td>
<td>1) The smaller the number of participants in the decision unit, the greater the likelihood of consensus.</td>
</tr>
<tr>
<td></td>
<td>Formal Leadership</td>
<td>2) If formal leadership sanctioned through established procedures is present, then there is a greater likelihood of consensus.</td>
</tr>
<tr>
<td></td>
<td>Negotiating Groups</td>
<td>3) If formal ad hoc negotiating groups are established within the decision unit, then there is a greater likelihood of consensus.</td>
</tr>
<tr>
<td></td>
<td>Procedures</td>
<td>4) The greater the flexibility of the procedures used in the decision unit, the greater the likelihood of consensus.</td>
</tr>
<tr>
<td></td>
<td>Goal Convergence</td>
<td>5) The greater the degree of convergence in the goals of the actors in the decision unit, the greater the likelihood of consensus.</td>
</tr>
<tr>
<td>Strategic Interaction</td>
<td>Issue Characteristics</td>
<td>6) The more amenable an issue is to compromise solutions, the greater the likelihood of consensus.</td>
</tr>
<tr>
<td></td>
<td>Minority Salience</td>
<td>7) The less salient an issue is to the actors in the minority position, the greater the likelihood of consensus.</td>
</tr>
<tr>
<td></td>
<td>Actor Attributes</td>
<td>8) The more active the representatives of actors willing to serve as brokers in the decision unit, the greater the likelihood of consensus.</td>
</tr>
<tr>
<td></td>
<td>Participant Autonomy</td>
<td>9) The greater the degree of autonomy of the participants in the decision unit, the greater the likelihood of consensus.</td>
</tr>
<tr>
<td></td>
<td>Strategies</td>
<td>10) The greater the use of strategies that actually focus on the substance of the issue at hand, the greater the likelihood of consensus.</td>
</tr>
<tr>
<td>Informal Networking</td>
<td>Informal Contacts</td>
<td>11) If informal contacts between members of the decision unit are fostered in regards to an issue, then there is a greater likelihood of consensus.</td>
</tr>
<tr>
<td></td>
<td>Working Relationships</td>
<td>12) The better the working relationships between members of the decision unit, the greater the likelihood of consensus.</td>
</tr>
<tr>
<td></td>
<td>Personal Attributes</td>
<td>13) The greater the skill and reputation of the participants in the decision unit, the greater the likelihood of consensus.</td>
</tr>
<tr>
<td></td>
<td>Ad Hoc Leadership</td>
<td>14) If ad hoc leadership perceived as legitimate is provided by one or more of the actors in the decision unit, then there is a greater likelihood of consensus.</td>
</tr>
<tr>
<td></td>
<td>Broad Perspective</td>
<td>15) If members of the decision unit are willing to look beyond the narrow interests of the actors they represent, then there is a greater likelihood of consensus.</td>
</tr>
</tbody>
</table>

**TABLE 3: The Decisionmaking Framework**
From the start is should be clear that the factors identified by each of the perspectives will not be entirely distinct. In fact, some concepts are present in at least two of the perspectives, albeit it decidedly different ways. For instance, leadership and small groups are important across the perspectives; however, the formal institutions perspective addresses them in a much different way than the informal networking perspective. This is true because each of the perspectives draws on some of the characteristics of the actors involved in the Assembly as well as on some of the characteristics of the consensus building process itself in search of its key concepts. Therefore, the real difference between the perspectives lies in the exact concepts they choose to highlight and in the underlying relationships they posit between these concepts and the ultimate dynamics of the consensus building process.

**PERSPECTIVE ONE: FORMAL INSTITUTIONS**

The first perspective on consensus building contained in the framework focuses on the formal institutions that will be involved in the decision process. According to Scott, organizational sociologists refer to this approach as the rational systems perspective since the analysis centers on the formalized structures found in the institution, on the specific procedures that will be used, and on the organizational goals that will be pursued (1992: 30-50). Issues such as the larger social context of the decision, the individual characteristics of the participants in the process, and the specific actions that are taken within the organization are not addressed. Instead, this perspective emphasizes the considerable influence of the internal structural features of an organization on the nature of the ultimate decision that is made.
As a result, the first step in using this perspective to analyze the consensus building process is to determine the structure and procedures that will be used to make the particular decision in question. A particularly useful concept in this regard is the notion of decision units initially developed by Hermann, Hermann, & Hagan (1987) for the study of foreign policy decisionmaking. One of the key contributions of this concept is to stress the importance of identifying the actors and arenas that will be most relevant in a given situation. This, in turn, makes it possible to consider how the nature of each particular decision unit might affect the dynamics of the decision process. This is true in the case of foreign policy because authority can be exercised in a wide range of arenas by a potentially diverse range of actors. It can be argued that this realization is even more important in the case of international bodies such as the UN System because they are composed of a whole series of somewhat autonomous organizations.

Even with the case of the General Assembly alone, the range of potential decision units, each with their own structures and procedures, is quite large. In terms of actors, there are nine types which can play a role: representatives of member states, representatives of groups of states functioning as a bloc, executive heads including the Secretary-General, secretariat staff, presiding officers elected each session, representatives from nongovernmental organizations (NGOs), representatives from other international governmental organizations (IGOs), representatives from multinational corporations (MNCs), and the media. In terms of arenas,

---

14 Authors who discuss the range of participants in the political processes of the UN include Kaufmann (1980 & 1988), Jacobson (1984), Cox & Jacobson (1973), Bailey (1964), Peterson (1986), and Soroos (1986).
there are three types which must be considered: the Plenary which formally approves all decisions of the other arenas, the seven (now six) main committees of the Assembly in which the major work of the session is completed, and issue specific bodies that work closely with the relevant committees and provide annual reports the the Assembly.

Once the relevant actors and arenas are identified for each particular decision, then it is possible to consider the effects of the structure, procedures, and goals of that decision unit on the consensus building process. In terms of structure, the key issues include the size of the decision unit, the structure of formal leadership in the decision unit, and the role of smaller formal negotiating groups. In terms of procedures, the focus is on their comparative rigidity versus flexibility. Finally, in terms of goals, it is necessary to determine if there is any common ground within the decision unit at the outset of Assembly debate on an issue. As a result, size, formal leadership, negotiating groups, procedures, and goal convergence are the five independent variables suggested by this perspective. Let us briefly consider how each one might influence the likelihood of consensus.

The first independent variable contained under the formal institutions perspective focuses on the size of the decision unit. The relationship between size and the possibility of consensus within a decision group has been debated within the public choice, cartel, and multilateralism literature. The

---

19 Due to pressures on the Plenary, most draft resolutions are handled in these committees, see Nicholas (1975: 111) and Alger (1967: 51). And since each one has its own character and lines of conflict, their political dynamics can vary, see Kaufmann (1980: 32-40), Peterson (1986: 272-6), and Bailey (1964: 104).

conventional wisdom is that large groups make consensus less likely because an increased number of participants leads to a greater diversity of interests and to a more complex pattern of interaction. On the other hand, a smaller number of participants can facilitate the process of building trust and friendship, both of which can encourage consensus. Therefore, the first proposition contained in this study is:

Proposition 1: The smaller the number of participants in the decision unit, the greater the likelihood of consensus.

However, there are two potential caveats to this proposition that must be mentioned. First, Hermann’s survey of the literature on foreign policy decisionmaking in small group settings comes to the conclusion that any decision group, no matter how small, can suffer from certain pathologies that inhibit agreement (1993: 181-2 & 189-90). This is true because all participants are roughly equal in power and they all have primary loyalties that lie outside of the group. Second, Kahler’s discussion of multilateral cooperation suggests that widespread agreement is possible even in large groups, especially when an agreement is formed by a core group of participants and then spreads to include others (1993: 296-9). Since both of these caveats apply to circumstances that are found in international organizations, it is clear that the size of the decision unit can have a varied impact on consensus building.

The second independent variable suggested by this perspective addresses the structure of formal leadership found in the decision unit. Formal leadership refers to positions of authority that are sanctioned by the body in question in order to make an otherwise chaotic process more
organized. As a result, effective leadership is crucial in international organizations because it can get the decisionmaking process moving and keep it running smoothly.\(^{17}\) For instance, leadership is needed to decide how meetings will be structured, how work will be organized within the given time constraints, and how the work of different bodies will be coordinated. In addition, leadership is required to allocate speaking time, rule on procedural questions, assign issues to the appropriate body, and allow time for behind the scenes negotiation. Therefore, the second proposition is:

Proposition 2: If formal leadership sanctioned through established procedures is present, then there is a greater likelihood of consensus.

This formal leadership in the Assembly is usually provided by one of two actors: executive heads and presiding officers. Executive heads, including the Secretary-General, have a unique ability to expand the mandate of their organization.\(^{18}\) In addition, they can play an important role in the internal processes of their organizations by facilitating compromise, taking initiatives, issuing reports, and suggesting agenda items.\(^{19}\) Likewise, the presiding officers which are elected each session play roles which help provide important leadership in the Assembly.\(^{20}\) These functions include

\(^{17}\) Discussions of these dynamics can be found in Alger (1989: 3-4), Bailey (1964: 111), and Kaufmann (1988: 31-3, 52-4, & 69-73).

\(^{18}\) For research on this type of activity see Rivkin & Gordenker (1993), Cox (1969), Urquhart & Childers (1990), and Schechter (1987).

\(^{19}\) These roles are discussed in Kaufmann (1988: 100-13) and Cox & Jacobson (1973: 397-9).

\(^{20}\) Scholars who have addressed the importance of leadership by the presiding officer include Alger (1967: 52), Tolley (1983: 38-42), Kaufmann (1980: 138-9), Peterson (1986: 279-83), Bailey (1964: 111), and Nicholas (1975: 114).
allocating speaking time, organizing informal consultations, and starting/ending meetings. If these tasks are performed in an effective manner, the chairperson of a decision group can help facilitate building a consensus even in some of the most contentious issue areas.

The third independent variable highlighted by this perspective concerns the role of smaller formal negotiating groups in building a consensus within the decision unit. These groups are often created by the presiding officer but may emerge due to the initiative of the delegates themselves. According to Peterson, they arise on an ad hoc basis in order to overcome some of the limitations associated with the large size of many General Assembly committees and working groups (1986: 272). More specifically, Alger has stressed that these negotiating groups play an important role in the Assembly because they permit heterogeneous interests to be narrowed down to a few key issues (1989: 3-4 & 21-9). By allowing the most contentious issues to be segmented out into smaller and more focused discussions, these groups can help to keep the consensus building process moving. This leads to the third proposition:

**Proposition 3:** If formal ad hoc negotiating groups are established within the decision unit, then there is a greater likelihood of consensus.

The work of these groups is both complex and difficult; it is often only the most difficult issues which make it to these groups and the members of the group must balance the desire for agreement with the interests of the larger group they each represent. Furthermore, many of the obstacles to consensus building that relate to the size of the decision unit can also serve to
inhibit agreement in these negotiating groups. Nonetheless, Kaufmann has concluded that many participants are often eager to serve on these “fire brigades” because it can give them the opportunity to have a large influence on the decision (1980: 16-7). And since these groups often do play a key role in the political processes of international organizations, it is necessary to investigate their role in facilitating or inhibiting consensus building.

The fourth independent variable captured by this perspective directs attention towards the procedures used in the decision unit. Again the public choice and cartel literature have important contributions to make, but the issue of procedures has also been addressed by the work on foreign policy decision regimes. The key issue highlighted by all of these literatures concerns the flexibility versus formality of the procedures and how that has an influence on the chances for group agreement. More specifically, these authors argue that greater formality often leads to increased rigidity, the possibility of the rules themselves becoming the subject of dispute, and the need for special bodies to interpret them. On the other hand, flexible procedures can provide the necessary coordination and interaction to allow for collective problem solving without generating these possible side effects.

As a result, the fourth proposition for this study is:

**Proposition 4:** The greater the flexibility of the procedures used in the decision unit, the greater the likelihood of consensus.

---


22 Examples of flexible procedures include more abstract notions such as shared understandings regarding behavior that emerge over time and more concrete practices such as allowing time for informal consultations.
It should also be clear that another relevant issue in terms of procedures concerns the formal voting rule that will be used to make the decisions. This is true because the voting rule helps to determine how much influence each member will have, the degree of support that is needed, and the importance of compromise. As was discussed in chapter one, the two main voting options used in the General Assembly are majority rule and consensus. However, due to the fact that consensus is becoming the decision rule of choice (with a majority rule decision made only when consensus is not achieved) and the fact that the whole issue of consensus actually represents the dependent variable in this study, the procedures captured by this independent variable do not refer to the decision rule. Instead, the focus will be on the formality versus flexibility of the procedures for allowing delegates to address the decision unit, for tabling resolutions, for participant interaction, and so on, all of which can influence consensus building.

The fifth and final independent variable included in this perspective relates to the degree of goal convergence present amongst the actors in the decision unit at the outset of Assembly debate on an issue. This is important because the presence or absence of common ground between these actors will influence the dynamics of the political process. This logic is consistent with recent research on consensual knowledge in organizations


24 The goals of individual actors can usually be identified from policy statements or inferred from the positions taken on certain issues. However, this is not an easy undertaking for several reasons: actors may publicly assert their goals are one thing when their true underlying motivation is something different and any one specific position on an issue has the potential to be consistent with more than one goal. However, it should be relatively easier to determine if there is any type of common ground present on each issue, and that is all that is required for this particular variable and proposition.
and on epistemmic communities; however, it has also been mentioned specifically in relation to the General Assembly. The basic idea is that the absence of common ground will result in a more conflictual and complex policy process whereas the presence of common ground that crosses traditional lines of cleavage can help prevent this type of paralysis. Therefore, proposition five is as follows:

Proposition 5: The greater the degree of convergence in the goals of the actors in the decision unit, the greater the likelihood of consensus.

This notion of goal convergence certainly relates to the ongoing debate regarding whether or not organizations can have goals. As discussed by Scott, the whole issue of organizational goals, and in particular the relationship between individual goals and organizational goals, is a fuzzy and slippery area of scholarship (1992: 285-290). However, there seems to be an emerging scholarly consensus around the fact that organizational goals, when they are present and easily identifiable, can have an important impact on how the organization operates. Less time and resources are required to set the goals so more time and resources can be devoted toward achieving them. In the case of this particular study, it is relatively easy then to see how a high degree of goal convergence within the decision unit (essentially representing the presence of organizational goals) can make the consensus building process much more manageable and less daunting than would otherwise be the case.

---

28 For the literature on consensual knowledge see E. Haas (1990), for epistemmic communities see P. Haas (1992), and for the General Assembly see Alger (1989: 3-4) and Kaufmann (1988: 57-67).
PERSPECTIVE TWO: STRATEGIC INTERACTION

The second perspective on consensus building contained in the framework focuses on the strategic interaction that takes place between the actors in the decision unit. According to Scott, organizational sociologists refer to this approach as the open systems perspective since the analysis centers on the hard bargaining and horse trading that occurs between the different shifting coalitions which emerge within the organization (1992: 77-92). In other words, this perspective differs from the first in that the focus is no longer on the internal structure and procedures of the decision unit itself; instead, attention is devoted to the activities and characteristics of the participants within the decision unit. In addition, this perspective also brings in elements of the larger social context in which the decision is made, something which was neglected in the formal institutions approach. On the whole, agency and choice on the part of individual participants, and not the structures of the organization itself, are considered most important in the consensus building process.

This focus on strategic interaction is consistent with two important areas of recent international organization scholarship. The first of these areas is Young's (1989) focus on the role of institutional bargaining in the process of forming and maintaining international regimes. In his analysis, Young rejects utilitarian and power based interpretations of these processes in favor of a model centered on negotiations between self-interested parties to deal with collective action problems. The discussion of his model shares some elements in common with each of the three perspectives outlined here; however, his main ideas are most consistent with the strategic interaction
approach. For instance, some of the key features of his model include: multiple actors, unanimity rules, integrative bargaining, transnational alliances, competing draft texts, shifting linkages, and package deals, all of which will be reflected in the following discussion.

The second of these areas concerns the fact that the environment in which an international organization operates can influence its internal processes and performance. This relationship was first identified by Cox & Jacobson (1973) but has also been discussed by Ness & Brechin (1988). The basic idea is that each actor within the organization has linkages to the outside environment and that these linkages have an impact on the power and resources an actor has within the organization. Therefore, these scholars feel that the environment must be included as a separate component in any analysis of influence in international organizations. This study takes a different approach in arguing that the environment can only influence the consensus building process through one of the five other independent variables included in this perspective. As a result, this perspective does not explicitly include the environment as a separate variable, but it does in fact take account of its influence on decisionmaking.

Based on these concerns related to strategic interaction, there are five independent variables included as part of this second perspective. The first two variables relate to the characteristics of the issue in question and to the salience of that issue to the actors involved in the decision. The last three variables focus instead on the different types of actions available to the participants based on their particular attributes, their degree of autonomy from the actors they represent, and the types of strategies they choose to use.
The first independent variable included in the second perspective addresses the impact of issue characteristics on the consensus building process. The basic idea is that the specific characteristics of a particular issue can either facilitate or inhibit the consensus building process. It is somewhat surprising that this factor has receive little attention in the literature on the General Assembly since the range of issues covered by that body is so diverse. However, in his study of regime formation, Young concluded that differences in issue characteristics have important implications for the possibilities of international cooperation (1989: 366-371). In fact, five of the six determinants of successful cooperation identified by Young relate in one way or another to issue characteristics. As a result, the sixth proposition is:

Proposition 6: The more amenable an issue is to compromise solutions, the greater the likelihood of consensus.

In the past, some discussions of international cooperation have suggested that the issues most amenable to compromise are those drawn from areas of "low politics" such as health, weather, and trade (as opposed to those drawn from "high politics" such as military security). However, this distinction is overly simplistic at best and most likely outright wrong. Fortunately, Young has identified several other characteristics based on the actual substance of debate that can make an issue more (or less) amenable to compromise (1989: 366-371). First, the issue must be one where each side sees a clear need for some type of change from the status quo. Second, it must be an issue where it is possible to derive arrangements that are seen as equitable to all sides involved. Third, there must be some easily identifiable
salient solutions which can serve as the center of debate. And fourth, if the issue is characterized by any exogenous shocks or crises, then the pressure for compromise can be greater.

The second independent variable contained in the interaction perspective captures the minority salience of the issue in question. Issue salience in general can have a significant impact on the dynamics of the political process in international organizations because it helps to determine the behavior of the actors involved. This is true because the influence of an actor depends less on its overall resources than it does on the actor's willingness to commit these resources. For instance, an otherwise influential actor who is not interested in an issue will probably have a lesser role in the decisionmaking process since they will not want to expend scarce resources and effort. However, if an otherwise marginal actor takes an interest in an issue, their willingness to commit their limited resources may have surprising results. This leads to the seventh proposition:

Proposition 7: The less salient an issue is to the actors in the minority position, the greater the likelihood of consensus.

As is reflected in this proposition, the salience of the issue to those in the minority position becomes extremely important in the case of consensus decisionmaking. Since every actor in the decision unit can potentially block Assembly action, those actors in the minority can have a great deal of leverage over the outcome. And if their feelings on an issue are strong enough so as to prevent any type of compromise, then consensus will be

---

impossible to achieve. This leads us to the last three independent variables captured by this framework. They focus on the various factors which determine exactly how a participant, whether they be in the minority or majority on an issue, might seek to influence policy outcomes and the likely implications of these factors on the consensus building process.

The third independent variable highlighted by the second perspective relates to actor attributes and their role in determining potential influence in the decision unit. Of the several factors that determine how much influence a participant can have, the attributes of the actor they represent is one of the most important. The exact nature of the relevant attributes in a particular situation can vary based on the type of actor in question: for blocs of states acting together influence often comes through voting power; for large states influence usually depends on power (both military and economic) outside of the Assembly; for medium or small states influence often rests on their reputations as effective "go-betweens" on numerous contentious issues; for secretariat officials influence lies in their distribution of information as well as in their reputations for impartiality, and for NGO representatives influence stems from their willingness to act when states are unwilling or unable to do so. These differences lead to the eighth proposition:

Proposition 8: The more active the representatives of actors willing to serve as brokers in the decision unit, the greater the likelihood of consensus.

---

Now, potentially any of the actors listed above could have their representatives in the Assembly act as brokers; however, it seems as though three types are most likely to engage in this kind of behavior and, as a result, increase the likelihood of consensus. The first two types are NGOs and the Secretariat because, even though they may lack the formal voting power of states, they can nonetheless facilitate the consensus building process when they act so as to smooth over the differences between states. According to Kaufmann, the final (and probably most important) type of actors to serve as brokers are small and medium states who find themselves relatively free to maneuver within the complex and shifting coalitions often found in the Assembly (1980: 17-8). Furthermore, these states have long been constant in their support of the UN since they see the principles of the UN forming an integral part of their national interest. Evidence of this has been found across a diverse range of issues; and some examples of states who have acted as brokers in the past include Canada, the Nordic countries, Australia, New Zealand, Brazil, Bangladesh, Malaysia, and Italy, to name a few.

The fourth independent variable suggested by this perspective concerns the issue of participant autonomy in the decision unit. As was the case with actor attributes above, this variable also helps to determine how a particular participant might attempt to influence the consensus building process. This is the case because participants must often walk a fine line between pursuing

---


the interests of the actors they represent and actually participating in the give
and take of Assembly politics. In other words, delegates must balance their
instructions from home with their ultimate freedom to act. The exact mix of
these tendencies in a delegate varies across actors, issues, time, and
individuals; however, there are two basic patterns. First, delegates from
large states receive more detailed instructions than those from smaller states,
and second, delegates from states interested in an issue receive more detailed
instructions than those from less interested states. As a result, certain
participants might be able to pursue strategies other than those dictated by the
attributes of the actors they represent. Therefore, proposition nine is:

Proposition 9: The greater the degree of autonomy of the
participants in the decision unit, the greater the likelihood of
consensus.

This proposition is based on the simple logic that increased autonomy
gives the participants more latitude and flexibility which, in turn, allows
them to compromise and pursue package deals. On the other hand,
participants who are forced to advance positions and policies drafted
thousands of miles away may not be able to engage in the kind of bargaining
and negotiation that can lead to consensus. While this notion of autonomy

10 An extensive discussion of this is Jacobson's notion of the representative and participant
subsystems (1984: 100-3 & 110-14), but Nicholas (1975: 136-7) has mentioned it as well.


12 These ideas are similar to Putnam's notion of a two-level game (1988); however, Putnam also
argues that the smaller the domestic win-set of a particular negotiator (i.e. the smaller their
autonomy), the greater their leverage at the international level because it forces others to
move toward their position. Proposition nine in this study is based on a different logic; it argues
that consensus is most likely when negotiators are least constrained by their constituents. This
argument can also be found in the literature on cartels, see Spar (1994: 16-7, 219-29, & 243-55).
has most often been applied to state delegates, it can be extended, at least to a some extent, to all of the types of actors that participate in the Assembly. The rule of thumb would be that large or interested IGOs, NGOs, and so on would provide the most detailed instructions whereas those which are smaller or less interested would allow for a greater degree of autonomy.

The fifth and final independent variable included in this perspective focuses on the different types of strategies available to the participants in the decision unit. According to Cox & Jacobson, the type of strategy which is chosen by a particular actor will depend on their goals, their attributes, and the role that they desire to play (1973: 12-4 & 22-3). In general, there are two types of strategies that can be used to influence other actors and block unattractive resolutions. The first of these relates to manipulating the procedures in your favor. These strategies can be very effective, especially to block actions, since procedural matters always take precedence over substantive matters in the Assembly. The second type of strategies are those which involve more traditional means of leverage focusing directly on the actual substance of the proposal in question. The use of these two types of procedures have different implications for consensus building, which leads to the tenth proposition found in this study:

Proposition 10: The greater the use of strategies that actually focus on the substance of the issue at hand, the greater the likelihood of consensus.

In order to understand the logic behind this proposition, it is necessary to mention a few examples of each type of strategy. Examples of strategies that involve manipulating the procedures include deferring the issue to another
body, selecting a different type of voting rule, adding unrelated amendments to the resolution, changing the method or order of voting, and delaying Assembly action by adjourning the meeting. On the other hand, strategies that involve the substance of the issue in question include coalition-building, negotiation, log-rolling, and package dealing. Based on these examples, it is clear that either type of strategy can help participants pursue their objectives within the political process of the Assembly. However, Keohane has concluded that participants must be much more careful when it comes to manipulating the procedures (as compared to package dealing and bargaining) because this type of activity can create great bitterness (1967: 236). Participants are more likely to be upset when they feel the rules have been turned against them than they are when they lose based solely on greater support for an alternate proposal.

PERSPECTIVE THREE: INFORMAL NETWORKING

The third perspective on consensus building contained in the framework focuses on the informal networking that takes place behind-the-scenes between the participants in the decision unit. According to Scott, organizational sociologists refer to this approach as the natural systems perspective since the analysis centers on the informal processes that operate in the decision unit and on the personal relationships that form among the

---

33 These examples are discussed in Kaufmann (1980: 120-3, 130-7 & 1988: 16-7) and Peterson (1986: 32-3, 60-1, & 71-9).

34 Clearly, these strategies also relate to procedures as well; however, they are distinct from the first type because the actual substance of the issue is the subject of debate and contention, not the procedures for handling the issue in the first place. See Kaufmann (1980: 112-3 & 1988: 160-70) and Keohane (1967: 222).
participants in the consensus building process (1992: 51-73). This third perspective is not as developed or nuanced as the first two, but it did emerge largely in response to their shortcomings. Rather than addressing formal structures or participant bargaining, it considers the importance of informal patterns of interaction that make up the status systems, communication networks, and working relationships that exist within the organization. One of the key concerns in this perspective is the issue of organizational survival which, in the case of the General Assembly, is manifested in the fact that these participants realize that they must work together across numerous issues over time. As a result, the informal patterns of interaction that do develop along side the more formal structures and processes discussed above can have a significant impact on the dynamics of consensus building.

Since this perspective is less developed than the other two, there are fewer areas of theoretical and empirical research that can provide guidance in uncovering the key factors that either facilitate or inhibit consensus building. However, several studies of international organizations and multilateral conferences have highlighted the fact that all of these bodies have important public and private components. Some of these scholars have gone even further to conclude that the private interactions actually represent the more important processes in terms of the policies that get adopted. This is true because the private networking provides yet another method by which heterogeneous interests can be narrowed down to a few crucial issues. A

---

3 These dynamics have been discussed in Peterson (1986: 10 & 91-113), Kaufmann (1988: 3), and Alger (1967: 52 & 1972: 462).

3b Evidence of this can be found in Alger's (1989) discussion of the 1963 Special Session of the General Assembly.

58
more balanced viewpoint would be that the public and private sides of UN diplomacy are two interwoven processes; you cannot assess the impact of one of these without considering both. As a result, this third perspective promises to correct an important limitation of the previous two approaches (their neglect of the private side of UN processes) and contribute to our understanding of global consensus building.

One area of recent research which does have some insights to offer regarding informal patterns of interaction draws on interorganizational theory. For instance, Jonsson (1986) has explored the role played by "linking-pin" organizations in coordinating the activities of a range of otherwise autonomous organizations in regards to a specific issue. While much of his analysis centers on interactions across organizations, some of his concepts can be applied to informal networking within an organization. In particular, Jonsson discusses "boundary-role occupants" who occupy key positions within each organization. These individuals play a significant role in drafting global policy in an issue area because, based on their own personal characteristics, they are willing to look beyond the narrow confines of their position, of the actor they represent, and of the organization in which they operate. This allows them to adopt a broad perspective that encourages compromise and facilitates consensus building.

Based on these discussions of the importance of private interactions and boundary-role occupants, there are five independent variables captured by this perspective. The first of these highlights the importance of informal contacts between participants in the decision unit; the second concerns the

---

17 Judge (1978) has also addressed the importance of understanding how different organizations interact with each other, but the concepts discussed here are all drawn from Jonsson (1986).
long-term working relationships that develop between these participants; the third addresses the personal attributes of the participants in the decision unit; the fourth focuses on the role of ad hoc leadership; and the fifth relates to the nature of the perspectives advanced by these participants. In the case of each of these factors, the ideas and concepts are not as developed as those in the previous two perspectives, but they do need to be considered because they can have a significant impact on the consensus building process.

The first independent variable suggested by the networking perspective relates to the many informal contacts that occur between members of the decision unit. In fact, it is these informal contacts that actually form the basis for this whole perspective; they make it possible for each of the other four variables in this approach to influence the consensus building process. As surveyed by Kaufmann, these informal contacts can take a wide range of forms, both within and outside of established UN arenas (1980: 113-4). Examples of these contacts include gatherings at the back of meeting halls, "the fine art of corridor sitting," conversations in delegate lounges, and social functions at member state missions. Kaufmann has also concluded that the full range of informal contacts found within the UN System is further increased by the fact that each committee and working group of the Assembly handles these informal contacts in a different way (1988: 19). Despite this complexity, these informal contacts must be included in the overall framework developed here because, as Kostakos has observed, the years since the end of the Cold War have seen a significant increase in these informal consultations across all bodies of the General Assembly. As a result, the eleventh proposition is as follows:
Proposition 11: If informal contacts between members of the decision unit are fostered in regards to an issue, then there is a greater likelihood of consensus.

The logic underlying this proposition is quite straightforward. These informal contacts facilitate consensus building in the short-run because they provide participants with an opportunity to plan strategies, exchange ideas, seek out sponsors, and flush out otherwise vague communications. In addition, these informal contacts also have important long-term implications for consensus building because they make it possible for the participants to form a network of friends with whom they will be interacting across issue areas. This final implications leads directly to the next independent variable.

The second independent variable captured by this perspective investigates the nature of the working relationships found between members of the decision unit. This variable overlaps to some extent with the informal contacts just discussed; however, it focuses more on the long-term patterns of interaction that can emerge when participants have worked together across a wide range of specific issues. In his own personal experience in the UN, Kaufmann found that these working relationships rarely if ever had any direct influence on the national policies pursued by delegates (1980: 116-7). However, these relationships can affect the political processes of the Assembly and increase the chance of reaching a consensus because they do foster a better understanding and appreciation of these national positions. Furthermore, over even longer periods of time these relationships can have an impact on the formal procedures used to handle issues and on the voting patterns of

member states. In other words, these relationships do not increase the chance of consensus by directly changing the positions advanced by the participants; they increase the chance of consensus by changing the manner in which the participants interact over time. This leads to the twelfth proposition:

Proposition 12: The better the working relationships between members of the decision unit, the greater the likelihood of consensus.

As is the case with some of the other variables in this third perspective, it can be difficult for outside observers to uncover the nature of the working relationships found in the Assembly. However, it is possible to suggest some factors that might cause participants to forge these types of bonds. For instance, years of common service in the Assembly or one of its committees, repeated meetings at multilateral conferences held under UN auspices, past experience stationed as foreign service personnel in the same country, or even attending the same university or professional training institute might provide an opportunity to establish positive working relationships. However, it should also be mentioned that sharing these common experiences does not provide any guarantee of future cooperation. These relationships almost certainly depend on the nature of the actors the participants represent and on their individual personalities as well.

The third independent variable included in the networking perspective addresses the personal attributes of the participants in the decision unit. According to Nicholas, as is the case with any other organization or group, these personal attributes can influence the dynamics of the interaction between the participants in the consensus building process of
the Assembly (1975: 106). The characteristics argued to be important in the case of the Assembly are diverse including intelligence, tolerance, charisma, reputation, experience, patience, negotiating skills, flexibility, creativity, honesty, loyalty, stamina, and linguistic versatility. It should immediately be clear that no single individual can combine all of these different, and sometimes even contradictory, attributes. However, the key for a successful participant is to possess as many of these as possible, and even more importantly, to recognize their own limitations. Therefore, the thirteenth proposition is as follows:

Proposition 13: The greater the skill and reputation of the participants in the decision unit, the greater the likelihood of consensus.

These characteristics are particularly important for those participants who are performing a leadership role and those participants who enjoy a high degree of autonomy (two factors that are included as part of the other perspectives). However, personal attributes can have a significant impact on the consensus building process in the case of almost any participant in the decision unit. This is true because when participants do possess an effective combination of these attributes, their skills and reputations may make it possible to forge a consensus in a situation where it would initially appear to be impossible. And since these attributes also influence the other four variables included in the networking perspective, it is most appropriate to consider this particular factor as part of this final approach.

---

The fourth independent variable highlighted by the this perspective focuses on the role of ad hoc leadership in the decision unit. Much of the logic behind this variable is similar to the issues discussed under formal leadership in the first perspective; however, it is designed to capture a distinct phenomenon within the political processes of the Assembly. Whereas formal leadership focused on the activities and influence of those participants who occupied positions of sanctioned authority, this variable seeks to explore the fact that, according the Kaufmann, almost any participant in the decision unit can provide effective leadership in certain situations (1988: 69-73). Formal leaders are most able to influence consensus building due to their power over the manner in which meetings are run and issues are handled; however, ad hoc leaders derive much of their influence from their skills, reputations, and expertise on the issue in question.* Therefore, this ad hoc leadership can possess a high degree of legitimacy and credibility which, in turn, can make it possible for those particular participants to help build consensus in the decision unit. As a result, the fourteenth proposition is:

Proposition 14: If ad hoc leadership perceived as legitimate is provided by one or more of the actors in the decision unit, then there is a greater likelihood of consensus.

These ideas regarding ad hoc leadership in the Assembly are quite similar to Young's discussion of the role played by entrepreneurial leaders in the process of regime formation (1989: 373). Young describes these types of leaders not as hegemons who can impose their will nor as ethically motivated actors who seek the common good. Instead, these leaders are

---

individuals who are skilled at brokering the overlapping interests of different parties and experienced at inventing new types of innovative solutions. This type of leadership often emerges on a case by case basis in light of the particular attributes of the participants involved in the regime formation processes. As a result, this leadership can be provided by almost any type of actor (he highlights NGOs) and can play a crucial role in fostering agreement, even in the face of ongoing conflict.

The fifth and final independent variable contained in the networking approach attempts to capture whether or not the participants in the decision unit adopt a broad perspective on the issue in question. As such, this variable also overlaps with some of the factors identified in the other perspectives, most notably those dealing with goal convergence and minority salience; however, it does examine a different type of impact on consensus building. Rather than considering the specific goals of an actor on an issue, it focuses on the willingness of the actors in the decision unit to look beyond their individual interests on the issue and acknowledge that the other actors involved also have legitimate concerns that should be addressed. In other words, this variable does not address the degree of divergence in goals within the decision unit or the strength of commitment on the part of the actors involved. Instead, it tries to determine if the participants might be willing to adopt a broader perspective on the issue which, in turn, might make a consensus easier to achieve. Therefore, proposition fifteen is as follows:

**Proposition 15:** If members of the decision unit are willing to look beyond the narrow interests of the actors they represent, then there is a greater likelihood of consensus.
The issues covered by this variable have been addressed by several UN scholars, most often in relation to those individuals who serve on smaller negotiating groups. This is true because the participants serving on these negotiating groups are usually charged with representing the interests of other actors not included in the group. However, it should be clear that the dynamics through which adopting a broad perspective on an issue can facilitate the consensus building process apply equally well to the decision unit as a whole. In fact, Jonsson's research on boundary-role occupants would even suggest that these dynamics hold true for interorganizational relations, at least in the case of certain issue areas (1986: 41-2).

APPLYING THE FRAMEWORK

Now that the variables and propositions contained in each of the three perspectives on consensus building have been discussed, it is necessary to briefly consider how the three perspectives relate to each other within the overall decisionmaking framework developed here and how the framework will be applied in each of the case studies which follow.

In terms of integrating the perspectives, it is important to remember that each one highlights different factors as having the most influence on the success or failure of global consensus building. However, Scott has stressed that these perspectives should not be seen in terms of right and wrong or better and worse (1992: 22-26). Instead, he argues that each of the approaches merely call attention to differing aspects of the phenomenon in question. As a result, Scott concludes that using all three together would allow scholars to

---

41 For example see Alger (1989: 21-9) and Kaufmann (1980: 16-7).
see and learn more about how organizations operate. The framework used in the analysis of the following case studies is based on a similar argument. Each of the three perspectives is included in the framework because, in light of the preceding discussion, all of them appear to have important insights to offer.

In the following chapters, each of the perspectives will be used to analyze the dynamics of global consensus building in each of the cases. This will be accomplished using the method of structured, focused comparison since it allows for systematic yet nuanced analysis. The first step in each case study will be to consider the structure and processes of the decision unit, the second step will be to investigate the attributes and activities of the actors in the decision unit, and the third step will be to explore the nature of behind-the-scenes networking. In other words, the analysis will move from formal and concrete concepts to those which are more informal and intangible.

One final point must be addressed. Merely asserting that all three perspectives are useful and that all three have significant contributions to make is not sufficient. Based on the case studies that follow, it will be possible to reach some judgments as to which of the three perspectives offers the most insights into the politics of global consensus building. In addition, it should even be possible to draw some conclusions regarding which of the factors in each of the perspectives offers the most analytical leverage and why that is the case. That, in turn, will enable the project to advance a new and improved paradigm for studying the internal politics of international organizations which could be used to guide future research. Each of these points will receive greater attention in the concluding chapter of the dissertation.
CHAPTER 3
THE COORDINATION OF RESPONSES TO
HUMANITARIAN EMERGENCIES

On December 19, 1991, the General Assembly adopted Resolution 46/182 on the "Strengthening of the Coordination of Humanitarian Emergency Assistance of the United Nations." While initially advanced by a core group of developed countries, it came to enjoy the support of developing countries as well, and was eventually passed by consensus. The importance of 46/182 was immediately clear to the delegates involved in drafting it. For example, the Swedish UN Ambassador, Jan Eliasson, stated:

"It is sometimes said that it is only possible to achieve a consensus resolution at the United Nations on the basis of the lowest common denominator and through the skillful avoidance of tough decisions. That has not happened during this process. Member States have recognized their responsibility to deal decisively with concrete and crucial items on the United Nations agenda ... Most importantly, it conveys a strong signal to the peoples around the world, particularly those in distress, that Member States of the United Nations care and are accepting - and dealing with - the challenges and responsibilities facing us" (as quoted in Childers & Urquhart, 1992: 4).

Negotiating this resolution was not a simple process. In fact, Slim & Penrose have observed that it was the result of considerable debate, consultation, and reflection but, in the end, it represented a potentially significant advance in the development of a global strategy for humanitarian relief (1994: 200).
The Annex attached to the resolution spells out the "guiding principles" for all future UN assistance operations and specifies a set of procedures and mechanisms through which these efforts will be coordinated. The countries most actively involved in the drafting process were careful to derive a formula for action that balanced concerns of state sovereignty with the very serious needs of populations experiencing humanitarian emergencies. This has led some observers, such as Harriss (1995: 8), to conclude that 46/182 quickly became, and remains to this day, the UN’s clearest policy statement on the principles and practices of post-Cold War international humanitarian assistance. As a result, an analysis of the process through which the compromise language was hammered out in 1991 promises to offer important insights into the dynamics of successful efforts to reach a consensus on pressing but controversial global problems.

THE CONTEXT OF HUMANITARIAN ASSISTANCE

Humanitarian assistance involves providing relief to populations who are suffering from hunger, outbreaks of disease, civil unrest, ecological catastrophes, or any one or combination of other factors that place large groups of geographically localized people at risk of serious harm or death. Such efforts are nothing new; in fact, the international community has been involved in providing relief assistance for centuries. Relief programs and activities have also played a prominent role in the fifty-year history of the United Nations; almost every session of the General Assembly involves the discussion of numerous cases where some form of international assistance is required. Although many of these situations were often overshadowed by
the political and security concerns of the Cold War, particularly visible and horrific crises in the 1980s (such as Ethiopia in 1984-85 and Nicaragua in 1986) brought these issues to the forefront of international concern.

The changing international environment that emerged as the Cold War ended served to further increase both the need for international responses to humanitarian crises and the desire on the part of the wealthier countries to play an increased role in providing relief. This is reflected, at least in part, by Griffiths, Levine, & Weller:

"The complexity of the political and humanitarian crises faced by the international community has been of a new and daunting order ... The dispiriting certainties of the Cold War have given way to a turbulent instability which has produced crises of a dimension not seen in thirty years" (1995: 33).

These “new” crises were referred to as “complex emergencies” because they were caused by multiple and simultaneous factors including civil conflict, famine, population displacement, and the breakdown of existing national governments. Furthermore, many of these crises had the potential to be politically, socially, and economically destabilizing beyond the immediate borders of the emergency situation.

However, Slim & Penrose observe that, while these complex emergencies may have become increasingly common in the post-Cold War period, they were not unprecedented (1994: 194). The crises may have changed in terms of the willingness of the international community to get more directly involved, but they had not really changed from the view of the victims. In other words, the crises themselves were not necessarily becoming more complex, but the challenges facing the international community in dealing with them certainly were.
The cause of at least part of this increased complexity, according to Taylor (1995: 108-9), related to the need for effective coordination. He argues that the main underlying problem afflicting how humanitarian assistance was provided within the UN in the early 1990s was the stubbornly polycentric nature of the organizational response. There was no clear structure or office to coordinate or manage the diverse range of actors (including international organizations, governments, and international relief agencies) and activities (including both short-term relief and long-term sustainability) involved in humanitarian assistance. Of course this realization was not a new one; since the 1970s, the international community has engaged in increasingly strenuous efforts to improve the coordination of this relief in light of the "polycentric" nature of the UN System in this area.¹

These early efforts at coordinating humanitarian assistance were reflected in the creation of the Office of the United Nations Disaster Relief Coordinator (UNDRO) in 1972. This new institutional mechanism was focused on response preparedness for natural disasters, and did move the UN System forward in its efforts to deal with these crises in a more effective manner. However, in interviews several UN delegates and Secretariat officials argued that, when man-made disasters such as internal civil and ethnic conflicts emerged in conjunction with natural disasters such as drought emergencies in the mid 1980s, the UN's existing coordination structure was quickly proven to be inadequate.

In light of these shortcomings, Ramsbotham & Woodhouse observe that the UN General Assembly adopted a series of new resolutions in the late

1980s that began to address the complex challenges associated with providing humanitarian assistance (1996: 83). The first, Resolution 43/131 adopted on December 8, 1988, focused on humanitarian assistance to victims of natural disasters and "similar emergency situations," which was widely interpreted to mean man-made disasters. It stated that access to victims could be demanded as a right by humanitarian organizations on the grounds that an abandonment of these populations would constitute a threat to life and an offense to human dignity. The second was Resolution 45/100 adopted on December 14, 1990, which laid down that the governments of affected countries should allow unfettered access to victims for accredited agencies. Furthermore, it specified that, where necessary, "relief corridors" should be established to facilitate the distribution of emergency food and medical aid.

These two resolutions approached the issue of providing more effective humanitarian assistance by moving in the direction of specifying some preliminary principles of humanitarian intervention. According to Ramsbotham & Woodhouse, the resolutions tried to subtly erode the state sovereignty of affected countries in favor of allowing international agencies increased access to those in need (1996: 83). In other words, they represented an early attempt to specify principles that guided when the international community might provide relief even when consent was not obtained. However, participants in the drafting of these resolutions have concluded that these first two attempts did not fully resolve the tension between sovereignty and assistance. Furthermore, these resolutions did not address the equally important issue of coordination at all. In fact, the participants point to the Secretary-General's response to Resolution 43/116 as an
indication that, as late as September of 1989, there was continued reluctance within the UN System to acknowledge that the coordination of humanitarian assistance was a pressing problem.  

These remaining limitations were soon graphically illustrated in 1990 and 1991 when the international community confronted the challenge of providing humanitarian assistance to the Shi’ite and Kurdish populations of Iraq. As Ramsbotham & Woodhouse indicate, Security Council Resolution 688, as well as the subsequent “Memorandum of Understanding” (dated April 18, 1991) between the Iraqi Government and the United Nations, tried to establish an unprecedented set of procedures for giving a wide range of international agencies access to nearly all areas of Iraq (1996: 79-82). However, problems with these arrangements emerged almost immediately. They included: 1) tensions between official UN staff and NGOs, 2) the generally low skill level of inexperienced personnel, 3) poor interagency coordination, 4) poor dealings with the target population, and 5) difficulties in getting the host government to go along with all of the necessary steps.

As a result, there was continued pressure for the international community to once again attempt to draft a series of principles that would allow for humanitarian assistance to be provided in emergency situations in a manner that balanced the tradition of state sovereignty with the affected population’s need for relief. These efforts began in the summer of 1991 and culminated with the adoption of Resolution 46/182 in December of that year.

---

1 Resolution 43/116, adopted on December 8, 1988, requested that the Secretary-General prepare a report regarding the possibility of new mechanisms for addressing the needs of internally displaced persons. His response, contained in UN document A/44/520 of September 28, 1989, stated that it was unnecessary to establish new mechanisms for the coordination of relief programs for these persons at the present time.
THE DRAFTING OF RESOLUTION 46/182

Compared to the other three cases that will be examined, the decision process on the coordination of humanitarian assistance moved rather quickly. According to those most involved, discussion of this issue did not begin until the Summer 1991 session of the Economic and Social Council (ECOSOC) in Geneva.¹ The actual drafting of Resolution 46/182 did not commence until October after the General Debate of the Fall General Assembly Session and was completed by early December. In other words, much of the activity surrounding this decision was conducted in less than six months, with the detailed negotiations lasting for only two months.

Based on the new international climate surrounding humanitarian assistance and the problems in Iraq, the European Union (EU) began to push for renewed discussion of these issues in the Spring of 1991. This effort received a boost from both the Nordic countries (it was largely consistent with their “Nordic Project” initiated in 1990) and the Group of Seven (G7) Industrialized Countries (who included these issues as part of their 1991 communique). The process of discussing specific challenges and issues associated with humanitarian assistance began at the July 1991 Session of ECOSOC. Although humanitarian assistance issues had never been discussed in a comprehensive fashion in ECOSOC before 1991, a special committee of ECOSOC was set up to address the issue of coordination. This committee was headed by a member of the ECOSOC Bureau, Jan Eliasson of Sweden.

The ECOSOC coordination committee provided interested states with a useful forum for exchanging views, but no concrete progress was made on

¹ Unless otherwise indicated, all of the information in this section is drawn from participant interviews covering both UN delegates and Secretariat personnel.
developing a comprehensive agenda for negotiation. Therefore, the Secretariat used the information contained in Eliasson’s “Chair’s Report” of the ECOSOC discussions to compile a list of issues that needed to be addressed in the General Assembly during its Fall Session.

The discussions began in the Plenary itself, with interested delegations making statements that would then be compiled by the Secretariat. However, the large, cumbersome, and overworked nature of the Plenary made progress toward any type of draft resolution extremely difficult. Therefore, the Assembly President for that year, Samir S. Shihabi of Saudi Arabia, decided to create a High Level Working Group (HLWG) to deal exclusively with the issues surrounding the coordination of humanitarian assistance. The President then asked Jan Eliasson, who was also Sweden’s Permanent Representative to the UN in New York, to continue in his leadership role on this issue and chair the “Informal Consultations of the Plenary” taking place within the HLWG.

Although participation in the HLWG was open to any and all UN Member States, there was a smaller group of ten to fifteen who remained the most active on this issue across the negotiations. The EU took the lead on behalf of those countries who generally supply much of the international humanitarian assistance that reaches emergency situations; however, other such “donor countries” were quite involved. The most determined countries of this group included the United States, Sweden, Norway, Denmark, the United Kingdom, France, the Netherlands, and Canada. On the other side of the issue was the Group of 77 (G77), with India, Brazil, Mexico, Tunisia, the Philippines, Malaysia, Argentina, Cuba, Egypt, and Pakistan all playing a
central role. In addition, China was active in support of the developing countries, but it did not yet have a common position with that group to the extent that emerged later in the 1990s. Finally, the Soviet Union (which did not dissolve until several weeks after the adoption of 46/182) was certainly involved in the negotiations, but it did not play a particularly active role.

With the presence of a cleavage between developed and developing states on humanitarian assistance, the main areas of contention became clear very quickly. The primary difference centered around the appropriate balance between sovereignty and assistance. Based on concerns over refugees and increased media coverage of “complex emergencies,” the developed states favored an increased mandate for humanitarian assistance (along with more effective structures to help implement these efforts). However, the developing states tried to strenuously resist any language that would give automatic precedence to humanitarian assistance over state sovereignty. In addition, other areas of disagreement emerged in regards to the the best institutional mechanisms through which assistance could be effectively coordinated and on the need to ensure that the provision of emergency relief would not lead to a decreased commitment to development.

Due to the large size of the HLWG (every meeting was attended by at least forty or fifty states) and the wide differences between developed and developing countries at the start of debate within the HLWG, Eliasson soon decided to hold informal consultations among a smaller subset of the interested states in order to work through key areas of disagreement. These

---

4 This cleavage was highlighted by all participants interviewed in regards to this case; however, it has also been discussed by other scholars as well, see Murphy (1996: 371); Ramsbotham & Woodhouse (1996: 84); and Griffiths, Levine, & Weller (1995: 43).
consultations became known as "the breakfast meetings" as a group of fifteen or so Ambassadors moved from mission to mission across the two month period of negotiations. The group included a mix of developed and developing states (as well as a range of different viewpoints within each of these sets) in order to ensure that all sides of each issue would be included in the discussions. This, in turn, would help to create as wide as support as possible within the HLWG and the Plenary for any breakthroughs or agreements that emerged within the breakfast meetings.

Much of the debate regarding sovereignty versus assistance took place within these breakfast meetings. Eliasson was careful to build consensus around each piece of the resolution language. According to Griffiths, Levine, & Weller, the slight ambiguity that resulted from this process was based on the realization that specific codification was not necessarily the best way to resolve the tension between sovereignty and assistance (1995: 44). While this has lead to some continuing difficulty as the UN approaches each new humanitarian emergency (a point which will be discussed in the next section), it did allow the "Breakfast Club" (and later the HLWG and the Plenary) to reach a consensus on the overall resolution.

THE SIGNIFICANCE OF RESOLUTION 46/182

Before embarking on a more detailed examination of the consensus building process regarding humanitarian assistance using the three perspectives in the framework, it is important to briefly outline the main aspects of the resolution which resulted. Since the resolution itself contains only two short operative clauses, the real substance of 46/182 lies in its seven
part Annex. This Annex specifies both the “guiding principles” of humanitarian assistance and the different institutional mechanisms that should be created to facilitate the coordination of the international response to emergency situations.

The central component of the “guiding principles” are the clauses which attempt to balance state sovereignty with humanitarian assistance. Most important in this respect is clause three which reads:

“The sovereignty, territorial integrity and national unity of States must be fully respected in accordance with the Charter of the United Nations. In this context, humanitarian assistance should be provided with the consent of the affected country and in principle on the basis of an appeal by the affected country.”

The first sentence of this clause clearly indicates the primacy of state sovereignty when it comes to humanitarian assistance. However, several scholars and practitioners have concluded that the second sentence provides an opening through which donor countries can move in complex situations. Key in this regard are the words “in principle” and “country,” both of which suggest that humanitarian assistance may not depend on the consent of the government of the affected country. In other words, this language implies that a country may be able to appeal for (and receive) aid, even if its government does not consent.

The other clauses of the “guiding principles” section also maintain this somewhat uneasy balance between sovereignty and assistance. Clauses two and four both seem to stress the importance of sovereignty in stating that “humanitarian assistance must be provided in accordance with the principles

---

of humanity, neutrality and impartiality" just as "each State has the responsibility first and foremost to take care of the victims of natural disasters and other emergencies occurring on its own territory." However, clauses one, five, six, and seven all imply that humanitarian assistance is of such importance that, when the affected country is unable to meet the needs of its population alone, the international community must be able and willing to facilitate the provision of relief and aid.

As a result, this resolution attempts to maintain an ambiguous balance between sovereignty and assistance. On the whole, Ramsbotham & Woodhouse conclude that the terminology of Resolution 46/182 provides sufficient flexibility such that, in exceptional circumstances, the UN can provide emergency assistance even in the absence of a governmental request (1996: 84). In other words, this resolution "tilts the balance towards humanitarian intervention." Unfortunately, this assessment is by no means a unanimous one as is reflected by the fact that the international community has been forced, at least to some extent, to renegotiate this balance in the case of each new emergency that emerges. However, all participants interviewed argued that 46/182 remains the UN's clearest policy statement and guide on the principles and practice of post-Cold War humanitarian assistance.

In regards to the new international mechanisms that should be created to facilitate the coordination of emergency responses, Resolution 46/182 is more precise. While the Annex covers a wide range of issues related to coordination, there are four main institutional "pillars" that were created as a result of this resolution.°

First, a new position of Emergency Relief Coordinator was proposed within the Secretariat so that one high ranking official could serve as the focal point of the international response to these situations. The appointment was designed to be at the Under-Secretary-General level so that the office-holder would have the same level of authority as the individual agency directors whose activities they were intended to coordinate. Second, an Inter-Agency Standing Committee (IASC) was created to formulate priorities, integrate projects, minimize duplication, and draw on the specific strengths of the various international humanitarian actors. Its composition would include representatives from all relevant UN agencies as well as the International Committee of the Red Cross and other relevant NGOs.

Third, a Central Emergency Revolving Fund (CERF) was established with an initial target of fifty million dollars. This money would allow the agencies of the UN System to respond in a more rapid and effective fashion as early as possible during any new crisis situation. And Fourth, a Consolidated Appeals Process was installed in order to facilitate coordinated fundraising. These new procedures would remove the duplication and frustration of the previous system where each separate agency approached the donor community with individual requests for funds.

It should be noted that the new Department of Humanitarian Affairs (DHA) within the Secretariat was not created as part of 46/182, as is often argued to be the case. However, participants in the decision process have stressed that DHA was a direct result of the Secretary-General’s efforts to ensure the fulfillment of this resolution. Boutros Boutros-Ghali created the new department in March of 1992 with the Emergency Relief Coordinator
also serving as Under-Secretary-General for Humanitarian Affairs. As part of this restructuring, the Director General for Development and International Economic Cooperation (DGDIEC) was replaced and UNDRO was folded into the new department. According to Ramsbotham & Woodhouse, the mandate of DHA included coordinating all international humanitarian assistance efforts, mobilizing the necessary international support to deal effectively with each crisis, and making sure that relief was not an isolated effort but was intimately linked to initiatives that addressed root causes (1996: 83). In light of this mandate, all four of the 46/182 pillars discussed above became important mechanisms for DHA's efforts to provide coordination on assistance issues within and beyond the UN System.

While evaluating the performance of the new department is not directly part of the scope of this study, the true significance of the debate regarding 46/182 becomes clearer when the subsequent concrete results of the resolution are addressed. Taylor argues that DHA began its activity with much anticipation and promise (1995: 115). Resolution 46/182 had provided it with a task that was widely recognized as being crucial in the future activities of the UN. Furthermore, Jan Eliasson was appointed the first USG for Humanitarian Affairs based on his success in directing the work of the HLWG. However, Taylor also observes that DHA soon found itself hampered by the continued tendency of specific agencies to have proprietorial rights to parts of its relief and assistance mandate (1995: 119). As a result, at least some aspects of the old problems quickly reemerged. This has lead some observers, such as Harriss (1995: 13), to conclude that DHA spent much of its first few years struggling from one crisis to the next.
On the other hand, many of the participants continue to feel that Resolution 46/182 and the subsequent creation of DHA represent crucial milestones in the international community’s efforts to deal with complex emergencies. As a result, the six years since DHA was established have been marked by some proposals to reform and improve it, but no real attempts to eliminate it. New leadership has been tried, with Peter Hansen replacing Jan Eliasson as Emergency Relief Coordinator after Eliasson’s frustration with the difficulties of the position lead to his decision to move on. However, the most dramatic reform and restructuring efforts came in January of 1998 when DHA was renamed the Office for the Coordination of Humanitarian Affairs (OCHA). At the same time, Sergio Vieira de Mello of Mexico became the new Emergency Relief Coordinator and USG in charge of OCHA. This change resulted in a more streamlined organizational structure in New York and Geneva, but it did little to change the mandate and functions of the office.

Despite these recent changes, or maybe because of them, the legacy and importance of Resolution 46/182 lives on within the UN System. The institutional structures it inspired (such as the new USG, IASC, and CERF) all continue to play a valuable role in the international response to humanitarian emergencies. Furthermore, the balance between sovereignty and assistance it offered remains the guide for international relief activities. As a result, 46/182 represents an important example of post-Cold War UN decisionmaking which resulted in a consensus in the General Assembly.

---
7 The reasons for his decision will be addressed at several points during the case analysis which follows. Information on this change in leadership can be found in Taylor (1995: 121) and Harriss (1995: 13).

8 These developments have been chronicled at the UN website section on humanitarian affairs (www.reliefweb.int/dha_ol/index.html).
APPLYING THE FRAMEWORK TO THIS CASE

Based on this summary of the context of post-Cold War international humanitarian assistance, it is possible to investigate the process of negotiating and drafting Resolution 46/182 in more detail. The case study will be completed using the three different perspectives contained in the decisionmaking framework proposed in Chapter Two. The analysis will begin with an examination of the formal institutions involved, and then proceed to cover strategic interaction and informal networking as well. But first, it is necessary to identify the decision unit most relevant for this case.

According to Hermann, Hermann, & Hagan (1987), the decision unit concept involves identifying the specific arena that will be most relevant to the decisionmaking process on each issue. In regards to humanitarian assistance, there are two permanent UN bodies which could potentially act as the decision unit: ECOSOC and the General Assembly Plenary. As the preceding case summary indicated, participants in the process have stated that both of these bodies were involved in the early discussion of coordinating emergency assistance. ECOSOC’s 1991 Summer Session in Geneva provided delegates with the first organized opportunity to exchange views on the key dimensions that needed to be addressed. Later that fall, the Plenary once again provided a forum for speechmaking and exchanging views on the nature of the problem. However, neither of these bodies was able to commence detailed negotiations, mainly due to their over-burdened agendas and rather cumbersome size.

As a result, many participants began to push for the creation of a special working group devoted to the issue of humanitarian assistance. Samir S.
Shihabi, then President of the Assembly, responded to these pressures by creating the High Level Working Group mentioned in the case summary. It was this working group that became the decision unit for 46/182 since it acted as the main forum for negotiation and debate. As such, much of the case study analysis which follows will focus on the consensus building processes found in this particular body.

**PERSPECTIVE ONE: FORMAL INSTITUTIONS**

The first perspective contained in the framework focuses on the formal institutions that will be involved in the decision process. Since this perspective emphasizes the considerable influence of the internal structural features of an organization on the nature of the ultimate decision that is made, its analysis centers on the formalized structures, procedures, and goals of the institution. The specific variables which are examined include the size of the decision unit, the structure of formal leadership, the role of smaller formal negotiating groups, the types of procedures that are used, and the degree of goal convergence present at the outset of Assembly debate.

The conventional wisdom regarding decision unit size is contained in proposition one which argues that smaller size leads to an increased likelihood of consensus. This is said to be the case since smaller groups tend to have a more narrow range of interests represented and a more simple pattern of interaction within the group. On humanitarian assistance, the "Informal Consultations of the Plenary" taking place within the HLWG were open to any and all of the 185 Member States of the UN. While certainly not all of them were involved, participants have observed that most meetings
were attended by representatives of forty to fifty countries. As a result, it is possible to conclude that the decision unit in this case remained quite large, even after a special body was established to facilitate debate. However, in spite of this large size, the discussion of humanitarian assistance did result in a high degree of consensus. In other words, the relationship between size and consensus found in this case is not consistent with the expectations proposed in the framework.

In fact, the results of this case lend support to one of the caveats regarding size and consensus discussed in Chapter Two. Kahler argues that widespread agreement is possible even in the case of large groups (1993: 296-9). He goes on to argue that this type of situation is most likely to occur when an agreement is formed by a smaller core group of participants and then spreads to include others. Participants in the debate regarding 46/182 have described exactly such a process within the HLWG. As was mentioned in the case summary, a smaller group of ten to fifteen states became especially active in regards to this issue. This group included representatives from a wide range of countries, including both developed and developing states. As a result, once this smaller group was able to forge a preliminary agreement, it was possible for this consensus to spread to include other countries within the decision unit. In other words, this case supports Kahler's contention that the relationship between group size and group agreement is not as simple or parsimonious as is suggested by the conventional wisdom.

The second variable in the formal institution perspective examines the structure of formal leadership present within the decision unit. This variable captures the important role played by participants who, based on their
formally sanctioned positions of authority, can help push the debate forward and keep it running smoothly. The basic argument (which is contained in proposition two) is that formal leadership, when present, can increase the likelihood of consensus by organizing debate, suggesting compromises, initiating informal consultations, issuing reports, and suggesting agenda items. In regards to the discussion of 46/182, all participants interviewed agreed that two key individuals provided this formal leadership and, together, enjoy much of the credit for getting the resolution through the HLWG and the Plenary.

The first individual to provide formal leadership was Ambassador Jan Eliasson of Sweden, who was asked by the President of the Assembly to chair the HLWG. Each of the participants argued that he was able to effectively manage a complex process because of his "masterful skill" and deep understanding of the dynamics of negotiation. Specifically, one of the participants listed his contributions to the consensus building process as the following: 1) his excellent diplomatic skills; 2) his strong and impartial leadership during official meetings which allowed him to facilitate the discussion without imposing his view; 3) his ability to effectively combine the roles of facilitator and leader which enabled him to keep the process moving and focused; and 4) his dedication to the cause of improving the UN's performance in this area (which he was also able to foster in others).

The second individual to provide formal leadership was Ed Tsui, a Secretariat official who was a senior officer in the DGDIEC at the time. He was assigned to be the main Secretariat official servicing the HLWG, and his contribution quickly became more than the supporting role usually provided
by the Secretariat. He was careful to engage in note taking and information sharing, but participants also observed that he offered his experience and expertise in the actual drafting of compromise resolution language in especially contentious areas.

An additional reason why the formal leadership provided by these two individuals played such a central role in building a workable consensus has to do with nature of their own interaction. Participants often spoke of the problems that arise when the egos of different individuals in leadership positions collide, and they highlighted the virtual absence of these problems on this case due to the personal interaction between Eliasson and Tsui. Eliasson was politically astute enough to realize that there were certain tasks (such as drafting especially delicate resolution language) that were better left to Tsui due to his experience and impartiality.* Furthermore, Eliasson and Tsui were able to begin the discussions each day with a clear outline of what had been accomplished at the previous meeting and what was left to be addressed. This outline, in turn, allowed them to keep the HLWG focused on the key areas of disagreement and facilitated a step-by-step negotiating process.

This discussion provides clear support for proposition two: formal leadership, when present, can increase the likelihood of consensus. Furthermore, the nature of the two individuals who provided this leadership is also consistent with some of the expectations discussed in Chapter Two. Usually, formal leadership is provided by one of two actors in the Assembly:

* This is not intended to imply that Jan Eliasson was seen as biased by the participants. In fact, Eliasson is widely credited with being a very fair and impartial chair. However, Eliasson was also the Swedish Ambassador to the UN and was personally deeply committed to the "Nordic Project" of 1990 which argued for increased international activity in this area. As a result, he was conscious of the fact that his pressure on certain areas of the balance between sovereignty and assistance might be counterproductive.
presiding officers and executive heads. While neither Eliasson nor Tsui exactly fit into these types of actors, as chair of the HLWG Eliasson clearly enjoyed the role and authority of a presiding officer and, as a top secretariat official, Tsui certainly possessed the experience and reputation similar to that of an executive head.

One final observation regarding formal leadership can be made in light of this case. As was stated before, Jan Eliasson's contribution to the drafting of this resolution was considerable. This point is reinforced by Taylor when he concludes that Eliasson was appointed to be the first USG for Humanitarian Affairs "as a reward for having very skillfully piloted 46/182 through the Assembly" (1995: 115). However, Eliasson's great skills as a diplomat did not effectively translate into immediate success in his Secretariat job. Taylor goes on to observe that Eliasson was hampered by the need to be both a missionary activist and a conciliator in his new role as USG (1995: 121). In addition, based on his vision of an activist supra-organized department, he found himself in repeated conflicts with the heads of various specialized agencies (such as Sadako Ogata of UNHCR) who wanted the new DHA to provide only a facilitating role. These frustrations ultimately lead to his decision to leave the DHA after only a short time as Emergency Relief Coordinator. This example indicates that the skills necessary for effective consensus building are, at least to some extent, unique to the particular challenge at hand.

The next variable in this perspective concerns the role of smaller formal negotiating groups in building a consensus within the decision unit. Proposition three argues that the presence of these groups in regards to an issue makes consensus more likely because they permit heterogeneous
interests to be narrowed down to a few key issues. These groups are often established by the chair of the decision unit, and in this case, Eliasson did not delay in creating such a group when the negotiations became stalled. Nearly every participant interviewed for this case argued that the “Breakfast Group” created by Eliasson was central to successful consensus building on humanitarian assistance. Specifically, it was this group which tackled the complex task of devising a workable and widely acceptable balance between state sovereignty and the desire to provide assistance to those in need.

Therefore, this case offers clear support for the proposition that smaller formal negotiating groups can play a key role in building consensus. However, this case also provides deeper insights into how these groups facilitate decisionmaking, many of which are consistent with the dynamics discussed in Chapter Two. First, it is often argued that it is only the most difficult issues that get addressed in these groups, and this case certainly confirms this expectation. According to participants, the main area of contention on this case, state sovereignty versus access to victims, was also the main topic of discussion during the breakfast meetings. Furthermore, these groups are said to foster compromise by segmenting complex disagreements into smaller and more focused discussions, a process that on this case resulted in the carefully worded Annex attached to the resolution.

An additional way in which the “Breakfast Group” discussing humanitarian assistance was consistent with the expectations outlined in Chapter Two concerns group composition. Three points are most relevant here. First, the overall size of the group was ten to fifteen states at any one time, a number that many participants and scholars have suggested as almost
perfect in size so as to ensure the representation of diverse interests without creating the need for cumbersome decisionmaking procedures. Second, the specific states represented on this “fire brigade” were drawn from donor states and the G77, often including some combination of Norway, Denmark, the United States, the United Kingdom, Canada, France, the Netherlands, the Soviet Union, China, India, Brazil, Mexico, Tunisia, Egypt, the Philippines, Malaysia, Argentina, Cuba, and Pakistan. As a result, participants stressed that representatives from both developed and developing states were involved, along with a range of distinct viewpoints within each of these traditional coalitions.

Finally, scholars have argued that formal negotiating groups are most able to help foster agreement when all of the countries involved can be certain that compromises made within the group will be supported by other similar countries outside of the group. In other words, each side is more willing to compromise when it is confident that the other side can “deliver” on its promises. Several participants highlighted that Eliasson and other Ambassadors from the donor community were careful to determine which specific countries and individuals in the G77 they would need to deal with in order to ensure that any agreement reached would have the subsequent support of all developing states. They main consideration was to identify who was most influential on this issue and keep them involved in all stages of the process. Based on the set of countries included in the meetings, the participants did enjoy this confidence in regards to the “Breakfast Group.” As it turns out, this confidence was well placed since the consensus reached within the group was also later reflected in the HLWG and the Plenary.
Proposition four covers the relationship between the type of procedures used in the decision unit and the likelihood of consensus. The basic argument is that greater flexibility of procedures allows for more creative problem solving, increased freedom to debate key areas of contention, greater personal interaction, and ultimately, an increased chance of reaching consensus. In the case of Resolution 46/182, participants have stressed that Samir S. Shihabi set up the HLWG for the explicit purpose of allowing for more informal and less structured debate than was possible in ECOSOC or the Plenary. Eliasson immediately seized on this desire to foster productive discussion by stressing the informal nature of the working group’s consultations. Participants observed that working papers were circulated in a more informal manner as compared to common practice in the Plenary and delegates were afforded greater opportunities to address each other during open-ended debate than would normally be the case.

The relative flexible nature of the procedures of the HLWG were also reflected in the dynamics of the “Breakfast Group.” While the membership and agenda of the group were highly coordinated by Eliasson and Tsui, the actual process of debate was not. In order to maintain an informal atmosphere, the meetings were not held in a conference room at UN headquarters; instead the meetings moved from mission to mission across the two month period of negotiations. Likewise, the fact that the meetings were held over breakfast helped to add to their informal and flexible nature. In addition, participants have observed that Eliasson and Tsui were able to keep the discussions focused on the main substantive issues at hand and, as a result, the procedures and working methods of the HLWG never became the
subject of disagreement. Finally, Eliasson offered a number of informal procedural innovations that helped to maintain the open and informal nature of the consultations.\(^\text{10}\) As a result, the negotiations were able to stay focused on making step-by-step progress in drafting resolution language, something which surprised many of the participants.

In light of these dynamics, it seems clear that the flexible procedures used in the HLWG and the “Breakfast Group” helped to facilitate the consensus building process on humanitarian assistance. Therefore, the expectations regarding this variable discussed in Chapter Two would appear to be supported based on the analysis of this case.

The final variable contained in the first perspective concerns the degree of goal convergence present among the actors in the decision unit at the outset of debate on an issue. Specifically, proposition five argues that a greater degree of goal convergence leads to an increased chance of consensus, especially when this common ground crosses traditional lines of cleavage in the Assembly. From the start, it is necessary to mention that the debate regarding the coordination of humanitarian assistance was very complex. Murphy has highlighted that the discussions in the HLWG covered a wide range of potentially contentious relief issues (1996: 371). Participants in the process have echoed this assessment and listed a variety of proposals that were the subject of rather intense debate, many of which were later reflected in the Annex to 46/182. These included contingency funding (what later became CERF), early warning, the mandate and authority of the Emergency

\(^{10}\) One such example is Eliasson’s use of a “group of friends of the chair” to work through some areas of disagreement. This innovation will receive more attention during the discussion of informal networking below.
Relief Coordinator, the relationship between the Secretariat and the Specialized Agencies, and the debate between references to "natural disasters and other emergencies" versus references to "complex emergencies."

However, Murphy goes on to argue that the single most important area of disagreement related to the differences regarding the appropriate balance between sovereignty and assistance (1996: 371). Every participant interviewed for this case offered a similar conclusion: the key issue dividing states at the outset of debate was the wording of the "guiding principles" of humanitarian intervention. In other words, those most familiar with the negotiation process were of the view that, if a compromise could be reached on the relationship between sovereignty and assistance, the other issues listed above would become relatively easy to resolve. This allowed the negotiations in the "Breakfast Group" to focus on a more narrow set of disagreements which, in turn, made the consensus building process more manageable than would have been the case if all areas of dispute had needed to be discussed separately. Participants were able to focus most of their attention and resources towards drafting compromise language that would allow for assistance to victims while still maintaining a prominent role for state sovereignty.

There is an additional dimension to participant goals in this case which also made the consensus building process more successful. Several participants observed that, when the issue of coordinating humanitarian assistance was first discussed in ECOSOC, there was substantial agreement across developed and developing states that something needed to be done in order to allow for a "seamless" UN response to these emergencies. This general agreement concerning the need to act was also reflected in early
statements to the Plenary regarding humanitarian assistance. And again, the desire for action appeared to cross traditional lines of cleavage between developed and developing states within the Assembly. As a result, when the specific discussion began in the HLWG and some developed-developing state disagreements emerged, the participants still shared a clear interest in improving the ability of the UN System to aid those in need.

Therefore, there clearly was intense disagreement between the developed states who favored an increased mandate for humanitarian assistance (along with more effective structures for dealing with them) and the developing states who strenuously resisted any language that would give automatic precedence to humanitarian assistance over state sovereignty. However, the debate was able to focus on this one key area, thereby facilitating the consensus building process. As a result, this case is consistent with the expectation that at least some degree of agreement between the participants at the outset of debate will increase the chance of reaching a consensus.

Analyzing the humanitarian assistance debate with the formal institution perspective has provided several important insights. First, it was possible for the participants to reach a consensus in spite of the large size of the HLWG. This is most likely due to the other main insight: that formal leadership and small formal negotiating groups can play a central role in facilitating agreement within the decision unit. Finally, this case also demonstrates that flexible procedures and goal convergence can influence consensus building; however, the single case evidence in support of this conclusion is less robust than for leadership and negotiating groups.

---

11 See, for example, UN document A/46/PV.41-42 (1991).
PERSPECTIVE TWO: STRATEGIC INTERACTION

The second perspective contained in the framework focuses on the strategic interaction that takes place between the actors in the decision unit. Since this perspective addresses the hard bargaining and horse trading that occurs between different shifting coalitions, its analysis centers on the activities and characteristics of the participants within the decision unit, as well as on elements of the larger social context in which the decision is made. The specific variables that are examined include the characteristics of the issue in question, the salience of the issue to those actors in the minority position, the range of actions available to the participants based on their particular attributes, the degree of autonomy of the participants from the actors they represent, and the types of strategies the participants choose to use.

The relationship between issue characteristics and consensus offered in proposition six is that consensus is more likely when the issue is more amenable to compromise solutions. In turn, Young (1989: 366-371) has argued that four considerations can determine if an issue is more or less amenable to compromise. In regards to humanitarian assistance, two of these four were certainly present. First, this issue was one where each side saw a clear need for change. All of the participants interviewed for this case were quick to highlight the general sense of frustration and desire for improvement that existed in the early 1990s. UN personnel and delegates from a wide range of Member States were increasingly concerned with the perceived inability of the international community to deal effectively with pressing humanitarian problems. The situation was also influenced by the second factor: the presence of a crisis which further increased pressure to get
something done. In the case of 46/182, Ramsbotham & Woodhouse observe that this point was reached in 1991 when the international community found itself unable to adequately deal with the suffering of the Shi’ites and Kurds in Iraq (1996: 79-82). The crisis-like nature of the situation soon became readily apparent given the wide range of problems that emerged during the early efforts of the relief program.

The other two considerations identified by Young are less clear cut in regards to this case. These look at whether or not a solution equitable to all sides is possible and whether or not there are any easily identifiable salient solutions that can serve as the center of debate. After talking to participants, it is clear that neither of these conditions was present when the debate over coordination began. In fact, to many participants the ultimate outcome represented something of a surprise even up until the final meetings were held. However, the discussion of goal convergence under the institutions perspective provides an important caveat to this conclusion. While it was certainly unclear to the participants at the beginning of debate what balance between sovereignty and assistance would be widely acceptable or perceived as equitable, Murphy has observed that there was a general consensus this balance would be the main area of contention (1996: 371). In other words, although no solutions were easy to identify, the main area of disagreement emerged quickly, thereby allowing all of the participants to focus their efforts (and scarce resources) on reaching a compromise in this one area.

Therefore, it is possible to conclude that the humanitarian assistance case is consistent with the expectations laid out in Chapter Two. Participants shared a clear desire for change and the Iraqi crisis provided increased
motivation for compromise, both of which helped to make consensus possible. Furthermore, the fact that the debate was able to focus on one key area of disagreement, while not identical to Young's (1989) expectations, certainly contributed to the success of the consensus building process.

The second variable in the strategic interaction perspective addresses the salience of the issue to the participants in the decision unit. Proposition seven argues that consensus will be more difficult when the issue is salient to the participants, especially to those in the minority position, because each of them will be more willing to use their scarce resources to block proposals they perceive as inadequate or unacceptable. In regards to 46/182, Murphy has observed that the issue of humanitarian assistance was of great interest to both the donor community and the developing states that traditionally receive such assistance (1996: 371). This conclusion was also supported by every participant interviewed for this case. The developed states took the initiative in pressuring other Member States into accepting the position that coordinating humanitarian assistance was a crucial issue for the Assembly to address in the post-Cold War period. The developing states responded by strenuously resisting any resolution language that would imply an automatic right to unilateral humanitarian intervention.

Proposition seven contends that the issue of salience becomes most important in the case of those participants in the minority position since any one actor can block consensus. However, identifying which actors are in the "minority position" in regards to 46/182 is not a straightforward process. As was highlighted above, the debate centered on a disagreement between developed and developing countries. Neither of these groups is easy to
identify as the minority since developing states enjoy superior numbers in the Assembly giving them the power of vote while developed states provide most of the funds for humanitarian assistance, thereby rendering moot any agreement that they do not endorse. However, this case also illustrates that it may not be necessary to identify which group is the so-called minority. What matters most is whether or not different groups of participants disagree in regards to an issue and, if they do, whether or not any of them see the issue as sufficiently salient so as to block unattractive proposals. Since both developed and developing states saw humanitarian assistance as highly salient and both sides were certainly willing to block unsatisfactory proposals, this variable would suggest that consensus would be very difficult to achieve on 46/182.

This conclusion, when considered in light of the successful outcome, appears to directly contradict the expectations contained in proposition seven: consensus was achieved in spite of high issue salience to actors with divergent preferences. However, there are two additional points that point to a more nuanced relationship between salience and consensus. First, as was mentioned before, all of the participants within the HLWG felt that this was an extremely important issue where something needed to be done in order to allow the international community to respond to complex emergencies in a more effective fashion. As a result, none of them were satisfied with the status quo and, while they certainly disagreed about what exactly should be done, they shared a strong desire to achieve some type of improvement in the UN's capabilities. In other words, each side's interest in obtaining a favorable balance between sovereignty and assistance was joined with the realization that their mutual interest rested in drafting a compromise agreement.

98
This shared desire to achieve an improvement over the status quo was further supported by a second point: the fact that language which balanced sovereignty and assistance in a widely acceptable compromise emerged relatively quickly from the negotiations in the HLWG. This occurred much to the surprise of many of the participants, but did open the door for each side to compromise in spite of their initial disagreement. Therefore, this discussion suggests that issue salience does have a significant impact on consensus building, just not in the exact manner initially expected. What mattered most in this case was the relative salience of achieving agreement versus maintaining the specific goals of each side. The presence of compromise language certainly influenced this dynamic in regards to humanitarian assistance, and it will be interesting to determine if similar nuances emerge in the other three cases.

The next variable in this perspective relates to actor attributes, and focuses specifically on the presence of any actors who serve as brokers within the decision unit. The basic argument contained in proposition eight is that the presence of such brokers will increase the likelihood of consensus since they can play a central role in facilitating negotiation across different groups. There are three types of actors who are most inclined to serve as brokers, two of which were active in regards to humanitarian assistance. First, NGOs were one set of potential brokers who were not involved in the actual negotiations of the HLWG and did not help draft the compromise language. Several participants highlighted that NGOs did provide general pressure behind-the-scenes (particularly in the donor countries), but their only real impact was in terms of pushing otherwise reluctant governments to act.
However, the other two types of potential brokers were active in the negotiations regarding 46/182. For instance, representatives from the Secretariat were extremely active in the negotiations trying to facilitate compromise by offering suggestions regarding resolution language. Many participants were quick to highlight the role of Ed Tsui (senior officer in the DGDIEC and the official directly assigned to the HLWG) in this regard. His years of experience in the UN, his expertise regarding humanitarian assistance, and his intimate knowledge of past debates and compromises regarding treaty language allowed him to propose wording that was acceptable to both the donor community and the developing states. In addition, his reputation for impartiality and unassuming style allowed him to foster contacts across the main lines of cleavage which existed on this issue.

The other type of actors that served as brokers in the negotiations over humanitarian emergencies were representatives from Member States. Some participants have been cautious to highlight the role played by specific states during the HLWG negotiations because, at least to a certain extent, all members of that working group were active in building compromises on one specific issue or another. For instance, India (and some other developing states) made key contributions regarding the “guiding principles” while France (and other donor countries) focused their efforts more directly on the institutional aspects of the resolution. In addition, each of the participants interviewed stressed that all of the ten to fifteen members of the “Breakfast Group” played broker roles, both within and outside of the group, on

---

12 The activities and efforts of Ed Tsui were also discussed under formal leadership above. Although the points mentioned in these two different sections overlap to some extent, it is nonetheless important to stress that participants repeatedly highlighted that he played both a leadership and facilitator role during the negotiation process.
different occasions. It was these states who worked to build bridges between the developed and developing states within the group while still maintaining the support of the larger collection of states whose interests they were charged (either explicitly or implicitly) with representing within the group.

However, Chapter Two suggested that those Member States whose representatives are most likely to serve as brokers are middle powers who enjoy relative freedom to maneuver within the complex dynamics of the Assembly and, at the same time, enjoy the confidence and respect of other members. Participants have observed that several such middle powers were active during the HLWG negotiations, most notably the Nordic countries and Canada. These actors were able to act as brokers because they had a high degree of credibility in the eyes of both developed and developing states. They were seen as representatives of the donor community and yet over time had developed reputations as being sensitive to the needs and concerns of countries who have traditionally been on the receiving end of humanitarian assistance. As a result, they served as the key bridge builders when it came to the most contentious areas of disagreement by bringing developed and developing states together to reach acceptable and workable compromises regarding sovereignty and assistance.

The efforts of brokers during the debate on the coordination of humanitarian assistance, specifically the activities of representatives from the Secretariat and middle powers, played a central role in drafting the compromise resolution language. Therefore, the positive relationship between brokers and successful consensus offered in proposition eight is consistent with the dynamics of negotiating Resolution 46/182.
Proposition nine concerns the autonomy of the participants in the decision unit. The basic argument is that increased freedom to act leads to a greater chance of reaching a consensus because the participants will be more able and willing to take part in the give and take of Assembly politics rather than remaining confined to the dictates of the actor they represent. Scholars have advanced two rules of thumb regarding autonomy: the greater the size or the interest of a particular state, the lesser the degree of autonomy for the participant in question. Interviews with delegates regarding humanitarian assistance did provide some limited support for these "rules." In general, delegates from larger states do enjoy a lesser degree of autonomy; however, participants felt that this was overshadowed in the case of 46/182 since nearly every state considered this to be a highly salient issue. As a result, participants were of the impression that the delegates in the HLWG had relatively little freedom to act across the board. This, in turn, would seem to contradict the expectations contained in Chapter Two since a high degree of consensus did in fact result on this issue.

However, once again the empirical research indicates that the relationship between autonomy and consensus is more nuanced than existing scholarship would suggest. Several of the participants interviewed for this case highlighted that the crucial issue regarding autonomy and consensus was not size or interest, but instead, the timing of the instructions in relation to the debate. Since all delegates were somewhat constrained on this issue due to its high level of salience, what mattered most was when each delegate needed to get their instructions: some were dependent on receiving instructions before they could even participate in debate whereas others were
able to negotiate first, and then go to the home government in search of approval for any agreement that had been reached. The participants also observed that issues where delegates depend on instructions before negotiation tend to be more politicized and fractured whereas issues in which the instructions come after agreement tend to have a greater chance of reaching consensus. This is true because delayed reporting to the home government gives each delegate the opportunity to in fact “sell” an otherwise completed agreement to their respective governments.

In the case of 46/182, several of the participants observed that this was a situation in which a majority of the delegates were able to negotiate first, and then seek instructions on how to vote later. This, in turn, helped to ensure that the consensus which emerged on the balance between sovereignty and assistance was not upset late in the negotiation process.

One detailed example of this should help to illustrate the relationship between the timing of instructions and the chance of consensus. During the course of negotiations in the HLWG, the French delegate had been receiving rather detailed instructions from the French Minister for Humanitarian Affairs. As a result, the French delegate continued to express dissatisfaction with the “appeal of the affected country” wording that was included in the draft text. However, the French delegate was able to continue to participate in the debate as the Annex was finalized. Once the draft was completed in the HLWG, each delegation was to determine if their respective capitals would support the text. France came back the next morning still opposed; however, once the delegate realized that his country was backed into a corner, he was able to support the agreement as well. In other words, his ability to receive
instructions after the agreement had been drafted allowed him to go along with an agreement that his government probably would have otherwise opposed once he was pressured by other states to do so.

The final variable contained in the second perspective addresses the different types of strategies available to the participants in the decision unit. Specifically, proposition ten argues that the use of strategies which focus on the substance of the issue (as opposed to procedural manipulation) will lead to a greater chance of a consensus outcome. In the case of the humanitarian assistance negotiations in the HLWG, the participants interviewed stressed that the formal procedures were intentionally kept to a minimum by Jan Eliasson, the chair, so as to prevent them from becoming the subject of direct manipulation and dispute since that would distract resources and attention from the more important substantive issues at hand. For example, the working group kept no formal record, had no right of reply, and did not involve speaker’s lists or other cumbersome procedures of debate. Instead, Eliasson and the other members of the HLWG were free to interact in any manner they deemed necessary to foster negotiation.

According to participants, these efforts to keep the members of the HLWG focused on alternate substantive proposals were extremely successful. During the entire two month negotiation process, the procedures were never the subject of dispute. Even on occasions when members could have raised procedural objections or obstacles, they were reluctant to do so. For example, Ed Tsui of the Secretariat chaired some of the working group meetings so as to allow Eliasson the opportunity to become directly involved in the substantive negotiations. This was not standard operating procedure for
Assembly working groups at the time, and members of the HLWG could have seized on this in an effort to obstruct debate.

This absence of procedural manipulation in the debate regarding 46/182 may in fact help to explain why surprisingly successful compromise language emerged so quickly. According to participants, the delegates focused their strategies on building support for alternate substantive proposals regarding the main areas of contention in the Annex. In other words, the debate and interaction between delegates focused on draft proposals for sovereignty versus assistance, early warning, contingency funding, new institutions structures, and system-wide coordination, not on trying to postpone debate, block alternate working papers, close the speaker's list, or other procedural tricks. As a result, this case is very much consistent with the expectations regarding strategies and consensus outlined in Chapter Two.

Examining the humanitarian assistance case with the strategic interaction perspective has provided several important insights. First, the characteristics of both the issue and the participants influenced the dynamics of the negotiations in the decision unit. Second, two of the variables, actor attributes (specifically brokers) and strategies, influenced the consensus building process in the manner expected based on the discussion in Chapter Two. Third, the other three variables (issue characteristics, minority salience, and participant autonomy) all had a significant impact on the consensus building process; however, the relationship was more nuanced than expected. Therefore, it will be important in the remaining case studies to determine if factors such as relative salience and the timing of instructions are equally important to the consensus building process.
PERSPECTIVE THREE: INFORMAL NETWORKING

The third perspective contained in the framework focuses on the informal networking between participants that takes place behind-the-scenes. Since this perspective explores the informal processes and personal relationships that form among the participants in the decision unit, its analysis centers on the status systems, communication networks, and working relationships that exist within the organization. The specific variables which are examined include the informal contacts that occur within the decision unit, the long-term working relationships that develop between participants, the personal attributes of the participants, the role of ad hoc leadership, and the nature of the perspectives advanced by the participants.

The presence of informal contacts among the participants in the decision unit, according to proposition eleven, increases the likelihood of consensus because they provide the participants with the opportunity to plan strategies, exchange ideas, seek out sponsors, and flush out otherwise vague positions. In addition, these contacts provide delegates with networks of friends with whom they will be addressing a wide range of issues over time. In the case of the HLWG negotiations, all participants interviewed stressed that informal contacts played a crucial role in the resolution drafting process.

In fact, these contacts were so important that a whole new terminology was used. For instance, each participant interviewed on this case was careful to distinguish between “informals” and “informal-informals.” First, “informals” tend to involve a chair, announced meetings, a set composition, and a relatively clear agenda. In other words, these “informals” have become standard operating procedure in the UN to the point that they are in fact
rather formal. In regards to the 46/182 discussions, the “Breakfast Group” is a perfect example of these formal “informals,” and as such its role in consensus building was discussed under formal negotiating groups above. On the other hand, “informal-informals” involve far more random and casual meetings in the hall or over coffee. They are similar to “informals” in that there is no record and no interpretation; however, they differ in that their composition and agenda depend entirely upon which interested parties happen meet in passing. In the case of 46/182, Jan Eliasson and other members of the HLWG used these more random and unplanned meetings to hammer out many of the sticking points blocking agreement.

Many of these encounters took place between Eliasson and other members of his “group of friends,” as they became known. These ambassadors would meet in corridors, in lounges, over coffee, or even for a meal. Each one was prompted by a desire to seek support and hammer out disagreements regarding possible language for the Annex. If the encounters lead to a breakthrough, then the individuals involved would consult with the larger groups they represented (like the EU or the G77), and the proposals would be the subject of debate at the next working group meeting. Furthermore, both Eliasson and Ed Tsui used these informal encounters to identify potential roadblocks and propose resolution language that might be able to overcome them. Also, they used informal consultations to determine if a particular proposal was likely to face tough opposition in the working group, thereby allowing them to side-step several areas of potential conflict.

One example of a situation where the use of these “informal-informals” allowed for more effective negotiation within the HLWG
concerns the late-in-the-process objections of France to the “appeal of the affected country” wording. Several of the participants indicated that Eliasson used informal consultations before the final working group meeting to determine that France was still opposed to the draft language. One of the participants interviewed went even further to suggest that Eliasson was also able, through these encounters in halls and lounges, to learn that France was likely to go along with the compromise if it was gently pressured to do so. As a result, Eliasson used additional consultations before the morning HLWG meeting to get assistance from the Netherlands and several developing states (including India, Brazil, and Malaysia) in pushing France towards agreement. As a result of these “informal-informals,” the final meeting of the HLWG did result in a consensus regarding the full text of the Resolution and Annex.

The second variable in the informal networking perspective builds on the informal contacts just discussed to examine the long-term working relationships that exist within the decision unit. Proposition twelve argues that the better these relationships are, the greater the likelihood of consensus. In regards to this issue, some of the delegates from donor countries who were interviewed observed that working relationships between the developed and developing state are generally quite fragile and often filled with tension due to the perceived anti-colonial rhetoric that emerges in some of the G77 speeches on assistance. For instance, Tanzania was mentioned in this regard on several occasions. This is one of the reasons that many of the participants did not expect to be able to achieve a workable consensus in 1991.

However, many of these same participants went on to argue that, in regards to the specific discussions surrounding 46/182, the working
relationships were much more professional and cordial. The ambassadors active in the HLWG and the "Breakfast Group" were all experienced negotiators with a great deal of knowledge on the specific issues at hand. Furthermore, traditional antagonisms between developed and developing states were held in check due at least in part to the moderating influence of the Netherlands as EU President and Ghana as the Chair of the G77. As a result, since the consultations were fortunate to have "the right group of people at the right time," participants have stressed that the working relationships within the decision unit remained positive, even when the issues became more complex and difficult.  

Again, the dynamics of the final meeting of the HLWG provide a concrete example of positive working relationships helping to facilitate consensus building. When Jan Eliasson approached several developing countries with a request for assistance in overcoming French opposition to the compromise language, he was able to draw on their positive working relationships to devise a "ploy" to provide the necessary pressure on France. When the meeting started, India, Brazil, and Malaysia indicated that their governments would be unable to support the draft unless it was approved by consensus. Although these governments had in fact already given their consent, the three ambassadors claimed that the only way to sell the agreement at home was to have as much support as possible. This ploy was successful in that it applied just enough pressure on France to gain its support in the end. Had the working relationships between this group of ambassadors been more strained, consensus would have been impossible to achieve.

13 A similar observation can be made in regards to the discussions in the Plenary. For example see UN document A/46/PV.41-42 (1991).
The next variable in this perspective examines the personal attributes of the participants in the decision unit. As proposition thirteen argues, the greater the skill and reputation of these actors, the more likely it becomes that consensus will be achieved. This is true because experienced delegates with confidence in each other's abilities may be able to cut through some of the disagreements and posturing that are frequently a part of multilateral negotiations and focus instead on the real substance of an issue. In the case of humanitarian assistance, many of the participants interviewed felt that individual characteristics were extremely important in the negotiation process. For instance, the secretariat officials interviewed for this case were quick to point out that both the donor community and the G77 were fortunate to be represented by high quality negotiators. Furthermore, they felt that this high level of skill was an important factor in the surprising success of the drafting process.

The two Secretariat officials (and several of the delegates interviewed as well) were careful to distinguish the high quality of the participants in the HLWG from that which is common in the social and economic fields. For example, several of the participants were of the impression that, while UN delegates in the social and economic fields in the 1970s were generally very knowledgeable, their personal styles tended to favor confrontation between the developed and developing states. In addition, the few years since the drafting of 46/182 have seen a relative decline in both the level and skill of the representation of states in these policy areas. As a result, the participants concluded that the negotiations in 1991 brought together a unique and impressive set of diplomats that help to make consensus possible.
This evidence makes it possible to offer several more detailed observations regarding those situations when personal attributes can matter the most in terms of facilitating (or blocking) breakthroughs in the policy process. The first type of situation where participants argued that personal attributes were extremely important concerns the formal leaders (Jan Eliasson and Ed Tsui) whose crucial contributions to the negotiation process have been documented above. The second such situation occurs when the negotiations reach a critical stage and need to be pushed along to avoid paralysis and secure agreement. One of the most critical points in the 46/182 negotiations was the final morning meeting discussed as part of informal contacts and working relationships. Several of the participants observed that the "ploy" used by Eliasson to get several developing states to help gently pressure France into supporting the draft was made possible in part due to the skill and reputations of the delegates from the countries in question. They were not serving as leaders, but they nonetheless enjoyed sufficient credibility in the eyes of other participants such that the maneuver was successful.

The final situation where personal attributes could have a considerable impact on consensus relates to individuals who were able to provide ad hoc leadership within the decision unit. This situation actually represents the fourth variable under informal networking which is argued to influence consensus building (according to proposition fourteen) for much the same reasons as formal leadership. However, this leadership does not emerge based on officially sanctioned positions of authority within the decision unit, but instead based on reputation, skill, and position outside the Assembly. In this particular case, all of the participants argued that the high quality of the
formal leadership provided by Jan Eliasson and Ed Tsui, as well as the high quality of many of the delegates in the HLWG and "Breakfast Group," made it such that there was little need for ad hoc leadership to help move the process along. As a result, its role in this case was less than might be expected given the successful outcome.

However, many of the participants also observed that there were two delegates who had the potential to provide ad hoc leadership, and were in fact expected to do so by some of the other delegates. This expectation was based on their positions outside the Assembly: one was the Netherlands who was serving a six month term in the Presidency of the European Union and the other was Ghana who was serving as Chair of the G77 for that year. The experiences of these two potential ad hoc leaders were very different. There was wide perception among the participants interviewed that Ghana enjoyed a rather weak chairmanship, caused by both some personal limitations of the delegate and some institutional limitations of Ghana being a rather small country in charge of a large and diverse group. As a result, other members of the G77 (such as India, Brazil, Mexico, and Tunisia) stepped in to fill the void and played very active roles on the HLWG and the "Breakfast Group."

On the other hand, the Permanent Representative of the Netherlands, Robert von Schaik, emerged as a key player based on his efforts to steer the EU during the difficult negotiations. Due to the apparent lack of leadership with the G77, von Schaik's role as the main representative of the EU in the talks took on added importance. Furthermore, his ability to offer ad hoc leadership in the HLWG was further enhanced by the fact that he generally enjoyed the confidence and respect of many delegates from developing states who were
active in the negotiations. In particular, several of the participants observed that von Schaik was able to use his influence to help Eliasson gain the support of developing states like India, Brazil, and Malaysia when their assistance was needed to push France toward agreement. As a result, even though ad hoc leadership played a relatively minor role in this case, when it was present it did make an important contribution to consensus building by helping to push the negotiations beyond an obstacle to agreement.

The final variable contained in the third perspective looks at whether or not the participants in the decision unit adopt a broad perspective on the issue. As proposition fifteen indicates, the basic argument is that participants with broader interests who are open to a greater range of proposals will help facilitate consensus building. In regards to humanitarian assistance, all of the participants interviewed indicated that they expected both developed and developing states to stick to time-honored positions going into the debate. As a result, they felt that achieving any type of workable agreement would be almost impossible. However, these participants were also careful to point out that their expectations were proved wrong in that a robust and widely acceptable resolution was drafted. Many attributed this surprising success to, at least in part, the fact that the particular states which were active in the HLWG were more willing to look beyond their traditional group positions than would normally be the case.

This willingness to consider a broad range of perspectives is reflected most directly in the behavior of the members of the "Breakfast Group." The ten to fifteen countries that were involved in these negotiations over time faced the difficult task of drafting language that balanced sovereignty and
assistance. In the past, any comparable efforts were immediately blocked by
developing states who saw most (if not all) discussion of international
assistance as a potential excuse for international interference. However, in
this particular situation, the developing states appeared far more open to the
initiatives of the donor countries, much to the surprise of many participants.
The delegates interviewed argued that this openness on the part of the G77
was reciprocated by the developed states in their willingness to consider new
ways of drafting a balance such that all states would provide the necessary
support for the new arrangements.

Therefore, it seems unlikely that the compromise language would
have been possible had the members of the "Breakfast Group" pursued solely
their own narrow interests in the negotiation. This observation is consistent
with the expectation in Chapter Two that the presence of a broad perspective
is especially important in the case of those delegates who are serving on small
formal negotiating groups. However, this case also illustrates that it is not
enough for just the members of the primary negotiating group to adopt a
broad perspective; they must also be able to "sell" any agreements regarding
draft language to the other members outside the group that they are intended
to represent. As was mentioned above, Eliasson and Tsui were careful to
select the members of the "Breakfast Group" with this very concern in mind.
As a result, each of the participants could be reasonably confident that any
agreements reached in the group would be supported by other states.

One final point relating to this variable concerns the reasons why
members of the HLWG and "Breakfast Group" were willing to adopt a broad
perspective during the negotiations. Participants suggested that this resulted
from the sense of crisis regarding humanitarian assistance that existed within the international community due the problems and frustrations of dealing with Iraq. This link between issue characteristics and broad perspective should also be examined as part of the remaining case studies.

Investigating the humanitarian assistance case with the informal networking perspective has provided several important insights. First, this perspective uncovers some of the dynamics that took place within the decision unit that allowed the participants to forge agreement in the face of potential obstacles. Second, three of the variables (informal contacts, working relationships, and personal attributes) had a significant influence on the success of the consensus building process. Third, the other two variables, ad hoc leadership and broad perspective, were less central to the dynamics of this case, but they did nonetheless highlight some key developments in the policy process. And finally, this perspective stands out from the other two in that the variables it encompasses (at least the first four) seem to have worked in concert at one particularly important juncture in the case. Given the behind-the-scenes focus of this perspective, this close relationship between variables is not all that surprising, and it will be interesting to see if the same type of findings emerge from the other cases.

CONCLUSIONS ON THIS CASE

This examination of decisionmaking surrounding Resolution 46/182 illustrates the factors that can make it possible for a range of divergent actors to reach a workable and ambitious consensus on how to best address a vital global issue. One of the most striking findings of this analysis is that all three
perspectives in the decisionmaking framework offer useful insights, but that their individual contributions are both unique and valuable. Specifically, the institutional perspective highlighted the overall structure of how the issue would be handled in the decision unit. As such, it pointed out some of the potential difficulties and benefits associated with the working group arrangement. The strategic interaction perspective focused attention more directly on how the issue itself influences the interaction of the participants such that certain approaches are advanced for reaching agreement. The main concern was on the process of drafting the compromise language that balanced sovereignty and assistance. Finally, the informal networking perspective demonstrated how the behind-the-scenes dynamics allowed potential obstacles to be overcome at key junctures in the process.

However, it is also possible to make more detailed observations regarding specific factors within the framework. As Table Four indicates, there are some independent variables which did not relate to consensus in the manner outlined in Chapter Two. This was true for size, minority salience, participant autonomy, and ad hoc leadership. This should not lead to the conclusion that these variables are unimportant in the analysis, but that existing scholarship has yet to fully capture their exact role in international organization decisionmaking. One example of this relates to autonomy where this case study found general support for existing "rules," but also uncovered that the timing of instructions is a key consideration in determining whether or not a particular delegate is able to engage in compromises in the decision unit without being explicitly directed to do so by their home government.
<table>
<thead>
<tr>
<th>Perspective and Variable</th>
<th>Case 1: Humanitarian Assistance</th>
<th>Case 2: Law of the Sea</th>
<th>Case 3: Test Ban Treaty</th>
<th>Case 4: Council Reform</th>
</tr>
</thead>
<tbody>
<tr>
<td>Size</td>
<td>Large</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Formal Leadership</td>
<td>Sense of timing, impartiality, expertise, &amp; diplomatic skill</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Negotiating Groups</td>
<td>Extensive use: included all relevant states</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Procedures</td>
<td>Flexible across negotiations</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Goal Convergence</td>
<td>Agreement on overall goal</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Issue Characteristics</td>
<td>Crisis present &amp; main areas of contention clear</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minority Salience</td>
<td>Salient issue with no clear minority</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Actor Attributes</td>
<td>Brokers present and effective</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Participant Autonomy</td>
<td>Low but “rules” supported; issue of timing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Strategies</td>
<td>Substantive</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Informal Contacts</td>
<td>Extensive use at critical junctures</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Working Relationships</td>
<td>Positive</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personal Attributes</td>
<td>Cooperative: knowledgeable, courteous, and open-minded</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ad Hoc Leadership</td>
<td>Little activity</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Broad Perspective</td>
<td>Present in “fire brigade”</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

TABLE 4: Summary of Findings, Case 1
Table Four also illustrates that many of the other factors did in fact relate to consensus building in the manner expected. However, again it is possible to make more detailed conclusions. Secondary accounts and participant interviews repeatedly stressed that certain factors made agreement possible in regards to a delicate balance that most delegates felt was unlikely at best. While some factors such as procedures, goal convergence, strategies, working relationships, and broad perspective may have "set the stage" for agreement, the case study analysis found that six other variables actually offered the greatest analytic leverage in understanding why it was possible to reach a consensus on humanitarian assistance.

These six variables include formal leadership, negotiating groups, issue characteristics, brokers, informal contacts, and personal attributes. Despite the large size of the decision unit, formal leaders (who were able to sense the timing of debate, remain impartial, and demonstrate diplomatic skill and issue expertise) and negotiating groups (composed of all relevant states) did an effective job at making sure the consensus building process stayed focused on the task at hand. Furthermore, these efforts were facilitated by the fact that the complex issues associated with humanitarian assistance were quickly narrowed down to a few key areas of debate.

Once the negotiations reached a critical juncture in December of 1991, the other three key variables became important in helping delegates forge agreement. Critical in this respect were the extensive informal contacts that generated the compromise language on sovereignty versus assistance and the brokers who were then able to make sure that these areas of agreement were acceptable to the members of the "Breakfast Group" and High Level Working
Group as a whole. However, participants also stressed that these informal contacts and brokers would have been ineffective had the key participants not possessed personal attributes (such as open-mindedness and a detailed understanding of the issues involved) that made compromise possible.

In conclusion, the perspectives and variables in the framework provide useful leverage in understanding the politics of consensus building regarding humanitarian assistance. The remaining case studies will provide additional opportunities to explore the various findings uncovered during this analysis. In particular, it will be interesting to see if the same six factors emerge as key considerations in the dynamics of the other case of successful consensus, the renegotiation of the Law of the Sea Treaty.
CHAPTER 4
THE RENEGOTIATION OF THE
LAW OF THE SEA TREATY

On July 28, 1994, the General Assembly adopted Resolution 48/263 on the “Agreement Relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982.” This Agreement was the product of four years of intense negotiations designed to revise the original Law of the Sea Treaty in a manner that would make it acceptable to both developed and developing states. As such, there was a great deal of optimism associated with the completion of the Agreement, especially in terms of the widespread ratification of the Convention that many hoped would soon follow. As Stevenson & Oxman indicate:

“A widely ratified Convention, including new texts that accommodate objections to the deep seabed mining regime, would be a monument to the possibilities of global multilateral diplomacy ... It would demonstrate that, with time and care, consensus can be achieved on reconciling important security, economic, environmental and other interests; that this consensus can be expressed in reasonably precise norms and rules that narrow the issues and limit disputes; and that parliaments can be persuaded to embrace the result in the common interest” (1994: 499).

This sense of optimism was also echoed by some of the UN delegates most active in drafting the Agreement. For instance, in introducing the new Agreement to the General Assembly, Satya Nandan, Fiji’s Permanent
Representative to the UN, concluded that "the international community will be able justifiably to claim that it has at last achieved a consensus or broad agreement on all parts of the Convention and therefore on all aspects of the law of the sea."\(^1\)

Unfortunately, the high level of consensus desired by Nandan was not quite achieved when Resolution 48/263 came up for vote before the General Assembly. The measure was adopted with 121 votes in favor and none against; however, seven Member States (Columbia, Nicaragua, Panama, Peru, the Russian Federation, Thailand, and Venezuela) abstained. This vote, while certainly short of the high level of consensus achieved on the humanitarian assistance case, does indicate that the negotiation process resulted in an agreement that was supported by, or at least not objectionable to, nearly every member of the Assembly. According to Li, this high level of support was the result of changes in the Agreement which made the Convention more attractive to developed states without alienating the developing states that preferred the original 1982 treaty (1994: 253).

The Agreement streamlined the Convention's mining regime, adopted a functional approach to establishing many of the proposed institutions, and modified the regulations and decisionmaking procedures while still reaffirming that the oceans and seabed are the "common heritage of mankind" that should be used only while taking into account the special interests of developing states. As a result, the four years since Resolution 48/263 was adopted have seen 89 states ratify the Agreement, with

---

\(^1\) An excerpt of Ambassador Nandan's remarks is included with the full text of the resolution and the Agreement contained in *International Legal Materials*, vol. 33, no. 5, September 1994, pp. 1309-1327.
ratifications of the Convention itself climbing to 126. Furthermore, the Agreement has made the prospects for achieving universality regarding one of the most ambitious and far reaching statements of international law much more favorable than was the case during what Anderson (1993: 656) has called the "feeling of acute malaise" in the late 1980s. Therefore, this case study will examine the complex processes that lead to the adoption of a widely supported agreement on implementing seabed mining.

THE CONTEXT OF THE LAW OF THE SEA

Oceans cover seventy percent of the earth's surface and are vitally important for transportation, commerce, and resources. Furthermore, they are located outside the territorial jurisdiction of any one state and, as a result, have been considered part of the "global commons" open to use by any and all actors. Despite this absence of governance over the oceans, they remained relatively free of conflict for centuries: "freedom of the seas" governed navigation, fish were plentiful, and most states claimed only a three mile territorial sea. However, these old rules and customs became increasingly inadequate in the years after World War II, and it soon became clear that the international community would need to draft a new set of standards in order to provide some type of structure to global use of the oceans.¹

The need for a comprehensive set of rules and procedures for ocean use was graphically demonstrated in the 1940s and 1950s when states began to

¹ This data is contained on the United Nations Division for Ocean Affairs and the Law of the Sea web page (www.un.org/Depts/los).

² Background information on the history of ocean use and on early international efforts to manage these areas can be found in Friedheim (1993), Sanger (1987), and Soroos (1986). Much of the information for this section is drawn from these sources.
claim territorial jurisdiction out to 200 miles, fish stocks became depleted, ocean pollution increased, valuable minerals and resources (like oil) were discovered on the seabed, military activities on the sea increased (including the presence of nuclear weapons), a growing number of straits were closed to navigation, and marine research began to expand. These many areas of potential conflict represented a difficult challenge for the international community, and it was no longer one that could be neglected.

As early as the 1930s there were international efforts to codify ocean law; however, by the late 1950s, the UN’s International Law Commission had failed to make any real progress. As a result, the United Nations convened two Conferences on the Law of the Sea (UNCLOS I and II) in rapid succession in 1958 and 1960. These conferences were held in Geneva mainly to address creeping national jurisdiction, but many other issues were discussed. More than eighty-five states attended each of these conferences, and at least four treaties were drafted (covering the continental shelf, territorial seas, the high seas, and fishing). Unfortunately, these treaties suffered from many significant loopholes and omissions, and potential conflicts regarding ocean use intensified across the 1960s.

These initial failures did not lead to an abandonment of the United Nations efforts to codify the law of the sea. In 1967, Ambassador Arvid Pardo of Malta gave a dramatic and remarkable speech before the General Assembly in which he linked the need for order and uniformity in regards to ocean standards to the special resource and development needs of disadvantaged countries. He pushed for reconciling “freedom of the seas” with the legitimate concerns of some states for greater national jurisdiction over the
oceans, while still taking into account that the oceans are in fact the "common heritage of mankind" that should be used only for the equal benefit of all states and peoples. Preparations for a third conference (UNCLOS III) began almost immediately and were finally completed six years later.

UNCLOS III opened in December of 1973 with 149 states present. It encompassed an agenda of some 105 items grouped into 25 issue areas including fishing, mining, pollution, navigation, free passage, territorial waters, economic zones, revenue sharing, international straits, the rights of land-locked states, technical assistance, dispute settlement, marine conservation, and research. The negotiations were slow and complex as a wide range of actors (including many governments, international agencies, and domestic interests such as navies, mining and shipping companies, fisherman, and environmentalists) tried to reconcile their divergent interests. Efforts to generate widespread agreement on key points was further complicated by the cross-cutting group politics that emerged between developed and developing states, between coastal and land-locked states, between resource exporters and resource importers, and so on.

The conference required twelve sessions over nine years, but was finally completed in April of 1982 when the UN Convention on the Law of the Sea was put to a vote in the General Assembly. The Convention was a compromise package deal that had something for everyone. The hope was that all states would benefit from enough of its 320 articles such that they would be willing to accept other aspects they might find more objectionable. However, this hope was not realized; the vote was 130 for the Convention (including a solid bloc of developing states as well as France, China, Japan,
Australia, Canada, and Scandinavia), four against (the United States, Israel, Turkey, and Venezuela), and seventeen abstentions (including about half of the Soviet Bloc as well as the United Kingdom, Germany, and Italy). When the Convention was opened for signatures in December of 1982, it was immediately signed by 119 states; however, it still did not enjoy the support of many industrialized countries.

The Convention resolved a range of previously contentious issues including territorial seas, the right of free passage, access to resources, fishing rights, maritime pollution, and the special needs of land-locked states. In addition, it also included a set of creative dispute settlement procedures that were firm and flexible involving both voluntary and compulsory arenas. However, its most innovative (and controversial, as it turns out) provisions were those dealing with deep seabed mining. The Convention involved a "parallel system" through which companies would be given the exclusive rights to mine tracts of the seabed in exchange for providing additional tracks to an International Seabed Authority (ISA) that would mine them (using its own mining operation called the Enterprise) on behalf of developing states. As part of this arrangement, rather extensive technology transfer from mining companies to the Enterprise would be required.

The seabed mining provisions contained in Part XI of the Convention became the main obstacle to its widespread acceptance. The "parallel system" had been negotiated with significant contributions by the United States (including Henry Kissinger); however, when the Reagan Administration came to power in 1981, they immediately began to review all US positions regarding the law of the sea negotiations. By early 1982 the review was
complete; the main conclusion was that significant changes would need to be made in Part XI before the US could support the draft Convention. Since the draft had been the result of painstaking negotiation and compromise, many of the other states felt frustrated and betrayed by the change in US policy, and few if any revisions were made to Part XI. As a result, the Reagan Administration voted against the treaty in April of 1982 and refused to sign it in December of 1982.

Joyner has observed that the main concerns of the Reagan Administration included: representation on the ISA Council, decisionmaking procedures, the operation of the Enterprise, the provisions for subsequent review conferences, the required technology transfer, the role of national liberation groups (such as the PLO), production ceilings, and access by contractors (1996: 44-5). An evaluation was made at the time that these problems were serious enough to warrant rejecting the treaty as a whole, including the many positive aspects such as exclusive economic zones and freedom of navigation. According to Li, this decision by the US government also resulted in an additional blow to the Convention: many of the other industrialized states who had a generally more favorable view of the treaty decided not to sign or ratify it in light of the US position since it would be of only questionable use without the world’s leading maritime power on board (1994: 239). As a result, the Convention was virtually stillborn since many of the main maritime users were unwilling to participate.

Despite these initial disappointments surrounding the Convention, the Preparatory Commission (Prepcom) began the process of preparing for its eventual entry-into-force. Anderson has identified two main roles for the
Prepcom: to set up the Authority to implement Part XI of the treaty and to manage any preparatory investment in pioneer activities (1993: 656). Across the 1980s, the Prepcom made some limited progress on both of these fronts, but it was hampered due to the continued presence of the same divisions that were present at the end of UNCLOS III. According to Joyner, this resulted in considerable international frustration because substantial effort was being expended without any movement toward a resolution of the main disagreements between developed and developing states (1996: 46). In fact, progress toward universality was impossible during this period because, even though some industrialized states like the United Kingdom, Germany, Japan, and France at least acted as observers within the Prepcom, the United States refused to participate in its deliberations at all. The feeling of malaise during the 1980s was further increased by the fact that the Prepcom's mandate did not allow for any discussions of changes to the substance of the Convention.

Fortunately, there were several developments in the late 1980s that made the most contentious law of the sea issues more amenable to compromise. These included: a new political atmosphere in which the tension, hostility, and rhetoric of 1982 was replaced by a more accommodating tone on the part of both developed and developing states; a more pragmatic view regarding the prospects for commercially viable deep seabed mining which indicated that many past areas of disagreement were no longer relevant; and a concern that the approaching 60th ratification would result in a fragmented entry-into-force unless modifications resulting in a universally acceptable treaty could be achieved.

These developments caused both developing and developed states to rethink their positions regarding the law of the sea.

Developing states continued to prefer the package deal represented by the original Convention; however, they began to realize that a treaty without the major industrialized states participating would not be viable or workable. Furthermore, the developing states became increasingly concerned about the costs of implementing the Convention without the financial assistance of the states most likely to engage in seabed mining. As a result, in August of 1989, Ambassador Kapumpa of Zambia made the following statement to the Prepcom on behalf of the G77:

"The developing countries continued to be ready to hold discussions, without any preconditions, with any delegation or group of delegations - whether signatories or non-signatories to the Convention - on any issues related to the Convention and the work of the Preparatory Commission. Their willingness to do so was born out of a genuine desire to ensure the universality of the Convention" (as quoted in Anderson, 1993: 657).

According to Brown, this increased openness to renegotiation on the part of the developing countries was confirmed by Ambassador Jose Luis Jesus of Cape Verde who was serving as chair of the Prepcom at the time (1994: 461).

The developed states responded to these overtures by indicating their willingness to engage in consultations on modifying the Convention as well. Most continued to feel that there were significant problems with Part XI; however, they also were becoming increasingly aware of the many benefits of a stable and uniform regime for ocean use. Furthermore, as Nelson indicates, the changes taking place within the international system at the time seemed

---

1 The changing views of both developing and developed states are discussed most succinctly in Kolossovskiy (1993: 7) and Li (1994: 239-40).

128
to indicate a general increase in international support for market based principles (1995: 190). As a result, the developed states were inclined to think that any modifications would result in a far more favorable arrangement for Part XI than they had been able to achieve in 1982.

This openness to compromise on the part of both developed and developing states was reflected in the annual Law of the Sea Resolution passed during the 44th Session of the General Assembly in November of 1989. The resolution welcomed this new willingness "to explore all possibilities of addressing issues ... in order to secure universal participation in the Convention" and invited all states "to make renewed efforts" to that end. This process was formally initiated by Secretary-General Javier Perez de Cuellar in July of 1990 and culminated with the completion of the Implementing Agreement four years later.

NEGOTIATING THE SEABED MINING AGREEMENT

Similar to the comprehensive nuclear test ban negotiations and the debate over Security Council reform, the discussions on modifying the UN Convention on the Law of the Sea were far more protracted than those regarding humanitarian assistance. Instead of several months, the process lasted several years. Li argues that part of the difficulty was due to continued disagreement regarding the best approach for dealing with the problems of Part XI (1994: 243-5). Despite widespread agreement on the need to move toward a universally acceptable treaty, relevant states generally favored two different scenarios. The first would involve doing nothing before entry-into-force of the Convention other than to freeze the disputed areas since seabed
mining was too far off to deal with in a thorough fashion. This "no-
immediate-change" approach would involve subsequent negotiations in two or three decades when there was less uncertainty regarding seabed mining. The second approach would be to make changes immediately so that a universally acceptable agreement would be in place before entry-into-force. This approach had the expected benefit of encouraging otherwise reluctant states to come on board, but there were many potential disagreements that would need to be discussed including identifying the most appropriate arena, determining which issues needed to be addressed, and deciding how any new arrangements would be implemented.

This dilemma was resolved in the Spring of 1990 when Secretary-General Perez de Cuellar undertook some "direct soundings" with key signatory and non-signatory states. These soundings indicated significant support for (or in some cases at least no opposition to) the more ambitious approach outlined above. As a result, attention turned toward determining which forum would be most appropriate for holding the consultations. Li has observed that, for many states, the Prepcom was the natural choice: it had already worked for nearly ten years and its mandate did cover several issues related to Part XI (1994: 246). However, several of the participants interviewed argued that the Prepcom had one significant weakness as a forum: the United States had been unwilling to participate, and its involvement would be crucial if any modifications were to be effective.

Having ruled out Prepcom as the main forum for modifying Part XI, several possible options were available. Most of these related to using some

type of informal consultations between interested parties, but there was uncertainty regarding who should chair the consultations. The two main options were either an influential permanent representative with no direct interests in this particular issue or a high level international civil servant such as the Secretary-General himself. According to several participants, the Secretary-General became the natural (and best) choice: he enjoyed standing moral authority, he served for a longer period of time than any presiding officers (which would be useful since many expected the negotiations to take place over time), he could draw on a staff with sufficient expertise to handle complex issues, and he had the practical facilities to handle large negotiations.

Therefore, in July of 1990, Perez de Cuellar initiated Informal Consultations with the declared objective of achieving universal participation in the Convention on the Law of the Sea. These consultations took place in New York as a series of rounds of negotiations across a four year period. They initially included representatives from about twenty-five interested states, but over time expanded to include nearly ninety countries. Each of the meetings was chaired by the Secretary-General (first Javier Perez de Cuellar and, starting in 1992, Boutros Boutros-Ghali) or, more often, by his personal representative such as the Under-Secretary-General for Legal Affairs or the Under-Secretary-General in charge of the Office for Ocean Affairs and the Law of the Sea. Fifteen rounds of negotiations were held and, for the purposes of summary, they can be divided into three phases.7

7 These meetings have been summarized in a series of "Information Notes" published by the Secretariat, but they were made available only to the relevant delegations. However, detailed secondary accounts of these negotiations have been completed, see Nelson (1995), Anderson (1993 & 1994), and Brown (1993 & 1994). Unless otherwise indicated, the information provided in this section is drawn from these sources.
Phase one of the negotiations lasted from July of 1990 until the end of 1991, thereby encompassing rounds one through six of the negotiations. During this time, the Informal Consultations were only open to a select group of about thirty interested states, including representatives from all regions and interest groups, as well as from the three main non-signatory states (Germany, the United Kingdom, and the United States). The primary goal of phase one was to identify the main unresolved issues, to determine the positions of all states on each issue, to uncover any possible directions for resolving them, and to decide if any issues might remain unresolved.

This process was initiated at the first meeting on July 19, 1990, when the United Kingdom put forward a list of seven obstacles to agreement on Part XI. Germany and the Soviet Union then added two more. The industrialized states used the second round to expand on each of these obstacles in more detail. The nine issues they identified included:

1) costs to State parties of implementing the Convention
2) the operation of the Enterprise
3) decisionmaking arrangements for all treaty bodies
4) the review conference and the importance of consent
5) the provisions for mandatory technology transfer
6) production limitation arrangements
7) the compensation fund for land-based producers
8) financial terms of contracts onerous to corporations
9) protection of the marine environment

The remaining four meetings of phase one involved further discussion of these nine obstacles, with the hope of identifying both the specific areas of disagreement between the different interests involved and any possible avenues for future compromise. These efforts did result in a breakthrough regarding environmental considerations. It was decided to have one of the
Special Commissions under the Prepcom work on drafting a comprehensive set of rules for balancing seabed mining and the environment, and the issue was removed from the list of remaining obstacles.

This phase of the negotiations was significant for several reasons. First, the fact that they took place at all, and were attended by the United States, created a sense of optimism among the participants. Second, the negotiations showed that many of the interested states shared the view that the international environment relating to the Law of the Sea had in fact fundamentally changed. Third, the participants were able to agree on the eight main obstacles that would serve as the focus of debate for the remaining rounds. And fourth, there was a general consensus regarding the working methods to use in the consultations and on which issues might be deferred until later. As a result, Perez de Cuellar left the post of Secretary-General in December of 1991 with the view that a solid foundation had been laid for overcoming areas of difficulty regarding seabed mining.\(^8\)

The second phase of negotiations began in June of 1992 after the new Secretary-General, Boutros Boutros-Ghali, had completed a reorganization of the Secretariat that brought the ocean and Law of the Sea offices under the USG for Legal Affairs. He opened the Informal Consultations to include representatives from any and all interested states and, as a result, more than seventy-five states participated in rounds seven through nine, which ended in January of 1993. The main focus of this phase was on determining which of the eight remaining issues should be resolved during the negotiations and which should be delayed until seabed mining was more commercially viable.

During phase two, agreement was reached that three issues (production limitations, the compensation fund, and the financial terms of contracts) would involve drafting only general principles at this time since seabed mining was not imminent. As stated in the Information Note released in December of 1992, it was determined to be "neither necessary nor prudent at this stage to go beyond general principles" on these three issues in order to avoid the perceived errors of the original Convention. However, the participants decided that the other five issues would be the subject of detailed debate as part of modifying Part XI.

As part of the phase two negotiations, fairly detailed agreement was reached on possible solutions to costs, the Enterprise, decisionmaking, the review conference, and technology transfer. For instance, the participants decided that the costs of all institutions would be phased in only as needed and that the Enterprise would rely more heavily than originally proposed on joint ventures with private firms so as to limit costs and ensure technology transfer. In addition, the participants agreed that the decisionmaking procedures for the main treaty bodies would be modified into a system of "chambered voting" which would provide four sets of interests (consumers, investors, exporters, and developing states) with an effective veto over major decisions. However, despite this progress during phase two, most participants agreed that it was necessary to address these five issues in even more detail as the treaty language was drafted.

The third and final phase of the informal consultations lasted from April of 1993 until the draft Agreement was completed in June of 1994. In general, rounds ten through fifteen were devoted to two main concerns: 1)
the procedural aspects of how the new Agreement would enter-into-force without creating complications for those states which had already ratified the original Convention, and 2) the process of drafting detailed texts regarding the five issues singled out during phase two.

Round ten of the negotiations was held from April 27-28, 1993. These meetings reflected a new focus on the part of the participants: a need to discuss the legal and political form of the agreement they were in the midst of drafting. This issue had received only limited attention during phases one and two, but several possible forms of the agreement had been suggested: a contractual protocol, an interpretative agreement, an agreement on an interim regime, or an agreement supplemental to the Convention. The April of 1993 consultations resulted in general consensus that the best procedural approach would be an agreement that was legally binding, politically acceptable, avoided a duality of regimes, and protected those states which had already ratified the original Convention (by not requiring re-ratification).

Two events during the second half of 1993 helped push the negotiations through the final obstacles regarding the five remaining substantive issues. The first of these occurred in relation to round eleven held in early August when a “Boat Paper” was circulated among the participants. This paper was not authored by any one delegation or group of states, but instead, had been “prepared by the representatives of several developed and developing states as a contribution to the process of consultations.”* While the “Boat Paper” was not drafted or debated as a

* The “Boat Paper” received its name from the computer generated boat emblem which appeared on its cover page. The paper was issued as a common informational document without authorship since many participants continued to feel that it was too preliminary to circulate it as an official draft United Nations document.
typical working paper or rolling text, many of the states involved in the Informal Consultations felt that it was a useful basis for the remaining negotiations. As a result, the "Information Notes" prepared by the Secretariat received less attention during rounds twelve through fifteen as participants focused their efforts on discussions and revisions of the "Boat Paper."

The second event occurred in November of 1993 right as the participants were meeting as part of round twelve: the Republic of Guyana deposited the sixtieth ratification of the UN Convention on the Law of the Sea which meant that entry-into-force would come twelve months later. As a result, efforts to revise the "Boat Paper" received a shot in the arm, and subsequent rounds of negotiation were held in rapid succession during early 1994. These discussions focused on resolving the remaining disagreements over decisionmaking in the ISA Council, operation on the Enterprise, provisional application on the Agreement, provisional membership in the Authority, pioneer investors, and representation of Eastern Europe on the ISA Council. The final version of the "Boat Paper," which proposed detailed solutions for each of these issues, emerged from round fourteen of the negotiations in April of 1994.

Round fifteen, held from May 31 to June 3, 1994, involved discussion of the final version of the "Boat Paper." While the draft had come under criticism in several important respects over the previous nine months, most of these areas had been successfully resolved through consultations of the "Boat Group" which included Australia, Fiji, Indonesia, Italy, Jamaica, Nigeria, Germany, the United Kingdom, and the United States. These round fifteen discussions uncovered widespread support for the draft Agreement,
and a core group of Member States indicated their desire to convene a resumed 48th General Assembly Session from July 27-29, 1994.

The resumed session was intended to adopt both a resolution on agenda item 36 (Law of the Sea) and the Agreement. During the debate, most of the speakers were favorable, although a few did seize this final opportunity to express their concerns with certain aspects of the Agreement. However, on July 28th it was adopted without any changes to the draft which had emerged from round fifteen almost two months earlier. The following day the new Agreement was opened for signature in New York, and 41 states signed on that day alone, with eight more doing so within a week. The signatories included the United States, all twelve members of the European Union at the time (as well as the EU itself), Japan, China, India, Indonesia, Jamaica, Brazil, Argentina, Canada, Sweden, Australia, New Zealand, Poland, and Algeria.

THE SIGNIFICANCE OF THE AGREEMENT

Before embarking on a more detailed examination of the consensus building process regarding the implementation of seabed mining using the three perspectives in the framework, it is important to briefly outline the main aspects of the Agreement that resulted. According to Nelson, the document that emerged from the Informal Consultations covered much more than the narrow issue of implementation that its official name would suggest; in fact, the Agreement offered rather substantial modifications to several aspects of Part XI of the original Convention (1995: 192). Although the main text of the Agreement is only a few pages long and focuses much of its attention on procedures for entry-into-force, many of the substantive
modifications are included in a lengthy Annex. The Annex is divided into nine sections which cover all of the obstacles that were identified early in the Informal Consultations as well as several additions (such as establishing a Finance Committee) that emerged out of the final Prepcom meetings.

The main highlights of the “Agreement Relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982” can summarized rather succinctly. First, in regards to the costs to state parties, Section One of the Annex indicates that all institutions should be “lean” in their structure and cost-effective in their operation. In Section Two, the Annex states that the ISA itself will perform the functions of the Enterprise for the foreseeable future. On decisionmaking, the Annex sets up a system of “chambered voting” where four sets of interests (producers, consumers, exporters, and developing countries) have an effective veto over all actions by the ISA Council. Section Four covers the issue of the proposed review conference which was dropped due to concerns over states being bound in certain areas without their explicit consent. In a similar fashion, the technology transfer sections of the original Convention were also eliminated in the Agreement.

Section Six adjusts the production policy portion of the Convention so that it refers only to the general principles of non-discrimination (read no limitations) on minerals gathered from land or the seabed. Likewise, Section Seven also involved replacing specific Convention clauses with more vaguely worded principles that make most of the requested economic

---

assistance entirely voluntary. An additional area of concern was also set aside in the Agreement so as to make the Convention more attractive to industrialized states: the financial terms of contracts were postponed, again in favor of open-ended general principles. Finally, Section Nine established a new Finance Committee which will handle all financial arrangements of the ISA and related bodies through consensus-based procedures.

The document also specifies that the Convention and the Agreement are designed to be interpreted as a single document. As a result, states that have already ratified the Convention will give their tacit or implied consent to the Agreement unless they specifically request to do otherwise during the first year the Agreement is open for signature. For all other states, the procedures for ratifying the Convention and the Agreement follow the normal arrangements used by their respective governments. The Agreement will enter-into-force when forty states have established their consent to be bound by the treaty, but this forty must include at least five industrialized states. In addition, the Agreement allows for provisional application by states even if they have yet to officially ratify the Convention-Agreement package. Provisional application allows states to participate in the workings of the International Seabed Authority; it was initially intended to last until November of 1996 but was extended until November of 1998.

As was mentioned before, the immediate response to the Agreement was extremely positive in the Summer of 1994. Forty-one states signed the day the Agreement was opened for signatures, and many more followed in subsequent weeks. Even more important than the overall number was the fact that many of those who signed the Agreement were developed states who
had been unwilling to accept the original Convention. Examples include the United States, the United Kingdom, France, Germany, and Japan. Furthermore, all of these states, aside from the United States, had also deposited their ratifications of the Convention-Agreement package with the Secretary-General as of the Summer of 1997.

The fortunes of the new Agreement have been more mixed within the United States. The US was one of the first countries to sign the Agreement on July 29, 1994, since the new treaty modified all of the American objections to Part XI of the original Convention. In addition, President Bill Clinton transmitted the Convention and the Agreement to the US Senate for advise and consent on October 7, 1994. However, US mid-term Congressional elections during the following month resulted in a Republican controlled Senate which has remained unwilling (at least as of the Summer of 1998) to even allow the treaty a full hearing or committee vote. Nonetheless, the US continues to take advantage of the provisional application procedures, at least until these expire in November of 1998.

The Russian Federation represents another major ocean power who has experienced some difficulty with the new Convention-Agreement package. According to Brown, right after the Informal Consultations concluded Russia expressed serious reservations over the new Agreement (1994: 477). Specifically, Russia felt the Agreement was "indeterminate and insufficiently consistent in character," that "it did not take account of the interests of all states," and that "it did not minimize the costs of the ISA." As

---

11 The full text of Clinton's Letter of Transmittal, along with a range of related documentation and analysis, can be found in *International Legal Materials*, vol. 34, no. 5, September 1995, pp. 1393-1448.
a result, their Mission to the UN concluded that "the modifications still do not go far enough to satisfy the new free market-minded Russians" and they decided not to sign the Agreement in July of 1994. However, the Russian government also chose not to vote against the Agreement, and over time their position began to soften. Finally, in March of 1997, the Russian Federation deposited its consent to both the Convention and the Agreement with the Secretary-General.

Because of the Agreement's success in securing the participation of many developed states without alienating those developing states that favored the original Convention, it has done much to move the Law of the Sea towards universality. And despite the continued inability (or unwillingness) of the United States to become a full-fledged member of the ocean regime, many of the participants still feel that the Agreement in fact "saved" one of the most important statements of international law from potential irrelevance. As a result, examining the process of building a near consensus on this case should provide important insights into the dynamics of Assembly decisionmaking.

APPLYING THE FRAMEWORK TO THIS CASE

Based on this overview of developments regarding the international law of the sea, it is possible to investigate the process of negotiating and drafting the 1994 Implementing Agreement in more detail. As before, this case study will be completed using the three different perspectives contained in the decisionmaking framework proposed in Chapter Two. The analysis

---

12 These excerpts are quoted in Li (1994: 240, fn 3).
will begin with an examination of the formal institutions involved, and then proceed to cover strategic interaction and informal networking as well. But first, it is necessary to identify the decision unit most relevant for this case.

As Hermann, Hermann, & Hagan (1987) indicate, identifying the decision unit involves determining which specific arena will be most relevant to the decisionmaking process on each issue. In regards to the Law of the Sea renegotiation, there was one formally established UN body which many participants felt was the natural choice to serve as the main forum for negotiation: the Preparatory Commission set up after the 1982 Convention was drafted. According to Li, this body seemed most appropriate because it had already functioned for nearly ten years and its mandate did cover many issues related to preparing for the entry-into-force of the Convention (1994: 246). In addition, many of the participants interviewed for this case argued that the Prepcom was composed of rather skilled and knowledgeable representatives who would be the delegates most likely to be involved in any substantive renegotiations of the original Convention.

However, there were two main limitations of the Prepcom that made it unattractive as a forum for renegotiating the seabed mining provisions of the Convention, both of which have been mentioned above. First, in a strict legal sense, the intended purpose of the Prepcom was not to substantially revise the Convention since many of the delegates in 1982 felt that is was a delicate package deal that could easily be upset if even minor adjustments were made. As a result, they empowered the Prepcom to prepare for entry-into-force within the parameters of the existing treaty language. Second,

---

although several industrial states that did not support the Convention nonetheless participated in the activities of the Prepcom (such as the United Kingdom, Germany, Japan, and France), the United States remained unwilling to do so. Since US participation would be crucial if an effective and widely acceptable modification was going to be drafted, the perceived utility of the Prepcom as a negotiating forum was severely compromised.

In order to overcome these limitations, many of the participants felt that some type of informal consultations between interested parties would be the most effective arrangement for negotiations. As was mentioned in the case summary, no influential permanent representative emerged as the natural person to chair these consultations. Fortunately, Secretary-General Javier Perez de Cuellar stepped in to fill the void and act as Chair of the "Informal Consultations Regarding the Implementation of Part XI of the 1982 Convention on the Law of the Sea." Several participants interviewed saw this development as very appropriate due to the fact that the Secretary-General served for a longer period of time than any presiding officers (which would provide consistency to negotiations that many delegates felt would be difficult and lengthy) and was serviced by a staff that enjoyed sufficient resources and expertise to manage a complex negotiation process.

The creation of the Informal Consultations did not lead to the immediate dissolution of the Prepcom. In fact, some of the participants interviewed for this case were of the opinion that the Prepcom and the Informal Consultations would serve as useful complements to each other; the more formal body (the Prepcom) could handle the specific details associated with registering pioneer investors and preparing for entry-into-
force while the more informal arena (the Informal Consultations) could engage in intensive discussions regarding proposed changes in the original Convention language. As a result, the Prepcom continued to hold meetings during most of the rounds of the Informal Consultations.

However, according to Brown, the four Special Commissions under the Prepcom remained focused on the more technical issues of preparing for the eventual operation of the Enterprise (1994: 473-7). Therefore, these bodies had little impact on the contours of the Agreement which emerged from the Informal Consultations. In fact, some of the central components of the new Agreement (such as the decision to postpone the creation of the Enterprise) actually caused much of the work of the Prepcom to become suddenly irrelevant. As a result, the Informal Consultations were clearly the main forum for renegotiating the Law of the Sea, and the analysis which follows will focus on the consensus building efforts of that particular body.

**PERSPECTIVE ONE: FORMAL INSTITUTIONS**

The first perspective contained in the framework focuses on the formal institutions that will be involved in the decision process. Since this perspective emphasizes the considerable influence of the internal structural features of an organization on the nature of the ultimate decision that is made, its analysis centers on the formalized structures, procedures, and goals of the institution. The specific variables which are examined include the size of the decision unit, the structure of formal leadership, the role of smaller formal negotiating groups, the types of procedures that are used, and the degree of goal convergence present at the outset of Assembly debate.
The conventional wisdom regarding decision unit size is contained in proposition one which argues that smaller size leads to an increased likelihood of consensus. This is said to be the case since smaller groups tend to have a more narrow range of interests represented and a more simple pattern of interaction within the group. The findings regarding size on the Law of the Sea renegotiation are very similar to those on the humanitarian assistance case. The Informal Consultations did start as an invitation-only discussion involving about twenty-five to thirty invited states. However, as soon as Boutros Boutros-Ghali became Secretary-General in January of 1992, the consultations were opened to include any and all of the 185 Member States of the UN. As a result, subsequent rounds of negotiation always included representatives from at least seventy-five states, and on occasion there were closer to one hundred participants.

Therefore, the size of the decision unit in regards to the Law of the Sea was quite large, especially once the negotiations entered the stage of actually trying to resolve the main areas of disagreement. However, in spite of this large size, efforts to modify the original Convention did result in a consensus that no state was willing to block (although seven did indicate their reservations by abstaining from the vote). In other words, this case also represents a situation where the expected relationship between size and consensus was not present.

The Law of the Sea renegotiations have another similarity to the humanitarian assistance case in regards to decision unit size. This case finds support for Kahler’s caveat that widespread agreement is possible even in the

---

14 This data on the size of the Informal Consultations is contained in Brown (1994: 462-3) and Joyner (1996: 46); however, it was also confirmed by the participants interviewed for this case.

145
case of large groups, especially when an agreement is formed by a smaller core group of participants and then spreads to include others (1993: 296-9). Participants and scholars alike have observed that this exact type of process occurred in relation to the "Boat Paper" that was drafted during the final phase of the negotiations. The group of states most active in turning this preliminary draft into the final agreement included roughly ten states drawn from both developing and industrialized states. Once they were able to agree on the language covering each area of contention, the remaining states in the Informal Consultations were quick to give their approval as well. Therefore, this case, like the previous one, provides support for Kahler's contention that the relationship between group size and group agreement is not as simple or parsimonious as is suggested by the conventional wisdom.

The second variable in the formal institution perspective examines the structure of formal leadership present within the decision unit. This variable captures the important role played by participants who, based on their formally sanctioned positions of authority, can help push the debate forward and keep it running smoothly. Proposition two argues that the presence of this leadership increases the likelihood of consensus because these individuals can organize debate, suggest possible compromises, and initiate informal consultations. In the Law of the Sea renegotiation, formal leadership was provided by four individuals, and their efforts are widely cited as helping to secure a successful outcome on this case.

The first two individuals to provide formal leadership during the Informal Consultations were the two Secretary-Generals of the time, Javier

---

Perez de Cuellar and Boutros Boutros-Ghali. They have both been credited with crucial, but distinct, contributions to the consensus building process. In the case of Perez de Cuellar, Li has observed that he was politically astute enough to realize that the Prepcom would be unable to solve all controversies related to Part XI of the Convention and that informal consultations might provide the best opportunity for progress (1994: 240). Furthermore, once the negotiations began, he had the foresight to extend invitations to a group of twenty-five to thirty states that would ensure any progress made would later be supported by a wide majority of Member States. Boutros Boutros-Ghali, on the other hand, contributed to the success of consensus building by opening the previously closed negotiations to any and all interested states. This virtually guaranteed that any agreement drafted in the Informal Consultations would later be supported by the Plenary as a whole.

Brown has further highlighted the importance of the leadership provided by the two Secretary-Generals when he argued that the two most important determinants of the success of the renegotiation would be the commitment of the Secretary-General and the political support of key states (1993: 107). However, many of the participants interviewed for this case stressed that Perez de Cuellar and Boutros-Ghali were only rarely involved in the detailed substance of the negotiations. Instead, much of the day-to-day formal leadership of the Informal Consultations was provided by the Under-Secretary-General that headed the UN Office for Ocean Affairs and the Law of the Sea and the Under-Secretary-General for Legal Affairs (who also acts as the Secretary-General's Legal Counsel).

10 Both Nelson (1995: 191) and Anderson (1993: 661) have highlighted the importance of Boutros Boutros-Ghali's decision to open the Informal Consultations to wider participation.
Satya Nandan of Fiji served as the USG in charge of the UN Law of the Sea office during the first phase of the negotiations. All of the participants interviewed for this case stressed that his contribution to the consensus building process was more important than any other single individual. He was from a state which was clearly sympathetic to the views of the G77; however, he was very aware of the need to accommodate the interests and desires of the developed states if the renegotiation was going to be widely acceptable. Furthermore, his own personal expertise on Law of the Sea issues (he had been involved in this area since the original Convention was drafted) allowed him to offer some ingenious solutions once the key areas of disagreement had been identified. Finally, although Nandan was serving in the Secretariat, he was sensitive to the competing pressures faced by delegates based on his years of service as the Permanent Representative of Fiji.

All of these factors allowed Nandan to make an important contribution during the early stages of the negotiation. However, Nandan left the Secretariat in 1992 midway through the negotiations after Boutros-Ghali made the decision to reorganize the Secretariat in a manner that moved the Office for Ocean Affairs and the Law of the Sea into the Department of Legal Affairs. Nandan was frustrated with this change (since it effectively downgraded the role and visibility of the Ocean Affairs office) and it lead to some personal antagonism between Nandan and Boutros-Ghali. However, several participants argued that the negative effects of Nandan's departure were mitigated due to the fact that he remained involved with the issue after 1992 when he returned to the post of Permanent Representative of Fiji. And while he did come into later conflicts with Boutros-Ghali on some
occasions (such as over the decision to use the “Boat Paper” as the basis of future negotiations rather than the “Information Notes” prepared by the Secretariat), he nonetheless was willing and able to provide ad hoc leadership at several critical junctures, all of which will be considered below.

The final individual to provide formal leadership was the USG for Legal Affairs, Dr. Carl-August Fleischhauer of Germany. According to the participants interviewed, Fleischhauer suffered an early setback in the negotiations when his preference for amending the Convention was rejected in favor of drafting an implementing agreement. However, they also observed that Fleischhauer made two important contributions to the consensus building process. First, he was the primary author of many of the “Information Notes” distributed by the Secretary-General which provided focus to the complex negotiations. Second, during the final rounds of the consultations in the Spring of 1994 Fleischhauer was actually running many of the meetings since Boutros-Ghali was involved in other official duties at the time. This ended up providing an unexpected benefit to the negotiations over specific treaty language since he was a lawyer well-versed in the complex nuances of the proposed ocean regime. In addition, it was up to Fleischhauer to finally determine that a consensus had in fact been reached on the text of the Draft Agreement in June of 1994.

In his analysis of the Law of the Sea, Joyner concludes that the trust, fair-mindedness, competence, and integrity of the formal leadership that was provided in the Informal Consultations by the two Secretary-Generals, as well as their official representatives, was critical to the success of the multilateral negotiations (1996: 51). As a result, this discussion provides clear support for
argument that formal leadership, when present, can increase the likelihood of consensus. However, this case does differ from the findings regarding humanitarian assistance in that the formal leadership of the Informal Consultations was provided entirely by Secretariat officials. While there was some early consideration of drawing on a Permanent Representative to serve as a presiding officer (much as Jan Eliasson had done in regards to Resolution 46/182), the participants involved at the time decided (correctly as it turns out) that the Secretary-General was better positioned and equipped to provide the necessary leadership.

The next variable in this perspective concerns the role of smaller formal negotiating groups in building a consensus within the decision unit. Proposition three argues that the presence of these groups in regards to an issue makes consensus more likely because they permit heterogeneous interests to be narrowed down to a few key issues. These groups are often created by the formal leaders of the decision unit; however, that did not occur in regards to the Law of the Sea renegotiation. Nonetheless, Chapter Two also suggests that these groups can emerge based on the initiatives of the delegates themselves, something which did happen during the Informal Consultations. And despite this difference in origin, all of the participants interviewed felt that the "Boat Group" which drafted the preliminary version of the Agreement played a central role in the consensus building effort.

Since the smaller negotiating group on this case was formed by the delegates themselves, it was created rather late in the process when compared to the "Breakfast Group" that discussed humanitarian assistance. It was not until after the eight areas of disagreement had been identified (and even
discussed to some extent), that a group of interested states came together to
draft the "Boat Paper" in an effort to move the negotiations along.
Furthermore, the decision unit as a whole had already singled out the five
main issues that needed to be resolved in some detail before agreement was
possible. As a result, this group made few contributions to phase one and two
of the negotiations. However, once the "Boat Group" began drafting, and
later revising, the preliminary version of the Agreement during phase three,
its contribution to consensus building became hard to exaggerate.17

As was the case with the "Breakfast Group" in the previous case study,
the "Boat Group" was also consistent with several other expectations in
Chapter Two regarding group composition. First, the overall size of the
group was about eleven states at any one point in time which allowed for
diverse interests to be represented without creating the need for cumbersome
procedures. Second, the specific states represented on this "fire brigade"
(Australia, Fiji, Indonesia, Italy, Jamaica, Nigeria, Germany, Argentina, Brazil,
the United Kingdom, and the United States) included both developed and
developing states, along with a range of distinct viewpoints within each of
these traditional coalitions.18 Based on these two features, the "Boat Group"
was clearly designed to foster consensus building regarding seabed mining.

However, Chapter Two also mentions that formal negotiating groups
are most able to foster consensus when their members can be reasonably
confident that agreement within the group will also result in widespread
support outside the group. In the case of humanitarian assistance, Jan

17 This observation was made by nearly every participant interviewed for this case; however,
it has also been discussed in Anderson (1994: 888-9) and Brown (1994: 469).
Eliasson was widely credited with ensuring that the "Breakfast Group" included all states that might potentially block agreement. Unfortunately, this was not the case in regards to the Law of the Sea renegotiation. While many of the participants interviewed stressed that the "Boat Group" did include a wide variety of interests, there were some relevant states that were prevented from having an input. This may help to explain why Resolution 46/182 on humanitarian assistance resulted in perfect consensus whereas the vote on the seabed mining Agreement included seven abstentions. Furthermore, this difference most likely stems from the different origins of the two groups: the "Breakfast Group" was created in a very intentional and careful way by Eliasson whereas the "Boat Group" emerged in more of an ad hoc fashion based on the initiative of several interested delegates.

Proposition four covers the relationship between the type of procedures used in the decision unit and the likelihood of consensus. The basic argument is that greater flexibility of procedures allows for more creative problem solving, increased freedom to debate key issues, greater personal interaction, and ultimately, an increased chance of reaching consensus. In the case of the Law of the Sea renegotiation, the very name of the decision unit, the "Informal Consultations," suggests that the procedures were designed to be flexible. In fact, several of the participants argued that one of the features that made the Secretary-General's approach so attractive to delegates was its more informal character. This is true because many of them had been involved in the workings of the Prepcom which had been hampered since its structures and procedures segregated participants into members and observers based on their state's position on the Convention.
Specifically, the flexible procedures of the Informal Consultations helped to facilitate agreement by allowing delegates to exchange working papers and meet privately in small groups as needed in order to develop common positions. One of the most obvious manifestations of this was the emergence and activity of the "Boat Group" discussed above. As was the case with the "Breakfast Group" on humanitarian assistance, the "Boat Group" did not hold its meetings in a UN conference room, but instead, it moved from mission to mission as it worked on various drafts of the Agreement. Furthermore, participants familiar with the dynamics of the "Boat Group" observed that much of the discussion was able to avoid any hint of procedural debate and remain focused on the five substantive issues under discussion.

These flexible procedures clearly played a significant role in facilitating the consensus building process in this case. A more structured and formal body (the Prepcom) had been debating Law of the Sea issues for nearly ten years without significant progress. The main breakthroughs came after a more flexible and innovative decision unit was established to handle the most divisive issues. Furthermore, although the Prepcom and the Informal Consultations functioned in tandem for a period of time, participants soon focused much of their efforts towards reaching a universally acceptable agreement in the more flexible arena since they realized that it provided the best hope for a successful outcome. As a result, the expectations regarding procedures discussed in Chapter Two are consistent with this case.

The final variable contained in the first perspective concerns the degree of goal convergence present among the actors in the decision unit at the

outset of debate on an issue. Specifically, proposition five argues that a
greater degree of goal convergence leads to an increased chance of consensus,
especially when this common ground crosses traditional lines of cleavage in
the Assembly. As was the case with humanitarian assistance, the debate on
modifying Part XI of the Law of the Sea Convention was very complex.
According to Li (1994: 248-53) and others, there were nine areas of
disagreement regarding the original Convention: costs to State parties,
operation of the enterprise, decisionmaking procedures, review procedures,
technology transfer, production policy, economic assistance, financial terms of
contracts, and environmental aspects. As a result of these many areas of
divergent interests, Anderson has observed that the Informal Consultations
opened in 1990 “amid some trepidation from all sides” (1994: 893).

The fact that many of the disagreements on these nine issues activated
traditional lines of developed-developing state cleavages only served to move
the sides further apart. Soon before the consultations began, many
developing states continued to prefer the package deal on seabed mining
represented by the original Convention whereas the industrialized states
were of the view that any negotiations which did not result in substantial
changes to Part XI would be useless at best, and maybe even outright
detrimental to the long-term prospects of the ocean regime. According to
Anderson, these differences were further reflected in the first two rounds of
the Informal Consultations when the developed countries presented their list
of issues that needed to be resolved if the Convention was to become
universally acceptable (1993: 657-8). Finally, Stevenson & Oxman indicate

---

that the actual range of different interests were more nuanced and complex that the developed-developing distinction on some specific issues (1994: 488-99). Their analysis highlights differences between coastal and landlocked states, between land-based producers and pioneer investors, and between states with large navies and states concerned about sovereignty.

Based on these differences and the discussion contained in Chapter Two, one would expect consensus to be very unlikely in this case. However, the Informal Consultations were in fact able to reach a widely acceptable Agreement to modify the Convention. One of the reasons for this outcome illustrates another important similarity between this case and the discussions on humanitarian assistance. Even though there were significant areas of disagreement between developed and developing states, Li has concluded that both groups entered the negotiations with a clear desire to achieve universal participation in the Convention (1994: 239-40). And since this shared desire to modify the status quo crossed traditional lines of cleavage, delegates were more committed to working through the differences that emerged.

One final note on goal convergence is necessary on this case. While participants may have entered the Informal Consultations with disagreements regarding nine areas of seabed mining, the negotiations rather quickly narrowed this list down to only five issues.21 As a result, many of the participants interviewed felt that these early breakthroughs helped to convince otherwise reluctant participants (such as the United States) that a successful outcome was in fact possible. And because of this, the delegates displayed an increased desire to work toward a consensus.

Analyzing the Law of the Sea renegotiations using the formal institution perspective has provided several important insights, many of which echo those found in the humanitarian assistance case. First, the Informal Consultations represent another case where it was possible to reach a consensus in spite of the large size of the decision unit. This agreement emerged in a smaller subset of actors and later spread to include the rest of the decision unit. And again, this is most likely due to the role that formal leadership and small negotiating groups can play in facilitating agreement in regards to complex issues. Finally, this case supports the earlier observations regarding the relationship between the other two independent variables (procedures and goal convergence) and consensus building, thereby providing additional evidence of the dynamics uncovered in the first case study.

**PERSPECTIVE TWO: STRATEGIC INTERACTION**

The second perspective contained in the framework focuses on the strategic interaction that takes place between the actors in the decision unit. Since this perspective addresses the hard bargaining and horse trading that occurs between different shifting coalitions, its analysis centers on the activities and characteristics of the participants within the decision unit, as well as on elements of the larger social context in which the decision is made. The specific variables that are examined include the characteristics of the issue in question, the salience of the issue to those actors in the minority position, the range of actions available to the participants based on their particular attributes, the degree of autonomy of the participants from the actors they represent, and the types of strategies the participants choose to use.
The relationship between issue characteristics and consensus offered in proposition six is that consensus is more likely when the issue is more amenable to compromise solutions. In turn, Young (1989: 366-371) has argued that four considerations can determine if an issue is more or less amenable to compromise. In regards to the Law of the Sea renegotiation, three of the four considerations were certainly present. First, this issue was one where each side saw a clear need for change. Specifically, the developing states came to realize that a treaty without the major industrialized states participating would not be viable or workable. At the same time, the industrialized states were becoming increasingly aware that the changed international situation of 1989 might in fact represent their best chance to enjoy the benefits of a stable and acceptable ocean regime. As a result, both sides of the debate shared a desire to secure a universal treaty.

This desire was further influenced by the second consideration: the presence of a crisis or shock which increased pressure to get something done. In the case of the Law of the Sea, this point was reached in early 1990 when both developed and developing states realized that the original Convention was likely to enter-into-force in the near future since almost sixty states had completed the ratification process. According to participants, since many states felt that the Convention would be harder to modify after entry-into-force, a “now or never” view of the situation began to emerge. It is important to note that these pressures increased even more midway through the Informal Consultations in November of 1993 when the Republic of Guyana

---

22 Both Kolossovskiy (1993: 7) and Li (1994: 239-40) discuss the interests of developing and developed states.

23 These concerns are examined in Li (1994: 242-3) and Brown (1994: 461).
actually deposited the sixtieth ratification. This event pushed the participants in the consultations to hold a series of meetings to discuss the "Boat Paper" in rapid succession across the Winter and Spring of 1994.

Young's third consideration, the possibility of solutions equitable to all sides, was also present when the Informal Consultations began. Although the disagreements between developed and developing states that lingered after the original Convention continued to hamper the work of the Prepcom across the 1980s, there were several important developments at the close of the decade that made agreement seem more possible. Specifically, the fact that commercially viable seabed mining now appeared to be many years from realization caused both developed and developing states to believe that a new arrangement acceptable to all sides could be reached.

However, as was the case with humanitarian assistance, the final consideration identified by Young is less clear cut on the Law of the Sea. After talking to participants, it is evident that there were no easily identifiable salient solutions present when the debate over modifying the treaty began. This led Anderson to observe that the Informal Consultations began "amid some trepidation from all sides" (1994: 893). However, the discussion of goal convergence under the first perspective provides an important caveat: while the participants certainly began debate without any specific solutions in mind, the ability of the consultations to identify five main areas of contention fairly early in the negotiations helped to increase the desire and willingness of the delegates to work for a widely acceptable agreement.

---


Therefore, it is possible to conclude that the Law of the Sea case is also consistent with the expectations laid out in Chapter Two. Participants shared a clear desire for change and the impending sixtieth ratification provided increased motivation for compromise, both of which can help foster consensus. Furthermore, the early success in focusing the discussions on only five key issues, while not identical to Young's expectations, certainly contributed to the success of the consensus building process.

The second variable in the strategic interaction perspective addresses the salience of the issue to the participants in the decision unit. Proposition seven argues that consensus will be more difficult when the issue is salient to the participants because each of them will be more willing to use their scarce resources to block unattractive proposals. According to participants interviewed for this case, modifying the 1982 Convention to make it universally acceptable was a highly salient issue to both developed and developing countries. Each side had expressed dissatisfaction with the status quo, and each side had clear preferences regarding the characteristics of an acceptable compromise. Concern over the impending entry-into-force without the main maritime powers caused the developing states to push for new negotiations, and most industrialized states were eager to use this opportunity to secure a more attractive seabed mining regime.

However, proposition seven contends that issue salience becomes most important in the case of those participants in the minority position since any one actor can block consensus. Unfortunately, as was the case with humanitarian assistance, identifying which actors were in the "minority position" on the Law of the Sea is difficult. As Stevenson & Oxman indicate,
there were multiple lines of cleavage in regards to ocean issues: developed versus developing, coastal versus land-locked, navies versus sovereignty, and land-based producers versus pioneer investors (1994: 488-99). Therefore, one might conclude that identifying a minority position is impossible and unnecessary. Instead, what matters most is whether or not different groups of participants disagree on an issue and, if they do, whether or not any of them see the issue as important enough to block unattractive proposals.

This realization mirrors the results of the first case study as well. When there is a significant developed-developing dynamic on a salient issue, identifying the minority position is less relevant than determining whether or not either side is sufficiently satisfied with the status quo so as to drag their feet in negotiations. In this case, as was mentioned before, there was a clear preference for change on the part of both developing and developed states which suggests that neither group would be eager to see the negotiations fail. In other words, just as salience can increase the willingness of a states to block an unattractive consensus, it can also increase their desire to work extra hard in search of agreement.

However, this case does differ from the humanitarian assistance debate in that, during the course of the Informal Consultations, several states clearly did see themselves as being in the minority position. The most obvious example of such a situation is the United States during the first half of the negotiations. As was mentioned in the case summary, the US was the only major industrialized state that was not participating in the Prepcom meetings (at least as an observer), which is one of the main reasons why the Informal Consultations were used instead. Furthermore, once the consultations began,
Anderson observes that it was up to the United Kingdom, Germany, and the Soviet Union to articulate the main problems with the original Convention (1993: 657). This was true because the US had made the decision to participate in the talks only in a very cautious fashion. The US delegates were very uncertain of the concrete results that might emerge and did not want to find themselves in the same position of having to be the main holdout to an otherwise popular agreement as had been the case in 1982.

As a result of this cautious approach, much of the discussion during phases one and two of the negotiations focused on exploring the main areas of disagreement and not on actually working for a solution. However, in April of 1993 the Clinton Administration announced that the US had reevaluated its position and, from that point forward, would "take a more active role" in the negotiations. A short time later the "Boat Group" was finally able to reach a breakthrough on the earliest draft of the Agreement.

This discussion of the US role in the Informal Consultations is consistent with the expectations regarding minority salience outlined in Chapter Two. Agreement became possible only once the US abandoned its minority role as a reluctant participant in the negotiations. The opposite type of change occurred over time regarding the Soviet, and later Russian, position in the Informal Consultations. In this case the delegates started out with a favorable view of the renegotiation but, as Li (1994: 240) indicates, they were very concerned with the outcome. However, their reservations (along with those of at least six other countries) were not sufficiently serious so as to

---


77 The new position was announced in a US Mission to the UN Press Release which is quoted in Anderson (1993: 663).
warrant an outright rejection of the new Agreement. In fact, as was mentioned before, the Russian Federation chose to abstain in 1994 and later ratified the Agreement in 1997.

The next variable in this perspective relates to actor attributes, and focuses specifically on the presence of any actors who serve as brokers within the decision unit. The basic argument contained in proposition eight is that the presence of such brokers will increase the likelihood of consensus since they can facilitate negotiation across different groups. There are three types of actors who are most inclined to serve as brokers, two of which were active in regards to this case. First, NGOs were one set of potential brokers who were not involved in the actual consultations of the decision unit. Several of the participants mentioned that the Informal Consultations were open only to state representatives and, as a result, the only way for NGOs to be involved would be if they were included on one of the delegations, and none were. These participants did highlight, by the way, that this lack of NGO involvement was a rather stark contrast to the active role many NGOs had played at UNCLOS III when the original Convention was drafted.

However, the other two types of potential brokers were active on the Law of the Sea case. For instance, the discussion of formal leadership above mentioned the important role played by four representatives from the Secretariat (the two Secretary-Generals, the Legal Advisor, and the Head of the Ocean Office). One of these four, Satya Nandan, was mentioned by nearly every participant for both his leadership and brokering roles. His years of

---

25 Participants spoke of Satya Nandan in much the same way as Ed Tsui during the humanitarian assistance case. Although both of these individuals were providing leadership to the decision unit, they were also instrumental in facilitating compromise as well.
experience dealing with ocean issues, his background as a former Permanent Representative, his ability to understand the perspectives of both developed and developing states, and his friendly yet professional demeanor allowed him to foster contacts across the different interest groups involved in the negotiations. It should also be highlighted that Nandan continued to serve as a broker even after he left the Secretariat and returned to his previous position as the Ambassador from Fiji to the UN.

The final type of actors to serve as brokers in the Law of the Sea negotiations were representative from Member States. As was the case with humanitarian assistance, many of the participants argued that almost all members of the Informal Consultations, and certainly every state in the “Boat Group,” were active in building compromises on one issue or another. However, there were some members of the decision unit who were more active in this regard than others. For instance, the United States was not able to serve as a broker due to its past reputation and perceived bias, but some other industrialized states, such as Germany and Italy, were able to do so when it came time to generate the list of key issues to be addressed and when the original “Boat Paper” was drafted. Likewise, among the developing states, Joyner has observed that Fiji, Brazil, Argentina, and Indonesia were instrumental in fostering compromises within the G77 as well as between the G77 and the industrialized states (1996: 46).

In addition, some of the other states involved in the Informal Consultations were especially effective at bridging the tradition developed-developing state dichotomy. For instance, many of the participants highlighted that the “original pioneer investor” states, and especially Japan,
used their reputations as sincere supporters of the Convention to promote effective progress on modifying Part XI in a manner that was beneficial to all. In a similar vein, Australia is widely credited with helping bring together the “Boat Group” in order to create the original draft that moved the negotiations toward a successful outcome.

These findings are consistent with the expectations in Chapter Two, especially given the fact that many of the Member States who served as brokers were middle powers. Their efforts, along with those of certain Secretariat officials, helped to foster compromises and build consensus around the “Boat Paper.” As a result, the positive relationship found between brokers and consensus on the humanitarian assistance case is also confirmed in regards to the Law of the Sea decision as well.

Proposition nine concerns the autonomy of the participants in the decision unit. The basic argument is that increased freedom to act leads to a greater chance of reaching a consensus because the participants will be more able and willing to take part in deals and compromises. Scholars have advanced two rules of thumb regarding autonomy: the greater the size or the interest of a particular state, the lesser the degree of autonomy for the delegate in question. Interviews with participants regarding the Law of the Sea renegotiation did find general support for these “rules.” Participants from large and small states alike did feel that larger states enjoyed a lesser degree of autonomy during the Informal Consultations. As examples, they cited several delegations from industrialized states (such as France and the United States) which were internally divided with some individual delegates clearly being forced to argue in favor of policies they personally felt were unwise.
Participants felt that this lack of autonomy on the part of some key developed states resulted in increased difficulty when the "Boat Paper" was drafted. However, they were also quick to point out that delegate autonomy was rather limited across all delegations on this issue. This was true even for smaller states that generally give their delegates a high degree of freedom on "day-to-day" issues; many states realized that the Informal Consultations could result in an agreement with long-term implications for ocean use and they were very careful to make sure their interests would be protected. This general lack of autonomy, given the relatively high degree of consensus achieved on the Agreement, would appear to contradict the expectations contained in Chapter Two.

However, once again the empirical research indicates that the relationship between autonomy and consensus is more nuanced than existing scholarship would suggest. First, several of the participants echoed the observations of those involved in drafting the humanitarian assistance resolution; they stressed that one important consideration is the timing of instructions that may allow a delegate the chance to "sell" an already drafted agreement to their home government. In the case of the Law of the Sea renegotiation, several of the delegates were able to delay reporting for instructions such that this type of "sale" was possible. This was especially true in the case of those delegates that enjoyed a high level of expertise on ocean issues. For instance, several participants indicated that Hashim Djalal of Indonesia and Satya Nandan of Fiji had to follow general government policy, but they also knew more about the issues than those at home, and they were able to sell the Agreement as being consistent with national policy.
Several other nuances regarding autonomy that emerged during the Law of the Sea case did not emerge during the humanitarian assistance debate. One such nuance concerns the observation that more detailed instructions do not necessarily lead to less room to maneuver. Several of the participants argued that the situation also mattered. In the case of the Law of the Sea, the renegotiations were searching for agreement on at least five issues, thereby creating the opportunity for package dealing. The dynamics of package dealing, in turn, provided all states, no matter how constrained in regards to national policy, to maneuver in search of favorable outcomes on the specific issues they found most pressing. In these situations, participants argued that the ability to coordinate national policy within the mission across issues was in fact more important to concluding an attractive agreement than was the overall degree of delegate autonomy. And since opportunities for package dealing were numerous within the Informal Consultations, it was possible to conclude a widely acceptable agreement.

The final nuance regarding autonomy and consensus that emerged from participant interviews concerns an important distinction between instructions on means and instructions on ends. As was mentioned above, most delegates on the Law of the Sea case received detailed instructions regarding the goals (the ends) they should pursue in regards to any possible agreement. However, some of them enjoyed a high degree of discretion on the specific means they could use to reach those goals, while others did not. For example, Charney has observed that the United States had very specific policies regarding the goals of the renegotiation as well as on their preference for an arena where they could later back out of any unattractive deal (1992: 166)
This, at least in part, resulted in the decision to use the Informal Consultations arrangement for the discussions. However, later in the process when the US and other states realized agreement might in fact be possible, participants argued that many of the delegates received increased latitude in terms of the means they could use to secure agreement. This, in turn, created an opening for the “Boat Group” and its more focused negotiations.

Therefore, the main findings regarding autonomy and consensus are similar to those uncovered during the first case study. Overall, autonomy was low in regards to the Law of the Sea which, when considered in light of the successful outcome, is not consistent with the expectations in Chapter Two. However, the empirical research uncovered several nuances that indicate how specific dimensions of autonomy on this case made agreement more possible. Further examples of these nuances uncovered in the remaining cases would lend increased support to these findings.

The final variable contained in the second perspective addresses the different types of strategies available to the participants in the decision unit. Specifically, proposition ten argues that the use of strategies which focus on the substance of the issue (as opposed to procedural manipulation) will lead to a greater chance of a consensus outcome. Like the working group on humanitarian assistance case, participants stressed that the Informal Consultations on Part XI were specifically set up by the Secretary-General so as to foster forthright substantive debate and prevent procedural manipulation. Unfortunately, many of these participants concluded that Perez de Cuellar, and to some extent Boutros-Ghali, were only partially successful in this regard, especially during the first two years of the negotiations.
The most glaring example of a country (or group of countries) adopting a strategy that was not conducive to negotiation and compromise during the Informal Consultations was the United States. As was mentioned before, the US initially took a cautious approach to the Informal Consultations. There were generally two reasons for this. First, the US was very uncertain as to the likelihood that the discussion would produce any concrete adjustments in the seabed mining provisions of the Convention. Second, the US did not want to be forced to publicly back out of the negotiations late in the game as it had done in 1982. As a result, the US played a game of delay for the first two years of the negotiations in order to determine if the positions of other states were sufficiently flexible to make an acceptable outcome seem likely.

While participants were careful to point out that the United States at no time engaged in outright procedural manipulation, they did block real substantive progress by pursuing a strategy of only lukewarm support. The significance of this strategy became most apparent when it was finally abandoned in 1993. According to Joyner, the Informal Consultations received a huge push towards substantive progress when the US announced its April decision to “actively participate” in the negotiations (1996: 46). Furthermore, participants indicated that, after the US shift, there were no efforts to obstruct the work of the Informal Consultations or the “Boat Group” through procedural manipulation. Instead, the negotiations remained focused on revising the substantive provisions of the “Boat Paper,” and agreement was secured within one year. As a result, this relationship between strategy and consensus is consistent with the expectations contained in Chapter Two.

3 This reluctance is discussed in Charney (1992: 280-1) and Galdorisi (1995: 76-7).
Examining the Law of the Sea renegotiation with the strategic interaction perspective has provided several important insights, again many of which echo those of the humanitarian assistance case. First, both issue and participant characteristics influenced the dynamics of the negotiations in the decision unit. Second, although the findings on two of the variables, actor attributes (specifically brokers) and strategies, differed slightly across the first two case studies, they nonetheless remained consistent with the expectations discussed in Chapter Two. Third, the Law of the Sea case is similar to the humanitarian assistance debate in that the relationship between three of the variables (issue characteristics, minority salience, and participant autonomy) and consensus building was more nuanced than expected. Some of these nuances were similar across both cases (such as the importance of the timing of delegate instructions), but others were unique to the Law of the Sea case (such as instruction on means versus ends). Therefore, these nuances will require further exploration in the remaining case studies.

**PERSPECTIVE THREE: INFORMAL NETWORKING**

The third perspective contained in the framework focuses on the informal networking between participants that takes place behind-the-scenes. Since this perspective explores the informal processes and personal relationships that form among the participants in the decision unit, its analysis centers on the status systems, communication networks, and working relationships that exist within the organization. The specific variables which are examined include the informal contacts that occur within the decision unit, the long-term working relationships that develop between
participants, the personal attributes of the participants, the role of ad hoc leadership, and the nature of the perspectives advanced by the participants.

The presence of informal contacts among the participants in the decision unit, according to proposition eleven, increases the likelihood of consensus because they provide the participants with the opportunity to plan strategies, exchange ideas, seek out sponsors, flush out otherwise vague positions, and develop friendships. As was the case with the humanitarian assistance debate, informal contacts played a crucial role in the ultimate success of the Law of the Sea renegotiation. In fact, Joyner has observed that one of the most useful features of the overall structure of the Informal Consultations, in terms of building agreement, was that delegates were able to meet informally in small groups to discuss and develop points to be addressed (1996: 46). Most of the participants interviewed for this case stressed that these informal encounters lead directly to many of the important breakthroughs regarding the seabed mining provisions of the Agreement.

However, it is possible to be much more precise regarding the specific contributions of informal contacts to the consensus building process on this case. First, the participants in the Law of the Sea case used the same terminology when referring to these contacts as was uncovered in the humanitarian assistance case. Specifically, they were careful to distinguish between “informals” involving a chair, announced meetings, a set composition, and a relatively clear agenda (which have in fact become rather formal within UN politics), and “informal-informals” that center around more impromptu gatherings in lounges, halls, and missions. The Secretary-General’s Informal Consultations represent an example of the first type in
regards to this case, but the second type of informals were also very important, both in terms of determining the best procedures to use as well as for uncovering possible areas of substantive compromise.

One way in which "informal-informals" helped to move the Law of the Sea discussions forward occurred at the very beginning of the renegotiation process. Before Secretary-General Perez de Cuellar initiated the Informal Consultations, Greg French of the Australian Mission to the UN organized a series of informal gatherings of both developing and developed states held in UN lounges and at his mission. These informal gatherings (referred to as the "Midnight Group" by some participants) helped to uncover how deep and widespread the desire was to begin the difficult process of reopening the negotiations on seabed mining in search of universality. Furthermore, they prompted Satya Nandan to create a slightly more formalized gathering of thirty or so interested states at Fiji's UN Mission. This group focused on determining which type of arena and format would be most conducive towards ensuring a successful outcome of any renegotiation efforts. Soon after, the Secretary-General used the results (and membership) of these early "informal-informals" as the basis of his Informal Consultations.

"Informal-informals" continued to play an important role in the negotiations after the Informal Consultations were underway. Although much of the process of uncovering the nine original areas of disagreement was achieved largely without the use of extensive informal consultations, many of the participants interviewed argued that such contacts were an integral part of the activities of the "Boat Group." Such a conclusion is supported by Anderson who has observed that informal contacts between
both developed and developing states were used in the late Spring and early Summer of 1993 in an effort to find a new way forward on the five areas of contention (1994: 887-9). The result of these contacts was the creation of the "Boat Group" itself, as well as the drafting of its preliminary paper that later became the first version of the Agreement. Furthermore, both Anderson and several participants have observed that the "Boat Group" relied on continued informal contacts between a subset of its members as subsequent drafts of the Agreement were hammered out across the following nine months. In other words, the widespread agreement achieved on the Agreement would have been impossible without the extensive use of informal contacts.

The second variable in the informal networking perspective builds on the informal contacts just discussed to examine the long-term working relationships that exist within the decision unit. Proposition twelve argues that the better these relationships are, the greater the likelihood of consensus. In regards to the Law of the Sea renegotiations, many of the participants interviewed observed that, when the Informal Consultations opened in 1990, there was still considerable tension and frustration between developing and developed states. According to Joyner, these antagonistic views had boiled under the surface during the eight years of Prepcom debate because the main areas of disagreement in 1982 had never been resolved (1996: 46). As a result of this, the Informal Consultations began with some degree of skepticism on the part of all involved.

These factors would seem to indicate that the working relationships within the Informal Consultations, at least those across the developed-developing state divide, would be strained to the point that consensus would
be difficult to achieve. However, other observers have in fact concluded that the working relationships during the renegotiations were quite positive. For instance, Anderson has observed that the developing states entered the consultations with a good deal of concern regarding the motives of the United States in participating in the talks (1994: 893). But fortunately for the negotiations, these concerns were gradually lessened over time to the point that, by April of 1993, all involved realized that the main holdout from 1982 was willing to engage in serious discussions towards a universal agreement. As a result, even as the consultations were covering the most difficult issues, the atmosphere remained constructive and non-confrontational.

The participants interviewed for this case offered two reasons for the fact that working relations within the Informal Consultations were more positive than some would have expected given the nature of debate during the 1980s. First, many of the participants involved in the renegotiations had been active on ocean issues for years, in some cases dating back to UNCLOS III. As a result, even though their respective governments had a history of disagreement on these issues, the specific individuals involved had "matured together" and were able to work with each other in an effective manner. Second, the specific personalities of several of the key participants, such as those representing the United States, helped to convince the other participants that the time was ripe for change and that they were willing to look beyond past antagonisms. The exact impact of these personalities will be considered under the next variable.

Before turning to discuss delegate personality, one additional observation regarding working relationships is necessary. The positive
working relationships that existed between representatives of developing and
developed states did contribute to successful consensus building, as would be
expected based on the discussion in Chapter Two. However, some
participants argued that certain working relationships were rather strained
during the Informal Consultations, most notably those within some of the
delegations from developed states. For instance, due to personality conflicts,
ego, and policy disagreements, the French delegation found it difficult to
present a united front. These problems resulted in duplicitous behavior on
the part of some individuals which, in turn, harmed their working
relationships with other delegations.

The next variable in this perspective examines the personal attributes
of the participants in the decision unit. As proposition thirteen argues, the
greater the skill and reputation of these actors, the more likely it becomes that
they will be able to cut through the frequent posturing and rhetoric
characteristic of multilateral meetings in order to build consensus. In the case
of the Law of the Sea renegotiation, every participant interviewed stressed the
important role played by personal attributes in this case. Some of this
importance related to the positive working relationships that emerged within
the Informal Consultations and (even more so) within the “Boat Group.” In
other words, despite the difficult and contentious issues that needed to be
addressed, participants felt the delegates involved had personalities which
kept personal antagonisms to a minimum.

However, more specific observations regarding the impact of personal
attributes on consensus building are possible in light of the dynamics of this
case. First, personal characteristics played an important role in convincing
the majority of original participants in the Informal Consultations (including Secretary-General Perez de Cuellar) that the United States was seriously committed to renegotiating the Part XI of the 1982 Convention. The US Ambassador to the UN at the beginning of the consultations, Thomas Pickering, left that post rather early in the negotiations; however, his personal diplomatic style and relationships with delegates from other interested states enabled him to persuade even some of the most skeptical individuals that the US would participate, albeit in a rather limited role at first.

The other specific observations that can be made echo the findings from the humanitarian assistance case regarding those situations when personal attributes can matter the most in terms of facilitating (or blocking) breakthroughs in the negotiations. The first of these situations identified by participants concerns the four formal leaders whose critical contributions to the negotiation process have been documented above. The second such situation occurs when the negotiations reach a critical stage and need to be pushed along to avoid paralysis. As was mentioned before, Anderson has observed that this point was reached in regards to the Law of the Sea renegotiations in the Spring and Summer of 1993 after the list of five key issues had been identified and debated (1994: 887).

The participants interviewed for this case argued that personal attributes became an important (but certainly not the only) consideration when the informal contacts that lead to the formation of the “Boat Group” were initiated. The individuals who became active were drawn from a wide variety of states; however, each of the representatives had a personal style

---

which was open to compromise and creative solutions. In fact, during the interviews, every member of the “Boat Group” was mentioned on at least one occasion as having a personality that contributed to the drafting process. These individuals included Hashim Djalal of Indonesia, Greg French of Australia, Satya Nandan of Fiji, Tullio Treves of Italy, Kenneth Rattray of Jamaica, Sani Mohamed of Nigeria, Joachim Koch of Germany, David Anderson of the United Kingdom, and Wesley Scholz of the United States. Furthermore, participants felt that these delegates, when taken as a whole, knew each other’s personalities quite well, which facilitated their ability to achieve breakthroughs in both formal and informal settings, and also helped them to have realistic expectations regarding the deals that could be made.

The participants interviewed also identified another useful feature regarding the individuals in this group: they represented a mix of experienced and relatively new (what several participants called “green” or “naive”) delegates. This mix ended up being very beneficial to the dynamics of the “Boat Group;” some delegates (like Nandan, Djalal, and Anderson) had been involved in ocean issues for decades and were very knowledgeable regarding past debates and accomplishments whereas other delegates (like French) were relative newcomers to the debate and were therefore able to offer a fresh perspective on possible solutions. As a result of this combination, the “Boat Group” was able to avoid paralysis and forge an agreement that would subsequently be supported by a wide range of states.

The final situation where personal attributes could have a considerable impact on consensus relates to individuals who were able to provide ad hoc leadership within the decision unit. This situation actually represents the
fourth variable under informal networking which is argued to influence consensus building (according to proposition fourteen) for much the same reasons as formal leadership. As was discussed above, the Law of the Sea renegotiation process was guided by four high quality formal leaders drawn from the Secretariat. Based on the findings in the humanitarian assistance case, this would suggest that ad hoc leadership would be less relevant to the successful outcome. However, all of the participants interviewed for this case, as well as Joyner (1996: 51), have observed that individuals other than these four Secretariat officials were instrumental in providing leadership in the Informal Consultations, most likely due to the flexible and informal nature of the decision unit that was used.

Delegates who were able to provide ad hoc leadership were drawn from both developed and developing states. In terms of developed states, participants have observed that Joachim Koch of Germany and David Anderson of the United Kingdom took the lead in generating the list of nine key issues that needed to be addressed during the first round of the negotiations. In addition, several participants indicated that Koch and Greg French of Australia were the main developing states that pushed for the "Boat Group" to write up a draft paper to try and advance the negotiation process. Finally, Joyner has indicated that Wesley Scholz and David Colson (both of the United States) provided critical leadership at certain junctures in the negotiation process, especially after the US made the decision to actively participate in the Informal Consultations (1996: 51).

In terms of developing states, those individuals most active in providing ad hoc leadership were Hashim Djalal of Indonesia and Satya
Nandan of Fiji. First, many of the participants interviewed for this case have observed that Djalal enjoyed a great deal of authority and respect during the consultations since many other players considered him to be the "godfather" of ocean issues. Second, participants also argued that Nandan continued to provide leadership during the Informal Consultations, at least on a more unofficial basis, after he left the Secretariat. Even late into the negotiations, Joyner has observed that Nandan played a leading role in personally working to bridge differences between delegates over nuances in provisions (1996: 51). Finally, for both of these individuals, at least part of their leadership involved working to build agreement within the G77 in addition to their work on the more intensive negotiations of the "Boat Group."

While all of the ad hoc leaders mentioned thus far were well positioned to provide these services based on their participation in the "Boat Group," there were some individuals who provided leadership on specific issues without being central players in the overall drafting process. For instance, Alexandr Moltsik of the Ukraine played a leadership role very late in the negotiations when a disagreement regarding the allocation of seats on ISA bodies emerged. The crucial issue concerned whether or not the Eastern Europe Group and the Western Europe and Other Group would be consolidated in terms of seat allocation. In search of a solution, Moltsik initiated informal consultations over coffee, and an agreement was eventually reached through which the Ukraine, the Russian Federation, and Poland would each be represented.

This discussion indicates that ad hoc leadership played a central role in the Law of the Sea renegotiation. In both the "Boat Group" and the Informal
Consultations as a whole, key individuals emerged to provide leadership at several critical junctures. This, in turn, helped to pilot the original "Boat Paper" through a series of revisions that was able to secure widespread agreement within the decision unit. As a result, the expectations outlined in Chapter Two are largely confirmed in regards to this case.

The final variable contained in the third perspective looks at whether or not the participants in the decision unit adopt a broad perspective on the issue. As proposition fifteen indicates, the basic argument is that participants with broader interests who are open to a greater range of proposals will help facilitate consensus building. In regards to the Law of the Sea case, many of the participants indicated that, going into the renegotiation, they were not at all optimistic about the chance of success. These concerns were caused by the fact that many of the disagreements which prevented universal support of the original Convention in 1982 had continued to fester in the Prepcom across the rest of the decade. As a result, it seemed likely that both developed and developing states would stick to narrow positions in favor of very different arrangements for future seabed mining.

However, as was also mentioned above, the international environment surrounding seabed mining had undergone significant changes by the end of the 1980s. This, accompanied by the impending sixtieth ratification, had created a desire on the part of both groups to renegotiate Part XI of the Convention. Participants indicated that these desires lead to an increased openness on the part of all states to proposals they would have previously rejected out of hand. In other words, interested states were abandoning their earlier positions in favor of a broader range of proposals.
This willingness to consider a broad range of perspectives was reflected most directly in the activities of the “Boat Group,” which represents another similarity between the findings on this case and those regarding humanitarian assistance. The representatives from developed and developing countries included in this group quickly demonstrated their willingness to adopt broad perspectives when they drafted the “Boat Paper.” According to Brown (1994: 468-9), this proposal did not represent the position of any one state or group of states, but instead, was prepared “as a contribution to the process of consultations.”

The members of the group, as well as those outside the group, were free to recommend changes, as long as the process continued in a constructive fashion. Anderson indicates that numerous states took advantage of this opportunity, including many of those involved in the drafting process (1994: 888-9). Criticisms focused on both its form (too many separate annexes) and its phraseology (the extensive use of the words “amend” and “replace”). However, the members of the “Boat Group” remained open to these concerns and, over time, changes were made to consolidate the annexes and specify exactly which provisions of the original Convention would and would not apply. As a result of the willingness of these states to adopt a broad perspective, it was possible to build widespread support for the Agreement within the Informal Consultations.

Therefore, this case confirms both the expectations regarding broad perspective and consensus building discussed in Chapter Two as well as the more nuanced dynamics concerning this relationship uncovered in the humanitarian assistance case. Adopting a broad perspective did help
delegates build consensus, especially in the case of those who participated in the smaller formal negotiating groups. In addition, both cases illuminated a connection between issue characteristics (specifically a shared interest in change) and the willingness of delegates to be open to new proposals.

Investigating the Law of the Sea renegotiation process with the informal networking perspective has provided several important insights, again many of which echo those found in the humanitarian assistance case. First, this perspective uncovers some of the dynamics that took place within the decision unit that allowed participants to forge agreement in the face of potential obstacles. Second, three of the variables (informal contacts, personal attributes, and ad hoc leadership) had a significant influence on the success of the Informal Consultations. Third, the other two variables, working relationships and broad perspective, were less central to the dynamics of this case, but they did nonetheless highlight some key developments in the policy process. Finally, this perspective once again stands out from the other two in that the variables it encompasses (at least the first four) seem to have worked in concert at one particularly important stage of the negotiations. As a result, the close relationship between these behind-the-scenes variables have been observed in both of the relatively successful efforts at consensus building.

CONCLUSIONS ON THIS CASE

This examination of the consensus building process surrounding the Law of the Sea renegotiations uncovered several important similarities to the humanitarian assistance case. First, earlier observations regarding the unique contributions of each of the three perspectives were largely confirmed: the
institutional perspective focused on some of the potential difficulties and benefits associated with the Informal Consultations approach, the strategic interaction perspective highlighted how the issue itself influences the interaction of participants within the decision unit, and the informal networking perspective demonstrated how the participants were able to circumvent potential obstacles at key junctures in the decision process.

Second, many of the findings on specific variables within the perspectives were similar. As Table Five indicates, there were once again several variables whose relationship to consensus was not consistent with the expectations in Chapter Two, however this group included only size and participant autonomy in regards to this case. On size, the findings were similar to the first case in that agreement started within a small group and then spread to include all members of the decision unit. On autonomy, the timing of instructions represented an important issue (as it had in the humanitarian assistance case), but the Law of the Sea discussion also uncovered that delegates who receive instructions on the specific goals and strategies for a given situation are more constrained than those who only receive instructions on goals (since they are free to use whatever strategies they feel can best achieve those particular goals).

As was the case with humanitarian assistance, many of the variables in the framework in fact did exhibit the expected relationship to consensus on the Law of the Sea renegotiation. Again, some of these variables include procedures, goal convergence, strategies, and working relationships, all of which appear to "set the stage" for successful consensus building. However, the similarities do not end there. Secondary accounts and participant
<table>
<thead>
<tr>
<th>Perspective and Variable</th>
<th>Case 1: Humanitarian Assistance</th>
<th>Case 2: Law of the Sea</th>
<th>Case 3: Test Ban Treaty</th>
<th>Case 4: Council Reform</th>
</tr>
</thead>
<tbody>
<tr>
<td>Size</td>
<td>Large</td>
<td>Large</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Formal Leadership</td>
<td>Sense of timing, impartiality, expertise, &amp; diplomatic skill</td>
<td>Sense of timing, impartiality, expertise, &amp; diplomatic skill</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Negotiating Groups</td>
<td>Extensive use: included all relevant states</td>
<td>Extensive use: included most relevant states</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Procedures</td>
<td>Flexible across negotiations</td>
<td>Flexible across negotiations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Goal Convergence</td>
<td>Agreement on overall goal</td>
<td>Agreement on overall goal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Issue Characteristics</td>
<td>Crisis present &amp; main areas of contention clear</td>
<td>Crisis present &amp; main areas of contention clear</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minority Salience</td>
<td>Salient issue with no clear minority</td>
<td>Salient issue and limited minority activity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Actor Attributes</td>
<td>Brokers present and effective</td>
<td>Brokers present and effective</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Participant Autonomy</td>
<td>Low but “rules” supported; issue of timing</td>
<td>Low but “rules” supported; timing and ends vs. means</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Strategies</td>
<td>Substantive</td>
<td>Mixed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Informal Contacts</td>
<td>Extensive use at critical junctures</td>
<td>Extensive use at critical junctures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Working Relationships</td>
<td>Positive</td>
<td>Positive</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personal Attributes</td>
<td>Cooperative: knowledgeable, courteous, and open-minded</td>
<td>Cooperative: knowledgeable, courteous, and open-minded</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ad Hoc Leadership</td>
<td>Little activity</td>
<td>Very active; built agreement</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Broad Perspective</td>
<td>Present in “fire brigade”</td>
<td>Present in “fire brigade”</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TABLE 5: Summary of Findings, Cases 1 & 2**
interviews once again clearly indicated that some of the variables stand out in terms of their analytical utility in explaining successful consensus building. What is most striking is that this set of variables includes all six of those identified in the previous case study and that the “story” of consensus building they uncovered is almost identical.

Once again formal leadership (based on the sense of timing, impartiality, expertise, and skill of these individuals) and negotiating groups (based on the composition of the groups) were able to help build consensus in spite of large decision unit size. The fact that a set of five key issues was identified early in the process also served to focus the discussions in a productive manner. However, when a critical juncture was reached in the Spring of 1993, it was the use of informal contacts and brokers within the “Boat Group” that resolved the remaining areas of debate. Furthermore, echoing the humanitarian assistance case, these efforts to overcome remaining disagreements were facilitated by the open-mindedness and knowledge of the key participants.

These similarities across the two successful cases indicates that six variables (formal leadership, negotiating groups, issue characteristics, brokers, informal contacts, and personal attributes), when present in the manner just described, can lead to a successful consensus on complex issues. Furthermore, the completed case studies also suggest that differences on these six variables could account for unsuccessful consensus building as well. These expectations will be the subject of further attention in the remaining two cases where consensus was not achieved. However, before moving to that analysis, it is necessary to briefly discuss two other variables that secondary
accounts and interviews suggest should be included with the six key variables based on the Law of the Sea case but were not central factors in the first case.

These variables include minority salience and ad hoc leadership. Neither of them were found to be relevant during the debate over humanitarian assistance because there was no clear minority group and ad hoc leadership was never required based on the activities of Jan Eliasson and Ed Tsui. However, on the Law of the Sea, both of these factors provided some analytic utility at important stages of the process. Minority salience accounts for the slow start to the Informal Consultations during phases one and two when the United States was not yet actively engaged in the negotiations. In addition, ad hoc leadership (in conjunction with formal leadership) accounts for the initiatives that emerged from the “Boat Group” during phase three which later became the main outlines of the new agreement. As a result, if these variables emerge as important factors in either of the remaining case studies, they should be included with the set of key variables discussed above.
CHAPTER 5

THE DRAFTING OF THE
COMPREHENSIVE TEST BAN TREATY

On September 10, 1996, the General Assembly adopted Resolution 50/245 on the "Comprehensive Nuclear-Test-Ban Treaty." Due to significant areas of disagreement between nuclear weapons states (NWS) and non-nuclear weapon states (NNWS), as well as divergent preferences within each of these groups, the CTBT only emerged after nearly three years of often intense negotiations. Nonetheless, the completed treaty was greeted with enthusiasm from many world leaders when in was opened for signature, including UN Secretary-General Boutros Boutros-Ghali:

"Member States have given a striking demonstration of their commitment under the Charter to come together for this great purpose. We see a true global community in the making. We are privileged today to witness the turning point in the history of efforts towards nuclear disarmament and non-proliferation. A major milestone has been reached on the road to making the world a safer and more secure place for generations to come ... During the Treaty's development, respectable differences were held by States over various provisions of the Treaty. But States became convinced that it was best to lay those differences aside. The adoption of this treaty meets the demand of the great majority of the world's people for a clear signal that the nuclear arms race is coming towards its end."\(^1\)

---

\(^1\) These comments by the Secretary-General were delivered at a special signing ceremony held at UN Headquarters on September 24, 1996. The full text of his remarks, as well as the signature data contained in the following pages, is available at the UN web page under the Department of Disarmament Affairs (www.un.org/Depts/dda/ctbt/ctbt.htm).
This enthusiasm is also reflected in the fact that several major world leaders attended the treaty signing ceremony in 1996 and that, by August 3, 1998, at least 150 states had become signatories.

Unfortunately, this enthusiasm did not translate into universal support for the CTBT when Resolution 50/245 was considered by the UN General Assembly. Although consensus had long been the goal of the Conference on Disarmament, the main negotiating body, only 158 states voted for the resolution and the draft treaty it contained. Three states (Bhutan, India, and Libya) decided to vote against the draft, and five more (Cuba, Lebanon, Mauritius, Syria, and Tanzania) chose to abstain. As a result, this case did result in wide support for the CTBT, but consensus was not possible. In fact, unlike the two previous case studies, there were some members of the Assembly which found the draft agreement sufficiently objectionable so as to try and block its adoption by the Plenary. This, in turn, has slowed the pace of ratifications, with only seventeen states depositing their consent to the treaty with the Secretary-General by August of 1998.

In spite of this lack of consensus, the CTBT promises to make an important contribution to international peace and security. It corrects a significant hole in the Partial Test Ban Treaty of 1963 by prohibiting all nuclear weapons tests, including those underground. In addition, it establishes a complex set of verification arrangements including both on-site inspections and various means of remote monitoring. Finally, the treaty encompasses related confidence building measures and calls for the creation of a Comprehensive Nuclear Test Ban Treaty Organization (CTBTO) once the treaty enters into force. As a result, the treaty was able to gain the support of 187
all five acknowledged nuclear powers at the time, as well as thirty-six of the remaining thirty-nine countries that must ratify the treaty before it becomes legally binding. Unfortunately, only six of these forty-four (Austria, France, Japan, Peru, Slovakia, and the United Kingdom) have ratified the treaty to date. Nonetheless, the process of drafting the CTBT represents an important international effort to reach a consensus on a vital global issue. And since this process was less successful that those already examined, analyzing this case promises to offer significant insights into the difficulties associated with complex areas of global policy making.

THE CONTEXT OF THE COMPREHENSIVE TEST BAN

Ironically, efforts to ban nuclear testing have been on the international agenda for almost as long as nuclear weapons have existed. From the 1940s on, diplomats and politicians viewed a test ban as one of the leading arms control measures that could help make the world a safer place. No where is this more clear than in the UN General Assembly. Every year since 1957 the Assembly has had at least one separate item devoted to the cessation of nuclear weapons tests on its agenda. As a result, scores of resolutions have been adopted, more than for most all other disarmament issues. However, despite all of the hopeful rhetoric and pronouncements, a comprehensive ban on nuclear weapons tests has remained elusive and, over the past fifty years, more than 2000 such explosions have been carried out in the atmosphere, under water, and underground.

2 Background information on past test ban efforts can be found in Fetter (1988); Koplow (1996); Muller, Fischer, & Kotter (1994); and successive volumes of The United Nations Disarmament Yearbook, published annually by the UN Centre for Disarmament Affairs. Much of the information for this section is drawn from these sources.
The first serious efforts to deal with nuclear testing at the international level emerged in the 1950s. This period was characterized by growing concern over nuclear proliferation, the peaceful use of nuclear energy, and the potential environmental and medical consequences of further above ground nuclear tests. As a result, the international community moved to set up the International Atomic Energy Agency (IAEA) and the three nuclear weapon states of the time (the United States, the Soviet Union, and the United Kingdom) initiated a moratorium on nuclear testing in November of 1958. The moratorium lasted until August of 1961, during which time these three states engaged in a series of conferences on permanently halting nuclear testing. These talks were able to quickly identify the main areas of disagreement, many of which centered on the US and British desire to use on-site inspections when necessary, with the Soviets remaining strongly opposed to any hint of what they considered to be legalized espionage.

This shaky foundation was further weakened by the downing of the U2 spy plane, the Berlin Crisis, and failed summit meetings in the early 1960s. As a result, suspicion and mistrust grew to the point where the moratorium was dramatically broken by all three parties almost at the same time (indicating that each had been planning to do so for several months). With the collapse of these early negotiations, the superpowers sponsored the creation of the Eighteen Nation Disarmament Conference (ENDC) within the United Nations existing disarmament framework. Over time this body served as an important multilateral sounding board and negotiating body; however, it was a bilateral crisis between the superpowers regarding Soviet missiles in Cuba in 1962 that pushed the nuclear weapons states back to the negotiating table.
The product of this renewed interest in negotiation was the first concrete agreement to limit nuclear testing known as the Partial Test Ban Treaty (PTBT) or the Limited Test Ban Treaty (LTBT). Completed in 1963, the PTBT outlawed nuclear explosions in the atmosphere, in outer space, and under water, but it did nothing to limit underground nuclear tests. Since the treaty lacked explicit verification arrangements, each country was free to use its own remote resources (such as seismic monitoring stations and satellites) to detect violations by the other parties. This also represented the primary official reason why the PTBT was not a comprehensive treaty: there was no way to detect underground tests using these remote technologies in 1963. The basic idea was that the PTBT would be an interim arrangement with a comprehensive ban replacing it as soon as the necessary technology could be developed. Over time, the PTBT has become a multilateral treaty with over 118 state parties; however, it was not supported by two NWS (France and China) and actually did very little to limit the overall number of nuclear tests.

The next step in moving toward a comprehensive test ban emerged from efforts to halt the horizontal proliferation of nuclear weapons to those states which previously lacked the knowledge and technology necessary to design and build them. In the Nuclear Non-Proliferation Treaty (NPT), which was completed in 1968, the NNWS pledged never to manufacture or acquire nuclear weapons while the NWS pledged not to sell or otherwise give the weapons or technology to current NNWS. Furthermore, in exchange for solidifying their second class nuclear status, the NNWS would receive peaceful nuclear energy technology, security assurances, and a commitment by the NWS to work “in good faith” to reduce their nuclear weapons
stockpiles. While not strictly related to testing, the NPT did become linked to drafting a comprehensive test ban through the use of review conferences every five years and an extension conference after twenty-five years. These conferences provided NNWS with an opportunity to press NWS for further weapons reductions and progress on a CTBT in exchange for continued support of a clearly discriminatory treaty.\(^3\)

Across the 1970s, the technology required to monitor a comprehensive ban improved tremendously; however, there was a growing realization that the high level of confidence necessary for verification to work would require on-site inspections. As a result, old divisions between East and West resurfaced, and little progress was made on a comprehensive ban. In the meantime, two bilateral agreements between the US and USSR on specific aspects of underground testing did emerge in 1974 and 1976. The first of these was the Threshold Test Ban Treaty (TTBT) which limited future underground tests to devices with a yield of less than 150 kilotons. The second was the Peaceful Nuclear Explosions Treaty (PNET) which regulated nuclear explosions undertaken for purposes other than weapons development (such as mining). These treaties did little to limit testing (because the ceiling on the TTBT was higher than any previous explosions) and did not enter-into-force until 1990 after significant modifications, but they did move the superpowers towards new verification arrangements including mutual data exchange and some limited on-site inspections.

In the late 1970s, the US under President Carter began to push for an all-out end to nuclear testing within the United Nations. The result of these

---

\(^3\) This linkage is most dramatic in regards to the 1995 NPT Review and Extension Conference which will be discussed in later sections of this chapter.
efforts was a new round of trilateral negotiations between the US, the USSR, and Britain. These discussions focused on the complex issues of verification and did make important progress; but unfortunately, they remained blocked by an inability to agree on exactly what types of activities would be outlawed. At the same time, the main multilateral disarmament forum within the United Nations, the Conference on Disarmament (CD) based in Geneva, began to address the CTBT issue as well. In 1982, the CD established a working group to address the verification of, and the compliance with, a comprehensive nuclear test ban agreement. These efforts were supported by the fact that the General Assembly continued to pass annual resolutions in support of negotiating such a treaty. However, the activities of the working group in Geneva were limited since the CD never provided that body with a mandate which permitted the negotiation of an actual treaty text.

This lack of activity on a CTBT across the 1980s was at least in part the result of renewed tension between the US and the USSR. Soon after becoming President, Reagan made the decision that a CTBT was not in the security interests of the US, and the trilateral negotiations were abandoned. The Soviets responded by introducing a draft CTBT to the General Assembly in 1982, but progress was impossible without the participation of all declared nuclear weapons states. Several years later, when new leadership came to power in the Soviet Union, Gorbachev announced a new unilateral moratorium on nuclear testing. Unfortunately, the Reagan administration saw this move as mere propaganda, and the action was not reciprocated. As a result, the final years of the Cold War became a time when lingering superpower tension prevented bilateral negotiations and the main
multilateral forum, the CD's working group, lacked an official negotiating mandate. Feelings of frustration and concern on the part of both nuclear weapons states and non-nuclear weapons states grew across the remaining years of the decade.

The working group in the Conference on Disarmament set up in 1982 became known as the Ad Hoc Committee on a Nuclear Test Ban (AHCNTB). It was reestablished in 1983, but not in 1984 or the following years due to deep divisions in the CD regarding the scope of the Committee's mandate. Finally, in the summer of 1990 the AHCNTB was reestablished yet again, but it still lacked an official negotiating mandate. As a result, those states which favored the completion of a comprehensive test ban agreement found themselves stymied by the absence of a multilateral forum specifically devoted to negotiating such a treaty. Fortunately, annual General Assembly resolutions relating to nuclear testing had long advanced two different routes for achieving a comprehensive ban. The first route was to negotiate a CTBT in the CD that would later come to replace the more limited PTBT; the second was to convene a conference designed to amend the existing PTBT to cover all nuclear explosions, including those underground.

With efforts to negotiate a CTBT in the CD blocked across the 1980s, a growing number of states began to consider the PTBT Amendment Conference route.¹ The vast majority of them felt that the CD was the proper forum for dealing with a CTBT, but that the lack of action in that regard to date justified the push for holding a PTBT Amendment Conference. This conference was convened January 7, 1991 under the Presidency of Ali Alatas.

¹ The move to use this route, as well as the resulting conference, are discussed in Muller, Fischer, & Kotter (1994) and Schrag (1992).
the Foreign Minister of Indonesia. Of the 117 states party to the PTBT at the time, 95 participated in the two week conference, along with nine observers (including the PLO) and representatives from 76 NGOs. The main line of conflict at the conference became NWS versus NNWS, with the US and Britain playing a far more active role than the USSR. The list of issues covered was extensive: the need for a CTBT, linkages to nonproliferation, safety and reliability, environmental effects, strategic concerns, economic consequences, verification, linkages to bilateral efforts, and any necessary new institutions or procedures.

However, at the time there was widespread knowledge among the participants in the Amendment Conference that, from the outset, an amended treaty would not be possible to achieve. Even if the three NWS participating in the conference had agreed (which was extremely unlikely), China and France continued to refuse to even support the original PTBT. As a result, participants in the conference focused their efforts in 1991 on merely achieving an agreement on future strategies for negotiating a CTBT. In regards to future negotiations, six options were advanced: multilateral negotiations in the CD with a negotiating mandate, exploratory talks in the CD without such a mandate, turning the Amendment Conference into a permanent body, having the Amendment Conference meet periodically in the future, making the Amendment Conference a committee of the CD, and having the Amendment Conference recess in favor of working groups.

Some of the most vocal states at the conference (India, Cyprus, Indonesia, Peru, Egypt, and Romania) supported a two track approach of trying to amend the PTBT and negotiate a new CTBT in separate but related
efforts. However, almost all involved agreed that the preferred forum would be the CD since it was better suited for prolonged multilateral negotiations. The real disagreement, therefore, emerged in regards to the scope of the mandate given to the CD on this issue. The group of states which favored a strong and clear mandate included Japan, the USSR, Australia, New Zealand, Sweden, Chile, Ecuador, Ireland, Peru, Sri Lanka, Switzerland, Yugoslavia, Zambia, Nigeria, and Venezuela. However, two key players, the US and Britain, remained unwilling to support a AHCNTB with anything more than exploratory mandate, and the conference ended without offering a clear strategy for future negotiations.

Nonetheless, members of the Non-Aligned Movement (NAM) hoped to overcome this failure by continuing the amendment process with future conferences. The feeling was that these meetings would allow for permanent pressure on the NWS opposed to negotiating a CTBT, something which had not been possible to achieve at the Fourth NPT Review Conference in 1990. However, the US became increasingly frustrated with the amendment route such that it decided not to participate or help fund any future conferences on this issue. As a result, the 1991 conference ended with little hope for future progress towards a comprehensive test ban, and the AHCNTB was not reestablished during the CD's 1992 session.

The dramatic change which pushed the CTBT negotiations through this paralysis concerns the testing programs of the three NWS which attended the 1991 conference. First, the USSR had suspended testing on October 24, 1990, and the Russian government that emerged in control of its testing program in late 1991 and early 1992 decided to continue this moratorium.
Second, the US under the Bush Administration had not yet matched the Soviet/Russian policy as of September 23, 1992, when it conducted another nuclear weapons explosion. However, this ended up being the last US test once Congress passed the Fiscal Year 1993 Energy and Water Development Appropriations Act which contained the Hatfield-Exon-Mitchell Amendment. This statute initiated a nine month unilateral moratorium on US nuclear testing and called for the conclusion of a multilateral CTBT by September 30, 1996. Although the Bush Administration opposed this amendment, the overall bill was signed into law. This also effectively ended the British testing program since they relied on US testing facilities.

As a result, early 1993 marked the first time in decades that three of the nuclear weapons states had voluntarily halted their testing programs at the same time. And even though no such commitment was advanced by China or France, the momentum in favor of a CTBT had clearly begun to shift. That summer the AHCNTB was reestablished with a mandate to negotiate a comprehensive test ban, a task which it completed three years later.

DRAFTING THE COMPREHENSIVE TEST BAN TREATY

The negotiations regarding a comprehensive nuclear test ban treaty were similar to those on the Law of the Sea renegotiation and Security Council reform in both their complexity and duration. Unlike the debate surrounding the coordination of humanitarian assistance, the treaty drafting process in the case of the CTBT lasted several years. According to Joseph Cirincione, Chairman of the Coalition to Reduce Nuclear Dangers, the pace of negotiations from 1993 to 1996 was largely set by the five nuclear weapons
states, all of which opposed the test ban at different points in the negotiation. However, once the Clinton Administration fulfilled its campaign pledge to support test ban negotiations in 1993, the US was “out front pulling for this treaty” for the rest of the drafting process. Over time, the other NWS would eventually lend their support for a complex and ambitious treaty which was ultimately acceptable to a wide range of non-nuclear weapons states as well.

According to Mataija, the treaty drafting process actually began in July of 1993 with a series of meetings amongst the five permanent Security Council members who also just happened to be the five acknowledged nuclear weapons states (1994: x). These informal talks were designed to lay the groundwork for formal CTBT talks in the Conference on Disarmament in Geneva since all of the NWS had come to share the US view that PTBT amendment was not an acceptable way in which to reach a comprehensive ban. These talks resulted in an August 10th agreement, which was also supported by a majority of NNWS, to reestablish the Ad Hoc Committee on a Nuclear Test Ban. Furthermore, the intention was to give the AHCNTB a clear mandate to negotiate a comprehensive test ban, a goal which was confirmed when the CD opened its winter session on January 25, 1994.

From January of 1994 onward, the center of international efforts to draft a CTBT was the CD’s AHCNTB. This multilateral negotiation forum

---

1 Cirincione’s comments are included as part of a Press Briefing on the CTBT signing held by the Arms Control Association on September 20, 1996. The other participants included Spurgeon M. Keeny, Jr, President of the Arms Control Association; Richard L. Garwin of the Thomas J. Watson Research Center; Gregory E. van der Vink, Director of Planning at the IRIS Consortium; and John Isaacs, President of the Council for a Livable World. Excerpts of the Press Briefing can be found in Arms Control Today, vol. 26, September 1996, pp. 8-14.

2 The full text of the AHCNTB negotiating mandate can be found in UN Document CD/1238 dated January 25, 1994. The decision to reestablish the AHCNTB is contained in CD/1212 of August 10, 1993.
was composed of thirty-seven member states during the drafting process, along with forty-seven more countries that participated as observers. According to Schmalberger, the CD has an extremely broad agenda covering almost the full gamut of disarmament issues, a fact that made the creation of the Ad Hoc Committee all the more necessary (1994: 34-5). Like its parent body, the AHCNTB meets in a series of sessions (usually three or four) a year, each lasting for at least several weeks. Also, the three main geopolitical groupings of states within the CD (Eastern Europe and Other States, the Group of 21, and Western States) are reflected in representational issues within all of its subsidiary bodies, including the AHCNTB. However, these groupings were largely reflective of Cold War tensions and came to play a lesser role across the three year negotiation period.

Negotiations within the AHCNTB began in January of 1994 amid optimism from a wide range of participants. Many delegates saw the new negotiating mandate as a "window of opportunity" that needed to be seized before it disappeared. Impending elections in many of the NWS (including France in May of 1995, Russia in June of 1996, and the US in November of 1996), as well as the upcoming NPT Review and Extension Conference in April of 1995, caused many CD members to favor a deadline for a CTBT that was sooner rather than later. As a result, two target dates were advanced: before the NPT Conference in 1995 and before the the US moratorium initiated by the Hatfield-Exon-Mitchell expired on September 30, 1996.

Unfortunately, this early optimism quickly faded under the weight of continued Chinese and French nuclear tests during 1994 and 1995.

---

* See Koplow (1996: 13-6) and Arnett (1994: 1-2) for an overview of these early developments.
Furthermore, once the AHCNTB moved to consider the specific details associated with different treaty provisions, tensions emerged between the NWS and the NNWS, as well as within each of these groups. However, the negotiation process continued in spite of these potential bottlenecks, often in more informal settings established along side the formal AHCNTB consultations. Across the negotiations, additional NWS (most notably China and France) eventually abandoned their testing programs and came to play a more active role in the negotiations. This was most apparent in the weeks immediately after the April 1995 NPT Review Conference when the five NWS reiterated their desire to complete a “sound, effective, and verifiable” comprehensive test ban by the earliest possible date (which was understood to mean no later than September of 1996).

The deliberations of the AHCNTB across the treaty drafting process have been extensively chronicled by both the United Nations and other sources. For the purposes of summary, it is useful to think of the negotiations in terms of three phases: 1994, 1995, and 1996. The first of these phases began in January of 1994 with most participants sharing a desire to make rapid progress on the treaty in order to complete it before the April 1995 NPT Review Conference. As a result, the negotiations within the AHCNTB were intense from the very beginning of the deliberations, with meetings covering both formal and informal settings. However, these intensive consultations did not achieve much in the way of progress towards a draft treaty or “rolling text” in early 1994. Instead, much of the time was spent

*United Nations sources include The United Nations Disarmament Yearbook, published annually for the years 1993 - 1996. Additional relevant information can be found in Koplow (1996), Johnson & Howard (1994), and Johnson (1995). Unless otherwise indicated, the information provided in this section is drawn from these sources.
uncovering the fact that different states, although all supportive of a CTBT, had very distinct ideas regarding the scope and nature of the proposed ban. This caused much of the meeting time to be spent merely exchanging views, a fact which led the Dutch Ambassador to the CD, Hendrik Wagenmakers, to call 1994 "the year of the questionnaire."

The chair of the AHCNTB in 1994 was Miguel Marin-Bosch of Mexico. His goal, which was supported by some other participants who favored quick action, was to create a "rolling text" by round two of the negotiations in June of that year. However, the continued focus on surveying different NWS and NNWS caused several of the delegates (most notably those from France, the United Kingdom, and China) to block his efforts in this regard, arguing that any attempts at drafting specific treaty language remained premature.

In spite of these obstacles, several developments during the 1994 sessions did allow substantial progress to be made on drafting a CTBT. First, in the final weeks of the December 1993 Session of the CD, three different countries (Mexico, Sweden, and Australia) introduced working papers that included draft treaty language on issues such as verification and institutional structures. These drafts, in turn, did provide an useful basis for initiating a dialogue among interested states across the first six months of 1994. Second, much of the debate occurred in two working groups designed to address specific issues. Working Group One was focused on verification, including national technical means and on-site inspections; Working Group Two was devoted to the legal and institutional aspects of any resulting ban. These groups were composed of delegates with a special expertise in the specific

* His comments are quoted in Koplow (1996: 39, fn 135).
areas of concern, and allowed for detailed discussion on each working paper that was prepared. By July, both working groups issued reports that compiled the various options under consideration. At that time, the United States pushed Marin-Bosch to turn these compilations into treaty language.

As a result of these developments, when the 1994 CD Session ended on September 7th, a draft treaty was offered by the chair. The draft actually represented a “rolling text” which contained many passages that were heavily bracket indicating areas of disagreement. Overall, the draft was divided into two parts: part one covered those provisions which enjoyed a certain degree of consensus at that stage and part two included the various possible options for those provisions on which more extensive negotiations would be required. Although the length of part two far exceeded that of part one at this stage (suggesting that future negotiations would not be easy), the draft did show substantial progress over the questionnaires that characterized the beginning months of the 1994 Session.

One benefit of the “rolling text” was that it highlighted four main areas of contention which could then become the focus of debate: the scope of the ban, the conditions for entry-into-force, the verification mechanisms, and the nature of the implementing organization. Of these issues, scope was the most divisive, but all of them (especially verification) became the subject of numerous working papers. As a result, an Intersessional Meeting was held from November 28th to December 16th in order to make additional progress before the 1995 Session opened in January. The primary issue discussed at this meeting was monitoring, both in terms of the technology and

---

10 The text of the draft treaty is appended to the Conference on Disarmament’s Annual Report to the General Assembly for 1994 (UN Document A/49/27).
institutional structures to be used. However, substantial divisions among the participants remained, and 1994 ended with little hope of drafting a new test ban before the NPT Review Conference the following April.

The 1995 Session of the CD and its AHCNTB followed many of the patterns established during the preceding year. Once again the chair, who was Ludwik Dembinski of Poland, established two working groups to deal with verification and institutional aspects. Also, the focus returned to the four main areas of contention identified at the end of the 1994 Session: scope, entry-into-force, verification, and the implementing organization. However, 1995 differed from 1994 in that the CD established no committees other than the AHCNTB, thereby allowing all of its members to focus on achieving substantial progress on the test ban before the international climate surrounding nuclear testing became less favorable.

Unfortunately, the 1995 Session began with several signs of difficulty. First, even though the United States, the United Kingdom, and Russia all continued their moratoria, France and China conducted controversial (and much opposed) tests during that year. Second, there was substantial concern among the delegates in the AHCNTB that conflict and friction at the NPT Review Conference in April would derail the progress which had been made on the test ban issue. However, neither of these potential obstacles blocked progress; in fact, both of these events actually helped to move the treaty drafting process towards completion. The nuclear tests by China and France actually caused other states to intensify their commitment to a CTBT and were accompanied by continued Chinese willingness to negotiate as well as a new French commitment to support a CTBT once this last round of tests was
completed. Likewise, the ongoing negotiations for a CTBT and the continued moratoria facilitated negotiations on an indefinite extension of the NPT which, in turn, helped to give new momentum to completing a comprehensive test ban by September of 1996.

Across 1995 there was substantial progress on each of the outstanding issues associated with the draft treaty. In addition to using both working groups, Dembinski also continued Marin-Bosch’s use of “Friends of the Chair” appointed to deal with particularly troublesome issues. As a result, disagreements on scope, entry-into-force, verification, and institutional arrangements gradually decreased over time. By the end of the 1995 Session, a revised “rolling text” was completed, again including one section on issues where consensus had been reached and another containing heavily bracketed passages where further negotiation would be needed.

This draft contained new agreements on scope (where all NWS but China were now at a zero yield threshold), verification (where the costs, methods, and location of the International Monitoring System had been settled), and the exit provisions (where the US had dropped its early insistence on rather porous exit provisions). However, the “rolling text” also included nearly 1200 brackets covering disagreements that would need to be settled early in the 1996 Session if the September treaty deadline was going to be maintained. As a result, many of the delegates had very mixed feelings on the prospects of the treaty, figuring that precious time was slipping away and that it was either now or never for the CTBT.

According to Koplow, delegates arriving at the 1996 Session of the AHCNTB realized that many of the remaining disagreements, although
small, would require "a deft combination of painstaking drafting, confrontation, and compromise" in order to ensure a successful outcome (1996: 17). All of the participants interviewed for this case echoed this assessment of the situation in early 1996. Fortunately, some of the key players remained optimistic due to the high quality leadership on tap for 1996 (Jaap Ramaker of the Netherlands, who had a long history of experience in multilateral disarmament negotiations, was going to be chair), the increasing expertise of all delegates involved, and the flexible structure of negotiations over the "rolling text."

Ramaker began round one of the 1996 Session by identifying the key building blocks that might make agreement possible on each of the outstanding issues. Once again, this process was aided by the work of two negotiating groups and the extensive use of "Friends of the Chair." Through these efforts, it was decided that the remaining disagreements on entry-into-force, on-site inspections, the scope of the tests to be banned, and so on could best be resolved through some sort of package deal. This had not been possible earlier in the negotiation process because the working group structure had compartmentalized each specific issue. However, once the package approach was attempted by Ramaker, the remaining obstacles, especially those associated with the identity of states that would need to ratify the treaty before entry-into-force, were resolved relatively quickly.

Delegates began to feel that the timing for a CTBT was right. As a result, by the end of round one in March of 1996, the participants were sent home with several key issues ready for final decisions in state capitals. These intersessional deliberations resulted in the first clean (bracket-free) text in
June. At this point, Ramaker and many of the other participants felt that "convergence had reached its peak" in that it would be impossible to move on any one issue without sacrificing needed support on another issue. The only problem was that India, who had announced their objections in January to any treaty that was not explicitly tied to general nuclear disarmament on the part of the NWS, continued to oppose the clean draft. And even though every other member of the CD favored the treaty, that body operated on the basis of consensus so it was not possible for the treaty to be sent to the General Assembly with the endorsement of the body which drafted it.

This development threatened to stall the treaty at its most critical juncture, a fact which frustrated the many participants which had labored to achieve a viable treaty before the September deadline. As a result, Richard Butler, the Permanent Representative of Australia to the UN in New York, was asked by a group of concerned states to introduce and promote a General Assembly resolution that endorsed the draft treaty even though the CD had not yet officially signed off on it. As a result, the General Assembly was reconvened in early September (right at the end of its Fiftieth Session) in order to consider Butler's draft resolution, which was introduced with 127 co-sponsors. When the debate finally started, the outcome was already clear: virtually every speaker extolled the significance of the new treaty, and it was guaranteed to pass. However, some states did emerge with objections to the treaty (most notably India), and an official vote was held. The draft treaty was approved without changes by a margin of 158 to three, with five states choosing to abstain. Because of this outcome, the procedural trick orchestrated by Butler is often credited with "saving" the CTBT.
THE SIGNIFICANCE OF THE CTBT

Before embarking on a more detailed examination of the consensus building process regarding the comprehensive test ban negotiations, it is important to briefly outline the main aspects of the agreement that resulted. The Comprehensive Test Ban Treaty contains seventeen articles, two annexes, and a protocol; taken together they are about sixty pages long. The Treaty is designed to be, according to its preamble, an effective measure towards nuclear disarmament and non-proliferation by "constraining the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of nuclear weapons." As such, it prohibits all states-parties from conducting "any nuclear weapon test explosion or any other nuclear explosion" with yields greater than zero, thereby constituting "a meaningful step in the realization of a systematic process to achieve nuclear disarmament."

The most important aspect of the treaty is that it intends to ban all nuclear test explosions of any size all over the world. Furthermore, the treaty is designed to be of unlimited duration after entry-into-force. Another crucial aspect of the treaty concerns verification procedures, which largely pull on four methods: an International Monitoring System (IMS) composed of both seismic and satellite technology, extensive provisions for on-site inspections at short notice, a forum for consultation and clarification, and the use of confidence building measures. In order to ensure that the treaty is effectively

---

11 The text of the draft treaty which became the CTBT (without changes) can be found, along with a letter from Ambassador Richard Butler introducing General Assembly Resolution 50/245, in UN Document A/50/1027 dated August 26, 1998. The document is available at the UN Department for Disarmament Affairs web page (www.un.org/Depts/dda/ctbt/20fa.htm). A copy of the draft treaty, along with an Executive Summary, can also be found in Arms Control Today, vol. 26, August 1996, pp. 15-30.
implemented, a Comprehensive Nuclear-Test Ban Treaty Organization (CTBTO) will be established upon entry-into-force of the treaty. This body will operate independent from, but in consultation with, existing disarmament agencies such as the IAEA. The CTBTO will be composed of a Conference of the States Parties open to all that have ratified the treaty, an Executive Council with fifty-one members designed to ensure that states with a vested interest in the test ban are adequately represented, and a Technical Secretariat to run the monitoring provisions of the treaty. A Preparatory Commission for the CTBTO was established in November of 1996 to begin preparing for effective implementation of the treaty.

The final component of the CTBT which must be highlighted are its rigid (and controversial) provisions for entry-into-force. Article 14 specifies that the treaty will enter-into-force 180 days after a set group of 44 countries have all signed and ratified it. This group includes all five acknowledged nuclear powers, the three threshold states (India, Pakistan, and Israel), and thirty-six other named states that are both participating members of a newly expanded Conference on Disarmament and are listed by the IAEA as possessing nuclear power or research reactors.\(^\text{12}\) Realizing that it might be difficult to achieve one hundred percent support among this group of states, the treaty also contains provisions to convene a new conference three years after it was opened for signature (and annually thereafter if needed) with the explicit purpose of devising methods to accelerate the ratification process.

\(^{12}\) The forty-four states are: Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Bulgaria, Canada, Chile, China, Columbia, Democratic People's Republic of Korea, Egypt, Finland, France, Germany, Hungary, India, Indonesia, Iran, Israel, Italy, Japan, Mexico, Netherlands, Norway, Pakistan, Peru, Poland, Romania, Republic of Korea, Russian Federation, Slovakia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, United States, Vietnam, and Zaire (now the Democratic Republic of the Congo).
Even though the CTBT was greeted by much enthusiasm in September of 1996, many of the delegates present realized that the difficult entry-into-force provisions of the treaty made its successful implementation less than certain. India’s refusal to support or sign the treaty caused Pakistan to also delay as well (although Pakistan did at least vote for the treaty in the General Assembly). Furthermore, even though 150 states had signed the treaty by August of 1998, only seventeen had taken the next step of ratifying it. Of the forty-four states specified in Annex 2 as needing to ratify the treaty before entry-into-force, forty-one had signed it (all but North Korea, India, and Pakistan), but only six (Austria, France, Japan, Peru, Slovakia, and the United Kingdom) had ratified it. As a result, it seems likely that the review conference provisions will in fact need to be used in September of 1999.

Prospects for ratification are most closely watched in regards to the five NWS and the three threshold states. Of these eight, only France and Britain have ratified it; however, all but India and Pakistan have at least signed it. One of the most potentially damaging blows to the treaty thus far came in May of 1996 when first India and later Pakistan conducted a series of nuclear tests. Immediate reactions to these tests focused on the likelihood of a new regional arms race as well as on the possibility of a stalled ratification process for the CTBT. This was especially true in the United States where, according to The New York Times and other news sources, a Senate already inclined to view the treaty with suspicion became, over Clinton Administration objections, even less likely to consider ratification in the near future.

13 These seventeen include: Fiji, Qatar, Uzbekistan, Japan, Micronesia, Mongolia, Czech Republic, Peru, Turkmenistan, Slovakia, Austria, France, United Kingdom, Tajikistan, Australia, Brazil, and Spain.
Despite these concerns that the future of the CTBT is in question, there is some hope for increased ratifications by key states. In the weeks and months after the Indian and Pakistani nuclear tests, there were indications in various news sources that both of these countries would sign the CTBT in the near future, especially if the economic sanctions imposed on them after the tests were lifted. In addition, other countries, including the United States, have seen domestic pressures for ratification of the CTBT increase since that treaty is widely seen as an important vehicle for preventing another such outbreak of nuclear testing. In other words, nuclear tests by India and Pakistan may in fact have the paradoxical effect of increasing the chances for future entry-into-force of the CTBT.

In any case, throughout the period of nuclear tests and the subsequent international response, the CTBT has continued to receive praise as an important component of international efforts to reduce nuclear arms and prevent proliferation. And although consensus was not possible on the treaty in 1996, it may in fact come to enjoy widespread support in the future. As a result, examining the process of building support for the draft treaty in the AHCNTB should provide important insights into the dynamics of global consensus building. Furthermore, these insights will be especially useful in that the outcome on this case was less successful than those on the decisions examined in the previous two chapters.

APPLYING THE FRAMEWORK TO THIS CASE

Based on this outline of events and positions relating to the test ban debate, it is possible to investigate the process of negotiating and drafting the 1996 Comprehensive Test Ban Treaty in more detail. As before, this case study will be completed using the three different perspectives contained in the decisionmaking framework proposed in Chapter Two. The analysis will begin with an examination of the formal institutions involved, and then proceed to cover strategic interaction and informal networking as well. But first, it is necessary to identify the decision unit most relevant for this case.

The decision unit concept, according the Hermann, Hermann, & Hagan (1987), involves identifying which specific arena will be most relevant to the negotiation process on each issue. In regards to the test ban, the preceding summary indicated that there were two possible routes for drafting the new agreement: to either amend the PTBT into a comprehensive ban or to negotiate a separate CTBT that would replace the existing PTBT. Clearly, each of these different routes involved different possible decision units. If the amendment route was chosen, the decision unit would be the Amendment Conference itself; if the new treaty route was selected, then the decision unit would be one of the UN's existing multilateral disarmament bodies.

As was discussed before, both of these different routes were pursued during the course of moving from the PTBT to the CTBT. As Muller, Fischer, & Kotter indicate, growing frustration on the part of NNWS regarding the lack of progress towards a new CTBT in the 1980s caused them to push for pursuing the amendment route as a means of pressuring the NWS into more intense negotiations (1994: 109-10). As a result, an Amendment Conference
was held in January of 1991; however, Schrag has observed that none of the participants involved felt that it would result in an actual amendment to the original PTBT (1992: 139). Instead, many of the delegates in fact believed that new multilateral negotiations on a new CTBT were the preferred route and saw the Amendment Conference merely as a means of getting the NWS to participate in those talks in good faith.

Although the Amendment Conference did involve some efforts to use the threat of future such conferences as a means of keeping pressure on the NWS, it was clear to all involved that, by the end of the conference, any comprehensive ban that was to be created would need to emerge from new multilateral negotiations. Therefore, the key issue in identifying the decision unit for this case is to determine which specific disarmament forum would be used. Within the UN System, a wide range of arenas deal with disarmament issues including the General Assembly Plenary, its First Committee, and the Disarmament Commission. However, according to Schmalberger, these bodies were not designed to handle the detailed and specific negotiations required to achieve a comprehensive test ban because they had a history of merely acting as discussion forums for exchanging views (1994: 34).

In fact, once the decision was made to actively pursue the new treaty route, the question of which body to use was one where the answer was obvious to many of the participants: the Conference on Disarmament in Geneva. Koplow has indicated that the CD has long been recognized as the leading multilateral arms control forum and, as such, has acted as a key catalyst in regards to other instruments like the PTBT, the NPT, and the Chemical Weapons Convention (1996: 15). The CD is a standing body that
meets in three regular sessions per year. It has a specified set of members, which was down from its original forty to thirty-seven during the CTBT negotiations. In addition, forty-seven other states participate actively as observes even though they lack formal voting powers.

The Conference on Disarmament, which operates on the basis of consensus and enjoys real negotiating authority, reports annually to the General Assembly and all of its decisions are subsequently debated in the Plenary. In addition, it is serviced by the UN Secretariat in Geneva. However, Schmalberger observes that it is free to develop its own agenda, a power which it has interpreted broadly over the years to include the nuclear test ban, cessation of the nuclear arms race and disarmament, prevention of an arms race in outer space, effective arrangements to assure NNWS against the threat of nuclear weapons, new types of weapons of mass destruction, comprehensive disarmament, and transparency (1994: 34).

As a result of this broad agenda, the CD has a practice of establishing specific committees to handle the negotiations on different treaties, a practice that was continued in regards to nuclear testing. As was mentioned above, as early as 1982 the CD had established an Ad Hoc Committee on a Nuclear Test Ban (AHCNTB) composed of the same set of members and observers. This body was reestablished sporadically across the next decade but it was unable to negotiate specific treaty provisions. However, once the CTBT negotiations began in earnest in 1993, the AHCNTB was the body given the mandate to

---

15 The thirty-seven members of the Conference on Disarmament during the CTBT negotiations were Algeria, Argentina, Australia, Belgium, Brazil, Bulgaria, Canada, China, Cuba, Egypt, Ethiopia, France, Germany, Hungary, India, Indonesia, Iran, Italy, Japan, Kenya, Mexico, Mongolia, Morocco, Myanmar, Netherlands, Nigeria, Pakistan, Peru, Poland, Romania, Russia, Sri Lanka, Sweden, United Kingdom, United States, Venezuela, and Zaire.
negotiate the new treaty and, as a result, it acted as the decision unit on this issue across the next three years. Therefore, the analysis which follows will focus on the consensus building efforts of that particular body.

**PERSPECTIVE ONE: FORMAL INSTITUTIONS**

The first perspective contained in the framework focuses on the formal institutions that will be involved in the decision process. Since this perspective emphasizes the considerable influence of the internal structural features of an organization on the nature of the ultimate decision that is made, its analysis centers on the formalized structures, procedures, and goals of the institution. The specific variables which are examined include the size of the decision unit, the structure of formal leadership, the role of smaller formal negotiating groups, the types of procedures that are used, and the degree of goal convergence present at the outset of Assembly debate.

The conventional wisdom regarding decision unit size is contained in proposition one which argues that smaller size leads to an increased likelihood of consensus. This is said to be the case since smaller groups tend to have a more narrow range of interests represented and a more simple pattern of interaction within the group. As was true for the previous two cases, the decision unit regarding the comprehensive test ban was quite large. The CD and its AHCNTB included thirty-seven members with voting power and, across the negotiations, an additional forty-seven observers. According to Arnett, all of these states participated actively, including the observers (1994: 21). While the observers may have lacked the ability to formally block consensus, many of them (such as Finland and Norway) played an active role.
on different aspects of the proposed treaty. Furthermore, members were keenly aware of the interests of observers and non-observers alike, thereby increasing the range of participation in the AHCNTB.

As a result, more than sixty states were actively involved in the negotiations over the three year period, and at times that number was much higher. In spite of this, the draft treaty created in the AHCNTB received the support of all of these states except India. But since India is an important nuclear power who is clearly on the verge of possessing a viable nuclear deterrent, this lack of perfect consensus is very troubling in regards to the CTBT. Therefore, this case is one where the outcome was not nearly as successful as on the Law of the Sea or humanitarian assistance, but it also does show that widespread agreement is possible in the case of large groups.

In other words, this case echoes (although to a lesser extent) the support found in the previous decisions for Kahler's caveat that wide agreement is possible even in the case of large groups (1993: 296-9). However, it also demonstrates a crucial point not found in the other two cases: it only takes one state to block consensus. If that state is sufficiently concerned that a proposed treaty or policy is against its interests, then consensus will never be possible. Although this was demonstrated here in regards to a large decision unit, it is almost certain that India would have pursued its chosen policy whatever the size of the decision unit; having only ten or fifteen states in the AHCNTB would not have overcome Indian opposition. As a result, this case suggests that minority salience is a far more important consideration regarding consensus than is decision unit size. This finding will receive additional attention under perspective two.
One additional point regarding decision unit size and consensus is important. Even though it appears that large decision unit size was not a significant cause of the absence of consensus on a CTBT, members of the CD and the AHCNTB were clearly concerned that it would be. This is most directly reflected in the ongoing debate regarding an expansion of the membership of the CD. While not necessarily part of the CTBT negotiations, the debate over expansion quickly became linked to this issue. Many members felt that a larger CD would allow for greater representation and wider acceptance of its decisions, especially if it was to include all remaining states with nuclear capabilities of any kind as well as those states that were serious proliferation concerns. However, opponents of these efforts felt that this issue was needlessly time consuming and would result in a more cumbersome drafting process since it would only serve to increase the number of states with the power to veto Conference decisions.

These debates occurred across the entire three year period of CTBT negotiations. In addition to issues regarding overall size, some states expressed concerns with certain proposed members such as Iraq and Israel. The result of these difficult discussions was a plan in June of 1996 through which the CD would gain twenty-three new members, but that these new members would not be allowed to use their veto power for two years. This, in turn, was designed to keep the new members from being able to block the

---


17 These twenty-three states were originally suggested by Ambassador O'Sullivan of Australia in 1993. They include Austria, Bangladesh, Belarus, Cameroon, Chile, Colombia, Democratic People's Republic of Korea, Finland, Iraq, Israel, New Zealand, Norway, Republic of Korea, Senegal, Slovakia, South Africa, Spain, Switzerland, Syria, Turkey, Ukraine, Vietnam, and Zimbabwe. See UN Document CD/1214.
impending draft treaty so late in the game. In other words, the original members of the CD remained concerned that a larger size would make consensus more difficult to achieve.

The second variable in the formal institution perspective examines the structure of formal leadership present within the decision unit. This variable captures the important role played by participants who, based on their formally sanctioned positions of authority, can help push the debate forward and keep it running smoothly. Proposition two argues that the presence of this leadership increases the likelihood of consensus because these individuals can organize debate, suggest possible compromises, and initiate informal consultations. The comprehensive test ban negotiation stands out among the cases analyzed here in terms of the sheer number of positions of formal leadership that were established. Each session of the AHCNTB was supervised by a Chairman who was, in turn, assisted by chairs of the two working groups and anywhere from five to ten “Friends of the Chair” appointed to deal with specific contentious issues.

The participants interviewed for this case had a universally positive view of the leadership provided by these individuals, and often argued that the level of agreement that was reached would have been impossible without their efforts. One of the main reasons why formal leadership became so important during the CTBT drafting concerns the severe time constraints present during the negotiations.¹⁸ The CD meets for only twenty-four weeks a year, with each week allowing for just ten half-day meetings which must be divided between the Plenary, committees, working groups, and informal

¹⁸ These time constraints were highlighted by Dembinski (1995: 54-5) and Norberg (1995: 60).
consultations as needed. As a result, the chairs of the AHCNTB and its working groups must excel at time management in order to ensure that real progress is made during scarce meeting time. These time pressures and the complex fractured interests involved led one delegate, Richard Starr of Australia, to conclude that he was delighted not to have been selected as one of the chairs in 1996 because "they have an enormous responsibility and a huge burden to manage an unwieldy process and produce results within a time-frame" (1995: 75).

The specific individuals who provided formal leadership during the CTBT negotiations illustrate some similarities and differences as compared to the previous two cases. The main difference is that Secretariat officials, who played a central role on humanitarian assistance and the Law of the Sea, did not perform any type of leadership role on this case at all. However, this case does echo the findings of the earlier cases in terms of the important role played by presiding officers who are selected each year. Most consistently mentioned in this regard were the four chairs of the AHCNTB which served (one year each) from 1993 to 1996: Yoshitomo Tanaka of Japan, Miguel Marin-Bosch of Mexico, Ludwik Dembinski of Poland, and Jaap Ramaker of the Netherlands. Not only were these individuals well respected as experts in regards to disarmament issues, but they had also been groomed for their positions in that each chair of the AHCNTB had served during the preceding year as chair of one of the two working groups. For example, Dembinski served as chair of the working group on legal and institutional issues in 1994 before he became chair of the AHCNTB in 1995; Jaap Ramaker followed the same progression one year later.
Each of these individuals was able to make significant contributions to the negotiations during their time in office. For instance, according to the *The United Nations Disarmament Yearbook* of 1993, Tanaka played a key role in helping the NWS and NNWS draft the specific wording of the initial AHCNTB negotiating mandate (1994: 51). In regards to Marin-Bosch, some states such as the United Kingdom initially opposed him as chair in 1994 because they felt he was responsible for the inability of the 1990 NPT Review Conference to reach a consensus. However, Johnson & Howard indicate that Marin-Bosch is credited with being very sensitive to balancing the desires of different states when he adjusted the point at which he released the first "rolling text" (1994: 11). One of Dembinski's main contributions to the treaty was his ability to propose draft wording regarding contentious issues in the "rolling text" using non-exclusionary language "without prejudice to the final position of any delegation."^{10}

Of the four chairs that guided the CTBT negotiations, participants interviewed for this case consistently argued that Ramaker made some of the most significant contributions of all. In the span of six short months in 1996, he was able to lead the discussion in the AHCNTB such that nearly 1200 brackets were removed from the "rolling text" and the separate activities of the two working groups were reconciled into a comprehensive treaty package. Participants (as well as Ramaker himself) attributed this success to his skills as a negotiator, his knowledge of the issue, his interpersonal style, and most importantly, his sense of timing. He was careful to consult with a representative set of interested states before he released each section of the

^{10} Dembinski's efforts in this regard have been mentioned by Dembinski himself, see Dembinski & Pac (1995: 88).
proposed treaty text. Furthermore, Ramaker was credited by several participants with avoiding controversial roles that could have damaged his ability to been seen as impartial. For example, when India refused to remove its objections to the draft treaty in August of 1996, Ramaker left it to Richard Butler of Australia to engage in the procedural trick that introduced the draft treaty into the General Assembly. Had this effort failed, more negotiations would have been necessary, and Ramaker wanted to be sure not to anger India to the point where his leadership would be compromised.

This discussion of the four chairs of the AHCNTB provides clear support for the argument that formal leadership, when present, can increase the likelihood of consensus. In addition, it echoes the findings of the previous two cases. However, as was mentioned before, individuals other than these four chairs also played beneficial leadership roles in this case. On numerous specific occasions, the chairs of the two working groups and the various “Friends of the Chair” forged breakthroughs on controversial aspects of the proposed ban. For instance, during the 1994 session alone, participants highlighted the leadership provided by Wolfgang Hoffmann of Germany on verification, Victor Slipchenko of Russia regarding on-site inspections, Alessandro Vittani of Italy concerning entry-into-force, and Roberto Jaquaribe of Brazil for organizational matters.\(^2\)

The next variable in this perspective concerns the role of smaller formal negotiating groups in building consensus within the decision unit. Proposition three argues that the presence of these groups in regards to an

\(^2\) The contributions of these individuals (and others) are discussed in a Special Section entitled “Comprehensive Nuclear Test Ban Treaty: Negotiations in the Conference on Disarmament, 1994” found in Disarmament: A Periodic Review by the United Nations, vol. 18, no. 1, 1995, pp. 55-184.
issue makes consensus more likely because they permit heterogeneous interests to be narrowed down to a few key issues. The previous two cases involved the extensive use of groups created by the presiding officer or based on the initiatives of the delegates themselves. In this case groups were once again an important component of the consensus building effort; however, the types of groups that were used were somewhat different than those discussed in the other case studies.

Historically, the groups which played the greatest role with the Conference on Disarmament and its subsidiary bodies were those organized along geographic lines. Three were present: the Group of Eastern Europe and Other States, the Group of Twenty-One, and the Group of Western States. According to Dembinski (1995: 53-4) and several participants interviewed for this case, these internally unified groups accurately reflected Cold War tensions for many years and, as a result, much of the consensus building in the CD focused on reconciling their different positions. Over time the groups became less cohesive in terms of the interests of their members, but across the 1980s they continued to play an important role. Consensus building in the CD took place on two levels in this period; first consensus would be built within each group and then it would be built between the groups.

However, by the time the CD provided its AHCNTB with a mandate to negotiate a CTBT, these groups had become virtually irrelevant to decisionmaking, except as a means of allowing for geographic rotation among the presiding officer positions.21 The main development was that these groups became increasingly unrepresentative of real interests and alliances

---

21 This point is made in Mataja (1994: 71), Johnson & Howard (1994: 41), and Johnson (1995: 35); however, it was echoed by every participant interviewed for this case.
regarding disarmament issues. This occurred first in regards to the Group of 21 and the Eastern Europe Group, but it later affected the Western states as well. As a result, these groups now have very little impact on the consensus building processes found in the CD and its committees. Some participants observed that there may be an emerging dichotomy within the CD between members of the Non-Aligned Movement (NAM) and a group of democratically oriented states, but as of yet these groups have yet to play a central role in the internal politics of that body.

Despite the growing irrelevance of the three geographic groups, there are several negotiating groups within the AHCNTB that did contribute to the consensus building process. The first of these groups were the two rather highly structured working groups created to deal with verification and institutional issues. While these groups were open to all members of the AHCNTB (and therefore remained quite large in size), they did provide for more intensive negotiations since their issue focus was more narrow. As a result, much of the substantive work during 1994 and 1995 relating to the "rolling text" was carried in these two arenas. However, it should be clear that these groups were very different from those discussed in regards to humanitarian assistance and the Law of the Sea; they were created as part of the AHCNTB and included all of its members, a fact which caused them to engage in different dynamics than those found in smaller groups established as needed by the chair or the delegates themselves. Furthermore, Ramaker (1995: 62) has observed that these groups allowed for practical progress during the early stages of negotiations by dividing the contentious issues into two

---

subsets; however, in the end agreement was not possible until these groups were abandoned and a more integrated approach was adopted.

While these groups certainly contributed to the consensus building process, their differences from the groups observed in the first two cases and from the expectations outlined in Chapter Two may help to explain why a few key states felt left out of the final agreement to the point where they sought to block it. However, several participants interviewed for this case indicated that efforts were made to overcome the limitations of the working group structure and increase the effectiveness of the negotiations. For instance, a group of key players including the five NWS and the three threshold states were consulted on all key issues. Second, while the "Friends of the Chair" relied primarily on informal and private consultations (a point that will be discussed under informal networking below), they did on occasion establish small negotiating groups to work through particular issues. Any breakthroughs achieved in this manner were then reported to the chair of the appropriate working group by the "Friend of the Chair." Finally, participants indicated that there was considerable concern that agreements made in smaller groups would end up being unacceptable to some members of the corresponding working group. As a result, the smaller groups that were used included representatives from a wide range of geographical and interest blocs, thereby making them more consistent with the expectations in Chapter Two and more likely to help foster consensus.

Proposition four covers the relationship between the type of procedures used in the decision unit and the likelihood of consensus. The basic argument is that greater flexibility of procedures allows for more
creative problem solving, increased freedom to debate key issues, greater personal interaction, and ultimately, an increased chance of reaching consensus. From the start, it should be stressed that participants felt the procedures used in the CD and its AHCNTB were more flexible than those in the General Assembly’s Plenary or its First Committee. Specifically, they mentioned that the CD enjoyed more flexible means of addressing the membership (as opposed to set speaker’s lists) and more flexible means of introducing draft working papers into debate. This view was echoed by Vladimir Petrovsky, Secretary-General of the CD, in March of 1996 when he indicated that the chances of reaching a CTBT that year seemed promising due at least in part to the flexible structure of the negotiations.\textsuperscript{23}

Despite these observations, this variable represents a clear difference between the first two cases and the debate regarding the comprehensive nuclear test ban treaty. Even though the CD was designed to be more flexible than many UN arenas such as the Assembly, it is a standing body with twenty-five years of activity. As a result, its operations have become quite formalized over time making its procedures far less flexible than those found in the High Level Working Group on humanitarian assistance or in the Informal Consultations on the Law of the Sea.

For example, as was mentioned before, the CD meets in three set regular sessions per year, not on the more informal meeting schedule described in the two previous cases. Furthermore, these meetings are usually conducted under serious time constraints, a fact that caused some of the

\textsuperscript{23} As a United Nations Under-Secretary-General and Director-General of the UN Office at Geneva, Vladimir Petrovsky served as the top Secretariat official dealing with the CD. His comments were made during a special press seminar on the CTBT held in Geneva on March 8, 1996. A transcript can be found in \textit{UNIDIR Newsletter}, Special Issue 1/96.
participants interviewed for this case to suggest that the relative formality of the procedures only served to further extenuate these time pressures. Finally, participants also mentioned the difficulties associated with the fact that the CD can only act once consensus is achieved. While the decision units in the previous two cases clearly had consensus as a goal (which they both largely achieved), the CD could not even pass any decisions or documents on to the General Assembly without consensus. This very fact jeopardized the draft treaty in August of 1996 to the point where it was almost blocked by India.

The expectations contained in Chapter Two would suggest that the increased formality of the procedures on the CTBT, when compared to the previous two cases, would result in a lesser degree of consensus on this case. Since that is the outcome that did result, this variable would appear to have great potential explanatory power. However, several potential caveats should be mentioned. First, while the flexibility of procedures does appear to vary in line with the degree of consensus achieved, this can only be confirmed once the last case study is completed. Furthermore, as will be discussed below, there are other variables which may offer a more persuasive reason for the differences in outcome between this case and the first two. Finally, although the procedures of the decision unit in the case were rather formal, several participants were careful to indicate that this did not prevent delegates from engaging in extensive informal contacts within the working group and "Friends of the Chair" arrangements. In fact, some of those interviewed argued that the many important breakthroughs which did occur happened in these more informal settings. As a result, even though the CD as a whole was more formal, some of the dynamics within it were designed to be flexible.
The final variable contained in the first perspective concerns the degree of goal convergence present among the actors in the decision unit at the outset of debate on an issue. Specifically, proposition five argues that a greater degree of goal convergence leads to an increased chance of consensus, especially when this common ground crosses traditional lines of cleavage within the Assembly. As was the case with humanitarian assistance and the Law of the Sea, the debate on a comprehensive test ban was very complex. According to Johnson & Howard (1994: 12-21) and others, there were four main areas of disagreement that were present across the negotiations: the scope of the ban, the conditions for entry-into-force, the verification mechanisms, and the nature of the implementing organization.

Participants interviewed for this case observed that much of the conflict regarding these four areas was between NWS and NNWS; the first of these groups was generally reluctant to endorse a comprehensive ban whereas the later group felt that such a step would be an important move towards creating a nuclear free world. However, participants also indicated that the degree of differences between states was even greater because of the disagreements within each of these groups as well. First, within the NNWS there were those who opposed future tests based on purely moral grounds (such as Iran) and those who opposed future tests because they were directly affected by them (such as Australia). Furthermore, within the non-nuclear weapons group the threshold states had their own special set of concerns regarding disclosure and regional security. And since India and Pakistan were neighbors, the goals of each one were necessarily tied to those of the other. Finally, Koplow mentions some of the disagreements within the NWS in
that Britain, the United States, and Russia pushed for a ban when the negotiations began, but France and China took a far more cautious (or even confounding) approach at that time (1996: 12-5).

The situation at the outset of debate on the CTBT was further complicated by the fact that each of the four areas of disagreement actually subsumed a whole series of specific issues on which the primary participants were divided. As a result of these differences and the discussion contained in Chapter Two, one would expect consensus to be unlikely in this case. Since consensus was blocked in the CD and the treaty received three negative votes in the Assembly, these expectations seem to be confirmed. However, a few more nuanced comments, which point to both a similarity and difference with the previous two case studies, are possible.

The main similarity between this case and the previous two (in addition to the fact that states began the debate with very different goals), was that the negotiations reached a point at which all of the states shared the larger goal of reaching a successful outcome. This was true for both humanitarian assistance and the Law of the Sea, and according to Koplow (1996: 16), also emerged in regards to the CTBT after April of 1995 when the leading countries in the CD all shared a desire to complete a “sound, effective, and verifiable” treaty. In the first two cases this shared overall goal helped lead to consensus within the decision unit; however, that was not the result in regards to the CTBT. Late in the game (January of 1996) India came forward with demands that the CTBT include a specific time-bound commitment to nuclear disarmament on the part of the NWS. However, according to participants, this demand was greeted with suspicion by many other states
and threatened to upset the delicate balance represented by the draft treaty completed in June of 1996. As a result, these changes were not made and India then tried to block the draft treaty from being sent to the Assembly. In the end, many of the other participants felt that India's shift in policy was motivated by their own nuclear ambitions, a fact which suggests that India never really shared the goal of reaching a robust treaty.

Analyzing the comprehensive test ban negotiations using the formal institution perspective has provided several important insights, only some of which echo those found in the previous two cases. First, decision unit size again appeared to have little influence on the outcome of the debate. This case was similar to the first two in that widespread agreement was possible even in a large group; however, it was the first case in which opposition by one state was able to derail successful consensus building. Second, this case also reconfirms the important positive contribution that formal leadership and negotiating groups can make to consensus building, although the subtle differences between this case and the first two regarding group composition suggest that this specific dimension of the variable may have an important influence on decisionmaking. Finally, even though the final two variables (procedures and goal convergence) played out differently on this case when compared to the first two, it does confirm the fact that the relationship between these variables and consensus is more nuanced than expected. In addition, preliminary evidence suggests that these nuances may be better explained using variables included in other perspectives (such as informal networking and minority salience). This possibility will be explored later in this case study and again in the final chapter of the dissertation.
PERSPECTIVE TWO: STRATEGIC INTERACTION

The second perspective contained in the framework focuses on the strategic interaction that takes place between the actors in the decision unit. Since this perspective addresses the hard bargaining and horse trading that occurs between different shifting coalitions, its analysis centers on the activities and characteristics of the participants within the decision unit, as well as on elements of the larger social context in which the decision is made. The specific variables that are examined include the characteristics of the issue in question, the salience of the issue to those actors in the minority position, the range of actions available to the participants based on their particular attributes, the degree of autonomy of the participants from the actors they represent, and the types of strategies the participants choose to use.

The relationship between issue characteristics and consensus offered in proposition six is that consensus is more likely when the issue is more amenable to compromise solutions. In turn, Young (1989: 366-371) has argued that four considerations can determine if an issue is more or less amenable to compromise. In regards to the comprehensive test ban negotiations, two of these four may have been present, but the other two were certainly not. The first consideration examines whether or not the issue was one where all sides saw a clear need for change. According to Koplow, this was an issue that had been important to a majority of NNWS for many years (1996: 12). However, across the 1980s their sometimes strenuous efforts to initiate international negotiations on a CTBT were blocked by the NWS, most notably the United States. Fortunately, there is some evidence that the NWS changed their position regarding a comprehensive ban in the early 1990s.
This is reflected, as Mataija (1994: x) indicates, by the fact that all five NWS participated in the discussions that drafted the AHCNTB negotiating mandate in 1993 and all five actively supported the annual General Assembly resolution calling for a CTBT (Resolution 48/70) that same year. As a result, it is possible to conclude that both NWS and NNWS shared the view that the early 1990s was a time for change in the direction of a comprehensive test ban.

This at least lukewarm support for change on the part of the NWS is also illustrated by the second consideration: the presence of a crisis or shock which increased pressure to get something done. It is possible to argue that such a situation emerged in 1993 in regards to the test ban issue. Although no clear crisis or shock occurred at that time, the NNWS did feel some pressure to move quickly. As Koplow (1996: 13-6) observes, this was the first time in decades that three NWS (the US, Britain, and Russia) had been observing unilateral moratoria on nuclear testing at the same time. The NNWS saw this, according to Arnett (1994: 2) as a “window of opportunity” that might not last if the NWS restarted their testing, so they wanted to make progress as quickly as possible. This pressure for action increased tremendously in 1994 and 1995 when China refused to halt its testing program and France announced a new round of tests. Participants indicated that these events were viewed as crises by those favoring a comprehensive ban but, as would be expected given the discussion in Chapter Two, they actually served to push the negotiations forward by demonstrating the need for a new treaty.

Unfortunately, the other two considerations that increase the chance of consensus were not present in regards to this issue. For one thing, participants interviewed for this case stressed that solutions seen as equitable
to all sides were not thought to be possible across the early years of the negotiations. This, in turn, was reinforced by the fact that no easily identifiable salient solutions emerged from the early discussions. Both of these realizations were the result of wide disagreements within and between the NWS and the NNWS regarding the purpose, scope, and operation of the proposed ban. Furthermore, many participants felt that the underlying inequality represented by the proposed treaty (with some states having nuclear weapons and others lacking them) would make widely acceptable solutions all the more difficult to achieve. As a result, while the negotiations began in the midst of enthusiasm for change, a successful conclusion was not seen as a likely outcome by many of the delegates involved in the talks.

It should be mentioned that the comprehensive test ban case is really quite similar to the other two examined in this study in that the successful outcome on humanitarian assistance, and to a lesser extent on the Law of the Sea, was not at all expected by the participants when the negotiations began. However, the chances for success in both cases was increased once a smaller set of especially contentious issues was identified. A similar process almost occurred in the CTBT discussions; by the end of the 1994 CD Session four key issues had been identified: scope, entry-into-force, verification, and the implementing organization. As a result, it was possible to handle these specific issues in working groups and through "Friends of the Chair."

Compromises were certainly possible on each of these four areas; however, this was complicated by the realization that each one of the issues subsumed a wide range of disagreements, a fact which made them very

\[^{24}\] These four areas of disagreement are outlined in *The United Nations Disarmament Yearbook, 1994* (1995: 49) and Johnson & Howard (1994: 12-21).
different from the key issues identified on humanitarian assistance and the Law of the Sea. Because of this, participants continued to feel that progress towards a widely acceptable treaty would be difficult. To the credit of the negotiators, many of these contentious issues were resolved one by one across 1995 and 1996. Unfortunately, the true range of disagreements on some of these issues (and others like the wording of the Preamble) made it such that India and a few other states were willing to block the draft treaty. As a result, this variable does offer some important clues as to why a higher degree of consensus was achieved on the first two cases than was possible on the CTBT. In addition, the findings on this case are consistent with the expectations regarding issue characteristics and consensus outlined in Chapter Two.

The second variable in the strategic interaction perspective addresses the salience of the issue to the participants in the decision unit. Proposition seven argues that consensus will be more difficult when the issue is salient to the participants because each of them will be more willing to use their scarce resources to block unattractive proposals. According to participants interviewed for this case, negotiating a comprehensive test ban treaty was a highly salient issue to states with nuclear weapons, states without them, and states suspected of possessing them. In other words, every state that was a member or observer in the AHCNTB, along with almost all other states in the UN for that matter, felt that the treaty was sufficiently important that they would be willing to block unattractive proposals.

Therefore, proposition seven would indicate that the key players to identify on this case are those in the minority position, and then to determine if they desired to block the proposed test ban agreement. Participants
Interviewed for this case clearly indicated that the lines of cleavage were complex: not only did disagreements emerge between NWS and NNWS, but they also emerged within these two groups. As a result, this case could be considered similar to humanitarian assistance and the Law of the Sea where it was virtually impossible to decide who was in the minority. However, several of the participants in the CTBT negotiations indicated that two different minority groups did emerge, and both of them tried to block agreement at different stages in the negotiations.

The first minority group that tried to block consensus in the CTBT negotiations were the NWS. According to Koplow, the efforts of the NWS went through two distinct phases (1996: 12-6). During the first phase, which precedes the establishment of the AHCNTB’s negotiating mandate, the main country which sought to block progress on any type of comprehensive ban was the United States. However, after Congress acted to initiate a moratorium on US nuclear tests in 1993, the US dropped this opposition and, by 1995, it had become one of the most vocal advocates of the treaty.

The second phase of NWS opposition to the CTBT came in 1994 and 1995. During this time the US, Britain, and Russia were all actively pushing for progress on the treaty; however, opposition emerged from France and China, both of whom sought to obstruct the negotiation process. Of these two, France’s position was rather complex. In the early 1990s France, under President Mitterrand, supported a comprehensive test ban and barred French tests after July 15, 1991. However, Chirac was less supportive and embraced a policy of delay across 1993 and 1994. In 1995 he announced that France would

---

232
conduct a new round of tests beginning that fall and, due at least in part to the widespread objections that emerged, he also shifted French policy to one of support for the CTBT. As a result, French efforts to block progress on the CTBT were abandoned in 1995, and it played a very active and positive role from that point forward. China, on the other hand, maintained its opposition for a longer period of time. When the negotiations began, they were the only NWS that had not observed a recent moratorium, and their policy of testing continued across 1994 and 1995. During this time, their participation in the negotiations were "delicate" or even "cynical" and, as a result, they were able to force the delegates to proceed only very slowly. Finally, in late 1995, China announced that it favored a treaty in 1996, and they began to participate in a more active fashion. While this change was greeted with suspicion by other participants, it did allow for some progress.

The other minority group on this case was the threshold states. According to participants, during the early years of the negotiations all three of these states were at least willing to go along with the discussions and none of them tried to block progress. This was especially noteworthy in regards to India and Pakistan since their calculations were heavily influenced by each other's policies. However, India emerged from this group in January of 1996 with a new set of objections. As was mentioned in the case summary, India indicated that they would only be willing to support the emerging consensus if the CTBT was linked to a time-bound framework for nuclear disarmament on the part of the NWS. Many of the other states involved in the negotiations questioned India's motives for raising such a serious objection so late in the game. Even more than two years later, other participants could
still only explain the Indian action as evidence of the fact that India was opposed to the CTBT all along. In any case, since the change India desired would require developing an entirely new draft agreement, these objections were ignored, and consensus was not achieved.

This analysis indicates that minority salience played a very important role in how the consensus building process worked in this case. It accounts for the lack of progress until 1993, some of the difficulties encountered in negotiations across 1994 and 1995 (although other variables in the framework are required to explain how these obstacles were overcome), and the ultimate absence of consensus in 1996. As such, it offers a more detailed understanding of these changes over time than was provided by the goal convergence variable in the first perspective. Furthermore, the dynamics of the relationship between minority salience and consensus in this case are very much consistent with the expectations discussed in Chapter Two.

The next variable in this perspective relates to actor attributes, and focuses specifically on the presence of any actors who serve as brokers within the decision unit. The basic argument contained in proposition eight is that the presence of such brokers will increase the likelihood of consensus since they can facilitate negotiation across different groups. There are three types of actors who are most inclined to serve as brokers, but only one of them was active on this case. First, unlike the findings in regards to humanitarian assistance and the Law of the Sea, Secretariat officials did not act as brokers in discussions of the proposed CTBT. In fact, the public record and participant interviews examined for this case gave no indication that the Secretariat did anything more than its more limited support functions of translation,
document services, and basic research in regards to the AHCNTB negotiations. As a result, these officials did not act as formal leaders (as was indicated above) and did not serve as brokers.

Nongovernmental organizations are a second type of actor that could potentially act as brokers on this case. Unfortunately, the role of NGOs in the CTBT drafting process was similar to that on the previous two cases: they were not directly involved in the actual negotiations and, as a result, were never able to serve as brokers in the AHCNTB. However, there is some evidence that NGOs did play a more active role during the CTBT debate than was the case on humanitarian assistance or the Law of the Sea. For instance, Starr has observed that the NGO community made an important contribution to the results of the decision process by making it crystal clear to the delegates that there would “be hell to pay” if a successful outcome was not achieved (1995: 76). Several participants interviewed for this case also stressed the significance of this outside pressure provided by NGOs in Geneva; however, some of them went even further in their observations about NGOs. At least one NGO representative, Rebecca Johnson of the ACRONYM Consortium, was at times informally consulted on the reactions of certain countries to various options based on her detailed knowledge of the subject matter. As a result, NGOs were very helpful in maintaining pressure on the delegates and providing some informal advice but, as was the case with the other two decisions, they did not serve as brokers in the debate.

The final type of actor that could potentially serve as brokers in the CTBT negotiations were representatives from Member States. All of the participants interviewed for this case observed that there was a group of states
that was especially active in the AHCNTB: the five NWS and the three threshold states. However, the participants also observed that these key players were generally unable to act as brokers because each one had definite interests they needed to protect and promote. The only real exception to this was that the United Kingdom and Pakistan actually helped broker the main compromise regarding entry-into-force that resulted in the list of forty-four states in Annex Two. Despite this general inability of these eight key players to act as brokers, participants did indicate, as would be expected given the discussion in Chapter Two, that a variety of middle powers emerged to act as brokers on the main contentious issues. These brokers most often took the form of “Friends of the Chair” for a specific issue (such as on-site inspections), but they were not limited to these roles. Members mentioned in this regard include Australia, Canada, Germany, Mexico, Malaysia, Egypt, Sweden, and Poland. The breakthroughs they helped achieve covered verification, the proposed CTBTO, the Preamble, the scope of the treaty, and so on.

These findings regarding the role of middle powers are consistent with the expectations in Chapter Two; by acting as brokers, these states were able to forge compromises that resulted in a treaty acceptable to almost all members of the decision unit. However, these brokers were unable to bring India on board during the early months of 1996, a fact which resulted in a great deal of frustration on the part of other states. Unfortunately, nearly two years later it remains unclear to the participants exactly why the efforts of these brokers were unable to persuade India that the proposed treaty was worthy of its support. Therefore, the relationship between brokers and consensus building appears to be more complex than it was in either of the previous case studies.
Proposition nine concerns the autonomy of the participants in the decision unit. The basic argument is that increased freedom to act leads to a greater chance of reaching a consensus because the participants will be more able and willing to take part in deals and compromises. Scholars have advanced two rules of thumb regarding autonomy: the greater the size or the interest of a particular state, the lesser the degree of autonomy for the delegate in question. Interviews with delegates regarding the CTBT negotiations did provide some limited support for these "rules." In general, delegates from larger states did enjoy a lesser degree of autonomy; however, this variation was overshadowed in this case by the fact that nearly every state considered this to be a highly salient issue. As a result, delegates in the AHCNTB had very little freedom to act and negotiations were often delayed while they waited on instructions from their respective foreign ministries. In fact, two years in a row the chair of the AHCNTB observed that the key issue for success in the negotiations was for delegates to receive firm, constructive, and clear instructions from their home capitals.26

Some participants interviewed for this case observed that this low level of autonomy was particularly true for India, and that the Indian delegation's freedom to act actually may have decreased across the course of the negotiations. India moved from being an active supporter of the negotiations in 1993 to become the final holdout in the CD regarding the proposed treaty in January of 1996. Although many of the participants remained unclear as to why this shift occurred, some suggested that the main reason for India's shift

26 Such an observation was made in both 1995 and 1996. See Dembinski & Pac (1995: 88) and Jaap Ramaker's comments during a March 8, 1996 Press Seminar on the CTBT held in Geneva. A transcript of this Press Seminar can be found in UNIDIR Newsletter, Special Issue 1/96.
and subsequent unwillingness to compromise was the result of severe
domestic pressures against the test ban treaty. As a result, the Indian
delegation in the AHCNTB was unable to support any of the late in the game
changes that were offered by the main treaty supporters. Therefore, this
analysis would seem to be consistent with the expectations regarding the
relationship between lack of autonomy and the unlikelihood of consensus
outlined in Chapter Two.

However, as was the case on humanitarian assistance and the Law of
the Sea, there are several nuances relating to participant autonomy in the
CTBT debate that should be mentioned, especially since these nuances help to
account for the widespread support (though not consensus) that was reached
in the AHCNTB. First, this case is consistent with the previous two in that
the timing of the instructions can have an important impact on the relative
freedom to maneuver. For instance, participants observed that Russia, China,
and the US appeared to be very constrained in their positions due to “mood
swings” in their home capitals that narrowed their parameters to negotiate;
however, at times they were able to take advantage of these swings and forge
a breakthrough that they would then later “sell” to their home government.

Second, this case is similar to the Law of the Sea renegotiation in that
the nuance between instructions on ends and instructions on means was
again present. Participants observed that this nuance was especially true
when states sought to block progress (they often had more freedom on
means), but it was also apparent for some states who sought to construct
compromises as well. For instance, participants highlighted that Pakistan had
freedom regarding means in its efforts to promote threshold state concerns.
The final nuance regarding autonomy in the CTBT negotiations that helps to explain why at least some degree of agreement was reached concerns the personal characteristics of the delegate in question. Although these characteristics represent a distinct independent variable that will be considered below, two of them have special relevance for delegate autonomy. Participants interviewed for this case argued that the level of autonomy for a delegate was determined by the domestic importance of the issue, the security concerns of the state, and the home government’s degree of trust in that delegate. Most important in regards to trust was the level of expertise of the delegate when compared to those individuals in the home ministry. There are at least two examples of delegates in the AHCNTB enjoying a high level of autonomy based on their trust and expertise. First, the delegate from Ethiopia was a lawyer with some expertise in drafting treaty language so he played an important role in working on the Preamble even though he had no specific instructions to do so. Second, Jaap Ramaker of the Netherlands who guided the negotiations through the final stages was able to so at least in part because he received no instructions from home since he was the top expert in his country on the test ban issues under debate.

Therefore, the main finding regarding autonomy in the CTBT case is consistent with the expectations outlined in Chapter Two: most of the delegates had little freedom to act and, at least in part due to this, consensus was not possible. However, a more nuanced examination of autonomy did help to explain why the draft agreement enjoyed widespread support. Furthermore, at least two of the nuances were consistent with those uncovered in other cases, thereby lending increased support to these findings.
The final variable contained in the second perspective addresses the different types of strategies available to the participants in the decision unit. Specifically, proposition ten argues that the use of strategies which focus on the substance of the issue (as opposed to procedural manipulation) will lead to a greater chance of a consensus outcome. In regards to the comprehensive test ban, the widespread agreement that was achieved in the CD was the result of a great deal of difficult substantive debate. Many of the participants interviewed for this case argued that the two working groups within the AHCNTB tried to focus their energies on resolving the contentious issues at hand. As a result, the delegates in Geneva were able to draft a proposed treaty which received the support of all members in the CD except India.

However, a more detailed examination of the drafting process on the CTBT indicates that there was significantly more procedural manipulation on this case than was present in regards to humanitarian assistance or the Law of the Sea. Furthermore, there is considerable evidence that this procedural manipulation occurred across the entire period of the negotiations. For instance, Koplow has observed that both France and China engaged in procedural manipulation during 1994 and 1995 when they sought to block progress in the negotiations (1996: 14-5). The strategies they used to do so included obfuscating the issues, demanding more studies, raising arguably specious issues, and blocking emerging consensus just to slow the process down. In addition, these were not the only two states to engage in such efforts during the early years of the negotiations.\textsuperscript{27} The US and Britain, both

\textsuperscript{27} Examples of states obfuscating issues and manipulating procedures in order to block progress can be found in \textit{The United Nations Disarmament Yearbook} summaries of the CTBT negotiations for the years 1993 to 1997.
of which actively supported progress after 1993 still caused delays at times by carving out exceptions relating to “small safety explosions,” tests conducted “under exceptional circumstances,” and the right to withdraw if the “supreme national interests” of a state are threatened.

These efforts to manipulate procedures actually intensified during the final stages of the negotiations. As was discussed before, India’s concerns with the treaty in early 1996 caused it to take procedural actions to block consensus in the CD so that the draft agreement could not be officially transmitted to the Assembly. However, many of the delegates felt that it was a good treaty that should not be abandoned. As a result, Richard Butler engaged in some procedural manipulation of his own such that the draft treaty was introduced directly into the Assembly with 127 co-sponsors. And while the second of these efforts was able to “save” the treaty, the fact that procedural manipulation blocked a consensus on the CTBT is largely consistent with the expectations contained in Chapter Two. Furthermore, participants also confirmed that this procedural manipulation can spark resentment and unintended consequences. For example, India tried to kill the treaty with its efforts in the CD but these actions only served to push the other states to work harder for the treaty. Likewise, the majority of UN members joined with Australia to pass the treaty in the Assembly; however, this manipulation caused some states (such as Tanzania and Mauritius) to abstain even though they had no objections to the substance of the treaty and may result in India being more reluctant to come on board in the future.

These last minute manipulations were highlighted by every participant interviewed for this case but they have also been mentioned in an Arms Control Association press briefing on “The Signing of the Comprehensive Test Ban Treaty” on September 20, 1996. A transcript of the briefing can be found in *Arms Control Today*, vol. 26, September 1996, pp. 8-14.
Examining the comprehensive test ban negotiations with the strategic interaction perspective has provided several important insights, some of which echo those of the previous two case studies. First, both issue and participant characteristics influenced the dynamics of the negotiations in the decision unit. Second, the CTBT case is similar to the humanitarian assistance and Law of the Sea debates in that the relationship between two variables (issue characteristics and participant autonomy) were more nuanced than expected. Some of these nuances were similar across cases (such as the importance of the timing of instructions), but others were unique to this case (such as the role of expertise and trust in autonomy). Third, although the findings on brokers and strategies differed on the CTBT case when compared to the previous two, they nonetheless remained consistent with the expectations in Chapter Two. Finally, and most significant when compared to the other decisions, the minority salience variable emerged as one of the most analytically useful considerations in this case, both in terms of suggesting when progress was possible and indicating when it was not.

PERSPECTIVE THREE: INFORMAL NETWORKING

The third perspective contained in the framework focuses on the informal networking between participants that takes place behind-the-scenes. Since this perspective explores the informal processes and personal relationships that form among the participants in the decision unit, its analysis centers on the status systems, communication networks, and working relationships that exist within the organization. The specific variables which are examined include the informal contacts that occur within
the decision unit, the long-term working relationships that develop between participants, the personal attributes of the participants, the role of ad hoc leadership, and the nature of the perspectives advanced by the participants.

The presence of informal contacts among the participants in the decision unit, according to proposition eleven, increases the likelihood of consensus because they provide the participants with the opportunity to plan strategies, exchange ideas, seek out sponsors, flush out otherwise vague positions, and develop friendships. As was the case in regards to humanitarian assistance and the Law of the Sea, informal contacts played a crucial role in helping to forge the draft comprehensive test ban treaty that was supported by nearly every member of the CD. In fact, at least one participant interviewed for this case concluded that the CTBT was “a closed door deal” in that many of the key breakthroughs on contentious issues occurred during more informal encounters.

Furthermore, many of the more specific contributions of informal contacts in the CTBT negotiations also echo the findings of the previous two cases. First, The United Nations Disarmament Yearbook for 1994 indicates that the intensive consultations that occurred within the CD on this issue covered both formal and informal settings to the point where progress on the rolling text depended on the interaction of both of these types of arenas (1995: 46). Second, the terminology regarding “informals” versus “informal-informals” uncovered in the previous two cases was also used by the participants in regards to this case. The meetings of the two working groups were certainly “informals,” but many of the agreements that pushed the negotiations through potential obstacles occurred in settings that more closely
resembled the "informal-informals" discussed in the previous two case studies. These "informal-informals" regarding the CTBT included bilateral consultations between the US and Russia, meetings of the five NWS, consultations between the NWS and threshold states, and many other types of more random encounters in corridors and lounges. While some of these informal contacts operated on the fringes of CD debate, many of them (and especially the meetings of the five NWS) came to play a central role in the dynamics of the treaty drafting process.

The informal contacts which occurred during the CTBT negotiations are also similar to those found on humanitarian assistance and the Law of the Sea in terms of the specific issues they helped to resolve. For example, Mataija has observed that informal consultations among the five NWS in July of 1993 provided the groundwork for the creation of the AHCNTB negotiating mandate later that summer (1994: x). In addition, informal contacts continued to push the negotiations along as particularly contentious issues emerged in the debate. Many of these efforts were coordinated by the "Friends of the Chair" who generally engaged in extensive informal consultations on top of their more formal responsibilities of helping the chairs of the working groups. Issues in which the main breakthroughs occurred based on the informal activities of these individuals included the type of implementing organization that would be used, the provisions for entry-into-force, and the scope of the activities that would be prohibited.

---

244
The final manner in which informal contacts helped to build agreement within the AHCNTB concerns the activities of its chair across the negotiations. Dembinski & Pac observe that the chairs used questionnaires as well as informal consultations in order to determine when draft provisions should be advanced (1995: 88). Several of the participants echoed the fact that presiding officers in the CTBT negotiations used informal consultations in order to sense the timing of debate. This was especially true of Jaap Ramaker during the final months of the drafting process since he faced the delicate tasks of reconciling the proposals of both working groups and offering treaty language, all at the most appropriate time. Finally, Ledogar suggests that the chairs used the intersessional periods as an opportunity for informal consultations regarding various proposals so that the debate could "lurch forward" as soon as the formal meetings were resumed (1995b: 73).

Based on this discussion, it is clear that informal contacts played a valuable role in drafting a widely supported treaty. As a result, this case echoes the findings of the previous two. However, several participants also observed that extensive informal contacts were used during the first few months of 1996 in order to try and get India to support the treaty as well. In the end, these efforts were unsuccessful and consensus was not possible. This outcome suggests that informal contacts can help facilitate breakthroughs at crucial junctures in the negotiation process, but their success is not in any way guaranteed. In other words, the expectations outlined in Chapter Two are confirmed in regards to the positive role that these contacts can play in consensus building; however, the mere presence of these efforts does not ensure that other obstacles such as minority salience can be overcome.
The second variable in the informal networking perspective builds on the informal contacts just discussed to examine the long-term working relationships that exist within the decision unit. Proposition twelve argues that the better these relationships are, the greater the likelihood of consensus. In regards to the CTBT negotiations, many of the participants interviewed observed that the discussions began amid considerable tension between the NWS, the NNWS, and the threshold states. This tension largely resulted from years of stonewalling by the five NWS that had prevented the NNWS, which strongly desired a comprehensive test ban, from moving forward. Furthermore, the exact positions of the threshold states remained a mystery to many of the other participants, a fact which dampened the enthusiasm for engaging in seeming difficult negotiations with a very unclear payoff. As a result of these tensions, many of the participants felt that the working relationships within the CD and its AHCNTB were less than ideal.

Some of these frustrations and suspicions definitely remained a part of the debate across the drafting process. As was discussed under the minority salience variable, different groups of states emerged to block progress at different stages of debate. On each occasion when such activity occurred, the working relationships between those who favored the treaty and those who opposed it became further strained. As a result, the mood at the end of the 1994 and 1995 Sessions can be described as one of disappointment, frustration, and even concern about the eventual fate of the overall negotiations.\(^1\)

However, this pessimism during 1994 and 1995 was joined by some real progress on removing the many brackets from the "rolling text." Participants

\(^1\) This mood is most clearly reflected in Johnson & Howard (1994) and Johnson (1995).
interviewed for this case suggested that some of this progress was due to the positive working relationships that did exist between some delegates. The participants actually described a "virtuous circle" through which better working relationships led to increased progress on the text which led to still better relationships and more progress. This interaction is consistent with the expectations outlined in Chapter Two and is also similar to the gradual improvement in the working relationships within the Informal Consultations on the Law of the Sea observed in the last case. In addition, the reasons for this change are similar to those observed before. First, Koplow has highlighted that the participants in the CD and the AHCNTB had a decades long familiarity with the issues and with each other which allowed for an rapid acceleration of debate when appropriate (1996: 16). Second, as the negotiations moved to cover more and more technical issues, Norberg observed that an increasing number of highly specialized experts were included in the activities of the working groups (1995: 60). As a result, the interactions between delegates became less politicized over time.

This improvement in the working relationships within the CD and AHCNTB helped to foster the many breakthroughs that were achieved on the CTBT. Furthermore, this occurred even as some of the most experienced and long-serving delegates from the NNWS left their positions in Geneva. However, several of the participants indicated that none of the key participants enjoyed a positive working relationship with the Indian delegation in early 1996. As a result, it was not possible for the existing draft agreement to be modified in a way that was acceptable to India. Furthermore, many of the most involved delegates were unclear as to why India changed
its policy at the time, and they remain uncertain on this more than two years later. In any case, it is clear that the absence of positive working relationships between India and the other delegations prevented effective communication that might have saved consensus. Therefore, once again the otherwise beneficial contributions of behind-the-scenes dynamics were absent from the CTBT case just as the negotiations reached their most critical juncture.

The next variable in this perspective examines the personal attributes of the participants in the decision unit. As proposition thirteen argues, the greater the skill and reputation of these actors, the more likely it becomes that they will be able to cut through the frequent posturing and rhetoric characteristic of multilateral meetings in order to build consensus. In the case of the comprehensive test ban negotiations, all of the participants interviewed stressed that the personalities of individual participants did influence the dynamics of the decision process.

This influence played out in several ways during the CTBT negotiations, some of which are similar to the patterns uncovered on the first two case studies. First, participants in the CTBT negotiations argued that personal characteristics both facilitated and hampered the negotiations at different stages. What is most interesting for this study is that personal characteristics seem to have the greatest positive influence on consensus building when the negotiations reached a critical juncture, such as the beginning of the 1996 Session.

This observation is related to second important point: personal characteristics can have a potentially large impact on consensus building in the case of those individuals who are serving as formal leaders. As the
discussion of formal leadership indicated, the four chairs of the AHCNTB (and especially Jaap Ramaker of the Netherlands), had personal characteristics including patience, negotiating skill, and expertise that allowed them to make useful contributions to the treaty drafting process. In addition, participants indicated that the individuals who were selected to serve as “Friends of the Chair” were specifically chosen based on their personal stature, their particular skills, and their method of work. These considerations, in turn, enable the “Friends of the Chair” to achieve important compromises on some of the most contentious issues.

A third finding regarding personal characteristics and the CTBT which echoes those of the earlier cases concerns the mix of experienced and new (or “green”) delegates found in the AHCNTB. As was mentioned under working relationships, many of the delegates that were active during the drafting of the “rolling text” during 1994 and 1995 had years of experience in multilateral disarmament negotiations. This, in turn, allowed them to avoid rehashing old issues since there was an institutional memory of sorts regarding past debates. However, this high level of experience was jeopardized in 1995 when some of the delegates from the Group of 21 were moved to new positions. According to Johnson (1995: 13), this development resulted in Sweden serving as chair Working Group One rather than a member of the G21, and it almost created a need to reopen some issues that had already been resolved. Fortunately, these concerns were unfounded and several participants observed that the “green” delegates which joined the CD that year actually helped to offer new insights that allowed the final brackets to be removed from the “rolling text” in early 1996.
Despite these similarities across cases, the participants in the CTBT negotiations were the first to highlight that personal characteristics had both a positive and negative impact on consensus building. This is most clearly reflected in the comments of one delegate interviewed who offered a four-fold typology UN diplomats: hunters, farmers, traders, and trappers. Hunters are those delegates that seek to bulldoze everything in pursuit of their state's interests on an issue; farmers are those who slowly cultivate agreement in search of consensus; traders are those who bargain and strike deals, often across issues; and finally, trappers are those who make a proposal only to back out of their end once the other side has agreed. It should immediately be apparent that, of these four types, farmers and traders would be most likely to foster consensus whereas hunters and trappers would be less likely to do so.

The fact that participants felt at least three of these four types were present in the CTBT negotiations may help to suggest why a high level of agreement was possible but consensus was not. At the beginning of the negotiations, delegates from all five NWS were largely seen as hunters by the NNWS. The United States, Britain, and Russia were the first to abandon this type of activity, with France following by 1995. As these individuals changed their behavior, delegates from the Netherlands and Australia emerged as farmers eager to build consensus. They were joined by traders such as the United Kingdom and Pakistan who forged attractive tradeoffs in regards to the entry-into-force provisions. However, China never fully abandoned its role as a hunter and, furthermore, India adopted this type of narrow pursuit of their national interest in early 1996. As a result, although many breakthroughs had been achieved, consensus was not possible.
These findings regarding personal attributes, though somewhat different from those on the first two cases, are nonetheless consistent with the expectations contained in Chapter Two. However, the humanitarian assistance and Law of the Sea cases also suggest that personal attributes can have a considerable impact on consensus building in the case of individuals who were able to provide ad hoc leadership with the decision unit. This situation actually represents the fourth variable under informal networking which is argued to influence consensus building (according to proposition fourteen) for much the same reasons as formal leadership. In regards to ad hoc leadership, the CTBT negotiations actually more closely resemble the humanitarian assistance case than the Law of the Sea case. While the Law of the Sea renegotiations involved an important positive role for ad hoc leadership, this particular variable figured far less frequently in the other two cases. Several of the participants interviewed for the CTBT case suggested that the relative lack of ad hoc leadership within the AHCNTB was the result of the many positions of formal leadership present due to the two working groups and ten "Friends of the Chair."

Even though ad hoc leadership was not a frequent occurrence within the AHCNTB, it did emerge as an important factor at one critical juncture in the treaty drafting process. After India blocked consensus on the draft treaty in August of 1996, it was impossible for the CD to formally transmit the document to the General Assembly for its approval. As a result, it appeared as though the CTBT would be indefinitely stalled in spite of three long years of painstaking negotiations. In an effort to overcome this procedural obstacle, Richard Butler of Australia assumed an ad hoc leadership role and tried to
gather as broad a range of support as possible for introducing the draft treaty directly into Assembly debate without the formal endorsement of the CD. This was an unusual move which Jaap Ramaker and the other formal leaders could not attempt in case it was ultimately unsuccessful and the AHCNTB decided to reopen negotiations. In the end, Butler’s efforts were successful in that 127 states decided to co-sponsor the resolution introducing the treaty and 158 states ended up voting for it in September of 1996.

Because of this maneuver, Butler was widely credited with “saving” the treaty. In fact, he was later selected to become the Chairman of the UN Special Commission (UNSCOM) in charge of monitoring Iraqi compliance with the resolutions which ended the Gulf War due at least in part to his efforts to push the CTBT through the Assembly. However, assessments of Butler’s action are definitely mixed. Several participants interviewed for this case were concerned that his procedural trick prevented further efforts to reach a treaty supported by all members of the CD and may damage the long term chances for full ratification by the forty-four states listed in Annex Two. Still other participants adopted an even more critical view; they saw the whole maneuver as a “dirty trick” which only Butler was willing to try due to his rather pompous nature. These participants point to Butler’s subsequent failure to win a seemingly easy election for Australia to serve as an elected member on the Security Council as an example of how his brash leadership style on the CTBT alienated other members of the Assembly. As a result, it is apparent that ad hoc leadership played an important, although not uniformly positive, role at a critical juncture in the CTBT negotiations.

This linkage is suggested in “Australian to Head UN Effort to Monitor Curbs on Iraqi Arms,” The New York Times, May 5, 1997.
The final variable contained in the third perspective looks at whether or not the participants in the decision unit adopt a broad perspective on the issue. As proposition fifteen indicates, the basic argument is that participants with broader interests who are open to a greater range of proposals will help facilitate consensus building. This variable uncovers an important difference between the comprehensive test ban negotiations and the previous two cases: while the delegates in the earlier cases (especially those serving on the small negotiating groups which were used) did adopt broader perspectives on the issues than was expected, that was clearly not the outcome on the CTBT discussions in the AHCNTB. In fact, the participants interviewed indicated that, with few exceptions, the CTBT talks remained focused on key states pursuing their narrow self-interests across the entire period of debate.

Participants did indicate that there was some hope at the outset of debate that compromise would be possible if states were willing to abandon some of their time-honored positions. For instance, in late 1993 Mexico, Sweden, and Australia all offered working papers or draft treaty language that were designed to set the stage for the impending talks by searching for middle ground on the most contentious issues. Furthermore, once the United States, Britain, and Russia indicated that they would play a far more active role in the negotiations, participants began to feel that real compromise would be possible. However, these early hopes for key delegates considering broad ranging proposals were soon dashed. According to Marin-Bosch, the two other NWS (France and China) remained focused on protecting their

253

These drafts are contained in UN Documents CD/1231 (December 1, 1993), CD/1232 (December 6, 1993), and CD/1235/Corr.1 (December 9, 1993), respectively. All three are also discussed in The United Nations Disarmament Yearbook, 1993 (1994: 54).
perceived national interests, a fact that slowed the entire process of negotiation (1995: 65-7). Furthermore, *The United Nations Disarmament Yearbook* for 1994 indicates that the United States and Britain raised some additional concerns regarding the right to withdraw that were not abandoned until after the 1994 Session was completed (1995: 32).

The unwillingness of these key states to adopt broad perspectives and build on the early efforts of Mexico, Sweden, and Australia caused the three chairs of the AHCNTB (Marin-Bosch, Dembinski, and Ramaker) to pursue a different route towards an acceptable treaty. Rather than creating a draft treaty through small group consultation as had been done on humanitarian assistance and the Law of the Sea, the chairs in the CTBT case were forced to utilize a "rolling text." Participants interviewed for this case all observed that the "rolling text" was a "strange animal" in that it had one section covering areas of consensus and another section full of nearly 1200 brackets indicating areas of disagreement. Furthermore, these sections were internally unorganized and the bracket system really amounted to a method in which the narrow conflicting proposals of both sides could be included in regards to each contentious issue. As a result, it is relatively easy to understand why the consensus building process was far more difficult on this case when compared to the decisions examined in the previous chapters.

Nonetheless, the "rolling text" approach did eventually result in an agreement that was acceptable to almost every member of the CD. However, the fact that this particular agreement was negotiated line by line, compromise by compromise made it almost impossible to change once India raised its objections in early 1996. Since all key participants (including the
five NWS and the three threshold states) remained unwilling to adopt
broader perspectives on the issues involved, there was no way to ultimately
balance their competing conceptions of the treaty. As a result, consensus was
not possible, an outcome which is largely consistent with the expectations
outlined in Chapter Two. Furthermore, this analysis also suggests that two
variables, minority salience and broad perspective, may in fact be capturing
some of the same dynamics in the decisionmaking process. This possibility
will be considered in more detail in the concluding chapter.

Investigating the comprehensive test ban negotiations with the
informal networking perspective has provided several important insights,
again some of which echo those found in the previous two cases. First, as was
true in the other two cases, this perspective uncovers some dynamics that
took place within the decision unit that helped participants move toward
agreement in the face of numerous potential obstacles. However, a second
conclusion relates to an important distinction between this case and the other
two: just because these informal contact variables are present does not in any
way guarantee that all obstacles will be overcome, as the unwillingness of
India to come on board indicates. In other words, these variables played a
vital role in building high level agreement, but they could not ensure
successful consensus. Part of this may be due to some differences between the
cases on specific variables. While informal contacts and working
relationships seemed similar across all three cases, the other three variables
had a more mixed impact (or even outright negative impact in the case of
broad perspective) on the dynamics of the CTBT negotiations. Therefore,
these findings should be further explored in regards to the final case study.
CONCLUSIONS ON THIS CASE

This examination of the consensus building efforts surrounding the comprehensive test ban debate uncovered several important similarities and differences to the humanitarian assistance and Law of the Sea cases. The most important similarity concerns the fact that the unique contribution of each perspective was largely confirmed: the institutional perspective focused on the potential benefits and difficulties associated with the AHCNTB approach, the strategic interaction perspective highlighted how the issue itself influences the interaction of delegates in the decision unit, and the informal networking perspective demonstrated how the participants circumvented some, but not all, obstacles at key junctures in the decision process.

There are also similarities between this case the first two in regards to specific variables within the perspectives. First, as Table Six indicates, size and participant autonomy continued to provide little analytic leverage in understanding consensus building due to unexpected dynamics that were uncovered in terms of how these variables relate to the decision process. For instance, as before the size of the decision unit was quite large, but in this case agreement was not able to spread from a smaller group to include all states, most likely due to differences in negotiating groups and leadership which will be discussed below. In addition, autonomy was again found to be low, with issues of timing and means versus ends still important. However, due to the very technical nature of nuclear testing, the expertise of the particular delegate also emerged as an important factor in understanding autonomy because some participants (such as Jaap Ramaker) were actually the most knowledgeable person in their government on the issues under debate.
<table>
<thead>
<tr>
<th>Perspective and Variable</th>
<th>Case 1: Humanitarian Assistance</th>
<th>Case 2: Law of the Sea</th>
<th>Case 3: Test Ban Treaty</th>
<th>Case 4: Council Reform</th>
</tr>
</thead>
<tbody>
<tr>
<td>Size</td>
<td>Large</td>
<td>Large</td>
<td>Large</td>
<td></td>
</tr>
<tr>
<td>Formal Leadership</td>
<td>Sense of timing, impartiality, expertise, &amp; diplomatic skill</td>
<td>Sense of timing, impartiality, expertise, &amp; diplomatic skill</td>
<td>Sense of timing, impartiality, expertise, &amp; diplomatic skill</td>
<td></td>
</tr>
<tr>
<td>Negotiating Groups</td>
<td>Extensive use: included all relevant states</td>
<td>Extensive use: included most relevant states</td>
<td>Some use but too large for serious negotiation</td>
<td></td>
</tr>
<tr>
<td>Procedures</td>
<td>Flexible across negotiations</td>
<td>Flexible across negotiations</td>
<td>Some rigidity over time</td>
<td></td>
</tr>
<tr>
<td>Goal Convergence</td>
<td>Agreement on overall goal</td>
<td>Agreement on overall goal</td>
<td>Divergence on overall goal</td>
<td></td>
</tr>
<tr>
<td>Issue Characteristics</td>
<td>Crisis present &amp; main areas of contention clear</td>
<td>Crisis present &amp; main areas of contention clear</td>
<td>Crisis present but numerous areas of contention</td>
<td></td>
</tr>
<tr>
<td>Minority Salience</td>
<td>Salient issue with no clear minority</td>
<td>Salient issue and limited minority activity</td>
<td>Salient issue and extensive minority activity</td>
<td></td>
</tr>
<tr>
<td>Actor Attributes</td>
<td>Brokers present and effective</td>
<td>Brokers present and effective</td>
<td>Some brokers but mixed results</td>
<td></td>
</tr>
<tr>
<td>Participant Autonomy</td>
<td>Low but “rules” supported; issue of timing</td>
<td>Low but “rules” supported; timing and ends vs. means</td>
<td>Low but “rules” supported; timing, means vs. ends, &amp; expertise</td>
<td></td>
</tr>
<tr>
<td>Strategies</td>
<td>Substantive</td>
<td>Mixed</td>
<td>Mixed</td>
<td></td>
</tr>
<tr>
<td>Informal Contacts</td>
<td>Extensive use at critical junctures</td>
<td>Extensive use at critical junctures</td>
<td>Some use at most critical junctures</td>
<td></td>
</tr>
<tr>
<td>Working Relationships</td>
<td>Positive</td>
<td>Positive</td>
<td>Some positive, others not</td>
<td></td>
</tr>
<tr>
<td>Personal Attributes</td>
<td>Cooperative: knowledgeable, courteous, and open-minded</td>
<td>Cooperative: knowledgeable, courteous, and open-minded</td>
<td>Mixed: some cooperative but marred by excessive ego</td>
<td></td>
</tr>
<tr>
<td>Ad Hoc Leadership</td>
<td>Little activity</td>
<td>Very active; built agreement</td>
<td>Limited use and mixed results</td>
<td></td>
</tr>
<tr>
<td>Broad Perspective</td>
<td>Present in “fire brigade”</td>
<td>Present in “fire brigade”</td>
<td>Not present</td>
<td></td>
</tr>
</tbody>
</table>

TABLE 6: Summary of Findings, Cases 1 - 3
Table Six also shows that there were important differences in many of the variables on the CTBT case when compared to the previous two cases. For instance, results on all four variables found to "set the stage" for consensus building in the earlier cases were less favorable on the CTBT: procedures were more rigid, there was divergence on the overall goal, participants used increased procedural manipulation, and few states were willing to look beyond their narrow self-interests.

However, as before, these four variables are unable to uncover the specific dynamics that occurred within the decision unit such that consensus was impossible on this case. Instead, once again these issues can best be investigated using a similar set of variables to those found on the more successful cases including formal leadership, negotiating groups, issue characteristics, brokers, informal contacts, and personal attributes. Many of the results on these variables are different for this case, which is not all that surprising given the fact that consensus was not achieved. In other words, the "story" uncovered by these variables is different in regards to this case, but their analytic utility remains greater than that offered by other variables.

While impartial and skilled formal leadership was able to build toward consensus across 1995 and 1996 (most importantly by managing the "rolling text"), the negotiating groups present on the CTBT case were too large so as to facilitate serious discussion of all viewpoints. Furthermore, the range of issues under consideration remained quite large through the last round of talks, thereby leading to many areas of potential disagreement. In the first two cases, informal contacts, brokers, and personal attributes became very important in facilitating agreement, especially at critical junctures in the
decision process. Similar efforts in the CTBT case across 1995 were able to forge widespread agreement, but when these elements were most needed to get India on board the proposed treaty in early 1996, they were absent (in the case of brokers and informal contacts) or not conducive to consensus building (in the case of personal attributes such as excessive ego on the part of some participants). As a result of these differences on the third case, the outcome was quite different than those found in 1991 and 1994.

One other comparison across the three completed case studies must be made. Although the outcomes on the Law of the Sea and the CTBT were different, they both expanded the range of key variables beyond the first six identified on the humanitarian assistance case. Specifically, the CTBT negotiations again figured a prominent role for minority salience and ad hoc leadership. In fact, minority salience was actually one of the single most important factors in regards to this case because it offered insights as to when consensus would be possible in the AHCNTB and, on the other hand, when specific states might emerge seeking to block these efforts. Although ad hoc leadership was not as central to the overall process as minority salience, it did illuminate important dynamics which occurred to "save" the treaty after India blocked action in the AHCNTB. As a result of the insights provided by these variables on the Law of the Sea and CTBT negotiations, they should be included with the set of six key variables identified above.

This case was especially useful in understanding consensus building because it confirms some of the conclusions of the earlier cases while still taking account of a very different outcome. In other words, it helps to show that the framework is robust enough to capture both cases of successful and
unsuccessful consensus building. This is true for several reasons. First, different variables may emerge as being central to the dynamics of some types of outcomes but not others. One possible example of this is the greater importance of minority salience in the unsuccessful CTBT case when compared to the first two successful cases. Second, the divergent outcomes also appear to result from different aspects or characteristics of the same variables being significant across the cases. For instance, while negotiating groups, issue characteristics, brokers, informal contacts, and personal attributes were important in all three cases, the specific nature of these variables was different when consensus was and was not possible. The final case study where no consensus has been achieved will provide yet another test of the framework in this regard.
On December 11, 1992, the General Assembly adopted Resolution 47/62 on the “Question of Equitable Representation on and Increase in the Membership of the Security Council.” This resolution, which was the result of intense pressure for change given the resurgence of the Council in the post-Cold War world of the early 1990s, requested that the Secretary-General invite Member States to submit written comments on possible review of all aspects of the Council’s membership and working methods. This opportunity was welcomed by many delegates across the Forty-Eighth Assembly Session, including Wong Kan Seng, the Foreign Minister of Singapore:

“But there is also an expectation that the end of the Cold War will enable the Security Council to play more ambitious roles and at last assume ‘primary responsibility for the maintenance of international peace and security’ ... The legal, diplomatic, and political implications of these developments are still unfolding and are not yet fully understood ... The Secretary-General’s report [on Resolution 47/62] has thus occasioned great interest. There is wide consensus that to be effective in the next century, the Security Council cannot simply extrapolate itself from the starting point of 1945 after the Cold War interregnum, but must accurately reflect the current configuration of global power. International order cannot be built on nostalgia. Too great a disjuncture from reality will doom the Security Council to eventual irrelevance. As membership in the UN expands, there is also a general expectation that the Security Council should
become more representative of the organization as a whole ... I urge all members to participate in discussions on the expansion of the Security Council so that we may have the benefit of the fullest possible range of views and emerge with the widest possible consensus.”

Over the next five years, many Member States did in fact act in accordance with the Minister’s call for discussion of these issues by actively participating in the Assembly’s working group created to address Council reform.

Unfortunately, these efforts to design a plan for a more representative, equitable, and effective Council remain unsuccessful through the end of the Fifty-Second Session of the Assembly in September of 1998. Some progress has been made in identifying alternate proposals for Council expansion (both in terms of permanent and non-permanent seats) and for modifying the current working methods of that body. However, agreement on an overall reform package has proven to be elusive. While it seems clear that the issues associated with Council reform will remain on the Assembly’s agenda for the foreseeable future, many of the participants interviewed for this case have begun to seriously question whether or not consensus will ever result. Most seemed to be of the opinion that a consensus based proposal for reform would be impossible to achieve given the divergent interests which have been pursued, with the only chance for any change from the status quo lying in a plan that might be able to secure the minimum level of support necessary for Charter amendment, but nothing more. In other words, this case represents a situation where consensus has yet to be achieved and, given the recent climate of debate, it is likely to be one where consensus remains unattainable.

These comments were made during the annual General Debate at the beginning of the Assembly Session on October 6, 1993. The text of the Minister’s comments was provided by the Permanent Mission of Singapore to the United Nations.
A more representative and equitable Security Council would clearly serve the interests of the United Nations as a whole due to the increased legitimacy that it would enjoy. This is especially true given the new range of responsibilities the UN, and specifically the Security Council, have been asked to assume in the post-Cold War world. As Kennedy & Russett argue:

"In every one of its activities, from peacekeeping to development, from monitoring human rights to overseeing environmental accords, it [the UN] has been pressed by member states and their publics to play a larger role and to assume fresh responsibilities" (1995: 57).

A new and improved Council would allow Member States to display increased confidence that the UN will meet these challenges with effective and appropriate policies and procedures. Therefore, the issue of Council reform remains an important and necessary consideration. However, it also represents a case where many of the most active participants have all but given up on reaching a consensus. As a result, this case study will provide an important contrast to the previous three decisions in which some degree of consensus was possible and, furthermore, it promises to provide important insights into those factors which can inhibit effective global policy making.

THE CONTEXT OF SECURITY COUNCIL REFORM

The size, composition, and procedures of the Security Council have been the subject of debate across the entire fifty-three year history of the United Nations.² In fact, disagreements between large and small states regarding the Council actually predate the first meetings of the General

² Bennett (1995: 50-4, 68-9, & 93-5) provides information on these early debates regarding the Council, including the interwar conferences and the Charter Amendment of 1965.
Assembly in early 1946. Much of the blueprint for the United Nations was created during World War II in a series of conferences dominated by the largest Allied powers, namely the United States, the United Kingdom, and the Soviet Union. One of the most significant of these conferences was held at Dumbarton Oaks (an estate in Washington, DC) in August of 1944. This series of meetings resulted in agreements on many of the peace and security provisions of the new organization, including the creation of a Security Council which would include the “Big Five” (the United States, the United Kingdom, the Soviet Union, China, and France) as permanent members. Some of the gaps in these early proposals, such as the voting formula of the Council, were subsequently ironed-out at the Yalta Conference attended by the US, Britain, and the Soviet Union in February of 1945. As a result, many of the most sensitive provisions of the new international organization were drafted without any input from smaller countries.

This dominance by larger states caused problems as the final issues relating to the United Nations were addressed. For instance, rumblings of discontent with the Dumbarton Oaks Proposals emerged during a special Inter-American Conference on Problems of Peace and War held in Mexico City at virtually the same time as the Yalta Conference. Numerous aspects of the big-power agreements came under attack, including the relative powers of the General Assembly and Security Council, as well as the need for adequate Latin American representation on the Council. The proposed voting procedures of the Council, including the veto, had not yet been made public (since Yalta had just ended); however, once they were announced, they too provoked the ire of the smaller states.

264
These issues came to a head at the United Nations Conference on International Organization held in San Francisco during June of 1945. Among other provisions, the smaller countries attacked the proposed voting formula of the Security Council. This effort was led by the Australian Minister for External Affairs, H.V. Evatt, but enjoyed the support of almost every medium and small state attending the conference. They opposed both the inequality of the veto power and the uncertainty regarding those situations when it would apply. Unfortunately for these states, all efforts to modify or change the proposed formula were rejected by the "Big Five," and they were forced to accept these provisions without change. And while compromises were made in regards to other areas of the Charter in order to address the concerns of small states (including the addition of Chapter XI on the "Rights and Duties of Non-Self-Governing Territories"), they continued to resent the intransigence of the great powers regarding their veto privileges.

Once the General Assembly and Security Council began their first meetings in 1946, some problems emerged regarding the composition of the Council, specifically concerning the selection of the six non-permanent members. The Charter dictated that these seats be filled through elections for two year terms, half of which would be selected each year. However, disagreements between large and small states as well as between East and West made these elections extremely problematic. As a result, a "gentleman's agreement" was made which allotted two seats to Latin America and one each to Western Europe, Eastern Europe, the British Commonwealth, and the Middle East. This agreement temporarily placated all sides until 1950 when frustrations emerged again. The Soviet Union had assumed that the Eastern
European seat would be under its control, but this proved to be incorrect when Yugoslavia, Greece, and Turkey held the seat in the early 1950s. At the same time, demands for Asian and African representation on the Council then caused the Eastern European seat to be held by the Philippines, Japan, and Liberia, among others. As a result, the "gentleman's agreement" was under danger of collapse and demands for a larger and more representative Council became more insistent across the rest of the decade.

Continued pressure for Asian and African representation on UN bodies resulted in the General Assembly's decision to adopt two proposed Charter Amendments in 1963. The first of these increased the size of the Security Council from eleven to fifteen members, thereby creating ten non-permanent seats (the other increased the size of ECOSOC from eighteen to twenty-seven members). These amendments entered-into-force on August 31, 1965 after a sufficient number of ratifications had been deposited with the Secretary-General, and the enlarged councils sat for the first time in 1966. At the same time, the General Assembly adopted a resolution allotting the ten elective seats on the Security Council as follows: five for Asia and Africa, two for Latin America, one for Eastern Europe, and two for Western Europe and other states. This increase in size, though not as large as some small states had desired, did serve to resolve many of the frustrations associated with the Council, at least for a period of time.

Across the early 1970s, UN membership continued to increase at a rather dramatic pace. As had been the case during the 1950s and 1960s, much of this new membership was from Africa, Asia, and other parts of the developing world. As a result, participants interviewed for this case indicated
that it was not all that unexpected when the issue of Council size and composition again emerged as the subject of intense debate. In November of 1979, a group of developing states wrote a letter to the Secretary-General requesting that Security Council reform be placed on the General Assembly’s agenda and that member states be surveyed for their positions on these issues. As a result of this effort, several draft resolutions and working papers were debated over the following thirteen months. This process uncovered substantial support for Council expansion within the developing world, but the response from the permanent five members was less than positive (if not even outright hostile in some cases). Furthermore, the various proposals and working papers which were offered demonstrated that the developing states had major internal disagreements regarding the best possible approach for creating a more representative, equitable, and effective Council. Because of these problems, this issue was allowed to fall off the agenda after 1980 and no votes were taken on any of the draft resolutions that had been proposed.

The 1980s marked another period in which the issue of Security Council reform received little attention. According to many participants interviewed for this case, the lack of interest in Council reform during this time did not reflect a sense of satisfaction among the developing states. In fact, considerable resentment of the continued inequality and unrepresentative character of the Council boiled under the surface. However, participants did identify several factors which prevented any type of detailed

---

3 The full text of the letter requesting that Security Council reform be placed on the Assembly’s agenda can be found in UN Document A/34/246 of November 14, 1979. Draft resolutions and working papers that were considered during the subsequent months are contained in UN Documents A/34/L.57/Add.1, A/34/L.63, A/34/L.63/Add.1, A/35/L.34, A/35/L.34/Rev.1, and A/35/L.34/Rev.2.
discussion of these issues. First, the early 1980s marked a souring in relations between the United States and the Soviet Union which, in turn, caused a resurgence of Cold War rhetoric within many bodies of the UN System. Second, attitudes towards the UN in general became less favorable in several of the permanent members, most notably in the Reagan Administration in the US. Since the support of all five permanent members would be required to amend the Charter and secure reform, opposition or reluctance from any one of them could make all such efforts a waste of valuable time and resources. Third, during the period from 1978 to 1988, the Security Council established no new peacekeeping missions and played a less than central role in regards to other security crises. As a result, developing states saw little need to push for change in a body that did not appear to be all that active or relevant. Finally, little attention was paid to Council reform because states were often otherwise preoccupied in dealing with the recurrent financial problems that faced the UN across the decade.

Two additional observations can be made regarding the virtual absence of reform discussions in the 1980s. First, Kaufmann & Schrijver concluded that the problem was not one of too few reform proposals (as a look merely at the 1980s might suggest), but instead, that so many reform proposals had been offered during the history of the UN that the organization was actually suffering from “restructuring fatigue” (1990: 55). This problem was especially acute because many of these past efforts failed to live up to even the most basic expectations. Second, Rochester has argued that the prospects for UN reform were further complicated by the paradox that those proposals which were the most politically feasible seemed trivial in their likely impact while
those proposals which were potentially far-reaching seemed the least practicable (1990: 150). As a result of these various factors, Security Council reform did not fall on the Assembly’s agenda for nearly ten years.

The situation changed rather dramatically in the early 1990s as the mantra of UN reform came to dominate almost all discussions of that organization. According to participants, this abrupt about-face was the result of several interrelated factors. First, as the Cold War came to an end and the past tension between the superpowers subsided, a new spirit of cooperation emerged within the UN which allowed previously off-limit or paralyzed issues to be addressed. Second, the Security Council and other UN bodies received a “shot in the arm” in the early 1990s when they were called upon to address a whole new range of issues. The most concrete example of this which demonstrated the post-Cold War potential of the UN Security Council was the Gulf War in 1991. Finally, the early 1990s became more conducive to discussions of reform because the fiftieth anniversary of the UN was only a few years off (1995) and this milestone seemed to invite for reflection and revision. Furthermore, many delegates and policymakers seemed to sense that this anniversary offered a unique chance for fundamental (rather than merely cosmetic) change that would result in a more effective organization.

The earliest discussions of reform during this period began with the more administrative and financial aspects of trying to cope with the no-growth budgets which had been imposed on the UN by the top financial contributors while still maintaining the ability of the organization to provide effective services to those in need.¹ However, the scope of reform issues

¹ Muller (1992) provides background information and UN Documents regarding these reform efforts in the late 1980s and early 1990s.
under consideration soon expanded to include: the financial crisis regarding
member arrears and a new scale of assessment; the importance of devising
new means of addressing pressing security problems; the need for greater
coordination in the economic and social fields; the selection criteria and term
of office for the Secretary-General; the relationship between the UN System
and NGOs; the efficiency and working methods of the General Assembly; the
independence and professionalism of the Secretariat; and the size,
composition, procedures, and mandate of the Security Council.

Once the door to discussing reform was opened, a whole flood of
proposals were offered by NGOs, scholars, and former practitioners seeking to
achieve a more effective international organization. At the same time,
delegates within the UN began to offer their own ideas for various aspects of
reform. These efforts began in the Assembly Plenary, but soon moved to a
wide variety of arenas depending on the issue in question. Participants
interviewed for this case observed that this resulted in a polycentric reform
process which threatened to become uncoordinated and fractured. In
addition, discussions of reform began to detract from the important issue-
specific, day-to-day debate which needed to occur in these bodies.

Due at least in part to these dangers, the General Assembly created five
working groups from 1992 to 1995 designed to deal with different aspects of
UN reform. The first working group was created to examine the issues of
international security raised in the Secretary-General’s An Agenda for Peace,
and others have followed on Security Council reform, on the proposals raised

---

\footnote{Some of the more noteworthy of these proposals include: Urquhart & Childers (1990),
Commission for Global Governance (1995), and The Independent Working Group on the Future of
the United Nations (1995).}
in *An Agenda for Development*, on the financial situation resulting from the non-payment of dues, and on strengthening the United Nations System.

These working groups are open to all United Nations members but have conducted much of their deliberations behind closed doors. Nonetheless, they have become the primary focus of all discussions regarding UN reform.

Despite the broad range of possible UN reforms, Menon has observed that the most important relate to the composition and working methods of the Security Council (1996: 1). This is true because much recent UN activity has been centered on the Council and because membership in the Council represents an important source of power and influence, both within and beyond the UN System. Furthermore, Russett, O'Neill, & Sutterlin conclude that an increasing number of states have expressed their dissatisfaction with what they see as the Council's unrepresentative character and rather secretive way of conducting business (1996: 65).

As a result, one of the first aspects of reform placed on the General Assembly's agenda in the early 1990s was the "Question of Equitable Representation on and Increase in the Membership of the Security Council." On December 11, 1992, the Assembly adopted Resolution 47/62 which asked the Secretary-General to gather Member State comments on this issue. Due to the nature of these comments, the Assembly then voted on December 3, 1993 (in Resolution 48/26) to established an Open-Ended Working Group designed to achieve widespread agreement on a plan for restructuring the Council, a task which it has yet to complete nearly five years later.

---

Useful overviews of the early activities of these five working groups can be found in Menon (1996) and in two background papers prepared for the 49th Annual DPI/NGO Conference held in New York from September 10 to 12, 1996. These background papers were downloaded from the conference website (www.un.org/MoreInfo/ngolink/conferen.htm).
DISCUSSIONS ON SECURITY COUNCIL REFORM

Negotiations regarding the composition and working methods of the Security Council have been both protracted and complex. In this respect, they are very similar to those regarding the Law of the Sea Agreement and the Comprehensive Test Ban Treaty. Unlike the humanitarian assistance case which lasted a mere six months, the debates surrounding a new and improved Council promise to stretch into six (or more) years. According to Russett, O'Neill, and Sutterlin (1996), the many divergent interests involved in Council restructuring have resulted at times in serious "logjams" from which there seemed to be few possible avenues of escape. This assessment of the difficulties associated with addressing this highly salient issue has been echoed by every participant interviewed for this case. However, many have also been careful to stress that some limited progress has been made, and that the possibility of achieving meaningful reform still exists. Therefore, before a detailed analysis of this case can be completed, it is important to provide a summary of what has been accomplished and what remains to be done.

The process of working towards a more representative, equitable, and effective Security Council began with the adoption of General Assembly Resolution 47/62 on December 11, 1992. As was mentioned before, this resolution asked the Secretary-General to gather written comments from Member States regarding the "Question of Equitable Representation on and Increase in the Membership of the Security Council." Across the following year, over one hundred Member States took advantage of this opportunity to express their preferences regarding the future size, composition, mandate, 

7 Unless otherwise indicated, the information in this section is drawn from delegate interviews.
and working methods of the Council. While the comments provided by Member States uncovered wide areas of disagreement regarding the specific details associated with this reform, they did reveal almost universal support for the general goal of creating a larger and more effective Council.

Based on this widespread support for serious consideration of Council reform, the General Assembly passed Resolution 48/26 on December 3, 1993 which created an "Open-Ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council." This Open-Ended Working Group (OEWG) was designed to be the primary locus of debate regarding all aspects of Council reform. As such, the OEWG was open to all UN members that chose to participate, a fact which has resulted in some meetings where more than one hundred states are represented, often at the highest diplomatic levels. The President of the General Assembly selected for each session serves as the chair of the OEWG, and they have been assisted by two Vice-Chairman drawn from middle powers (Finland, Singapore, and Thailand to date). The OEWG does not follow a set meeting schedule, but the pattern thus far has been to initiate consultations for each Assembly Session during November and to meet for a series of two week periods across the following winter, spring, and summer when some of the other high level bodies are in recess. The OEWG then provides an annual report (authored by the Vice-Chairman) to the Assembly, usually in September after its meetings for the previous session are completed.

1 Member State comments in response to the Secretary-General's request are included as part of UN Document A/48/264 of July 20, 1993. However, these comments continued to be submitted across the following eight months until March 23, 1994. These later comments can be found in UN Documents A/48/264/Add.1 through A/48/264/Add.10.
The range of issues covered by the Open-Ended Working Group is extensive. As a result, they have been divided into two clusters of issues.\(^*\) Cluster I focuses on “Equitable Representation on and Increase in the Membership of the Security Council.” As such, it handles Council composition and size, possible expansion of both permanent and non-permanent seats, criteria for selecting new members, new categories of membership, voting procedures, limitations in the scope of the veto, extension of the veto to new permanent members, the required voting majority, and efforts to review any of these issues in the future. Cluster II, on the other hand, covers “Other Matters Related to the Security Council” including: measures and practices to enhance its transparency, new more equitable working methods, consultation with interested parties, consultation with troop contributing countries, review of the provisional rules of procedure of the Council, improving the work of the sanctions committees, enhancing the Council’s information gathering and analysis capabilities, and the future relationships between the Council and other relevant UN organs.

Negotiations within the Open-Ended Working Group began in January of 1994 with most interested states sending their Permanent Representatives to the meetings. From the start, the OEWG was designed to work toward “general agreement” on a comprehensive reform package. While none of the participants interviewed for this case felt that this would be an easy task, all of them observed that the negotiations did begin amid some enthusiasm from all sides. Unfortunately, this enthusiasm waned over time as the

\(^{*}\) The issues included in each of these clusters are detailed in Background Paper Number One on the Open Ended Working Groups of the General Assembly prepared on January 15, 1996 for the 49th Annual DPI/NGO Conference held in New York from September 10 to 12, 1996. It can be found at the conference web site (www.un.org/MoreInfo/ngolink/conferen.htm).
negotiations became more and more tedious. Participants highlighted that
the procedures of the OEWG became the subject of intense controversy, states
that would otherwise act as brokers were unwilling to do so on this issue, any
groups that emerged engaged in extensive politicking but little fruitful
negotiation, and the formal leaders involved in guiding debate only served to
alienate key participants when they tried to push the process forward. By
1998, many of the participants were of the opinion that delegates were merely
“going through the motions” during working group meetings.

While each of these points will receive additional in the case study
analysis, it is important to point out that this characterization of the OEWG’s
activities is heavily tainted by recent logjams. In fact, conversations with
participants actually uncovered three distinct stages in the OEWG working
group across the last five years. The first of these phases last from early 1994
until mid 1996 and mainly involved an exchange of views regarding Cluster I
issues. The second phase occurred during the Fifty-First Session of the
Assembly in 1996 and 1997 when the pace of negotiations accelerated and
several concrete reform proposals were advanced. The final phase began
during the Fifty-Second Assembly Session in late 1997 when many states
reacted unfavorably to the tactics used during the preceding year. While
some progress has been made on Cluster II issues in early 1998, future
prospects seem unclear at best given the current climate of negotiations.

Phase one of the negotiations used the comments gathered by the
Secretary-General during 1993 as the springboard for debate. Many states were
eager to expand upon the preliminary written positions they had adopted,
especially given their increased awareness of the general lines of conflict
likely to emerge. While there was widespread support for a larger and more effective Council, participants observed that states generally had two very different ideas about how this should be achieved: one group favored a "quick fix" approach that would give Germany and Japan (as well as possibly a few developing states) permanent seats on the Council whereas the other group favored a "go slow" approach that might achieve a more balanced (and thus long lasting) expansion of the Council along with some modifications of its existing working methods. Therefore, very early in the discussions it became clear that the goal of devising a Security Council reform package in time for the Fiftieth Anniversary of the UN in 1995 would not be realized.

Based on these differences, phase one involved extensive speechmaking in the OEWG and resulted in the introduction of numerous proposals for reform. During this time, much of the attention was focused on Cluster I issues relating to the expansion of both types of membership and what that might mean for the overall size of the Council. This was not meant to imply that Cluster II issues were less important, but that they should be addressed only once it was clear exactly which states would be included in the new Council and in what capacity.

Across the two and a half years of phase one, the Open-Ended Working Group continued to provide annual reports to the General Assembly on its progress. In 1995 and 1996 these reports echoed the findings of the Secretary-General's 1993 report: there was considerable support for expanding the Council and reviewing its working methods, but that "important differences continue to exist on key issues." In addition to these annual reports,

10 These annual reports are contained in UN Documents A/49/47 of September 15, 1995 and A/50/47 of September 13, 1996.
Member State proposals for reform were also passed on to the Assembly from the OEWG in a report prepared by Wilhelm Breitenstein of Finland and Nitya Pibulsonggram of Thailand (the two Vice-Chairs of the OEWG) on September 18, 1995. Their analysis provided observations on Cluster I and Cluster II issues as well as a compilation of submissions by Member States.

These reports discuss the possible options under consideration in regards to Council composition and the veto when phase one came to an end. On composition the options included: 1) additional permanent seats for two industrialized countries from the Northern hemisphere (read Germany and Japan), 2) additional permanent seats for three to five developing countries, 3) a 2+3 formula with additional permanent seats for two industrialized countries (Germany and Japan) and three developing countries (one each from Asia, Africa, and Latin America), 4) an Italian proposal for adding regional rotating seats which several alternating countries would hold, and 5) a NAM proposal for an increase only in non-permanent seats by as many as eleven and the possibility of periodic reelection of members. On the veto options included: 1) giving the veto to new permanent members, 2) keeping the veto as is, 3) limiting it to only certain issues (such as Chapter VII concerns), 4) using a multiple veto system (where two or more negative votes are required), and 5) eliminating the veto altogether.

Member States entered phase two of the negotiations divided on many of the central aspects of Security Council reform. However, the new President of the General Assembly for the Fifty-First Session, Ambassador Razali Ismail of Malaysia, made it clear from the beginning of his Chairmanship in

---

11 This report is contained in UN Document A/49/965.

277
September of 1996 that he expected to secure a great deal of progress on Council reform that year. While he continued the practice of his predecessors in stating that consensus would be the preferred goal in the restructuring efforts, he also suggested that it would be "practically impossible" to achieve and that a two-thirds majority vote formula could be used instead.\(^\text{12}\)

In order to move in the direction of quick action, Razali formed a group of interested states which held meetings at UN Headquarters and at the Malaysian Mission across late 1996 and early 1997. This "Razali Group" included fifteen to thirty states over time, all of whom generally favored the "quick fix" approach. Specific members of this group either desired a seat on the Council for themselves (like Germany, Japan, India, Brazil, and Nigeria) or supported the efforts of these states to gain membership (such as all of the current permanent members except China as well as some other medium powers in Asia and Western Europe). Since the states in this group turned out to be very like-minded in regards to Council reform, they were able to make rather rapid progress on a proposed reform package. The "Razali Proposal" was released as Conference Room Paper (CRP) One on March 20, 1997 and immediately became the focus of OEWG debate.

The "Razali Proposal" contained specific language regarding many controversial points: four new non-permanent seats would be added (one each from Africa, Asia, Latin America, and Eastern Europe), five new permanent seats would be added (one each from Asia, Africa, and Latin

\(^{12}\) Ambassador Razali indicated his desire for consensus in his opening statement to the Fifty-First Session of the Assembly on September 17, 1996 (see UN Press Release GA/9091). However, his willingness to consider a two-thirds majority vote is revealed in an interview in the *Asahi Shimbun* newspaper on January 31, 1997 (translated from Japanese by Hirofumi Goto and posted to the Global Policy Forum web page at www.globalpolicy.org).
America as well as two from industrialized states), the total size of the Council would increase to twenty-four, the use of the veto by current permanent members would be discouraged (but not limited), and new permanent members would not enjoy provision of the veto power. This proposal was supported by those states which desired permanent seats (referred to as the “aspirants” or “pretenders” depending on one’s point of view), but some members of the “Razali Group” (like the United States) were concerned with the proposed size of twenty-four. Furthermore, it was greeted with hostility from those who favored the “go slow” approach, those who wanted more substantial changes in the veto, and those regional powers that seemed unlikely to gain seats (such as Italy, Mexico, Argentina, Pakistan, and Egypt). These proponents of the “go slow” approach (called the “anti’s” by members of the “Razali Group”) formed their own “Coffee Group” in order to engage in coordinated opposition to any further “quick fix” proposals.

In the face of this opposition to the “Razali Proposal,” the Bureau of the OEWG (encompassing the two Vice-Chairs) conducted private consultations with Member States regarding their reform preferences in the Spring of 1997. Their findings, which were generally favorable towards the “Razali Proposal” and thus the subject of some intense criticism, were contained in Conference Room Paper Eight of May 29, 1997. Over the following weeks, Razali conducted a series of informal consultations with invited states at the Malaysian Mission. This process resulted in an updated proposal in early September which gave Asia, Africa, and Latin America

---

13 The full text of the “Razali Proposal” can be found at the Global Policy Forum web page (www.globalpolicy.org/security/reform).

14 The full text of CRP 8 can also be found at the Global Policy Forum web page.
increased flexibility regarding which states would fill their additional permanent seats. Needless to say, this revised "Razali Proposal" faced the same opposition as the original version, and the Fifty-First Assembly Session ended with great divisions regarding Council reform.

The third phase of the Security Council reform discussions began with the opening of the Fifty-Second Assembly Session in late September of 1997. Ambassador Razali was replaced by Hennadiy Udevenko of the Ukraine who, based on the intense negative reactions of the "Coffee Group" to the "Razali Proposal," decided to adopt a much more cautious approach to the reform process. However, in October of 1997, supporters of the "Razali Proposal" (most notably Germany and Japan) began to move toward introducing the latest version as a draft resolution. Fearing a possible vote, the "Coffee Group" quickly moved to introduce a draft resolution under Agenda Item 33 on Council reform that would stress the need for increased discussion in the OEWG and emphasize the importance of complying faithfully with the Charter provisions that require a two-thirds majority for resolutions with "Charter amendment implications." This draft resolution (A/52/L.7) was submitted at the last minute on October 22, 1997 such that it would be considered before any other matters on Council reform.

Needless to say, the "Razali Group" reaction to L.7 was not very favorable. In fact, they introduced a series of amendments to draft resolution L.7 (contained in A/52/L.47 of December 1, 1997) which sought to establish that the two-thirds majority required for resolutions "which contained amendments to the Charter" referred to "members present and voting" and not to the entire UN membership. Since these rather specific distinctions

280
regarding language promised to substantially change the degree of support necessary for any first step in amending the Charter, both sides were reluctant to compromise. As a result, phase three of the negotiations quickly became characterized by a great deal of procedural manipulation and little in the way of substantive progress. Fortunately, in late November and early December of 1997, Udevenko was able to broker a “Gentleman’s Agreement” through which neither L.7 nor L.47 would come up for a vote. While this did resolve the immediate tension between the “Razali Group” and the “Coffee Group” (led most directly by Germany and Japan, and Italy and Pakistan, respectively), both drafts remain on the floor and would need to be considered before the Assembly could vote on any other aspects of Council reform.

Since many of the Cluster I issues were stuck in the L.7-L.47 impasse, the current non-permanent members of the Council began to push for discussion of Cluster II issues such as transparency and working methods in the OEWG. According to participants, the first few months of 1998 saw rapid progress on many of these areas. In fact, they observed that the level of agreement is actually a consensus minus the permanent five. In other words, the lines of cleavage on Cluster I and II are quite different, with Cluster II representing the veto powers versus the rest of the UN membership. As a result of this overwhelming desire to modify the working methods of the Council, some OEWG proposals have already been implemented. However, those favoring increased transparency argue that the permanent five have yet to do enough since many of the Council’s decisions are in fact made in closed informal consultations before the formal meetings are ever held.

15 This desire is reflected in a letter from all ten elected members to the Council President on December 22, 1997. The full text of the letter can be found at the Global Policy Forum web page.
Therefore, as the opening days of the Fifty-Third Session of the General Assembly approach, there is as of yet no consensus regarding Security Council reform. Cluster I issues remained locked in stalemate regarding legalistic interpretations of the Charter language on the amendment process. As a result, substantive progress on the composition and size of any restructured Council has not been possible across the previous year. Cluster II issues have at least been the subject of some concrete agreement and real progress; however, the continued opposition of the permanent five has created a logjam in this area as well. Because of these difficulties, an analysis of the dynamics of the negotiations regarding Security Council reform should provide significant insights into the obstacles which can obstruct consensus building in important areas of global policy.

FUTURE PROSPECTS FOR COUNCIL REFORM

Even though Security Council reform represents an area where General Assembly activity remains unfinished (hence its selection as a case where consensus has yet to be achieved), a few comments regarding participant observations on the future chances of agreement can be made. These comments should help illustrate exactly how the outcome in this case differs from those discussed in the preceding chapters and indicate why the findings of this case study promise to make our understanding of the global consensus building process more robust.

As of the Spring of 1998, the sixteen participants interviewed for this case all agreed on two important points. First, the issues associated with Security Council reform being discussed in the Open-Ended Working Group
remain of central importance in terms of how the United Nations will endeavor to promote international peace and security in the future. All of them observed that the Council's prominent role in dealing with crises around the world (such as Iraq and Bosnia) is only likely to increase in the future. As a result, restructuring that establishes a more equitable, representative, and thus legitimate Council will allow it to perform these functions in a more efficient and effective manner.

However, the second area of agreement complicates these efforts; all of the participants were quick to conclude that consensus would not be the end result of Council reform, no matter what time horizon was considered (the most common phrase used by participants was that "consensus is dead"). Some of them argued that consensus had never been the goal and that certain key players (such as the permanent five and those states that desired permanent seats) had merely "played the game" in order to pursue their own narrow interests. Still others felt that consensus had been the goal at least through phase one, but that the climate of debate over the past two years had soured the negotiation process to the point where there was little chance for consensus building between the "quick fix" and "go slow" approaches. In any case, none of the participants suggested that there was even a slight chance of reaching a consensus on Council reform, so this negotiation clearly represents the least favorable outcome of the four decisions examined in this study.

Despite these areas of agreement, participant interviews also revealed many significant differences regarding the future prospects of Council reform. First, delegates were clearly divided on the question of whether or not any type of minimal agreement would be possible. Some argued that states were
merely "going through the motions" and that Council reform would soon slowly fade off the agenda without ever becoming "ripe" for compromise. But other participants, most often those from the "Razali Group," saw the findings of the Bureau's CRP Eight as an indication that some compromise plan on some type of expansion would eventually be possible. Second, the delegates interviewed were divided as to the degree of support that would be required in order to pass a reform proposal through the Assembly. This line of cleavage mirrored the L.7-L.47 debate from the Fall of 1997 regarding the distinction between two-thirds of the membership (which would require 124 affirmative votes) and two-thirds of those "present and voting" (which would usually only require about eighty affirmative votes).

Third, the participants from different states clearly had conflicting ideas regarding the central issues under discussion. The permanent five and states that desired permanent seats still saw the central issue as expansion while a growing number of "go-slow" and non-aligned states felt that the focus had shifted to working methods and the use of the veto. Finally, within each of these areas (expansion and working methods), delegates revealed differences regarding the most likely compromise outcomes. For instance, some saw limitations on the veto likely, others ruled these out of the question. Likewise, some favored an expansion of only non-permanent seats while others indicated that no increase would happen without at least some new permanent members (including a minimum of several developing states).

Progress has been made in many areas of UN reform over the past few years. At least two of the Assembly's working groups on reform (those on the financial situation and on strengthening the UN System) have completed
their reports. Furthermore, progress has been made on addressing NGO access to the Assembly (Ambassador Ahmad Kamal of Pakistan has been coordinating these efforts) and on restructuring the Secretariat (Kofi Annan's July of 1997 plan in this regard was approved by the Assembly in December of that year). However, as the preceding analysis indicates, the future prospects of Security Council reform seem uncertain at best. Consensus is clearly not possible and, while some delegates continue to feel that an effective solution may emerge, it is very unclear what this "minimal agreement" might include or how much support is would actually need to receive. Therefore, this case represents the lowest degree of consensus achieved on any of the decisions included in this study and, as a result, it promises to offer important insights into those factors that can inhibit global consensus building.

APPLYING THE FRAMEWORK TO THIS CASE

Based on this overview of events and positions relating to the Security Council reform debate, it is possible to investigate the past five years of negotiation in more detail. As before, this case study will be completed using the three different perspectives contained in the decisionmaking framework proposed in Chapter Two. The analysis will begin with an examination of the formal institutions involved, and then proceed to cover strategic interaction and informal networking as well. But first, it is necessary to identify the decision unit most relevant for this case.

According to Hermann, Hermann, & Hagan (1987), the decision unit concept involves identifying the specific arena that will be most relevant to

---

18 Basic information on these efforts can be found at the UN web page under the UN Reform section (www.un.org/reform).
the decisionmaking process on each case. In regards to Security Council reform, a variety of different UN bodies were considered as possible locations for serious debate. The first of these was the Security Council itself since, after all, it was the body under review. In fact, over the early years of debate on this issue, the Council did receive numerous letters from its members and even engaged in formal discussions of some reform proposals. This approach had the advantage of giving the permanent five, who would all need to agree to any Charter amendments relating to Council reform, a leading role in the discussions. However, participants indicated that this route was criticized by many delegates for being an undemocratic manner of trying to achieve a more democratic Council since it gave only fifteen Member States a voice in the process. In addition, the numerous crises facing the Council during this period made its agenda severely constrained such that any time devoted to reform issues would detract from other serious concerns.

Another popular choice among delegates for the Council reform debate was the General Assembly Plenary since it was intended to be the primary organ within the UN structure and since it would allow every Member State to participate in the process. Furthermore, the Assembly Plenary would need to approve any Charter amendments at some point anyway, so it was natural for that body to assume a leading role. As a result of these factors, many delegates have raised this issue in the Plenary. These comments have


usually occurred during the annual General Debate or when this specific agenda item has been discussed in October or November of each year. However, participants interviewed for this case indicated that delegates quickly came to the realization that the Plenary was a useful forum for general pronouncements, but that it was not well-suited for the more detailed negotiations which would be required to build consensus.

One final established body was considered as a possible forum for debate: the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. Since Council reform would involve amending the Charter, this body seemed to enjoy the special legal expertise that might be required in the negotiations (the Special Committee reports to the Sixth (Legal) Committee of the Assembly). As a result, its annual reports to the Assembly during the early years of the reform debate do reflect some discussion of issues such as the Council’s working methods. However, participants indicated that this body was again seen as being too broad in its mandate and too legalistic in its focus to handle what would surely become a highly politicized discussion.

These difficulties with finding an appropriate forum to discuss issues of UN reform were not limited to discussions of the Security Council. As a result, participants indicated that the decision was made to establish General Assembly working groups to handle each relevant area of reform. These working groups would be open to all interested Member States but would operate behind closed doors while focusing only on the specific areas under their purview. Participants felt this would allow for far-ranging debate on

---

19 See UN Documents A/44/33, A/46/33, A/48/33, and A/49/33.
what were clearly complex and difficult issues. Although not the first of these working groups to be established, the “Open-Ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council” soon came to experience more intense debates and enjoy a higher level of representation than the other four. In addition, participants observed that the OEWG immediately became the primary arena for working out both the broad outlines and specific details associated with Council reform. Therefore, the following analysis will focus specifically on the negotiation process found in this particular body.

**PERSPECTIVE ONE: FORMAL INSTITUTIONS**

The first perspective contained in the framework focuses on the formal institutions that will be involved in the decision process. Since this perspective emphasizes the considerable influence of the internal structural features of an organization on the nature of the ultimate decision that is made, its analysis centers on the formalized structures, procedures, and goals of the institution. The specific variables which are examined include the size of the decision unit, the structure of formal leadership, the role of smaller formal negotiating groups, the types of procedures that are used, and the degree of goal convergence present at the outset of Assembly debate.

The conventional wisdom regarding decision unit size is contained in proposition one which argues that smaller size leads to an increased likelihood of consensus. This is said to be the case since smaller groups tend to have a more narrow range of interests represented and a more simple
pattern of interaction within the group. As was true with all of the previous cases, the decision unit for Security Council reform is quite large. The Open-Ended Working Group was intentionally designed to allow all interested states a chance to participate in its deliberations so as to make the reform process as democratic as possible. According to participants interviewed for this case, meetings of the OEWG have always included more than sixty states and often that number is closer to eighty or ninety. Furthermore, over time more than one hundred states have been active in the OEWG, at least in terms of making speeches and attending debate.

Given the fact that Security Council reform has yet to (and likely never will) result in a consensus, the large size of the decision unit would appear to be very much consistent with the expectations contained in Chapter Two: consensus building is difficult in large groups. Despite this fact, the findings on size in this case only serve to further question the analytic utility of this particular independent variable. All four cases involved large decision units and yet they achieved very different levels of consensus. As a result, it is difficult to argue that the size of the respective decision units had any significant influence on the dynamics of the negotiation process.

However, three additional points should be made. First, this case is the only one examined in this study that did not find support for Kahler's observation that widespread agreement is possible even in large groups (1993: 296-9). This finding, when considered in light of those uncovered in the other case studies, suggests that consensus is possible in large groups, but that it will not be an easy or immediate outcome. Second, this case is similar to the other three in that a smaller group of fifteen to twenty key states became
the most active players in the Council reform discussions. This group included all five states that desired a permanent seat (Germany, Japan, India, Brazil, and Nigeria), the five current permanent members (although Russia and China were more sporadic in their involvement), those states which spearheaded the "go slow" approach (including Italy, Pakistan, Mexico, Egypt, Spain, and Argentina), and several small or medium powers that had special contributions to offer (such as Austria, Australia, Indonesia, the Nordic Countries, Canada, the Philippines, and the Netherlands). However, in the first two cases (humanitarian assistance and the law of the Sea) this smaller set of states allowed consensus to spread from their group to the decision unit as a whole. Clearly, a similar process did not occur on Council reform.

Finally, this case echoes a point made in the CTBT analysis that consensus can be difficult to achieve even in small groups. Although the OEWG was quite large, participants indicated that even if only the key states identified above had been involved, widespread agreement still would have been impossible. As a result, this case supports the observation made in Chapter Five that minority salience is a far more important consideration regarding consensus than is decision unit size. Again, this finding will receive additional attention under perspective two.

The second variable in the formal institution perspective examines the structure of formal leadership present within the decision unit. This variable captures the important role played by participants who, based on their formally sanctioned positions of authority, can help push the debate forward and keep it running smoothly. Proposition two argues that the presence of this leadership increases the likelihood of consensus because these
individuals can organize debate, suggest possible compromises, and initiate informal consultations. The Security Council reform debate is very similar to the other cases in terms of the presence of a variety of formal leadership positions; however, this was the first case where participants felt that formal leadership at times acted as an obstacle to effective consensus building. Therefore, this case provides some important new dimensions to our understanding of the expectations contained in Chapter Two.

The first point that should be made concerns the identity of the individuals who have provided the formal leadership on Council reform. This case is similar to the CTBT drafting in that Secretariat officials, who were very active on humanitarian assistance and the Law of the Sea, did not provide any type of leadership during the OEWG discussions. There was a high level Secretariat official from the Department of Political Affairs assigned to service the OEWG (for much of the time Tapio Kanninen acted in this capacity), but this individual merely played an administrative and clerical role given the highly politicized nature of the discussions. The other Secretariat officials who could have provided formal leadership were the two Secretary-Generals during the past five years, Boutros Boutros-Ghali and Kofi Annan. Both of them have voiced their support for Council reform, but they have been reluctant to threaten their impartiality and standing with Member States by advancing specific positions. As a result, they have mainly acted as observers rather than as participants in the Council reform debates.

Despite this absence of formal Secretariat leadership, the Security Council reform debate has been guided by a series of presiding officers. Most visible in this regard is the President of the General Assembly who also serves as the Chair of the Open-Ended Working Group during their session in office. To date, five individuals have served in this capacity while Council reform was under consideration: Samuel Insanally of Guyana (48th Session), Amara Essy of Cote d’Ivoire (49th Session), Diogo Freitas do Amaral of Portugal (50th Session), Razali Ismail of Malaysia (51st Session), and Hennadiy Udevenko of the Ukraine (52nd Session). Participants interviewed for this case were generally of the opinion that having the Assembly President serve as the OEWG Chair was a good choice since that individual already enjoys the confidence of the majority of Member States. Furthermore, this arrangement was consistent with the very important nature of Council reform.

That being said, all of the participants interviewed were quick to stress that the style and quality of leadership definitely varied across these five individuals. Several of the participants indicated that the most important difference between these individuals concerned their jobs outside of their responsibilities as Assembly President: some were the Permanent Representative of their country to the UN whereas others were top government officials such as the Foreign Minister. The Permanent Representatives (such as Insanally and Razali) were in New York almost constantly and, therefore, they could be heavily involved in the day-to-day negotiations of the OEWG. On the other hand, those who had positions in their home capitals outside New York (such as do Amaral and Udevenko) were forced to play a more restrained role except on selected occasions.
Another factor which contributed to the variation in the style and quality of leadership across Presidents concerns the order in which they served in office. Some participants highlighted that, given the nature of debate during phase one (which focused largely on exchanging views), the first three Presidents (Insanally, Essy, and do Amaral) were necessarily limited to playing a more managerial role. On the other hand, once the process of actually drafting some package proposals was initiated during phase two, Razali and Udevenko had a “window of opportunity” to have a more direct impact on the dynamics of the negotiations.

However, a third factor which accounts for variation in the style and quality of leadership may suggest that the causal relationship operates in the opposite direction. Rather than the order of service or their outside positions indicating which Presidents could and could not push for dramatic progress, some participants felt the deciding factor was their personality. For example, several participants highlighted that Insanally and Razali (both of whom were Permanent Representatives) performed differently as leaders because Razali was fearless and willing to take chances whereas Insanally was very much concerned with his country’s (Guyana) reputation in the UN. As a result of these differences, Razali was willing to offer his own proposed reform package even in the face of significant opposition whereas Insanally was more dependent on providing leadership through example.

Many of the participants consulted for this case study were also quick to compare the personalities of Razali and Udevenko because they are the two

21 Personality will receive further attention under perspective three; however, it also needs to be discussed at this juncture since nearly every participant interviewed for this case stressed its important impact on the style and quality of formal leadership.
most recent Presidents and the two most likely to have enjoyed a "window of opportunity" to achieve a significant breakthrough in the negotiations. In general, participants felt that Razali was the more active, charismatic, respected, and dynamic President. However, they also mentioned that he could be egocentric to the point where it obstructed his judgment. Udevenko, on the other hand, was seen as a more cautious and traditional diplomat who also enjoyed a great deal of bureaucratic experience. As a result, delegates felt he was less likely to move in a particular direction if he would face significant opposition. Unfortunately, he also came across to some delegates as rude, abrupt, and unpredictable since he was often seen as following the advice of the last person he consulted. This caused other representatives to lack a high degree of trust and confidence in his abilities.

These different leadership qualities in Razali and Udevenko have caused each to receive very mixed reviews from other participants. For instance, some delegates (mainly those who favor a "quick fix" approach) see Razali as the leader most responsible for pushing the process along toward completion. However, other delegates (mainly those who prefer a slower path to reform) feel that his heavy-handed style actually set the negotiations back several years by creating new suspicions and tensions across the two main sides of debate. Opinions regarding Udevenko are essentially reversed, with the "go slow" camp preferring his less aggressive style and the "quick fix" states wishing he would push harder for substantive progress.

No matter what their view on the relative merits of these two different styles, all of the participants interviewed for this case concluded that Presidential leadership had played a major role, but not nearly a universally
positive one, in the Security Council reform discussions. They argued that this is true largely for two reasons. First, one of the most important roles to be performed by leaders is to sense the timing of debate in order to determine when the situation is "ripe" for a particular compromise or a new proposal. As was uncovered in Chapters Three and Five, Jan Eliasson and Jaap Ramaker were both very adept at this task. However, participants in the Council reform debate have indicated that none of the leaders in this case were able to provide this crucial judgment in a consistent or effective manner. A second concern raised by participants is that formal leaders are supposed to remain impartial so as to enjoy the confidence and respect of all parties in the negotiation. Once Razali pushed for a package more consistent with the "quick fix" approach, he was forever compromised in his standing with the "go slow" states. Furthermore, even though Udevenko has consciously tried to avoid this pitfall, he has been tainted by Razali's action such that all participants seem to be skeptical of any leadership initiatives.

Before moving to the next variable, it is necessary to briefly consider the formal leadership provided by the two Vice-Chairs of the OEWG. Since the Assembly President serves for only one year, there has been great inconsistency in the quality of the Chair over time. This has made the role of the Bureau extremely important, especially given the fact that there has been considerable stability in these positions over time. In fact, one Vice-Chairman, Wilhelm Breitenstein of Finland, has served across the entire history of the reform debate. As a result, several participants indicated that he (along with Riitta Resch on his staff) was actually acting as the institutional memory of the OEWG. Therefore, his contributions have been considerable.
However, the Vice-Chairman have also come under considerable pressure which has limited the effectiveness of their leadership and contributed to the difficulties of building consensus. For instance, after the Bureau surveyed Member States in May of 1997 regarding their reactions to the "Razali Proposal," many participants came to feel that the Vice-Chairs had also taken sides in the debate (this view was particularly strong among those states that favored the "go slow" approach). As a result, the end of the Fifty-First Assembly Session found the OEWG without any formal leadership that was seen as being totally impartial.

However, participants indicated that this type of pressure on the Bureau is nothing new; between 1994 and 1995 the Permanent Representative from Singapore who had been serving as one of the Vice-Chairs, Chew Tai Soo, was replaced by Nitya Pibulsonggram of Thailand because the new Permanent Representative from Singapore was not at all eager to assume such a difficult position of leadership. The pressures (and responsibilities) of the position were reconfirmed two years later when Asda Jayanama (also of Thailand) assumed this spot on the Bureau. Participants indicated that every time the Bureau has changed in composition, there is a risk that a whole "Pandora's box" of other issues will resurface as well given the deep suspicions now held by all sides in the reform process.

Because of these problems associated with formal leadership in the Security Council reform case, it is clear that the mere presence of this variable does not guarantee that consensus will result. Instead, the formal leaders must be seen as impartial and must demonstrate a thorough understanding of the dynamics of the decision process in order to help achieve agreement.
The next variable in this perspective concerns the role of smaller formal negotiating groups in building consensus within the decision unit. Proposition three argues that the presence of these groups in regards to an issue makes consensus more likely because they permit heterogeneous interests to be narrowed down to a few key issues. In the three cases already examined, these groups played an important role in building agreement within the decision unit. Furthermore, this is true despite the fact that each case involved differences in how the groups were created and what type of states were involved. However, these differences are stretched even further in regards to the Security Council reform debate. As a result, some groups have emerged, but none of them have focused on negotiating a consensus since all of them have been involved in promoting specific sets of interests.

Many of the participants interviewed for this case observed that the negotiations on Council reform have been hampered by the virtual absence of many groups which traditionally play an important role in UN politics. The groups they clearly have in mind are geographically oriented combinations of states that help to forge a common position for their members. For instance, groups such as the British Commonwealth, the South Pacific Forum, the Organization for African Unity, the Rio Group, and the Ibero-American Group have all advanced reform ideas, but their common positions are sufficiently vague so as to prevent effective group negotiation. In addition, groups such as the Non-Aligned Movement have been able to arrive at a general preference for an increase of eleven new non-

---

permanent seats and opposition to the veto, but they are internally divided as to many of the other salient issues, including the question of new permanent seats. The problem is even worse in the European Union; although this group arrives at a common position for almost all UN issues, they have been unable to do so on Council reform since some of its most important members join Germany in favoring the “quick fix” approach while others support Italy’s activities to oppose these efforts. In fact, participants interviewed for this case indicated that the only two geographical groups which have arrived at common internal positions on Council reform are the five member Nordic Group and the fifteen member Caribbean Community (CARICOM).

The fact that these geographical groups have played a much less active role on Council reform than is sometimes the case in the UN has certainly contributed to the difficulty of reaching a consensus. However, this independent variable is more directly interested in the presence of groups which form in an ad hoc manner during the negotiation process because it is these groups which can do the most to bridge differences and build consensus. In regards to Council reform, participants interviewed indicated that four such groups have been used across the past few years of the negotiation: the “Belgian Group,” the “Butler Group,” the “Razali Group,” and the “Coffee Group.” Of these four, the least active has been the “Belgian Group” which is

---

23 NAM’s preference for eleven new non-permanent seats was mentioned by Mr. S. Thanarajasingam, Deputy Permanent Representative of Malaysia, at a meeting of the NGO Working Group on Security Council Reform on September 20, 1995. His comments can be found at the Global Policy Forum web page (www.globalpolicy.org).

24 The inability of the EU to agree on a common proposal was stated by Ambassador Francesco Paolo Fulci, Permanent Representative of Italy, at a press conference on February 1, 1996 (UN Press Release DH/2072). In addition, all delegates from EU Member States interviewed for this case reiterated this observation.
also known as the “5+5 Group” given its composition of five West European states and five East European states. While this group was designed to include middle powers from both sides, participants observed that its extremely small size and lack of progress on a common position has prevented it from playing a central role in the OEWG.

However, the other three of these groups have been very active in the negotiations. The “Butler Group” was created by Ambassador Richard Butler from the Australian Mission to the UN in January of 1997. Since Butler had a reputation for getting things done (due at least in part to his CTBT activities discussed in Chapter Five), he made an effort to establish a widely representative group of fifteen to twenty members; however, many participants interviewed argued that the membership of this group was dominated by states who favored the “quick fix” approach. It included Australia, Germany, Japan, India, Indonesia, Brazil, Nigeria, South Africa, Austria, Slovenia, Hungary, Malaysia, Tunisia, Norway, Chile, Kenya, and Guyana, among others. This group started as a series of four informal, invitation-only meetings at the Australian Mission, but it did continue to meet until June of 1997. The members generally agreed on the need for an expansion of permanent and non-permanent seats, but they have internally clashed on the question of new permanent seats for developing countries (specifically on who would get them and whether or not they would have the same privileges as Germany and Japan).

Basic information on the “Butler Group” can be found in “As Reform Negotiations Reach Fever Pitch, Germany & Japan Push for Permanent Security Council Seats” written by James Paul on March 7, 1997. It is available at the Global Policy Forum web page (www.globalpolicy.org). In addition, participants interviewed for this case provided extensive information on the activities of this group.
Participants indicated that the "Butler Group" reflected a common desire to stop the endless debates of phase one and move to identifying possible outcomes. Based on this general desire, the "Razali Group" gradually superseded the "Butler Group" across the Spring of 1997. As its name indicates, the "Razali Group" was created by Razali Ismail, the President of the Assembly during its Fifty-First Session. This group also began informally through meetings in the Malaysian Mission, but it soon became sufficiently formalized so as to hold meetings at UN Headquarters as well. Its members included virtually all states participating in the "Butler Group" plus a few new additions for a total of about twenty. Again, the group included "interested parties" invited to participate based on their support for the "quick fix" approach. This group was primarily responsible for drafting the "Razali Proposal" and its later versions across the Summer of 1997.

The final group active in regards to Council reform was the "Coffee Group" or "Coffee Club." According to participants, this group emerged largely in reaction to the Butler and Razali groups, and was composed of those states that, for whatever reason, were opposed to the "quick fix" approach. Some of the members were involved in regional rivalries with states in the "Razali Group" while others were merely opposed to what they saw as the secretive and biased consultations of the "Razali Group" and the Bureau across early 1997. This group was not limited in membership but open to all states which applied to join based on their preference for the "go slow" approach. It began with twenty-two members but soon expanded to include more than forty-six countries. Its leading members include Italy, Pakistan, Argentina, Mexico, Spain, New Zealand, Indonesia, and Egypt.
Not surprisingly, participants interviewed for this case argued that the states in the "Razali Group" and the "Coffee Group" do not have very favorable views of each other's motives. The "Razali Group" sees the "Coffee Group" as the "paranoia club" that will use any and all means possible to block any substantive progress on the reform issue. On the other hand, the "Coffee Club" sees the "Razali Group" as being eager to circumvent the established procedures in search of a quick expansion that would enhance the power and position of a few select states while relegating others to a second-tier regional status. In other words, both groups were set up to promote the narrow interests of their members and not to engage in substantive debate and compromise towards a consensus proposal. Furthermore, participants indicated that the activities of both groups have poisoned debate to the point where members are openly suspicious of new proposals. For example, members of the "Coffee Club" will no longer support any small group activity or informal consultations because they felt excluded from the "Razali Proposal." Therefore, they now insist that all negotiations take place in the OEWG as a whole to as to prevent any behind-the-scenes deal making.

The expectations outlined in Chapter Two regarding groups and consensus are not confirmed in this case; small groups were used but consensus did not result. However, it is important to point out that these groups were very different than the negotiating groups found on the other two cases. The Razali and Coffee groups did not include a wide cross section of views as had the "Breakfast Group" and "Boat Group" on earlier cases. As a result, these Council reform groups merely served to increase the tension and animosity of the OEWG and actually inhibited consensus building.
Proposition four covers the relationship between the type of procedures used in the decision unit and the likelihood of consensus. The basic argument is that greater flexibility of procedures allows for more creative problem solving, increased freedom to debate issues, greater personal interaction, and ultimately, an increased chance of reaching consensus. On Security Council reform, the use of the Open-Ended Working Group arrangement was designed to make sure that the procedures would be sufficiently flexible so as to allow free-flowing substantive debate. According to participants interviewed, this was actually one of the main motivating factors for abandoning the other possible decision units mentioned above. As a result of this intended flexibility, the lack of consensus on Council reform would seem to stand out when compared to the other case studies and when considered in light of the expectations in Chapter Two.

Participants interviewed for this case did indicate that the OEWG's procedures were, at least in some respects, more flexible than those in the Plenary. The rules regarding distributing working papers and making oral comments were not nearly as strict in the working group. This allowed delegates to great freedom as they exchanged views during phase one of the negotiations. However, the OEWG was designed to make decisions based on "general agreement" which caused its annual reports to the Assembly to be general and vague to the point where basic accuracy was threatened. Furthermore, the nature of debate changed during phases two and three such that the great flexibility of the early negotiations ended as the procedures became more and more cumbersome. As delegates clashed over what procedures would need to be followed for Charter amendment (the L.7 versus
L.47 debate), every aspect of the OEWG's procedures became heavily scrutinized. As a result, informal consultations were severely curtailed, small groups became polarized, and delegates engaged in extensive procedural manipulation in place of substantive debate. And while each of these specific developments will receive additional attention under a separate independent variable, the important observation to make regarding procedures is that they soon became so rigid that consensus building seems to be more inhibited during phase three than it was during phase one or two.

Since the procedures of the OEWG became more rigid over time, the unsuccessful result of the negotiations is consistent with the expectations contained in Chapter Two. In addition, this case supports the findings of the earlier decisions: those cases which enjoyed more flexible procedures in the decision unit achieved a greater degree of consensus than did those where the procedures were more rigid. This would suggest that this variable has great potential explanatory power. However, one important caveat should be mentioned. Since the procedures in this case became more cumbersome and rigid as the participants became more likely to manipulate them and less likely to support informal consultations, it is possible to conclude that these other variables (strategies and informal contacts) may actually provide greater explanatory power. This possibility will be considered later in this case study and in the concluding chapter of the dissertation.

The final variable contained in the first perspective concerns the degree of goal convergence present among the actors in the decision unit at the outset of debate on an issue. Specifically, proposition five argues that a greater degree of goal convergence leads to an increased chance of consensus,
especially when this common ground crosses traditional lines of cleavage within the Assembly. As was the case with the first three decisions, the debate on Security Council reform was extremely complex. The range of issues covered by the two clusters on the OEWG agenda included composition and size, possible expansion of both permanent and non-permanent seats, criteria for selecting new members, new categories of membership, voting procedures, limitations in the scope of the veto, extension of the veto to new permanent members, the required voting majority, measures and practices to enhance its transparency, new more equitable working methods, consultation with interested parties, consultation with troop contributing countries, review of the provisional rules of procedure, improving the work of the sanctions committees, and enhancing its information gathering and analysis capabilities.26

Despite this wide range of contentious issues, the negotiations did begin with all interested states indicating that they had a shared desire to create a more representative, equitable, and effective Council.27 As a result, participants indicated that the United States, who was one of the first permanent members to get the reform discussions moving, calculated that the expansion debate would be relatively quick. And based on this general agreement on the overall goal, it is possible to conclude that this case was actually quite similar to the other three already examined. However, this case differs from the other three in that participant goals on the specific interests

---

26 This list of issues is drawn from Background Paper Number One on the OEWG prepared on January 15, 1996 for the 49th Annual DPI/NGO Conference. It can be found at the conference website (www.un.org/MoreInfo/ngolink/conferen.htm).

27 See the Member State comments in UN Documents A/48/264 through A/48/264/Add.10.

304
under consideration actually grew further apart across the negotiations rather than closer together. On the three earlier cases, the complex range of issues on the agenda was narrowed down to a few key areas of disagreement early in the discussions. Participants interviewed on Council reform did not describe any such process. In fact, all of the issues under Clusters I and II remain on the OEWG agenda more than five years after the debate began, with the negotiations shifting across these areas as each issue becomes stalemated.

This finding is consistent with the expectations outlined in Chapter Two that a lack of goal convergence makes consensus building more difficult. The sheer difficulty of the negotiation process on this case is further demonstrated by two additional points. First, as was mentioned above, geographical groups of states that would normally have adopted common positions have not done so on this case. Therefore, not only are traditional lines of cleavage relevant, but so are some that are virtually unprecedented in Assembly debate. Second, participants interviewed for this case gave many different indications as to the main areas of contention at the end of the Fifty-Second Assembly Session. Some felt that expansion of non-permanent seats was the focus, others remained centered on a permanent expansion, while still others highlighted Cluster II issues such as transparency and access. As a result, the overall agreement on the need for expansion that was present five years ago seems to be virtually absent today. Furthermore, this increased divergence over time has clearly made the consensus building process more difficult and strained as the negotiations have continued.

Analyzing the Security Council reform debate using the formal institution perspective has provided several important insights, many of
which help to highlight why this case involved a very different outcome than those found on the other three decisions. The two most important factors which distinguish this case from those in earlier chapters are formal leadership and negotiating groups. While both of these factors were present, at least to some extent, in this case as they had been in the other three, they played out very differently on Council reform. The analysis uncovered that the exact nature of the leadership and the exact composition of the groups has a huge impact on the ability of these factors to facilitate consensus building. The findings on the other three variables were more consistent with the earlier cases in that size seemed to offer little analytical leverage and that the influence of procedures and goal convergence on consensus building is more nuanced than expected. Furthermore, this case built on the findings of the previous chapters in highlighting that other variables (such as issue characteristics, strategies, and informal contacts) may better capture some of the dynamics uncovered by procedures and goal convergence.

PERSPECTIVE TWO: STRATEGIC INTERACTION

The second perspective contained in the framework focuses on the strategic interaction that takes place between the actors in the decision unit. Since this perspective addresses the hard bargaining and horse trading that occurs between different shifting coalitions, its analysis centers on the activities and characteristics of the participants within the decision unit, as well as on elements of the larger social context in which the decision is made. The specific variables that are examined include the characteristics of the issue in question, the salience of the issue to those actors in the minority
position, the range of actions available to the participants based on their particular attributes, the degree of autonomy of the participants from the actors they represent, and the types of strategies the participants choose to use.

The relationship between issue characteristics and consensus offered in proposition six is that consensus is more likely when the issue is more amenable to compromise solutions. In turn, Young (1989: 366-371) has argued that four considerations can determine if an issue is more or less amenable to compromise. In regards to Security Council reform, issue characteristics are rather similar to the CTBT case in that two of these four considerations may have been present, but the other two certainly were not.

The first consideration examines whether or not the issue was one where all sides saw a clear need for change. According to participants interviewed for this case, Security Council reform was an issue where almost all interested states favored changes that would make the Council more representative, equitable, and effective. The idea of a larger Council appealed to some of the permanent five because they saw an opportunity to get their financial assessments lowered, to various regional powers because they desired to get their special status recognized through permanent seats, and to the developing states in general because they had collectively been relegated to second-class status when the Council was first established in 1945.

This widespread desire for change in the composition and working methods of the Council was further enhanced by the second consideration: the presence of a crisis or shock which increased pressure to get something done. Participants interviewed indicated that such a sense of crisis did

---

38 This is also reflected in the Member State comments gather by the Secretary-General in 1993. See UN Documents A/48/264 through A/48/264/Add.10.
emerge in the early 1990s regarding Council reform for several reasons, many of which were mentioned in the case summary section of the chapter. First, the end of the Cold War created a new sense of cooperation in the UN which allowed previously paralyzed issues to be addressed from a fresh perspective. Second, the Council began to play a much more active and assertive role in world affairs in 1990 and 1991. This was most clearly reflected in the Gulf War, but participants also mentioned Somalia and Bosnia as additional examples. Third, the impending fiftieth anniversary of the UN created an environment which many participants felt was more conducive to reform discussions. And finally, the growing financial problems caused by Member State arrears created a "window of opportunity" for issue linkages (where some states would get permanent seats in exchange for higher assessments) in the eyes of some participants. As a result of these developments, the Council reform negotiations began on a rather positive note in 1993.

Unfortunately, the other two considerations that increase the chance of consensus have not been present in regards to this issue. For one thing, participants interviewed for this case stressed that solutions seen as equitable to all sides were never thought to be likely, and have even become more remote in the eyes of some delegates during phase three of the negotiations. This, in turn, has been reinforced by the fact that no easily identifiable salient solutions emerged from the early discussions during phase one. As was indicated above, Member States remain divided in at least three ways: on the question of whether or not any type of minimal agreement is even possible, on the level of support that would be required to pass a reform proposal in the Assembly, and on the nature of the most central issues under discussion.
As a result of these considerations, the negotiations on Council reform certainly began amid great enthusiasm for change, but this opportunity has not been seized as interested states have grown further apart rather than closer together. This realization, when considered in light of the unsuccessful outcome, is consistent with the expectations outlined in Chapter Two. In fact, the characteristics of the issue (specifically how it became more contentious and complex over time) may provide a great deal of leverage in explaining the negative outcome. Furthermore, two additional comments are possible. First, this case seems to be the exact opposite of the previous three in terms of how the issue changed over time. In the earlier cases participants began the negotiations without much confidence in reaching a consensus, but these concerns proved to be largely ill-founded as a relatively high level of agreement was achieved. However, in this case participants indicated that many delegates thought the reform discussion would be relatively quick and easy, an expectation that has proven to be far from accurate.

Second, many of the delegates interviewed for this case stressed the importance of timing in building a consensus. Specifically, they argued that Security Council reform has not become “ripe” for agreement. Their basic point is that consensus (or for that matter any real level of agreement) is only possible after an issue “ripenes” to the point where all sides are willing and prepared to engage in serious compromise. Furthermore, participants indicated that other factors such as leadership, groups, brokers, personality, autonomy, and informal contacts can have the greatest impact on consensus building only after this occurs. As a result, “ripeness” will receive additional attention later in this case study and in the concluding chapter as well.
The second variable in the strategic interaction perspective addresses the salience of the issue to the participants in the decision unit. Proposition seven argues that consensus will be more difficult when the issue is salient to the participants, especially those in the minority position, because each of them will be more willing to use their scarce resources to block proposals they perceive as inadequate or unacceptable. In regards to Security Council reform, all of the participants interviewed indicated that this is a highly salient issue to almost every single Member State. This is especially true for the permanent five, any specific states or regions that were likely to get a new permanent or non-permanent seat, and virtually any other states which felt that the Council's existing working methods needed to be made more effective and transparent. Since these different groupings included military powers, advanced economies, developing states, and classic internationalists, the range of participants who find this to be a salient issue is quite large.

This high degree of salience is most clearly reflected in the fact that the early meetings of the OEWG were attended almost entirely by Permanent Representatives. Furthermore, some of the most active states on Council reform (the leaders of the "quick fix" and "go-slow" approaches) continue to send their Permanent Representatives to the meetings nearly five years later. And while some participants observed that the OEWG proceedings have become more of a "ritual" or "beauty pageant" as the debate rehashes the same issues time and again, there is evidence that the question of reform remains highly salient to most Member States. For example, participants indicated that attendance for OEWG sessions continues to be universally high, and that many states take advantage of the opportunity to address the
OEWG at virtually every meeting. Furthermore, even when states refrain from advancing their own proposals, they have numerous opportunities to be active in the discussions through more informal consultations.

Based on the discussion in Chapter Two, this high level of salience suggests that consensus will be difficult to achieve since any single member could be willing to block unattractive proposals. Clearly, this expectation is confirmed on this case since as of yet there is no consensus on Council reform. However, proposition seven also contends that the issue of salience becomes most important in the case of those participants in the minority position since they might feel their interests are threatened and move to block agreement. Unfortunately, this case is similar to the humanitarian assistance debate in that it is very difficult to identify which actors are in the "minority position." As was mentioned above, issues associated with Council reform have lead to a great deal of divergence within geographical groups that traditionally speak with one voice. This suggests that almost every state has a different set of interests involved and that everyone is a minority, in at least some respect.

The only common positions that have emerged and survived during the reform debate are the general preferences for the "quick fix" and "go slow" approaches which are reflected in the "Razali Group" and the "Coffee Group." This means that the main dynamic on Council reform has been between these two groups, neither of which is easy to identify as the minority. Participants in each group claim to have a vast majority of the members which support their position, thereby making the other group the minority. These seemingly contradictory claims can be explained based on differences in
how the issues are framed: a majority do support Council expansion but a
majority are also opposed to the methods and specific details of the “Razali
Proposal.” What this suggests is a finding similar to that uncovered during
the humanitarian assistance case: issue salience can have a significant impact
on the dynamics of consensus building, but identifying those in the minority
position is not analytically useful. What matters most is whether or not
different groups of participants disagree on an issue and, if they do, whether
or not any of them see the issue as sufficiently salient so as to block a decision.

On this case, states in both of the main groups are clearly willing to
block unattractive proposals due to the important implications of Council
reform. Furthermore, all participants in these groups have some means that
they can use to block the actions of the other side: some would depend on
their ability to veto Charter amendments, some would rely on financial
muscle, and still others would use their ability to deny any other group a two-
thirds majority in the Assembly. Therefore, while the findings on this
variable are more nuanced than expected, they do nonetheless help to explain
why it has been impossible to achieve a consensus on this case.

The next variable in this perspective relates to actor attributes, and
focuses specifically on the presence of any actors who serve as brokers within
the decision unit. The basic argument contained in proposition eight is that
the presence of such brokers will increase the likelihood of consensus since
they can facilitate negotiation across different groups. Chapter Two suggests
that there are three types of actors who are most inclined to serve as brokers,
but unfortunately, none of them was very active on this case. First, unlike
the findings on the first two decisions (but similar to the CTBT negotiations),
Secretariat officials did not act as brokers on Security Council reform. As the case summary indicated, there was a high ranking official from the Department of Political Affairs assigned to service the OEWG; however, due to the highly contentious nature of the reform debate, participants observed that the individuals serving in this capacity remained focused on their support functions and did not become directly involved in the negotiations.

The second type of actors who could potentially act as brokers on this case are nongovernmental organizations. There is considerable evidence that NGOs have taken great interest in the Council reform discussions. For instance, a variety of NGOs have offered either comprehensive plans for UN reform or at least their own proposals for a new and improved Security Council.29 However, the ability of NGOs to participate in the OEWG is limited because it has been conducting all of its deliberations behind closed doors. The only direct avenues of influence afforded to these actors are when Member State delegates attend NGO sponsored conferences on Council reform.31 In addition, while some NGOs have offered suggestions in regards to the composition of the Council, participants interviewed for this case observed that much of their lobbying effort has centered specifically on trying to increase NGO access to Council deliberations. As a result, NGOs have been helpful in maintaining pressure on the delegates and providing some


30 This frustration is most clearly articulated by the Global Policy Forum, see the Information Statement on the NGO Working Group on the Security Council posted on its web page.

31 The Global Policy Forum web page offers two examples: a Conference on Security Council Reform cosponsored by GPF and the Network on Global Governance held on May 23, 1994 and the NGO Working Group on the Security Council (with 80+ members) set up in early 1995. These meetings have allowed NGOs to interact with more than fifteen state delegates.
informal advice on possible options for reform but, as was the case with the other three decisions, they have not served as brokers in the OEWG debate.

Representatives from Member States are the third type of actor that could potentially serve as brokers in the Council reform discussions. This consideration uncovers another important difference between this case and all three of the earlier decisions: other than a few limited examples of brokering activities, this variable has been entirely absent from the negotiations on Council reform. For starters, the most active states in the OEWG are those which have assumed leading roles in the “Razali Group” and the “Coffee Club.” This includes Germany, Japan, the United States, Britain, France, Nigeria, Brazil, and India on the “quick fix” side and Italy, Pakistan, Egypt, Mexico, Argentina, and Spain from the “go slow” camp. According to participants, none of these delegates could possibly serve as brokers since each one has abandoned any hope of being seen as a honest and impartial negotiator by openly pursuing their own self-interests in this case.

However, the first three case studies suggested that middle powers from Northern Europe, the South Pacific, and elsewhere are often the Member States most likely to engage in these activities. Early in the negotiations during phase one, there is some limited evidence that the Nordic Countries, Australia, New Zealand, Belgium, Malaysia, Singapore, Zimbabwe, Canada, Guyana, the Philippines, and Austria all tried to moderate debate, push for common ground, and offer compromise proposals. For example, in early 1996 Norway tried to act as a broker on the

314 Some of these activities are discussed in “Security Council Reform: Arguments about the Future of the United Nations System” which was written by James Paul in February of 1995. It can be found at the Global Policy Forum web page (www.globalpolicy.org). In addition, these activities were also mentioned by many of the participants interviewed for this case.
issue of new permanent seats on the Council for the three regions of the
developing world: Asia, Africa, and Latin America. Rather than specifying in
advance which states would get these seats, Norway suggested that the
amendment language let each particular region decide what to do with its seat
(both in terms of whether or not the seat would rotate between states and
which exact state or states would get the seat). While this proposal did receive
some positive reactions (since it was very much consistent with the limited
common position that Africa had advanced), it was viewed rather critically by
key players on both sides of the debate (Italy, Pakistan, India, and Brazil). As a
result, this brokering effort was unsuccessful in the end.

Despite the limited efforts of these states, every participant interviewed
for this case argued that one of the major obstacles to consensus building on
Council reform was the virtual absence of any states acting as brokers,
especially during phases two and three of the negotiations. Several of the
participants lamented this absence in rather stark terms by observing that the
“good guys” had not stepped up to play their traditional role. Specifically
mentioned in this regard was Canada and the Nordic countries. In the case of
Canada, it has become a key player in the “Coffee Club” so it can no longer
serve as an impartial broker. In the case of the Nordic states, their
unwillingness to broker stems more from a conscious choice to “keep their
distance” since the debate has become so polarized that every state or group is
seen as having its own agenda. And since all of the delegates in the OEWG
consider reform to be a highly salient issue, any failed attempts to broker a
compromise might damage their long-term ability to perform this role on
other issues. As a result, this case stands in stark contrast to the other three:
few if any actors have been willing to serve as brokers so the consensus building process has been extremely difficult. This finding is consistent with the expectations outlined in Chapter Two and it demonstrates that this particular variable has potentially great analytical leverage to offer.

Proposition nine concerns the autonomy of the participants in the decision unit. The basic argument is that increased freedom to act leads to a greater chance of reaching a consensus because the participants will be more able and willing to take part in deals and compromises. Scholars have advanced two rules of thumb regarding autonomy: the greater the size of the interest of a particular state, the lesser the degree of autonomy for the delegate in question. Interviews with delegates regarding Security Council reform did provide some support for these rules. Participants observed, for instance, that larger states did tend to have more detailed instructions, especially those from Western developed countries. Furthermore, some participants indicated that delegate autonomy in these states is actually decreasing across issues over time as states in the European Union increase their efforts to speak with one voice. As a result, some issues involve policies determined largely by a "troika" of the current EU chair, the past EU chair, and the future EU chair. In these situations, individual delegates from EU Member States would have very little autonomy to negotiate an independent path.

As was mentioned before, Council reform was an issue where the EU did not have a common position. Therefore, participants from these states were quick to point out that this particular constraint on their autonomy was not present on this issue. However, they did indicate that their autonomy was still severely limited by their home government. In addition, they
argued that this was often the case with delegates from smaller states as well because those individuals actually depended on instructions from home even more since their staffs in New York were necessarily small. This would suggest that the simple dichotomy between large and small states outlined in the "rules" regarding autonomy is less than helpful.

In the end, participants interviewed for this case argued that the more relevant of the two "rules" concerned interest. As was discussed above, nearly all UN members considered this to be a highly salient issue and many of them were deeply interested in it as is reflected by their active participation in the OEWG. Based on this, many of the participants stressed that delegate autonomy was uniformly low across countries on Council reform. In fact, participants concluded that this factor overshadowed any possible variation in autonomy based on state size. This finding is quite similar to the low degrees of autonomy uncovered on the other three cases; however, Council reform represents a situation where this lack of freedom is joined by a lack of consensus within the decision unit. Therefore, this correlation is consistent with the expectations outlined in Chapter Two, but the overall utility of this variable must still be questioned given the fact that at least two of the other cases did not exhibit this same relationship.

Some additional observations on autonomy in the Security Council reform case are necessary. First, during the analysis of the other three decisions, significant nuances were uncovered in regards to the role of autonomy in UN processes. While these nuances were also present in this case, they did not contribute to successful consensus building as before. For instance, participants once again highlighted the important distinction
between instructions on ends and instructions on means. Furthermore, this was mentioned even in the case of states which have taken very clear and set positions on reform. Often mentioned as examples of this distinction during OEWG debate were Ambassador Francesco Fulci of Italy and Ambassador Ahmad Kamal of Pakistan. Both of them are representing states which have a set position opposed to any “quick fix” approach but, as long as they remain focused on this goal, they seem to enjoy the freedom to use whatever means necessary to block the “Razali Proposal.” As a result, they have been free to use both alternate substantive proposals and procedural manipulation as needed in order to prevent consensus on seats for Germany and India.

Finally, one additional nuance in autonomy that was not present in regards to the first three cases was also uncovered in delegate interviews. Some participants expressed frustration with other Missions due to apparent inconsistencies in country positions. The most common complaint was that the UN Mission of a particular state would be advancing a position that was not the same as what the home ministry was telling foreign embassies in the capital. When asked to explain these contradictions, UN delegates cited their instructions from home as being the source of their actions. One example of this concerned several NAM countries. In New York these states were pushing for a Council of twenty-six, expressed only very limited support for new developed seats, and advocated strict limits on the veto whereas their home ministries were seen as being more flexible on each of these points. This nuance suggests that a lack of coordination across different branches of government is a significant problem which can inhibit consensus building. This possibility will receive additional attention in the concluding chapter.
The final variable contained in the second perspective addresses the different types of strategies available to the participants in the decision unit. Specifically, proposition ten argues that the use of strategies which focus on the substance of the issue (as opposed to procedural manipulation) will lead to a greater chance of a consensus outcome. In regards to Security Council reform, the distinction between substantive debate and procedural manipulation seems to mirror the findings on issue characteristics above. Participants interviewed for this case observed that the first four years of negotiations allowed greater opportunity for substantive debate (while there was greater enthusiasm for effective progress) whereas phase three has been virtually dominated by procedural manipulation (since the chance for equitable compromises is seen to be especially remote).

This is not to suggest that phases one and two involved no procedural manipulation and that phase three has involved no substantive debate, but every participant interviewed for this case did assert that the whole nature of negotiation changed for the worse during phase three. As was mentioned in the case summary, phase one provided all interested states an opportunity to exchange views on both clusters of issues. During this time, over one hundred Member States presented alternate substantive proposals to the OEWG and the Plenary. This exchange of views represented an important first step in the consensus building process in the eyes of many participants. However, these participants also indicated that many delegates became frustrated with the permanent five during this period because they were consistently responsible for delaying action. This was not the result of explicit

\[319\]

See, for example, UN Documents A/48/264 through A/48/264/Add.10, A/49/47, A/49/965, and A/50/47.
procedural manipulation, but instead, it occurred because the permanent five refused to advance clear positions on key questions of Council composition. This, in turn, acted as a brake on substantive debate since the permanent five would need to support any successful reform plan.

Despite this delay from the veto powers, phase one and most of phase two focused primarily on the different substantive proposals regarding composition and voting procedures mentioned during the case summary. Unfortunately, the situation changed dramatically after the "Razali Proposal" emerged in the Spring of 1997. Every participant interviewed indicated that this working paper and the subsequent reaction of the "Coffee Club" brought procedural manipulation to the forefront of OEWG activity. States favoring the "go slow" approach were very concerned and "put-off" by the secretive and abrupt efforts of the "Razali Group" and the Bureau. As a result, they introduced draft resolution L.7 in an effort to prevent any votes in the Plenary before their concerns were addressed. In response, the "quick fix" states attached an amendment to L.7 (referred to as L.47) which again focused on manipulating the procedures associated with Council reform. Because of these efforts, negotiations over Council composition remain stalemated at the end of the Fifty-Second Assembly Session.

Some limited substantive debate has taken place during phase three, but only related to the working methods of the Council. Furthermore, these efforts soon reached an impasse of sorts with the permanent five resisting proposals on transparency and access supported by virtually all of the other 180 Member States. Much of this delay goes back to the same lack of a clear position within the permanent five that was mentioned during phase one.
Participants have observed that one of the major "offenders" in this respect is the United States. For the first four years of the negotiations it was only possible to uncover the US position through vague inferences and inconsistent statements. However, in July of 1997 the US stated its preference for a Council composed of twenty or twenty-one states with five new permanent (but non-veto) seats (for Germany, Japan, and one each from Asia, Africa, and Latin America), at most one new non-permanent seat for a developing state, and no new limitations or restrictions on the veto. However, this proposal did not receive much praise from other UN members (it was called "too little, too late") and did not contribute to the negotiations over working methods which took center stage in late 1997.

Based on these dynamics, it is possible to conclude that some procedural manipulation has occurred throughout the Council reform debate, but that it has become much worse during phase three. As a result, it has been difficult, if not impossible, for delegates to engage in real substantive debate during OEWG meetings. Therefore, this change over time helps to explain why consensus has not been achieved and is also consistent with the expectations discussed in Chapter Two.

Examining the Security Council reform negotiations with the strategic interaction perspective has provided several important insights, many of which are both consistent with the findings on earlier cases and, at the same time, help to account for the difficulties associated with consensus building on this issue. First, once again both issue and participant characteristics

---

influenced the dynamics of the negotiations in the decision unit. Second, although brokers and strategies played out very differently on this decision as compared to the others (with almost no activity by brokers and increased procedural manipulation late in the negotiations), the findings were consistent with the earlier results and did suggest some explanations for the unsuccessful outcome on Council reform. Finally, the other three variables (issue characteristics, minority salience, and participant autonomy) provided more nuanced results than were expected, but many of these nuances (such as instructions on means versus instructions on ends) have been present across several of the cases. Therefore, the full implications of these nuances will be explored in the concluding chapter of the dissertation.

PERSPECTIVE THREE: INFORMAL NETWORKING

The third perspective contained in the framework focuses on the informal networking between participants that takes place behind-the-scenes. Since this perspective explores the informal processes and personal relationships that form among the participants in the decision unit, its analysis centers on the status systems, communication networks, and working relationships that exist within the organization. The specific variables which are examined include the informal contacts that occur within the decision unit, the long-term working relationships that develop between participants, the personal attributes of the participants, the role of ad hoc leadership, and the nature of the perspectives advanced by the participants.

The presence of informal contacts among the participants in the decision unit, according to proposition eleven, increases the likelihood of
consensus because they provide the participants with the opportunity to plan strategies, exchange ideas, seek out sponsors, flush out otherwise vague positions, and develop friendships. This variable represents another factor where the Security Council reform case provides very different results than those found on earlier cases. During the discussions relating to all three issues where some degree of consensus was achieved, informal consultations were found to play a central role in helping delegates overcome serious obstacles to agreement. However, on Security Council reform similar informal consultations have been almost entirely absent, especially in the later stages of the negotiations.

Phase one, and to a lesser extent phase two, of the OEWG negotiations did involve some limited use of informal consultations. Some participants observed that the diversity and complexity of the issues associated with Council reform made it impossible to engage in specific negotiations in the more formal and well-attended meetings of the working group. These informal contacts allowed delegates to exchange more detailed information regarding their views on a wide range of issues, especially those relating to Cluster I concerns such as Council composition and overall size. In addition, informal consultations were used on some occasions during phase one by the Bureau so it could more accurately gauge Member State opinions and draft annual reports to the General Assembly that, although vague, were at least acceptable to all OEWG participants.

These limited efforts continued, on a more narrow scale, during phase two of the negotiations. As the "Razali Proposal" was being drafted in early 1997, fierce lobbying on the luncheon and cocktail circuit was taking place.
across UN Missions, parties, and delegate lounges in New York. Furthermore, according to Menon (1997:1), these activities in New York were also joined by numerous bilateral meetings on Council reform between states in country capitals around the world. However, these informal contacts, as described by participants, were different from those uncovered on the other three cases in that they were almost entirely devoted to consultations within established groups. In other words, these meetings helped the “Razali Group” draft its conference room paper, but they did nothing to build bridges by incorporating those states which preferred the “go slow” approach. These problems were further intensified after the Bureau completed its consultations with Member States on the “Razali Proposal” in May of 1997. Participants observed that informal contacts continued to take place across that summer, but that they were internal to the two main established groups, the “Razali Group” and the “Coffee Club.”

As a result of the composition of these informal consultations, great tension and hostility began to surface in the OEWG. Several participants interviewed for this case attributed this development to the “inappropriate foundations” of the “Razali Group.” The small group activities and informal consultations associated with Razali’s efforts were nothing new in the Assembly; in fact, these participants argued that they were necessary for consensus building. However, they felt it was entirely inappropriate for Razali, the Assembly President at the time, to “take a side” in the debate and set up a small group and informal consultations to reflect this bias. Many

---

35 This observation is contained in “As Reform Negotiations Reach Fever Pitch, Germany & Japan Push for Permanent Security Council Seats” by James Paul. It was posted to the Global Policy Forum web page (www.globalpolicy.org) on March 7, 1997. In addition, several participants interviewed for this case highlighted the importance of these meetings.
states sympathetic to the "go slow" approach saw these efforts as a behind-the-scenes maneuver to circumvent normal patterns of debate, and the membership of the "Coffee Club" increased rapidly after mid 1997.

A second potentially more serious development also resulted from this resentment of the methods used to generate the "Razali Proposal." Nearly every participant interviewed for this case indicated that phase two involved the last serious efforts to use informal consultations to foster agreement. During phase three the members of the "Coffee Club" have consistently opposed the use of any small groups, informal consultations, "friends of the chair," breakfast meetings, or any other kind of behind-the-scenes activities because they are very suspicious of the motives of the "quick fix" states. As a result, they want to make sure all debates, exchanges, proposals, and working papers are handled "out in the open" where states with all different interests regarding Council reform can fully participate.

These findings on informal contacts during the Security Council reform negotiations are consistent with the expectations contained in Chapter Two: these contacts were used far less than on previous cases and a far lesser degree of agreement (actually no real agreement at all) was achieved. Furthermore, this variable joins with negotiating groups, formal leadership, brokers, and strategies to help explain why this case did not result in a successful outcome. Specifically, it uncovers once again how the very nature of the negotiations changed during phase three such that participants remain pessimistic regarding the future prospects of Council reform.

The second variable in the informal networking perspective is designed to build on the informal contacts just discussed to examine the long-
term working relationships that exist within the decision unit. Proposition
twelve argues that the better these relationships are, the greater the likelihood
of consensus. In regards to Security Council reform, the working
relationships found in the OEWG have been both positive and strained at
different points in the debate. This, in turn, has contributed to some progress
in the discussions, but it has prevented these relationships from facilitating
consensus building to the extent found in the other three cases.

According to participants interviewed for this case, positive working
relationships are most evident within the “Coffee Club” and “Razali Group.”
The main players in each group (Italy and Pakistan on one side, Germany and
Japan on the other) have been very skilled at using their positive working
relationships with certain states so as to increase the level of support enjoyed
by their particular group. In other words, positive working relationships
have often gone hand-in-hand with common goals in regards to the issues
under discussion. While some participants did suggest that Germany and
Japan had been more low-key about using these relationships (with Italy and
Pakistan seen as pushy at times), both sides can point to important areas of
success. For instance, several delegates highlighted that the active role played
by Spain in support of Italy within the “Coffee Club” was due at least in part
to the positive working relationships that existed between various personnel
in these two UN Missions.

However, there is also some evidence that these positive working
relationships were present across the two main sides of the debate. The most
commonly mentioned example of this highlighted by participants concerns
the relationship between Italy and Germany, both of whom are active players
on opposite sides of the debate. Nonetheless, across the early exchange of views and continuing through the period of procedural manipulation in phase three, Ambassador Francesco Fulci of Italy and Ambassador Tono Eitel of Germany have remained close friends. Furthermore, participants indicated that this is not an isolated example.

Several possible explanations for these positive working relationships in the midst of tension and hostility were offered by participants during the interviews. Several highlighted the fact that many of the participants are Permanent Representatives who have long and distinguished careers which creates a certain degree of mutual respect. In addition, whether the participant is a Permanent Representative or another top political officer in the Mission, they realize that these are colleagues with whom they will need to address a wide range of issues other than Council reform. As a result, even though they may be diametrically opposed on this issue, they may need each other's help and support in the future. Finally, with the exception of a limited amount of turnover, the delegates in the OEWG have been dealing with this issue for over five years so they know each other on a professional and personal level. This has created a situation where all statements to the OEWG begin "my good friends" and some delegates have expressed their desire not to be caught in "the crossfire of bouquets."

Unfortunately, this case stands out from the other three in that these positive working relationships have not translated into effective consensus building, especially during phase three of the negotiations. Participants have suggested that there are three main reasons for this. First, during phase three the positive working relationships that do exist merely reflect the fact that
delegate posturing has remained courteous. Since the debate on Cluster I is
totally stalled and the permanent five continue to delay action on working
methods (much to the frustration of the developing world), most of the
interaction in the OEWG has become a "ritual" or "beauty pageant" with all
parties focusing solely on how they can best present themselves as
contributing to the overall process of reform. Second, some participants
observed that working relationships have had less overall impact on the
negotiations than would normally be the case due to the rigid national
positions which delegates have been forced to advance. In other words, this
would suggest that low autonomy can prevent positive working relationships
from contributing to effective consensus building.

Finally, some participants observed that the overall character of the
working relationships in the OEWG were not actually all that positive.
While some states certainly did get along across groups (such as Italy and
Germany), these participants argued that many did not. Several examples
were mentioned in this regard. For instance, these participants felt that
Russia, Britain, and the United States have been very rude and dismissive to
other states, especially on the transparency issue. This, in turn, merely served
to strengthen the demands for change and harmed the overall chance for
progress on Cluster II. In addition, some members of the "Razali Group"
have been discourteous to Ambassador Nabil Elaraby of Egypt, one of the
most moderate of the "go-slow" advocates. Going the other direction,
Ambassador Ahmad Kamal of Pakistan has displayed a heavy-handed style
and lack of tact that has strained his relationship with many of the "quick fix"
states. As a result of these difficulties, the consensus building process has
ground to a halt during phase three, an outcome which is very much consistent with the expectations discussed in Chapter Two. In addition, these problematic working relationships suggest that personality (the next variable to be addressed) plays a key role in determining how delegates interact.

Proposition thirteen argues that the personal attributes of the participants in the decision unit can have an important impact on consensus building. Specifically, the greater the skill and reputation of these actors, the more likely it becomes that they will be able to achieve a successful outcome. In the case of the Security Council reform discussions, participants interviewed for this case argued that personal attributes did have a significant impact on the dynamics of the OEWG negotiations. In addition, their impact on this case echo some of the findings uncovered on earlier cases, particularly those on the CTBT debate. However, the specific way in which this variable played out on Council reform is somewhat different than on the other decisions already examined, and these differences help to explain why the delegates were not able to overcome the obstacles to reform present in phase three as they had been able to do at critical junctures in other cases. As such, these findings are largely consistent with those outlined in Chapter Two.

The first and most important observation that should be made is that personal attributes have both facilitated and inhibited consensus building on Council reform. In other words, participants stressed that personal attributes can “go either way” in terms of their impact on delegate interaction. This finding illustrates an significant similarity with the CTBT debate, and suggests an important manner in which these less successful cases differ from the Law of the Sea and humanitarian assistance. For example, the Permanent
Representatives from New Zealand (Colin Keating) and Canada (Robert Fowler) were widely respected by their colleagues for having the courage to lobby their home government for a substantial change in their country's position on Council reform (from the "quick fix" to the "go slow" approach) when the nature of the reform proposals under consideration became less attractive to the interests of their states. So even though they were abandoning some of their traditional allies, their personal attributes prevented this from souring their overall relationship. Other delegates mentioned as being able to make positive contributions to the debate based on their personal attributes (even in the opinion of participants on the opposing side of the issue) were from Belgium (Alex Reyn), Japan (Hisashi Owada), Germany (Tono Eitel), India (Satyabrata Pal), and Brazil (Celso Amorim).

However, other participants indicated that personal attributes have actually hampered effective consensus building in this case. Part of the problem, according to these observers, is that over time many of the delegates in the OEWG have been very high level mission personnel with ambassadorial rank. As a result, there have been some individuals whose egos clearly outshine their diplomatic abilities. This has both increased the amount of posturing in debate and further strained certain working relationships (as was mentioned above). And while the level of representation in the OEWG has declined during phase three (with the permanent five no longer sending their Permanent Representatives at all), many states continue to frequently involve their most senior personnel.

The negative impact of personal attributes on consensus building is further reflected when one examines the situations where this factor could
potentially have the most dramatic impact on achieving consensus. These situations, which were uncovered in all three of the previous case studies, include individuals who are serving as formal or informal leaders. The personal attributes of the first type of individuals (covering the President of the General Assembly and the Bureau) were examined above under formal leadership. This analysis discovered that two of the most important formal leaders, Razali Ismail and Hennadiy Udevenko, had personal attributes which resulted in actions that, at least in some respects, made consensus building more difficult. Participants argued that this was especially true in the case of Razali during the Spring of 1997 when his reform proposal was released in the face of significant opposition.

The fact that the formal leadership was seen as biased at the most critical stage of the negotiations caused another set of individuals to provide ad hoc leadership during phases two and three of the negotiations. This situation actually represents the fourth variable under informal networking which is argued to influence consensus building (according to proposition fourteen) for much the same reason as formal leadership. As such, the findings on this variable in the Security Council reform case are quite similar to those regarding formal leadership mentioned above. The mixed influences of the President and the Bureau on consensus building over time were also true of the ad hoc leaders that emerged in response to their initial failures. While these ad hoc leaders certainly differed in terms of their individual personal attributes, they did share the goal of blocking any "quick fix" proposals. As a result, it is possible to conclude that they have been very effective at meeting their goal, but that their goal has inhibited consensus.
The individuals which emerged to provide this ad hoc leadership have been called the "Gang of Four" by many of the participants in the OEWG. This set of key players in the "Coffee Club" includes the Permanent Representatives from Italy (Francesco Fulci), Mexico (Manuel Tello), Egypt (Nabil Elaraby), and Pakistan (Ahmad Kamal). All four individuals were able to assume ad hoc leadership positions because they were experienced, well-respected, and willing to play an active role on the issues under debate. However, their personal attributes and diplomatic style were all quite different, with varying degrees of effectiveness. Fulci and Tello have been the most successful of the "Coffee Club" leaders because they have mastered the art of persuasion, participating in diplomatic compromise, and (at least in the case of Tello) advancing principled arguments. Elaraby has also used persuasion and compromise to exert his influence; however, participants felt his overall effectiveness was reduced due to his slow, deliberative, and legal style. Finally, the relative outlier of the group is Kamal whose aggressive and heavy-handed style has allowed him to accomplish much, but has also generated many enemies. In the opinion of many participants, his was the least effective style of leadership, especially over the long-term. However, these participants also indicated that the "Gang of Four" was particularly effective at blocking agreement on the "Razali Proposal" because they collectively had an appropriate mix of useful personal attributes.

What this analysis suggests is that the presence (or absence) of ad hoc leadership is important, but it is not enough for successful consensus building. Instead, these ad hoc leaders must emerge with the specific goal of building agreement (not blocking alternate proposals as was the case in
regards to Council reform) and with an appropriate set of personal attributes to accomplish this task. In other words, the findings on this variable are similar to those on formal leadership and negotiating groups: the presence of certain variables can facilitate consensus, but it can only be achieved if the exact nature and composition of these factors is of a specific type.

The final variable contained in the third perspective looks at whether or not the participants in the decision unit adopt a broad perspective on the issue. As proposition fifteen indicates, the basic argument is that participants with broader interests who are open to a greater range of proposals will help facilitate consensus building. This variable uncovered an important difference between the first two successful cases and the relatively less successful CTBT negotiations. These differences are further highlighted in regards to the Security Council reform discussions. While there were a few efforts to offer broader based proposals during phases one and two, phase three has been characterized by a retrenchment where each particular state is most concerned with ensuring that its interests are reflected in any changes that are made in the composition or working methods of the Council.

Even as early as 1993 when the Secretary-General surveyed Member States regarding their views on Council reform, there was some effort to work for common proposals. This was more directly reflected across 1994 and 1995 when much of the activity in the OEWG focused on exchanging views on different aspects of the reform issue. For instance, Austria, Belgium, the Czech Republic, Estonia, Hungary, Ireland, and Slovenia offer a joint proposal on September 18, 1995 that later became the basis of the short-lived "Belgian

---

333

---
In addition, New Zealand and Argentina offered a joint working paper on May 17, 1996 that was later presented to the OEWG on June 7, 1996. Finally, as was mentioned above, both the Nordic Group and CARICOM have been able to offer joint proposals covering Cluster I and Cluster II issues.

Probably the most dramatic example of a joint working paper on this case was the “Razali Proposal” in the Spring of 1997 which, according to some participants interviewed for this case, was intended to be an early draft agreement or “rolling text.” However, the manner in which this proposal was created made it very different than the draft agreements or “rolling texts” found on the other three cases. These earlier efforts were designed to bridge differences and forge agreement whereas the “Razali Proposal” was designed to advance the interests of the “quick fix” states without any input from the “go slow” camp. A similar problem actually confronted all other efforts to draft joint proposals, including those cited in the previous paragraph. Participants indicated that all of these proposals were seen as representing or advancing a particular set of narrow preferences and were thus greeted in a very skeptical or suspicious manner. This situation became especially bad during phase two and has persisted across phase three in 1998.

Clearly, this inability or unwillingness to offer joint proposals was both caused by and contributed to the atmosphere of tension, hostility, and pessimism found in the OEWG during phase three. Furthermore, it has made progress towards consensus almost impossible to achieve. This difficulty is also reflected in the fact that geographical groups which

---

17 This proposal is contained in UN Document A/49/965.

18 This proposal is available on the Global Policy Forum web page (www.globalpolicy.org).
traditionally speak with one voice in the Assembly (such as the European Union) have been unable to so on this case. In addition, participants have indicated that one of the two main groups which does exist, the "Coffee Club," has been unable to come to any type of internal agreement on Cluster I or Cluster II issues. In other words, the only common bond which holds the states in this group together is their shared opposition to the "Razali Proposal" and the "quick fix" approach that it reflects.

One final point on this variable is necessary. Broad perspective is similar to the other factors included in the third perspective in suggesting that the consensus building process became more difficult over time during the Security Council reform discussions. This stands in stark contrast to the other three cases where disagreements were slowly narrowed across the negotiations such that some degree of agreement became possible. As a result, the findings on this variable help to explain the negative outcome on this case and are consistent with the expectations discussed in Chapter Two.

Investigating the Security Council reform negotiations with the informal networking perspective has provided several important insights, many of which help to illustrate why the outcome on this case differed considerably from those on the earlier cases. The previous three chapters found that the variables in this perspective explained how the participants in those cases were able to overcome at least some substantial obstacles at critical junctures in the decision process. However, this case has demonstrated that the absence of these factors (such as informal contacts), or even the absence of a specific type of these factors (such as effective ad hoc leadership which seeks to build agreement rather than to block it), will prevent participants from
overcoming potentially serious obstacles to consensus. As a result, the analytical leverage of the variables in the third perspective is confirmed once again, as will be reflected in the modified framework outlined in the concluding chapter of the dissertation.

CONCLUSIONS ON THIS CASE

This examination of the debate over Security Council reform provides an important contrast to the more successful cases analyzed in Chapters Three and Four. However, in spite of the very different outcome, one of the most dramatic findings of this case study is that the unique contributions of each perspective were confirmed: the institutional perspective focused on the potential benefits and difficulties associated with the Open-Ended Working Group approach, the strategic interaction perspective highlighted how delegate interaction regarding key issues (such as Council size and composition) became more strained over time, and the informal networking perspective suggested factors that could have enabled the participants to overcome these obstacles to agreement, had they been present to the extent that they were on the earlier cases.

Another similarity between this case and those examined in earlier chapters concerns the fact that, as Table Seven indicates, the same set of variables offers the greatest analytic leverage in understanding the difficulties associated with reaching agreement on Council reform. This is true for the variables which "set the stage" and for those variables which account for the very different dynamics which unfolded in the decision unit. For instance, consensus building on Council reform was clearly more difficult given the
<table>
<thead>
<tr>
<th>Perspective and Variable</th>
<th>Case 1: Humanitarian Assistance</th>
<th>Case 2: Law of the Sea</th>
<th>Case 3: Test Ban Treaty</th>
<th>Case 4: Council Reform</th>
</tr>
</thead>
<tbody>
<tr>
<td>Size</td>
<td>Large</td>
<td>Large</td>
<td>Large</td>
<td>Large</td>
</tr>
<tr>
<td>Formal Leadership</td>
<td>Sense of timing, impartiality, expertise, &amp; diplomatic skill</td>
<td>Sense of timing, impartiality, expertise, &amp; diplomatic skill</td>
<td>Sense of timing, impartiality, expertise, &amp; diplomatic skill</td>
<td>Rushed process &amp; took sides after phase one</td>
</tr>
<tr>
<td>Negotiating Groups</td>
<td>Extensive use: included all relevant states</td>
<td>Extensive use: included most relevant states</td>
<td>Some use but too large for serious negotiation</td>
<td>Groups only promote one-sided proposals</td>
</tr>
<tr>
<td>Procedures</td>
<td>Flexible across negotiations</td>
<td>Flexible across negotiations</td>
<td>Some rigidity over time</td>
<td>Became area of intense dispute</td>
</tr>
<tr>
<td>Goal Convergence</td>
<td>Agreement on overall goal</td>
<td>Agreement on overall goal</td>
<td>Divergence on overall goal</td>
<td>Divergence on overall goal</td>
</tr>
<tr>
<td>Issue Characteristics</td>
<td>Crisis present &amp; main areas of contention clear</td>
<td>Crisis present &amp; main areas of contention clear</td>
<td>Crisis present but numerous areas of contention</td>
<td>Crisis present but disagreement grows over time</td>
</tr>
<tr>
<td>Minority Salience</td>
<td>Salient issue with no clear minority</td>
<td>Salient issue and limited minority activity</td>
<td>Salient issue and extensive minority activity</td>
<td>Salient issue with majority &amp; minority unclear</td>
</tr>
<tr>
<td>Actor Attributes</td>
<td>Brokers present and effective</td>
<td>Brokers present and effective</td>
<td>Some brokers but mixed results</td>
<td>No brokers after phase one</td>
</tr>
<tr>
<td>Participant Autonomy</td>
<td>Low but “rules” supported; issue of timing</td>
<td>Low but “rules” supported; timing and ends vs. means</td>
<td>Low but “rules” supported; timing, means vs. ends, &amp; expertise</td>
<td>Low with some “rules” supported; coordination in mission at issue</td>
</tr>
<tr>
<td>Strategies</td>
<td>Substantive</td>
<td>Mixed</td>
<td>Mixed</td>
<td>Now procedural</td>
</tr>
<tr>
<td>Informal Contacts</td>
<td>Extensive use at critical junctures</td>
<td>Extensive use at critical junctures</td>
<td>Some use at most critical junctures</td>
<td>Not used during phase three</td>
</tr>
<tr>
<td>Working Relationships</td>
<td>Positive</td>
<td>Positive</td>
<td>Some positive, others not</td>
<td>Some positive, others not</td>
</tr>
<tr>
<td>Personal Attributes</td>
<td>Cooperative: knowledgeable, courteous, and open-minded</td>
<td>Cooperative: knowledgeable, courteous, and open-minded</td>
<td>Mixed: some cooperative but marred by excessive ego</td>
<td>Mixed: some cooperative but later abrasive &amp; confrontational</td>
</tr>
<tr>
<td>Ad Hoc Leadership</td>
<td>Little activity</td>
<td>Very active; built agreement</td>
<td>Limited use and mixed results</td>
<td>Extensive use to block proposals</td>
</tr>
<tr>
<td>Broad Perspective</td>
<td>Present in “fire brigade”</td>
<td>Present in “fire brigade”</td>
<td>Not present</td>
<td>Not present</td>
</tr>
</tbody>
</table>

TABLE 7: Summary of Findings, Cases 1 - 4
fact that the procedures of the decision unit became the subject of intense
dispute, that divergence in regards to the goals of the reform effort increased
over time, that many participants resorted to procedural manipulation, and
that few (if any) were willing to look beyond their narrow self-interests.

However, as was true in the earlier cases, participant interviews
highlighted that six variables provided the greatest insights into exactly how
and why the decision unit has been unable to reach a consensus: leadership
(this time covering both formal and ad hoc), negotiating groups, issue
characteristics, brokers, informal networking, and personal attributes.

While the most useful variables may have been the same, the "story"
they uncovered was quite different from the humanitarian assistance and
Law of the Sea cases. Furthermore, the "story" is even different from the
CTBT case where some agreement was possible but consensus was not. In
other words, while the same variables help to understand the internal
dynamics of the Assembly, Table Seven shows that they influenced
decisionmaking in very different ways on this case. As a result, this analysis
builds on the findings in the CTBT case to illustrate that the framework offers
utility in understanding both successful and unsuccessful consensus building.

This case stands out from the other three in that consensus building
became more difficult over time. Due to the "setting the stage" variables
mentioned above, none of the participants expected agreement on Council
reform to be easy. However, all of the variables that in the first two cases
facilitated consensus only served to make the process more difficult this time
around. By phase two, the formal leadership present misjudged the timing of
debate which caused the Bureau to rush the process and be seen as biased
toward the "quick fix" approach. In response, a variety of ad hoc leaders emerged in order to ensure that the "quick fix" proposals would not be adopted in light of the significant objections of some members. In other words, formal and ad hoc leaders were intentionally working so as to stalemate each other on Council reform. At the same time, the only groups which emerged were designed to promote specific perspectives on Council reform rather than to engage in serious negotiation. All of this was made worse by the inability of the participants to narrow down the wide range of salient issues covered by clusters one and two.

As was mentioned in regards to the CTBT case, it might still have been possible to reach agreement had the other three variables listed above been utilized as they were on the first two cases. However, once the process became "poisoned" by conflictual leadership in early 1997, all efforts to draw on informal contacts were resisted by the "go slow" camp and states that would normally serve as brokers sought to avoid that type of activity on this case. The fact that everyone was seen as having their own agenda was further exacerbated by the abrasive and confrontational personalities of some key participants during phase three.

As a result of the fact that the same six variables offer the greatest leverage in understanding both successful and unsuccessful consensus building, they should be placed at the center of future investigations of this process. The concluding chapter which follows will focus on these specific issues as it outlines a revised decisionmaking framework.
CHAPTER 7

CONCLUSION

The primary goal of this dissertation is to develop an analytic framework that provides leverage in understanding why consensus is possible in the case of some global policy decisions and not others. As such, the proposed framework focuses heavily on the procedures, actors, and networking which are argued to play a central role in international organization decisionmaking. Based on the empirical research which was completed during the case studies, there is considerable evidence that this goal was achieved: the decisionmaking framework outlined in Chapter Two did allow for a nuanced and robust examination of the political dynamics found in recent General Assembly decisions regarding humanitarian assistance, the Law of the Sea renegotiation, the comprehensive test ban, and reforming the UN Security Council.

However, the contributions of this dissertation to the study of international organizations, and international relations in general, extend beyond the primary goal mentioned above. As a result, this chapter will seek to examine the various findings of the empirical research, offer some conclusions about which independent variables offer the greatest analytical leverage in understanding consensus building, outline a revised decisionmaking framework, and consider the implications of this research for
some of the areas of literature surveyed, and utilized, in Chapter Two. In addition, this chapter will also stress the value of direct access to participants in international organization decisionmaking by discussing some of the key insights into United Nations processes uncovered during the interviews at UN headquarters in New York. Finally, the chapter will conclude with a brief consideration of some possible alternate explanations for the variation in the level of consensus reached on the four case studies and mention some of the implications of this project for future research on international organizations.

**MAIN CONTRIBUTIONS OF THE STUDY**

One of the first observations that should be made regarding the results of the empirical research is that the original decisionmaking framework designed in Chapter Two offered useful leverage in regards to all four of the case studies. Specifically, the framework was able to identify important institutional and procedural parameters of the decision process as well as to identify how different actors might be able to maneuver and interact, in both formal and informal settings, based on their particular attributes. The primary reason why the framework was able to offer such meaningful insights into the processes of consensus building lies in the fact that it effectively synthesized the insights of three different perspectives regarding the central dynamics of organizational decisionmaking.

This observation is confirmed by the fact that each of the perspectives contained in the framework offered both unique and important insights into the decisionmaking on each case. Specifically, each perspective included variables that allowed it to capture dynamics that account for certain aspects
of the variation in level of consensus found across the four cases. For instance, the formal institutions perspective focuses on the decision unit as a whole and, as a result, it missed some of the internal politics that the other perspective illuminate. However, through its focus on leadership, groups, procedures, and goal convergence, the first perspective did uncover many of the potential difficulties associated with building agreement in these complex cases. This was especially true in regards to the final case study on Security Council reform (and also to some extent on the comprehensive test ban case) where the formal institution perspective identified differences in the type of leadership, the composition of the negotiating groups, the rigidity of the procedures, and the degree of goal convergence such that a far more limited degree of agreement was achieved than on the earlier cases.

The second perspective, which focuses on the strategic interaction that occurs between actors in the decision unit, was also able to capture some of this increased difficulty in the later cases. However, its primary contribution is to unpack the internal politics of the decision unit such that the variation among the more successful cases can be analyzed. This perspective was especially useful since it went further than the other two in terms of integrating issue characteristics and participant characteristics. This interaction between the issue and participants played an integral part in determining how the negotiations unfolded, particularly when it came to critical junctures at which time special effort would be required in order to overcome serious obstacles to agreement. Specifically, the nature of participant autonomy, the role of brokers, and the strategies favored by delegates all appeared to be heavily contingent on the nature and salience of
the main issues under consideration. And as judgments regarding the issues were modified over time, this perspective was able to highlight how the dynamics of participant interaction changed in response.

Finally, the informal networking perspective made its most dramatic contribution to understanding consensus building when it came time to examine the critical junctures highlighted by perspective two. All of the variables in the third perspective related to various factors that might help the participants overcome potential obstacles in search of agreement. For instance, the humanitarian assistance case and the Law of the Sea renegotiations included several rather dramatic moments in the decision process where informal contacts, personality, and ad hoc leadership were able to salvage agreement from the brink of collapse. Several similar incidents were present in regards to the CTBT and Council reform, but unfortunately, these informal networking variables were not able to resolve all objections to the proposed agreements when the negotiations were concluded.

The fact that the third perspective dealing with informal networking makes a crucial contribution to understanding consensus building is important for an additional reason: it is this perspective which does the most to expand upon existing literature on decisionmaking and cooperation. Many of the factors in the first two perspectives have long been present in international relations research; however, scholars have experienced greater difficulty when it comes to incorporating concepts that address behind-the-scenes dynamics. This is a significant limitation of earlier writing because informal contacts have long been intrinsic to parliamentary procedures and, as this study demonstrates, they can have as great (or even greater) impact on
consensus building as do the more institutional and bargaining factors found in perspectives one and two. In other words, this dissertation clearly shows that decision unit size and procedures often matter less than do "informal-informals" and the personal attributes of specific participants.

Since all three perspectives provided important pieces of the overall picture of consensus building in the General Assembly, this study confirms Scott's expectation that the three perspectives should not be seen as right and wrong or better and worse (1992: 22-26). Instead, they should most appropriately been seen as complementary and scholars must realize that a more complete analysis is possible only once all three are used in tandem.

The fact that all three perspectives have demonstrated some utility in understanding the dynamics of global consensus building also confirms the significant contributions made by the different theoretical insights that were borrowed from several areas of literature to construct the framework in Chapter Two. As the framework was synthesized, specific factors found in descriptive accounts of UN decisionmaking were merged with the broader concepts found in the sociological literature on the study of the internal processes of organizations. This marriage of two different areas of research proved to be a very fruitful one for this research project. As the preceding discussion indicates, the broader perspectives identified by organizational sociology provided a useful way of conceptualizing the internal dynamics of international organizations. However, these broader concepts were only able to help fully illuminate the decision processes of international organizations once they were joined with the specific variables which have long been present in writings on the UN System.
However, useful theoretical contributions to the framework were not limited to these areas of scholarship. In fact, one important concept used in the analysis was borrowed from the foreign policy decisionmaking literature: the need to identify the specific actors and arenas that would be making the decision on each case. Hermann, Hermann, & Hagan's (1987) decision unit concept enabled the case studies to zero in on the central processes that needed to be examined in order to understand why consensus would or would not be possible. And while this research clearly did not use this concept exactly as these authors originally proposed, it has nonetheless shown great potential for the study of international organizations, especially those structured as a whole series of interrelated bodies as is the case in the United Nations. Furthermore, this adaptation also suggests that it would be useful to identify the decision unit in all types of politicized decisionmaking situations, including those found outside the areas of foreign policy and international relations where the concept was initially developed.

TOWARDS A REVISED FRAMEWORK

While this synthesis of diverse areas of scholarship in search of a more powerful framework for examining the internal dynamics of international organizations represents one of the most significant theoretical contributions of this dissertation, it is not the only one. Another important theoretical contribution emerges when the findings on specific independent variables are considered, especially those independent variables which seem to have had the greatest impact on the success or failure of consensus building. The true nature of this contribution can best be demonstrated by considering ways in
which the original framework developed in Chapter Two should be refined and modified in light of the case study analysis. As part of this process, the following discussion will begin with some general comments regarding the significance of, and interrelationships between, different independent variables. Then it will identify which of these variables offer the greatest analytical leverage in understanding the politics of global consensus building and consider how these findings might relate to other areas of research.

The first set of variables which should be discussed are those which exhibited variation across all four cases, and did so generally in the way expected based on the propositions advanced in Chapter Two. In other words, these are variables which had the most positive relation to consensus in the early cases where a high degree of agreement was possible and either were not present or not conducive to consensus building in the later cases where overall agreement remained elusive. As a result, these variables would appear to “set the stage” for successful consensus building. The factors that fit this pattern, which are all included in Table Seven at the end of Chapter Six, include procedures, goal convergence, strategies, working relationships, and broad perspective.

On the other hand, a second set of variables represent those whose relationship to consensus building is more nuanced than initially expected when the framework was proposed. This does not necessarily mean that these factors have no impact on the dynamics of consensus building, but it does mean that the exact nature of the relationship is likely to vary based on the specific situation. In other words, as Table Seven suggests, the presence or absence of these variables can serve to either facilitate or inhibit the
consensus building process, depending on how the specific dynamics of the decision process unfold. They include size, participant autonomy, personal attributes, and ad hoc leadership.

The nuances of these relationships emerged most clearly in the course of the participant interviews. As a result, these and other important contributions which are a direct result of the interview process will receive detailed attention in the next section of this chapter. However, a brief discussion of the size variable should serve to illustrate the type of more nuanced relationships that were uncovered in regards to some variables. Since all four cases involved decision units that were large in size (all had more than fifty regular participants), it is impossible to conclude whether or not overall size has any direct impact on the chances of reaching a consensus.

Nevertheless, the importance of size was indicated by the fact that, in at least the first two cases, the agreement initially emerged within a smaller group of key states and then spread to include all members of the decision unit. This is very much consistent with Kahler's arguments about one way in which large groups can reach a high level of agreement (1993: 296-9). In addition, the final two cases demonstrate an equally important point: that it only takes one state to block agreement when consensus is the goal. In regards to the CTBT and Security Council reform negotiations, it seems clear that consensus would have been impossible even if the decision unit had been much smaller because the central players which blocked (or have tried to block) consensus most certainly would have been included in the smaller group. These findings demonstrate that the relatively linear relationship posited between group size and the chance for agreement found in Frey's
(1984: 214-22) discussion of the public choice literature may need to be modified based on the complex dynamics which occur when large groups actually engage in serious efforts to build a consensus among their members. However, the findings should in no way detract from the basic point that agreement, though possible, becomes much more difficult in large groups. In fact, this type of concern regarding group size was expressed by several participants, most notably those involved in the CTBT case.

Another set of interesting variables emerge when considering the interrelationships between different factors. Most dramatic in this regard is the fact that issue characteristics and salience have important implications for the subsequent dynamics of the decision process. This connection was uncovered across all four cases in that many participants observed that the politics of consensus building were fundamentally altered once an issue became "ripe" in the eyes of most delegates. Only after this "ripeness" emerged were other factors such as negotiating groups, informal contacts, and personality able to significantly increase the chance of reaching a consensus. As a result, this notion of "ripeness" will receive further attention later in this chapter.

On a similar note, another important interrelationship emerged between the structure of the decision unit (perspective one) and the variables contained in the other two perspectives. Depending on the nature of the leadership, groups, and procedures found in the decision unit, certain variables in the strategic interaction and informal networking perspectives became more or less relevant to consensus building. Several examples of these interrelationships can be identified. For instance, some networking
variables like broad perspective and ad hoc leadership were influenced (or constrained) by the type of formal structures that were present. Likewise, whether or not informal contacts were used at all depended to some extent on the nature of the procedures found in the decision unit. And finally, the relevance of minority salience and broad perspective seemed to be contingent upon the degree of goal convergence present in the decision unit, especially in regards to the cases where consensus was not achieved.

A third area of interrelationships concerns specific situations when consensus building becomes most difficult. When faced with serious obstacles to agreement (which were usually created by issue characteristics and the structure of the decision unit), participants tried to use a combination of informal contacts, brokers, and ad hoc leadership to forge agreement. These variables were used especially effectively together at key junctures in the humanitarian assistance and Law of the Sea cases, and were virtually absent (or at least not conducive to consensus building) in regards to the Security Council reform debate. This indicates that participants could draw on certain factors in hopes of sparking a breakthrough, but that their use did not guarantee a successful outcome.

While examining the specific factors that varied as expected across the cases, those which were more nuanced than anticipated, and possible interrelationships between different factors is potentially useful, the more direct theoretical contributions of this research lie in identifying the set of independent variables which offered the most insights in understanding exactly how and why consensus building succeeded or failed across the four cases. The discussions of each perspective included in the empirical analysis
(as well as some of the comments found earlier in this chapter) may lead to the possible conclusion that nearly all of the independent variables included in the three perspectives were potentially significant in all of the decisions.

However, the case study research, the participant interviews, and the summary tables provided at the end of each empirical chapter also suggest that six of the variables offer the greatest leverage in examining the central puzzle of the dissertation. As a result, they should be considered the most important factors which can influence the politics of consensus building and should be examined first in any subsequent investigation of international organization decisionmaking. These factors, which are drawn from all three perspectives and listed in Table Eight, include: leadership (both formal and ad hoc), negotiating groups, issue characteristics (including salience), actor attributes (specifically brokers), informal contacts, and personal attributes.

This set of six variables includes some factors that varied as expected and some which were more nuanced than suggested in Chapter Two. In addition, some of these variables (such as leadership and negotiating groups) were present across all four cases, but due to sometimes subtle changes in their exact composition and qualities, managed to influence the consensus building process in very different ways.

These six variables represent the heart of a new revised decisionmaking framework which still captures many of the central dynamics found in these cases but does so in a more parsimonious manner. The first three factors in the revised framework (leadership, negotiating groups, and issue characteristics), depending on their exact nature, can structure the decision process so as to facilitate or inhibit consensus building.
The other three factors (brokers, informal contacts, and personal attributes), in turn, can provide participants with the opportunity to overcome potential obstacles in the decision unit, especially at critical junctures in the negotiations. However, a few additional comments about the significance of each of these six variables are necessary.

Formal leadership was present in all four of the cases studied in this dissertation. In fact, participants interviewed stressed that formal leadership is really present in regards to almost every UN body and issue. However, the amount and quality of this leadership varied across the cases which, in turn, determined whether or not extensive ad hoc leadership would emerge. In those cases where formal leadership was present and of high quality (humanitarian assistance and the CTBT), ad hoc leadership was less relevant; however, when there was only limited formal leadership (the Law of the Sea) or the quality of the formal leadership was severely compromised (Council 351
reform), ad hoc leadership played a central role. As a result, these two types of leadership seem to be closely linked and will treated as one variable in the revised framework.

The case studies revealed several important reasons why leadership can have a significant impact on consensus building. In the first three cases where leadership helped build widespread agreement, it did not matter whether the leadership was provided by a permanent representative (such as Jan Eliasson on humanitarian assistance), members of the Secretariat (such as Satya Nandan on the Law of the Sea), or a presiding officer (such as the chair of the AHCNTB). Instead, the key attributes of these successful leaders were their knowledge of the issue, their ability to remain impartial, their personal styles, and their ability to accurately gauge the proper time to advance different initiatives. On the other hand, some of the presiding officers and ad hoc leaders in the final case, Council reform, have clearly lacked some of these qualities, most importantly impartiality and a good sense of timing.

As a result, this study reconfirms that it is not really the presence of leadership which influences consensus building, but instead, the exact nature and quality of that leadership. Leadership which lacks skill, a sense of timing, and clearly takes sides on the issue will not facilitate consensus building in any way. The second key variable, negotiating groups, is included in the revised framework for much the same reason. As was stressed by nearly every participant interviewed, negotiating groups represent a central component in UN processes. And again, some type of groups were present across all four cases. However, the key issues to examine in regards to groups and their potential impact on consensus building concerns their purpose and
composition. First of all, in order to facilitate consensus building, the groups must be created for the purposes of negotiating, not posturing. This leads into a second point, that the groups must be composed of representatives from all different sides of an issue rather than being dominated solely by those individuals who favor one particular outcome.

The significance of these issues is best illustrated across the humanitarian assistance, Law of the Sea, and Council reform cases. The "Breakfast Group" in the first case was explicitly structured so as to be a small negotiating group which included representatives from both sides of the humanitarian assistance debate. In regards to the Law of the Sea, the "Boat Group" also was explicitly designed to build common ground, but in the end several states decided to abstain from the vote since they felt some of their specific interests had been neglected due to the more narrow membership of the group. Finally, the groups which have been used thus far in the Council reform effort have all been set up to either support or block the "quick fix" approach. As a result, their membership has been limited to one side of the issue and very little actual negotiation has taken place.

It is also important to make a few comments regarding the presence of geographic groups and other groups of like-minded states across the case studies. While such groups were present to at least some extent on all of the decisions, there role was rather minimal on the the first two cases given the prominent activity of the "Breakfast Group" and the "Boat Group." On the CTBT, geographical groups had played a prominent role in the Conference on Disarmament in the past; however, this research uncovered little such activity since the end of the Cold War. And finally, on Council reform
geographic groups (except for CARICOM and the Nordic Group) have been unable to speak with one voice so common interest groups have been used instead. What this analysis shows is that cases where the most important groups were in fact designed for negotiation resulted in a high degree of consensus as compared to those cases where the only active groups were composed solely of like-minded states or geographical neighbors.

As was discussed under interrelationships above, issue characteristics and issue salience can have a significant impact on the subsequent dynamics of the decision process. For instance, issue characteristics played an important role across all four cases. However, while all four were similar in that some sort of "crisis" was present, they differed in terms of the scope of issues that needed to be addressed. In the more successful humanitarian assistance and Law of the Sea cases, the range of disagreements were rather quickly narrowed down to a few central issues, and the negotiations were able to concentrate on resolving them. On the other hand, the range of disagreement remained quite broad on the CTBT case, even up until the final phase of the negotiations in 1996. Even more striking is the fact that the scope of disagreement has actually increased over time in regards to Council reform, making consensus impossible to achieve.

These differences in issue characteristics certainly influenced the dynamics of consensus building across the cases. A related variable, minority salience, was found to be central to decisionmaking in really only one case (the CTBT) and somewhat relevant to another (the Law of the Sea). On top of this, all issues covered in the case studies were found to be extremely salient to the participants and, as was illustrated in regards to many of the decisions,
it was often very difficult to identify exactly who was in the minority. However, since minority salience emerged as such a crucial variable in the CTBT case, and since it helped explain the willingness of certain key players to block progress at some points in almost all cases, it should be incorporated into the issue characteristics variable and included in the revised decisionmaking framework.

The other three key variables provided possible mechanisms participants could use to build agreement within the parameters established by the structures of the decision unit and the characteristics of the issue. One such mechanism was the use of actors who were willing to serve as brokers in regards to issues under dispute. Chapter Two argued that these brokers can play a key role in facilitating consensus building by smoothing over differences, searching for common ground, and slowly transforming the nature of debate. Nearly every participant interviewed for this research stressed the key role played by these actors. This was even true in regards to Council reform where very few, if any, brokers have emerged. In fact, participants in this particular case suggested that one of the main reasons why consensus had been so elusive was that the “good guys” (by which they mean brokers) had been reluctant to play their often central role in UN politics.

Several participants in the Council reform case indicated that delegates had specifically hoped that the Nordic states might be able to act as brokers between the different common interest groups. In fact, several participants from Nordic states even acknowledged that this expectation was present. However, these individuals indicated that their countries made the decision not to act as brokers on this specific issue based on a conscious choice to “keep
their distance" since debate has become so polarized that every active state or
group is seen as having its own agenda. In other words, these delegates were
concerned that any failed attempts to broker on this especially contentious
issue might seriously damage their long-term ability to perform this role
across other issues. This suggests that the use of brokers is facilitated when
the negotiating environment is difficult, but not when it is polarized to the
point of harming the overall dynamics of state interaction at the UN;
negotiations may be tough, but they should not involve a level of tension
and recrimination such that traditional brokers shy away from action.

The prominent role played by brokers in forging agreement on the first
three cases clearly indicates that this variable must be included in the revised
framework. However, this dissertation also makes it possible to suggest
which types of actors have the greatest potential to perform this role in an
effective manner. Since the global policymaking situations examined in this
study were not open to direct NGO participation, these actors were not able to
serve as brokers. However, the other two types of actors identified in Chapter
Two, Secretariat officials and representatives from small or medium states,
were active as brokers on the first three cases.

Of these two, Secretariat officials acted as useful brokers in both the
humanitarian assistance and Law of the Sea cases, however; representatives
from small and medium states were the most active across all of the
decisions. They were present in all of the more successful cases and their
absence was clearly lamented by participants in the Council reform debate.
States which consistently acted as brokers in the four cases studied here were
drawn from Northern Europe (Norway, the Netherlands, Sweden), Central
Europe (Austria, Poland), the South Pacific (Australia, New Zealand), regional leaders in the developing world (Malaysia, Singapore, the Philippines, Zimbabwe, Egypt, Argentina), and other states with a reputation for impartiality (like Canada).

The findings in regards to informal contacts are quite similar to those just discussed in regards to brokers. Almost every participant interviewed for this study argued that informal contacts play a crucial role in consensus building. In fact, this type of behind the scenes networking is so common that a whole set of vocabulary has been established to describe it. Although not explicitly articulated in previous literature on UN decisionmaking, the use “informals” and “informal-informals” is indispensable to global policymaking and must be included in the revised framework. And again, the true significance of this variable was most apparent in regards to the last case, Council reform, when it was not present. All of the participants in that case stressed that the nature of the issue and the composition of groups made it such that informal contacts had not been used, and that this had constrained interaction such that consensus building was more difficult.

The final variable included in the revised framework concerns the personal attributes of the participants in the decision unit. According to participants, this factor was certainly not relevant to the dynamics of decisionmaking in all situations. Furthermore, participants indicated that personality can “work both ways” in regards to consensus building by either facilitating or obstructing agreement. However, these case studies uncovered two types of situations when personal attributes can have a dramatic impact on consensus building and, as a result, this variable must be included in the
revised framework. Personal attributes become especially important to consensus building in the case of those individuals serving as leaders (both formal and ad hoc) and when the decision process reaches a critical juncture. In the first two cases, personal attributes worked in a manner so as to facilitate consensus building in these types of situations. However, in regards to the CTBT the record was more mixed and, in the case of Council reform, participants identified several occasions when the personal attributes of key delegates actually prevented agreement. As a result, it is clear that personality matters, even in the case of large and complex multilateral negotiations.

The case study research (and specifically the participants interviews) identified some specific personal attributes that can do the most to facilitate consensus. These attributes would largely be consistent with the "farmers" who cultivate agreement (and to a lesser extent the "traders" who wheel and deal) uncovered in the test ban case. The specific characteristics these individuals possess include: 1) issue expertise, 2) diplomatic experience and skill, 3) a reputation for fairness and impartiality, 4) an ability to both lead and listen, and 5) an excellent sense of the timing of debate.

In addition, at least two of the cases (the Law of the Sea and the CTBT) found that consensus was facilitated when the decision unit included both experienced and "green" delegates. In these situations, the group could enjoy the unique benefits of each type of delegate by pulling on past expertise while still searching for new and innovative solutions. And finally, this research also indicates that consensus can be facilitated when one individual delegate (such as Jan Eliasson on humanitarian assistance) is deeply committed to an issue and is able to foster that dedication in other participants.
Therefore, the primary contribution of this dissertation is to identify six factors which have the greatest impact on consensus building within the United Nations. However, the theoretical contributions of this research extend beyond the more narrow confines of UN politics. In fact, one major premise of this chapter is that these six variables can help scholars better understand the internal dynamics of a wide range of organizations and policymaking situations. For instance, while this study explicitly focused on consensus building situations in large organizations, the revised framework developed in this chapter should be useful in examining almost any decision situation in almost any international organization. Therefore, the results of this study should not be limited to the UN or to cases when consensus is the explicit goal of the process.

This is true because the six variables just discussed would seem to shed light on the internal dynamics of a wide range of decision units, both large and small. In addition, even if consensus is not the goal of the deliberations, the participants very well may still desire to secure as much support as possible for a particular policy, and the six key variables identified here will determine to what extent that will be possible. In other words, this study suggests that the size and decision rule of a particular organization appear to be less central to understanding its internal processes than are the nature of the issue and the interaction of its participants. Each of the specific variables identified above may play out differently in other decisionmaking contexts, but they will remain the most important set of factors to examine.

In terms of other international policymaking situations, this revised framework should provide leverage in studying UN bodies other than the
General Assembly (including the Security Council and specialized agencies), other types of regional international organizations such as the European Union or the Organization of American States, and the global conferences which have been organized around a wide range of issues across the 1990s. While the exact types of participants will certainly change across these different types of decision units, it seems likely that leadership, negotiating groups, issue characteristics, brokers, informal contacts, and personal attributes will still play an important role in determining exactly how and why a certain level of agreement is reached. After all, even though the framework was developed with the UN General Assembly in mind, the first two chapters of the study indicated that generalizability to other international policy situations was an underlying goal of the synthesis process.

In addition, it is likely that the six factors in the revised framework could provide some leverage in understanding policymaking organizations and situations that are not necessarily international. The nature of United Nations parliamentary diplomacy makes it such that the framework is designed to capture the unique dynamics that face delegates who must balance representing the interests of their country with participating in the give and take of international negotiation. However, it is possible to argue that the participants in many types of domestic policymaking (such as in legislatures) must balance representing their constituency with the need for compromise in order to make effective policy. If these dynamics are in any way similar to those which face delegates in international organizations and global conferences, then the results of this research should prove relevant to the study of domestic policymaking as well.
Finally, the results of this dissertation can also provide useful insights for other types of theoretical approaches present in international relations and political science more generally. This would include several areas of research that, although not explicitly dealing with international policymaking per se, do concern issues of negotiation, agreement, and decisionmaking. As was mentioned in Chapter Two, the first such area of research is new institutionalism which focuses on the ability of both formal and informal institutions to constrain choices, alter preferences, and influence outcomes. This approach to studying politics has found applicability in the domestic, comparative, and international domains. As a result, any findings of this study that are found relevant to new institutionalism could have a far reaching impact within political science. The most likely connection between this study and new institutionalism would be that the six variables included in the revised framework may provide these scholars with some insights into exactly how and why the types of processes that are found in different institutional arrangements can influence the ultimate policy outcome.

Chapter Two also suggested that two other areas of research which are more explicitly international in focus might find the results of this dissertation particularly useful. These areas include multilateralism and global governance. Although the literature on multilateralism is broad in its scope of concern, formal international organizations (such as the one examined in this study) certainly represent an important segment of multilateral activity. This would suggest that variables which help to explain why a certain level of agreement is possible within these structures would also have great potential for providing insights into exactly how multilateral
phenomenon work when complex interests are involved. Likewise, the literature on global governance rests on rather broadly defined concepts; however, the revised framework developed in this research may provide these scholars with an understanding of how and why specific procedures of global governance are established and operate over time. In other words, since both multilateralism and global governance concern situations where decisions are made at the international level, the framework developed and revised in this study may act as a useful tool for future research.

THE IMPORTANCE OF INTERVIEWS

The preceding pages have discussed several important theoretical contributions of the research contained in this dissertation. However, this study also makes an important methodological contribution to the study of international organizations. As was indicated in Chapter One, the framework used in this study required types of data that cannot be gathered from secondary sources and official UN documents. Instead, examining the behind-the-scenes dynamics of UN processes required direct access to individuals who actually participated in the decisionmaking, something which this study achieved through the twenty-eight interviews completed in New York during February and March of 1998.

While useful information was gathered from other types of data, the interviews changed the very nature of the types of conclusions that could be made. In fact, many of the findings discussed in the preceding pages would have been impossible to uncover without these interviews. This is not all that surprising a revelation considering that more than thirty years ago
Keohane argued in favor of similar interviews since they were the only way in which the full complexity of Assembly politics could be understood (1967: 226). Even though this type of research has been used only on rare occasions in the ensuing decades, this study has clearly demonstrated that Keohane was correct. As a result, all future studies of the internal processes of international organizations will be incomplete unless they include data gathered from individuals who directly participated in the processes that are being studied.

However, the contributions of this particular methodology extend beyond these general points to include some rather unexpected findings uncovered during the interviews. These insights and nuances emerged only because the conversations with delegates were structured in a very open-ended manner so that their observations would not be unduly influenced by the questions which were asked. Five examples of findings which emerged directly from the interviews will be mentioned.

First, the importance of, and distinction between, "informals" and "informal-informals" was highlighted frequently in participant interviews. Literature on internal UN processes has long stressed that much of the action happens through informal networking outside the more formal arenas of decisionmaking. However, participant interviews allowed this study to try and capture the exact role played by these processes in UN politics. As was mentioned at several points in the case studies, "informals" have become so common on almost all issues that they are in fact rather formal. As a result, participants indicated that "informal-informals," covering dynamics such as meetings in delegate lounges, "the fine art of corridor sitting," and
conversations over cocktails, have become increasingly important as a means of bypassing the rather formal "informals." Furthermore, some of these participants clearly felt that these changes are likely to continue in the future.

A second set of findings that emerged directly from interviews concerns participant autonomy. While conversations with delegates did find some general support for the "rules of thumb" regarding autonomy found in existing UN scholarship, these interviews uncovered a much greater (and unexpected) range of differences in the autonomy of different delegates. For instance, some of the logic behind the "rules" that delegates from larger and more interested states have a lesser degree of autonomy can also apply to delegates from smaller states as well, especially given the fact that they often have to cover a wide range of issues with a very limited number of mission personnel (thereby depending more on the home ministry for support).

In addition, participant interviews identified several patterns in autonomy that were not at all present in existing UN scholarship. Furthermore, these patterns also helped to suggest additional dimensions of autonomy that are not captured in Spar's (1994: 17-20 & 246-54) discussion of multilateral cooperation. The three most important of these concern whether instructions are received before or after a particular issue is debated, whether the instructions cover "means and ends" (read goals and strategies) or just "ends," and the degree of trust and skill a particular diplomat enjoys, particularly in the eyes of the home government. Each of these patterns provides a richer understanding of the sometimes complicated relationship between a specific delegate and their home government that goes beyond simple notions of control and persuasion.
One final observation related to autonomy which emerged from participant interviews relates to apparent inconsistencies between the UN mission and the home ministry in regards to state policy towards a particular issue. This was identified as being an especially serious problem by participants in the Security Council reform case. On a related note, the Law of the Sea case uncovered some inconsistencies within the same delegation, which created difficulties when it came time to negotiate with other countries. As a result, these examples provide clear support for the observation by Childers & Urquhart that delegations and countries need to improve these exact types of coordination in the future (1994: 140-1).

A third point that was stressed by the participants was the fact that several variables often credited with improving the chance of reaching a successful agreement can in fact "work both ways" and block agreement in other contexts. This was stressed most directly in regards to personal attributes, but was also mentioned in discussions of both groups and leadership. In these conversations, participants seemed to make two somewhat distinct points, both of which are very much consistent with common sense, but should be highlighted nonetheless.

First, variables such as personal attributes can inhibit consensus building when delegate characteristics are ill-suited to multilateral diplomacy. Traits that were mentioned in this regard include excessive ego, a reputation for double dealing, and a lack of expertise in regards to an issue. However, participants also indicated that personality could "work both ways" even in situations where the key participants all appear to possess the necessary skills for effective negotiation. In most cases participants felt that delegates would
use these skills to build agreement but, in some instances, they might use them to pursue their own narrow goals instead. This was most evident in regards to the debate on Security Council reform.

A fourth set of findings identified during participant interviews concerns the related concepts of "ripeness" and timing. Across all four cases, participants were careful to stress that consensus is only possible once an issue becomes "ripe" for agreement. As such, they indicated that this represented an important difference between the first three cases and the debate regarding the Security Council. Therefore, the issue characteristics variable in the revised framework will include the notion of issue "ripeness" when future studies are completed.

The main difficulty with making this modification is that it is often quite difficult to determine if an issue is "ripe." When asked about this difficulty, participants frequently linked "ripeness" to a good sense of timing, especially on the part of those individuals providing leadership. In other words, they suggested that the ability to sense "ripeness" is an intuitive feeling that some individuals have, and others do not. Two delegates who excelled at sensing the timing of debate were Jan Eliasson on humanitarian assistance and Jaap Ramaker in regards to the CTBT. As an example of what can happen when leaders lack this ability, several participants mentioned Razali Ismail's efforts to draft a Security Council reform plan in early 1997.

Despite the fact that participants had difficulty in precisely defining "ripeness" (it was more of a "you know it when you see it" type of concept), the case study research makes it possible to offer a few observations in this regard. First, as long as participants remain divided on the general goal(s) for
a specific issue area, then "ripeness" is not present and consensus will not be possible, no matter what types of groups, leadership, informal contacts, or personal attributes are present in the decision unit. Second, events both inside and outside of the decision unit can make an issue seem more or less "ripe." For instance, a shock which creates a crisis situation (such as a new round of French nuclear tests) can help make the debate surrounding an issue more "ripe" for compromise just as one individual's efforts to push agreement too quickly (like Razali Ismail on Council reform) can cause a situation to be seen as less "ripe." And third, these cases demonstrate that a situation is clearly not "ripe" as long as interested states continue to air their views and talk at one another. However, once they begin to talk with one another regarding possible compromises on language, then it is possible to use the other factors mentioned above as a means of securing agreement. Unfortunately, any additional (and more specific) comments regarding issue "ripeness" will only be possible once further research is completed.

The final example of a finding which emerged from participant interviews concerns the continued importance of the developed versus developing state dynamic in the General Assembly. While certainly no UN scholar would argue that this dichotomy is meaningless, some of the scholars mentioned in Chapter One have suggested that it is certainly less relevant than it used to be. However, participants interviewed in early 1998 still made numerous references to the many ways in which this dynamic continues to influence all aspects of UN politics. Delegates did not highlight any one case as being especially plagued by developed versus developing state controversy; instead, this was one of the themes that seem to permeate almost all
comments by participants from both types of states. This was particularly true early in each interview when delegates were asked to give their general impression of the central aspects of consensus building in the UN context.

SOME POSSIBLE ALTERNATE EXPLANATIONS

This chapter has argued that the framework developed in Chapter Two and modified based on the empirical research offers substantial contributions to how scholars examine decision making in international organizations. However, during the course of this research project, several alternate explanations for the variation in the degree of consensus achieved across the four cases have been offered to the author.\(^1\) The following paragraphs will briefly present these alternate explanations, and then explain how the framework developed in this study offers a superior explanation for the variation in outcome observed across the four case studies.

Four such explanations have been advanced, but all of them highlight some of the same issues and, therefore, they will be addressed simultaneously. These explanations all center on differences in the "inherent difficulty" of some of the cases as compared to others. Such an explanation would see the first case as being relatively "easy," followed by increasing difficulty on the other cases over time. These differences have also been discussed in terms of the outputs of the process, with some of the cases

---

\(^1\) These alternate explanations find their origins in several different sources. One was advanced by a fellow participant in the 1996 Summer Workshop on International Organization Studies sponsored by the Academic Council on the United Nations System and the American Society of International Law held at Brown University. Another was offered by an audience member in a panel on international organizations where a preliminary version of this research was presented at the International Studies Association Annual Convention held in Minneapolis, MN, in March of 1998. The final source of these alternate explanations was an anonymous review of a portion of this research which is under consideration for publication.
resulting in new statements of principle (humanitarian assistance), some resulting in new international law in the form of treaties (the new Law of the Sea and the CTBT), and others potentially requiring that the United Nations Charter be amended (Council reform). Finally a similar distinction, but using a new vocabulary, differentiated among the four cases based on the "value content" of the particular issue in question. Again, ranking the cases along a continuum of how "constituitive" they were indicates that humanitarian assistance would have the highest degree of consensus, with the Law of the Sea, the CTBT, and Security Council reform becoming more "constituitive" and resulting in a lesser degree of agreement, respectively.

A final related alternate explanation is based on the observation that the degree of consensus went down over time. In other words, the first decisions that were reached in 1991 and 1994 resulted in a higher degree of consensus than did the decision made in 1996 and the decision which remains unmade in late 1998. The basic argument which this suggests is that the sense of euphoria and cooperation which emerged in regards to the UN at the end of the Cold War in the early 1990s resulted in a high degree of consensus, which then proceeded to fade over time as new lines of cleavage and tension emerged across the decade. In a way, this explanation might in fact entirely overlap with the arguments associated with difficulty mentioned above. Not only did the level of consensus go down over time, but it also decreased in rough correlation with the duration of the negotiations. For instance, the humanitarian assistance case was only several months long and resulted in a high degree of consensus, the CTBT and Law of the Sea each took three to four years and had some agreement (but with important
exceptions), and the Council reform debate is now in its fifth year with little sign of any substantial agreement.

All of these alternate explanations are consistent with the different outcomes that were observed across the four case studies. Furthermore, all of them are based on a line of reasoning that is both simple and persuasive. As a result, it is likely that they all contain at least an element of truth. However, a few short comments will quickly indicate that the framework developed in this dissertation allows for a far more accurate, nuanced, and useful analysis of the politics associated with consensus building on each case.

One major concern with these alternate explanations is that they are based almost entirely on post-decision observations that may in fact render the analysis tautological. Since the concepts of “inherent difficulty” or “value content” are hard to operationalize, it is only really possible to talk about them in relative terms once each case has played out in full. As a result, it is easy to observe that one decision seemed harder than another after-the-fact, but the real interesting question then becomes: what underlying factors caused the one decision to be more “difficult” than the other? Unfortunately, these simplistic explanations cannot even attempt to investigate these issues.

However, this is exactly the type of question that the proposed decisionmaking framework can investigate. Instead of concluding that the Council reform case has not resulted in consensus and the humanitarian assistance case has simply because the former was “more difficult” than the later or because the former was longer in duration than the later (which the alternate explanations would be forced to do), the framework used in the preceding chapters can indicate exactly what factors were operating so as to
block or facilitate consensus at each and every stage of the decision processes. As was demonstrated in the case study chapters, the groups, leadership, and informal contacts that helped forge the balance between sovereignty and assistance in 1991 were not present (at least not in the same way) in the later case on reforming the composition and working methods of the Council.

Another concern with the logic found in the alternate explanations should be mentioned. Based on detailed conversations with participants, it is clear that all of these cases were in fact quite difficult and salient in the eyes of the states and representatives most involved. As a result, any effort to distinguish between them based on perceived difficulty would immediately run into serious problems of interpretation. This again suggests that these alternate explanations are only persuasive once the outcome and the general dynamics of the decision process are already known.

Therefore, the framework developed in this dissertation offers a more complete picture of exactly how and why a certain degree of consensus was achieved on each of the cases than do any of these alternate explanations. In addition, the framework actually incorporates some of the issues raised by these alternate explanations, but it does so in a more analytically useful manner as part of the issue characteristics (and salience) variable.

This observation is also consistent with the discussion in Chapter Two regarding how the decisionmaking framework used in this study incorporates the external environment of the decision unit. For instance, issue “difficulty” and duration may in fact result from changes in the domestic regimes of key states involved in the decision process on a particular case. Possible examples of this uncovered in the case study analysis would include the new US
position regarding the Law of the Sea and the new French position on the CTBT. However, as is the case with issue “difficulty” discussed above, external factors such as domestic regime change are in fact incorporated into the analysis through existing components in the framework. As was discussed in Chapter Two, this is true because regime changes (for instance) can only influence the dynamics of consensus building in the decision unit by causing a change in one of the existing independent variables (such as strategies, minority salience, or issue characteristics).

These observations and concerns cast some serious doubt on the overall utility of the alternate explanations just described. However, one of the four might merit additional concern in future research projects: the fact that the degree of consensus achieved across the cases has decreased in chronological order across the 1990s. If a larger number of decision cases were studied across a range of UN issues, it would be possible to document whether or not this is a consistent finding within the global issues under the UN’s purview. And if that is the case, then future studies of consensus building would have a new set of puzzles to investigate, some of which may be unraveled by the same analytical framework used in this project. Therefore, it is important to briefly consider some other issues relating to future research on the politics of international organizations.

IMPLICATIONS FOR FUTURE RESEARCH

The research conducted for this dissertation exceeded all possible expectations, which is due primarily to the quality of the participant interviews that were completed. However, despite all of the findings
discussed above, there is still room for improvement in at least two ways. First, changes could be made in the manner in which the research was conducted. And second, there are several areas of analysis where additional investigation would be especially useful.

First, in regards to changes in how the research was conducted, several points stand out. The interviews conducted with delegates and Secretariat officials were all useful given the nature of the range of participants involved in the four cases. However, an even more robust picture of the decisions might have been secured had delegates from Africa been interviewed and had representatives of NGOs been included. This later group may seem surprising given the fact that NGOs did not have direct access to any of the decision units studied in this project; however, delegates who were interviewed did indicate that NGOs are useful sources of information on issues even when they are not directly involved, so interviewing them as well would certainly be helpful.

A second change in how the research was conducted that might improve the analysis would be to do the interviews as soon as possible after each decision (or even during them) because, although participants in all four of the cases were located, it was certainly possible to talk to more delegates on the most recent cases. This might create a concern that delegates are less likely to be forthcoming in their responses as the case unfolds, but fortunately, this was not found to be a problem during this project.

Other than these concerns, this research on four General Assembly decisions was completed in what appears to be a very effective manner. As a result, Table Nine provides a checklist for other scholars interested in using
### Stage Checklist

<table>
<thead>
<tr>
<th>Stage</th>
<th>Checklist</th>
</tr>
</thead>
</table>
| Before the Interviews | • Develop a deep understanding of each of the issues you wish to investigate using other types of data. This will enable you to ask detailed questions of the participants and demonstrate to them that you have a good understanding of the events.  
• Identify the key participants in regards to each of your issues using secondary sources and official documents. Be sure to cover all relevant types of actors and all relevant interests involved.  
• Contact the missions or offices of each participant identified above. Your letter should look official and be as concise as possible. Be sure to include a brief description of your research project.  
• Talk to a few participants early on to get a feel for the interview process. |
| During the Interviews | • Allow yourself plenty of time for each interview since participants may be very willing to talk. However, be ready to keep it short if necessary.  
• Do not tape record the interviews so the participants will be as open as possible. Instead, take detailed written notes.  
• Keep the questions as open-ended as possible so they can highlight for you what they feel was most important on your cases.  
• Gear your interview towards the specific interests, knowledge, and strengths of the participant.  
• Ask participants for recommendations on other people you should contact. Then be sure to contact them.  
• Hang out in high traffic areas in between interviews to get a feel for the organization.  
• Be flexible throughout the process. |
| After the Interviews | • As soon as possible after each interview read over your notes to add details, clarify necessary points, and look for new follow-up questions for later interviews.  
• Write thank you notes making sure to personalize them. Also, send any follow up information they may have requested (such as a copy of the final product).  
• If they offer to provide you with additional information at a later date, be sure to send a friendly reminder.  
• Use the data as soon as possible while it is still fresh and exciting. |

**TABLE 9: Checklist for Participant Interviews**
participant interviews in their research on international organizations. It offers helpful suggestions for steps to take at each stage of the data gathering process (before, during, and after the interviews are conducted). These points should not be seen as anything more than a helpful guide that can of course be modified to fit the needs of any particular project.

Future research using interviews conducted based on the checklist in Table Nine would be especially helpful in further investigating several of the findings discussed in the preceding chapters. Some possible areas of more detailed analysis include: the factors which determine when exactly an issue becomes "ripe," the changing and complex nature of relations between delegates and their home government, the specific advantages and disadvantages of different types of informal contacts, and a more complete understanding of valuable personal and leadership attributes. Additional case studies of decisionmaking using a structured, focused comparison research design would be well-suited to investigating these issues.

FUTURE RESEARCH PROJECTS

The preceding pages have suggested several important findings of the dissertation that should be investigated in more detail. However, there are also at least two areas of future research that would attempt to directly extend the results of this dissertation to additional types of decisionmaking situations. Both of them should be briefly outlined.

The first area of future research builds most directly on the findings of the dissertation by examining consensus building in multilateral institutions beyond the United Nations System. This conclusion has argued that six
independent variables provide the most analytical leverage in understanding why (or why not) consensus might result in regards to a particular global policy decision. Therefore, future research could involve studying these six factors in regards to other international organizations (especially regional organizations such as the European Union or the Organization of American States) and some of the issue-specific global conferences held across the 1990s. The eventual hope is to take the initial results obtained through a case study examination of just four decisions and see if they are confirmed when applied to other international decisionmaking contexts. The results of such a study would be especially useful to scholars given the fact that consensus is becoming the decision rule of choice in many of these multilateral policymaking bodies and conferences.

A second area of future research also finds its roots in this dissertation but would explore a different aspect of global policymaking: the relationship between the method of decisionmaking (majority rule or consensus) and the degree to which the decision was implemented. Both international organization scholars and United Nations practitioners have suggested that there is an important paradox at work in this relationship. They have observed that majority rule requires less support so decisions made in this manner can usually include strong and unambiguous language. On the other hand, consensus requires the support, or at least acquiescence, of all members thereby encouraging carefully worded compromises. This gives rise to the paradox that majority decisions appear strong but often remain inoperable whereas consensus decisions seem vague but may be more likely to appear in the policies of member states.
The biggest challenge in examining this paradox concerns designing a study that is both valid and feasible. However, there seem to be two different approaches which could be adopted. The first would be to examine UN General Assembly issues where a decision was made on a resolution but states were also required to sign and ratify a corresponding treaty (examples include the Comprehensive Test Ban Treaty and the Implementing Agreement on Part XI of the Law of the Sea Treaty). The type of decision taken on these resolutions (either majority rule or consensus) could then be compared to the number of signatories and ratifications of the corresponding treaty. Another possible way to examine the paradox is to use the considerable amount of follow-up information to global conferences now gathered by interested NGOs. Especially in regards to environmental issues at the Earth Summit, NGOs have compiled data indicating whether or not specific states are complying with certain treaties. This, in turn, would make it possible to determine if the commitments made as part of consensus-based agreements are in fact more likely to appear in the policies of member states.

This dissertation, through its revised framework and case study analysis, has provided important insights into the politics of consensus building in international organizations. The future research just outlined would serve to further increase scholarly understanding of these important processes.
BIBLIOGRAPHY


379


380


