

# NEGOTIATING TO BUILD A WORLD ORDER

**Fred Charles IKLÉ**

Center for Strategic and International Studies

The relationships among sovereign nations throughout the world are guided, to a large extent, by diplomatic exchanges and negotiations. Likewise, the functioning of international organizations is based, in part, on negotiations among their constituent elements or members. All these interactions can be chaotic, however, leading to frequent, serious conflicts and war. Or, they can take place in a structured and peaceful manner, guided by a set of agreed principles. This latter state of affairs might be called a “world order”.

Since the end of the Cold War, new possibilities have opened up for the evolution of a world order that is quite different from the largely bipolar structure of the 1948-1988 period, an order perhaps resembling the European “concert of nations” between 1812 and 1914. A more intensive flow of international interactions began even before the end of the Cold War, in part driven by new communications technologies and global trade and finance. Since 1990, this “globalization” is progressing in several fields: (1) trade, finance, and other economic activities; (2) government-to-government political relations; (3) information and culture; and (4) security cooperation for military defense, as well as for domestic security, such as crime and terrorism.

Today, there is a great deal of interest in this evolving world order and its various international structures. Some of these structures are still emerging (e.g. the World Trade Organization under GATT), others are expanding their functions (e.g. the United Nations). Discussions and negotiations are going on about an increased role for the United Nations, about the scope of the a World Trade Organization set up under GATT, and about various global arms control organizations. To construct these organizations and to run them requires frequent negotiation. This paper is focussed on the question whether these global negotiations follow certain traditions in tactics and style, or to put it differently, whether there is a globally accepted “grammar of negotiation” that is adhered to in international organizations.

Worldwide organizations have existed for a long time. In a sense, the British, Spanish, and Portuguese empires were worldwide organizations. In a different sense, the Roman Catholic church has long been a worldwide organization. But these are hierarchical organizations, with a single central authority at the top. Worldwide organizations that include many members who share power and control among each other have developed later. One of the first worldwide functional organizations for all of the world’s sovereign nations was the Universal Postal Union, founded in 1874. Today, there exist some 20 worldwide international

organizations, most of which have some kind of affiliation with the United Nations Organization.

Each of these organizations has its established voting rights, its executive and supervisory bodies, and its rules — formal and informal — for conducting its business. The functioning of the United Nations is guided by the UN Charter, which has many provisions similar to those of a constitution in a federation. Yet, the United Nations lacks many of the elements and structures of a government of a federal state (such as Canada or Malaysia). For instance, the United Nations does not have an integral judiciary system, since the International Court does not function as the highest court of the United Nations Organization and does not have lower level courts subordinated to it. The European Union comes closest to the structure of a federal state and, according to some speculations, might eventually become a federal state that can project a single, integrated sovereignty onto the world arena.

Since all the worldwide international organizations consist of a collection of sovereign states, nearly all their decisions depend on a process of negotiation in contrast to the decisions of democratic national governments. But this difference is one of degree, because democratic states (whether with a unitary or a federal constitution) also depend on negotiations to reach decisions requiring the support of their various formal and informal components that possess some political power. The Japanese Prime Minister, for example, has to negotiate with influential people in his own party, with other parties represented in the parliament, and perhaps with business, professional and other organizations in order to arrive at effective policy decisions. Likewise, the President of the United States has to bargain with Congress and various power structures throughout the country. Thus, one might say, modern international organizations, such as the European Union or the United Nations Organization, are like a greatly weakened version of a modern democracy. That is to say, most of the day-to-day and year-to-year decisions and policy choices are neither fully determined by the constitution (or the charter), nor can they be simply imposed by the chief executive.

In the 19th century, the great French historian Ernest Renan observed that the modern nation of his time was based on a “daily referendum” by all the citizens — “un plébiscite de tous les jours.” This famous phrase of Renan evokes the fundamental strength of *direct* democracies (i.e. democracies where not just the people’s representatives vote on issues, but the people themselves cast these votes). Could this idea be extended beyond the nation-state, to shape and sustain a global international order? The United States promoted the idea that the people of the world — not merely the governments — had a role in shaping and guiding the United Nations. The preamble of the UN Charter begins with the words “we the peoples of the United Nations”, a phrase that recalls the opening words of the American Constitution. Not surprisingly, it was the United States delegation that proposed this wording when the UN Charter was drafted.

The fact is that people, apart from their governments, do have some influence on the decisions of global inter-governmental organization. The 1994 UN conference on population in Cairo has demonstrated that, so did the 1992 UN conference on the environment in Rio.

Various non-governmental organizations, private groups and associations can modify the ideas that the official governmental organization has to address and can have an impact on the formulation of proposals. These internationally active, non-governmental organizations (NGOs) have experienced a remarkable growth in the last couple of decades.<sup>1</sup>

Private citizens thus can have some influence on the negotiating process in international organizations, especially if they are well organized, forming international associations that influence media opinion or lobby their own governments. In essence, they can modify the goals, expectations, and ambitions of the official government negotiators. They can paint the picture of what a successful outcome would look like and what would be a failure.

If we wish to understand how private organizations or the media can influence international negotiations, we need to recognize that the criteria for evaluating a proposed agreement are usually fluid. A proposed settlement that initially looks attractive, later on may look like a bad deal because of media criticism. A proposed set of guidelines for global trade may seem "fair" at first, but become "unacceptable" after public opinion leaders or pressure groups have succeeded in changing the criteria of evaluation.

Indeed, one of the main purposes of a negotiating strategy is to alter the criteria by which a proposed agreement will be evaluated. Each party in a negotiation seeks to influence this process to support its own preferences.<sup>2</sup> One hears complaints sometimes in international organizations that the United States enjoys an advantage because of a widespread American influence over the world media. There is some truth to this.

During the Cold War, the Soviet Union was engaged in continuing propaganda efforts to strengthen its own bargaining position. Much of the Soviet propaganda has been highly skillful. Historians have since been able to document cases where the Soviet negotiating position has benefitted significantly from these efforts to shape public opinion in the West. By contrast, the actual negotiating tactics of the Soviet government, as distinct from the Soviet propaganda, have been rather clumsy and often unsuccessful. Other nations, of course, also seek to strength their negotiating position by influencing public opinion. In the United States, some people have argued that the Japanese government and large Japanese corporations are financing all sorts of projects to influence American public and Congressional opinion about trade disputes.

Instead of cultivating goodwill with the public, negotiators may seek to intimidate the opponent. Communist dictators and their diplomats have often resorted to rudeness and vitriolic attacks. Usually, this tactic has been self-defeating because it strengthened the animosity and cohesion of the West. Occasionally, this aggressive rudeness may have served to intimidate foreign adversaries of Lenin, Stalin, or Mao; but its main purpose probably was to create fear among their own diplomats so that they would resist temptations to make concessions to the West.

By and large, the Communist style of negotiation has not been particularly skillful<sup>3</sup>. The Communist fear of making concession has lead to a brittle approach, making Communist diplomats incapable of taking advantage of partial gains because the felt compelled to insist

on their full demands. The more dictatorial a regime, the more dangerous it is for its diplomats to recommend concessions and thus appear weak, or even disloyal. On the other hand, Communist dictators themselves have demonstrated an ability to make bold strategic concessions in order to save more important objectives. Stalin suddenly ended his blockade of Berlin when he became convinced he could not win. And Lenin, in the Brest-Litovsk negotiations, gave up half of Russia to save his Bolshevik regime.

Today, the norm for all diplomatic activity in international organizations is to avoid personal rudeness, to be “business like”, and by and large to avoid explicit threats of violence. This norm, of course, is sometimes ignored. It has its parallel in the traditions of well established parliaments: there can be vigorous debate, sharp political attacks, hard criticism, but almost always everyone will adhere to certain standards of politeness and mutual respect — or at least a pretense of mutual respect. Perhaps this tradition was first developed in the British parliament and then followed in the US Congress and other parliaments.

More important than differences in style and standards of politeness are the formal and informal rules of parliamentary procedure. To function properly, an international organization needs complex rules of procedures (as do national parliaments): rules for voting, procedures establishing the relationship of committees to the plenary body, rules for the movement of procedural and substantive decisions through the different “chambers” (that is to say, in the U.N. for example, the flow of business between the Security Council, various committees, and the General Assembly). Unless the leading powers (or a powerful majority) in the organization is willing to follow these rules, the organization simply cannot function.

During the height of the Cold War, the United Nations was unable because of the Soviet veto to make decisions on many issues where East and West disagreed; yet it continued to function more or less according to its Charter and rules, because a majority of the members, and in particular the United States, wanted to preserve the UN, and the Soviet Union did not want to be expelled or withdraw completely. By contract, the government structure and parliament of former Yugoslavia did not survive the emerging open conflict between Serbs and Croats, even though the Yugoslav constitution had provided for a sharing of power among different ethnic groups and might have accommodated the divergent preferences of these groups.

Under what conditions can an international organization survive intense conflict, or even wars, among its members? The answer to this question is important for the future world order:

An international organization can survive intense conflict, or even wars, among some of its members, provided:

- (1) The members who want the organization to survive control a preponderance of the political power *and* the majority voting strength; and
- (2) The members who would prefer to transform the organization into a tool of their own policy, or wish to wreck the organization, can
  - (a) either be expelled (or be allowed to leave the organization), without fatally

- damaging it, or
- (b) remain interested in preserving their membership.

Although the above rule sounds a bit complicated, it fits a number of significant cases. The League of Nations survived the withdrawal of Germany, Japan, and Italy in the 1930s, but became moribund when in 1939 the Soviet Union was also expelled. The United Nations survived the Soviet boycott of the Security Council during the beginning of the Korean War in 1950, in fact the initial UN decisions against the North Korean aggression were greatly facilitated by the temporary Soviet withdrawal. The UN survived this crisis as a global organization because the Soviet Union remained sufficiently interested in preserving its UN membership (see point 2(b) in the above rule).

Looking toward the future, we want to explore how today's political and cultural differences might effect the negotiation process in global organizations of an emerging world order. The British-American tradition of parliamentary procedures has clearly exerted a strong influence on the structure and procedures of the United Nations and nearly all other international organizations. These European ideas of governmental procedures and democratic structures can be traced back to the 18th century, prior to the American and French revolutions. By today, it seems these concepts have become internationalized and are no longer seen as being linked to one culture or civilization.

Some observers have asserted that cultural differences in negotiating styles are significant. Should we expect, therefore, that there might be contradictions and conflicts between, say, a Chinese, or an Arab, or an African style of running international organizations? For a democratically run international organization — that is to say an organization based on democratic principles of consensus (or majority voting) and adherence to legal rules — such cultural differences are unimportant. The democratic rules and procedures everywhere are too similar. Totalitarian regimes (e.g. North Korea), however, continue to follow different concepts in their conduct of negotiations.

There is a parallel here with the principles of a free market economy. Different countries, belonging to different civilizations, can have more or less of a free market and will arrange the details of ownership, monetary policy, interest payments, private contracts, monopolies, etc. differently. Yet, the basic laws of supply and demand and other economic principles seem to operate everywhere — unless repressed by Marxist intervention. For example, fundamentalist Islamic countries cannot avoid interest payments on loans, they can merely seek to disguise them. Indeed, a global culture prevails now for the conduct of economic transactions and for international business negotiations.

Thus, while cultural differences have rather little influence on the structure and procedures of international organizations (especially in the economic sphere), they do of course strongly influence the preferences about the substance of the policies that these organizations deliberate and vote on. This becomes clear with such issues as rights of women, labor codes, freedom or restrictions of the press, or acceptance of immigration. For instance,

many of the countries that experience large emigration and that demand that their citizens be allowed to emigrate into other countries themselves practice very restrictive policies for immigration into their own territory. The Mexican government, for example, wants its citizens easily to be able to emigrate to the United States, but makes in-migration into Mexico very difficult.

An issue of fundamental importance for the future of international organizations is the varying emphasis on equality, and how equality is to be defined. Consider the situation in the United Nations. There is the inequality of the unequal voting rights in the Security Council, and then there is the sense of inequality as a result of *equal* voting rights in nearly all other UN organs for nations of very unequal size: one vote for China and one vote for St. Vincent or Iceland. So far we have witnessed little agitation for weighted voting rights that would give some weight to population. But if the world becomes more integrated economically and more closely linked through information networks, a sense of under-representation may arise in the most populous countries. The members of the European Union have painfully negotiated a weighted voting system that takes partially account of population size.

These issues lead to broader, more philosophic questions of equality. The emphasis on the rights of each individual person, and on equality among individuals, is historically a European idea. According to some interpretations, it is linked to the concepts of man in Christianity. In the coming evolution of global organizations, how much emphasis will be given to the equality of all individual human beings, as distinct from the equality of all sovereign states? Will different cultures or civilizations in the world promote different concepts for equality?

We can see two possibilities for the future world order. One is the continuing emphasis on equality of nations (or sovereign states), with some corrective weighing formula for the more powerful states (as now exist in the UN Security Council, the World Bank, and other bodies.) The other possibility is an increasing emphasis on the individual citizen, including perhaps systems of representation analogous to the lower chamber of parliaments in federal states (such as the US House of Representatives). The trouble with that formula is that it will not only be resisted by the less populous states, which collectively now have voting majorities in most UN bodies; but it may also be seen as undesirable by some government leaders of the very populous states because it might dilute their power. Given this complex dynamic, it will take a long time for the evolving world order to reach a new compromise between an equal role for all unequal nations, and an equal role for all the people.

Finally, there is the most crucial question to be solved — the question of enforcement. If major conflicts arise in any kind of an agreed international order, one or another party may ultimately use military force to achieve its objectives. Also, every arms control regime raises the question of violations and what is to be done about them. Monitoring and inspections are necessary, but not sufficient conditions to prevent, or correct, violations. In today's world, only nation states poses the ability to mobilize, command, and deploy effective military forces, either by themselves or in a coalition. The ability of the United Nations to act

militarily depends on the willingness and ability of the major powers to agree on a certain military action and to order their national forces to support such action. For the foreseeable future, it is not realistic to postulate a UN military capability that does not depend on the support of several major nation states.

#### Notes

- 1 Nearly a thousand NGOs now have consultative status with the UN Economic and Social Council; 14,500 international NGOs are recognized by the Union of International Organizations. See Peter J. Spiro, "New Global Communities: Non-governmental Organizations in International Decision-Making Institutions," *The Washington Quarterly*, Winter 1995 (Vol. 18, number 1) pp. 45-56.
- 2 I have developed this point previously. See my *How Nations Negotiate* (Harper & Row, New York, 1964, and Kraus Reprint, Millwood, NY) Chapter 10.
- 3 *Ibid* pp. 226-235.