

## CHAPTER 1

### WHAT DO WE MEAN BY “THINKING OUTSIDE THE BOX” IN MULTILATERAL DISARMAMENT AND ARMS CONTROL NEGOTIATIONS?

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#### SUMMARY

This introductory chapter provides background to the others in this volume, including the way in which the analyses of contributors relate to one another, and to the broader themes of “thinking outside the box” in multilateral disarmament work.

#### INTRODUCTION

Multilateral negotiations are unusual and, in many ways, remarkable social phenomena. Most human activities involving large numbers of people in making collective decisions are either zero-sum events (like battles, sports games or auctions) or have thresholds that fall well short of consensus (electoral majorities, for instance).

In contrast, multilateral meetings may involve hundreds of participants, not counting people from authorities in capitals to whom they report and seek guidance. Yet outcomes are expected to be of collective benefit, that is, non-zero sum. Moreover, in the multilateral disarmament and arms control context, the threshold for agreement is usually consensus, despite the multiplicity of actors that can make this difficult to achieve.

Often, in international relations, the concepts and language we are accustomed to using are geared toward capturing what goes on at a certain level of organization, that of interactions between states. Yet there are also other levels of organization relevant to understanding multilateral negotiations. People represent each state, and these people interact, which

is what adds up to state interaction. The most effective diplomats I have encountered are invariably socially perceptive and able to quickly grasp where opportunities for compromise or deal making might emerge in complex and uncertain circumstances. They back this up with the ability to exploit these opportunities through persuasion and creative reasoning. Diplomats, politicians and other negotiators often talk of what they do as a “black art”, one that relies on their instincts and ability to “smell the room”, as well as their rational intellect.

Negotiators are heavily dependent on social transactions between each other to do what they do, and their level of performance matters in making multilateral negotiations work (if this was not the case, multilateral negotiations could be carried out by fax—and possibly would be, in view of the expense of maintaining diplomats abroad and sending delegations to multilateral meetings). So, the nature and structure of multilateral interactions is worth further scrutiny. Multilateral environments that promote and facilitate contact, as well as the development of trust between practitioners enabling more flexible arrangements for dialogue and the emergence of cooperation, are likely to be more productive. For want of a better term, this could be described as the *cognitive ergonomics* of negotiating.

Ergonomics are important, as anyone who has used an uncomfortable keyboard or sat in a cramped airline seat knows. Good ergonomics serve to make us work better: they prevent carpal tunnel syndrome while letting us type faster, and that business class bed and service enables us to get off the airplane after a long flight and head straight into a meeting, rather than collapse in an exhausted heap into the nearest hotel bed. Interestingly, while disarmament diplomats spend a remarkable proportion of their time and energies vying over matters of procedure in multilateral processes (the Conference on Disarmament, which has been deadlocked over a programme of work for almost a decade, is a case in point), in general they give little sustained thought to whether their perceptions, habits of work and structures they work within might be important to their effectiveness.

## AN INCONVENIENT TRUTH

If viewing multilateral negotiations in this way seems strange to the reader it makes the point that we are used to thinking about multilateral diplomacy

within a particular frame of reference. Diplomats themselves have a distinctive “community of practice” in international security matters, which we discussed in the first volume of work of the *Disarmament as Humanitarian Action* (DHA) project.<sup>1</sup> This common way of looking at what they do and how to go about it has built up gradually over a long time—often so slowly that its development is hardly discernible. While this community of practice is sometimes a great help to diplomats from different countries and cultures, it can also reinforce unhelpful unorthodoxy that is then difficult to challenge.

In a recent film documentary entitled *An Inconvenient Truth*, former US Vice-President Al Gore compared the responses of some policy makers in the face of global climate change (most likely induced by human activity) to that of a frog dropped into a pot of boiling water. The apparent cruelty of such an act aside (no animals were harmed: it was demonstrated with a cartoon frog), the frog immediately leaped out of the pot. A frog dropped into a pot of cool water gradually being heated on a stove, however, did not notice the rise in temperature until it was too late and it found itself, literally, cooked.

To some of us following its work, the water seems to be getting uncomfortably warm in multilateral disarmament diplomacy. In May 2005, for instance, the five-yearly review meeting of the Nuclear Non-Proliferation Treaty (NPT) failed to reach any agreement, despite looming threats to the global non-proliferation regime. It was followed by the failure of an international meeting just over a year later to review the 2001 UN Programme of Action to curb the illicit trade in small arms and light weapons. Meanwhile, the Comprehensive Test Ban Treaty (CTBT) remains in limbo a decade after it was signed without the required ratifications to enter into force internationally. And, effective, verifiable and irreversible nuclear disarmament remains a distant dream, not least because the primary multilateral body tasked with negotiating it, the Conference of Disarmament (CD), remains deadlocked.

The case of the CD paints an especially stark picture of the limits in the current thinking of many politicians and diplomats. Its long impasse confronts policy makers with the paradox that, even as they try to assert the importance of multilateralism as a way for states to peacefully and cooperatively achieve their security goals, they are hindered by the accumulated process and procedures of the institution that work against

this. These factors include the strong grip of precedent, the consensus rule, regional groupings and the exclusion of civil society. At its crux, the CD's current situation implies heavy costs for most states that contemplate trying to break out of the impasse, something analysed in detail later in this volume.

It is perhaps little surprise then, that, in recent years, multilateral practitioners in disarmament and arms control have talked a lot about the need to "think outside the box". It is not always clear, however, what they mean by thinking outside the box beyond recognition that they would like a better return on their investment in multilateral work. Like frogs in Al Gore's slow-boiling pot, many multilateral disarmament diplomats suspect something is not as it should be, although not to the extent that they have yet been prompted to make any big leaps *en masse*. Almost 10 years after the agreement of the Anti-Personnel Mine Ban Convention that carried with it hopes of a "new multilateralism" emerging, disarmament diplomacy largely remains business as usual, despite its recent dismal record.

Meanwhile, United Nations reform is a hot topic, and justly so. However, it is clear that managerial or bureaucratic changes to the organization, while important, are by themselves *not* going to be a guaranteed way to make multilateral interaction between state representatives vastly more productive. How multilateral practitioners perceive and choose to respond to the challenges they must deal with also needs to be examined. As we explained in our first volume of work, because of the gradual, evolutionary character of multilateral disarmament work, many of its distinctive features may no longer suit creative and constructive problem solving. Some of these features were never consciously or coherently incorporated. Others originally had a purpose but have since become artefacts. Yet other features have changed in function because of changes in their patterns of use in multilateral work.<sup>2</sup> The CD's antecedent, the Ten Nation Committee on Disarmament, for instance, began its work in 1959. Since then, the CD has grown to 65 member countries, while the United Nations now exceeds 190. Yet regional groupings in both institutions reflect Cold War divides, not current circumstances in which pressing international security challenges are far more cross-cutting and issue specific.

If multilateral practitioners are really serious about thinking outside the box, their community of practice is a good place to look for ways to improve their effectiveness. Curiously, while there is a great deal of academic

international relations research into how cooperation develops between states, a lot of it dates to the Cold War era and is usually weak on delivering specific recommendations for action to negotiators in the contemporary era. A particular shortcoming Vanessa Martin Randin discusses in the next chapter is that the academic literature does not seem to explain convincingly how the roles and influence of transnational civil society actors in the multilateral context can be explained, although they have clearly had an impact.

Rectifying this is important because, historically, the engagement of civil society actors has sometimes been a practical means to making multilateral processes more effective, especially when it has led to the questioning of features of those processes that have lost their purpose or utility. Research published in our preceding volume of work, entitled *Disarmament as Humanitarian Action: From Perspective to Practice*, which drew on contexts such as international efforts on explosive remnants of war, small arms and anti-personnel mines, showed that, beside high-profile successes like the Mine Ban Convention, humanitarian approaches (usually initially presented by civil society) can also help multilateral norm-building in low-key ways, like the Geneva Forum's work on small arms.<sup>3</sup> These approaches have sometimes altered government perspectives, and have consequently enabled them to identify new opportunities for productive cooperation. In his chapter in this volume on "NGOs and Multilateral Disarmament Diplomacy: Limits and Possibilities", David Atwood has described this phenomena as civil society "being in the middle by being on the edge", drawing upon his extensive experience with the Quaker United Nations Office in various issue areas.

It is no coincidence that the arms control processes which have made most progress over the last decade are ones in which those involved have been able to see challenges and responses in humanitarian terms, for instance on anti-personnel mines and explosive remnants of war. But these successes have not yet translated widely into other multilateral disarmament processes. The nagging question remains the problem of why disarmament and arms control endeavours are failing more generally. Is it all, as some diplomats maintain, simply down to the lack, or wrong kind, of "political will"?

There is no getting away from the reality that differences among states—especially conflicting interests—are key to the lack of progress in the current

multilateral disarmament and arms control context. Such differences are present in all of the examples of recent multilateral failure mentioned earlier. But differences among states have not prevented other kinds of international security cooperation from emerging, such as the Proliferation Security Initiative, Group of Eight cooperation or cooperative efforts under UN Security Council resolution 1540.<sup>4</sup> State differences have not led to apathy in the UN General Assembly's First Committee, in which states frequently vote over disarmament-related topics and continually seek to build and maintain dynamic coalitions of support on these issues. Lack of political will is therefore not the whole story and, as explained in our first volume, the very idea is actually sometimes unhelpful in figuring out how multilateral difficulties can be overcome.<sup>5</sup>

In her chapter, entitled "Changing Perceptions and Practice in Multilateral Arms Control Negotiations", Rebecca Johnson observes that states' expectations and interests in multilateral negotiations are not fixed. She argues that these expectations and interests can and should be reshaped if multilateral practitioners are to be more productive. Her view, and one shared by other contributors to this volume, is that the crisis in multilateral arms control is partly due to the fact that too many of the current rules, assumptions, institutional practices and negotiating strategies still reflect the Cold War's adversarial state-centric power structure. In dissecting the typical negotiating tactics of states in negotiations like those in the Comprehensive Test Ban Treaty negotiations, she shows how more needs to be done to adapt them to meet the human security concerns that are relevant for the twenty-first century and offers some ideas for "cognitive tactics", which increase opportunities for more mutual and participatory solutions to be created.

Two decades ago, the political scientists Robert Axelrod and Robert Keohane used game-theoretic tools to arrive at key insights about the emergence of cooperation at the international level, and the roles of collective norms and institutions in this phenomenon. They concluded that, over time, *context is malleable*, an insight of continued relevance to all multilateral practitioners: "not only can actors in world politics pursue different strategies within an established context of interaction, they may also seek to alter that context through building institutions embodying particular principles, norms, rules, or procedures for the conduct of international relations."<sup>6</sup>

Sometimes, as noted above, sustaining cooperation in multilateral disarmament and arms control is impossible because negotiating actors have conflicting interests that cannot be reconciled within the framework of existing institutions. These institutions are unable to lower transaction costs to a point where cooperation is of enough perceived benefit. But tackling issues of global concern like halting fissile material production, preventing poisoning or deliberate spreading of disease, or curbing the proliferation of illicit small arms and light weapons are not zero-sum. States should be able to cooperate on these issues, in view of the serious humanitarian consequences of a nuclear explosion, biological weapons attack or the rising death toll and insecurity already occurring because of an epidemic of global gun violence.

Yet this is not the case. Altering the international context over time, of course, can have consequences for the emergence of cooperation that may be negative instead of positive—that can increase the costs of cooperating, rather than reduce them. In presenting an updated version of an article originally published in *Disarmament Diplomacy*, entitled “Cooperation and Defection in the Conference on Disarmament”, I analyse that institution’s protracted deadlock from a game-theoretic perspective. Also, I offer what I hope is a fresh perspective about practical ways forward for reviving that forum while, more importantly, making meaningful progress on urgent arms control priorities.

Most of the contributors to this volume draw on considerable multilateral experience, as well as other perspectives including work in the humanitarian field, policy and academic research and advocacy. It is especially welcome that a multilateral diplomat currently working in the areas we discuss in this volume is willing to put forward his personal reflections; in his chapter, Daniël Prins looks at current multilateral problems from a diplomat’s perspective, and suggests new ways he and his colleagues could engineer progress in disarmament contexts. These include exercising greater flexibility and initiative in the use of regional groupings as blocs, procedure, diplomats’ relations with their authorities in capitals, and in involving non-governmental organization (NGO) partners.

## COMPLEXITY

Prins touches upon the increasing complexity of multilateral work, both in terms of the difficulties that issues of interconnection pose for traditional

ways that states frame their security responses, and the sheer range of negotiating actors to deal with in arriving at those responses. In view of this, he notes that, “Leaving the beaten track is simply difficult to manage in terms of the new uncertainties it introduces for individual negotiators.” In two chapters of this volume the DHA project examines what complexity is, and what its implications are for multilateral negotiators.

For most people working in disarmament, complexity in the physical, scientific sense is not something they think about much. Indeed, when many multilateral practitioners talk about “complex” phenomena, it seems they often confuse them with those that are “complicated”. Policy makers need to move beyond rhetoric about complexity and interdependence toward a real conceptual understanding about the distinctive characteristics and implications of these systems we describe if they want to benefit from practical insights that scientific advances in understanding complexity offer.

These benefits are real. Following on from ideas I introduced in the DHA project’s first volume of work, Aurélia Merçay and I show in our chapter entitled “A Physics of Diplomacy?” how the rational approach that has roots in the seventeenth century shapes diplomats’ minds and the ways they are inclined to look at the world. However powerful it is, this approach faces limitations in dealing with complexity, especially where social systems and problems of armed violence are concerned. In plain language terms we explain scientific concepts such as phase transitions, self-organized criticality, and complexity and network theory in order to equip multilateral practitioners with the basic tools to frame these issues.

One of our suggestions is that multilateral negotiations can themselves be considered as complex social systems—a realization that has implications we are still coming to grips with. Another is that the quantitative tools of complexity theory are of great potential usefulness in understanding the social interactions underlying small arms proliferation, a field of research that is starting to burgeon. To illustrate this, Merçay presents a non-linear model of small arms proliferation, inspired by mathematical techniques used in physics and biology, in a following chapter. Rather than making predictions, the model is a striking conceptual tool that is useful in at least three ways:

- it highlights the core factors influencing demand for small arms in a manner taking into account the profound effect that social interactions have on individual decision making;
- it helps to account for puzzling disparities in rates of gun ownership between apparently similar social systems that each display phase transition patterns—non-trivial sudden switches between two very different levels of gun ownership; and
- it potentially offers policy makers the prospect of new policy options to address aspects of small arms proliferation.

For reasons explained in our chapter on “A Physics of Diplomacy?”, a feature of complex systems is that they are inherently unpredictable, which is an important caution for policy makers and researchers. Nevertheless, important steps Merçay identifies for further research include developing agent-based models to simulate social systems with many interacting elements. This would enhance understanding of local-level interactions like those at the heart of small arms proliferation.

In a related vein, Nathan Taback and Robin Coupland present a chapter on “Security of Journalists: Making the Case for Modelling Armed Violence as a Means to Promote Human Security.” Health professionals, for instance, have already gathered much empirical data that could be of considerable use to practitioners and other decision makers in choosing policies to effectively reduce human insecurity. To demonstrate this, they have developed a methodology to build a “security profile” studying attacks on journalists that uses analysis of media reports. They conclude that this approach can generate meaningful data about the multiple potential effects of armed violence on any particular vulnerable group (as exemplified by journalists working in conflict areas). Further development of this statistical approach could be a useful tool, especially as it can also be applied in a variety of contexts and to vulnerable groups other than journalists, in order to obtain information about the level of human insecurity in a given situation.

## **APPROACHING DISARMAMENT FROM THE BOTTOM UP**

Gro Nystuen’s chapter is written from the perspective of a veteran diplomat and expert on international humanitarian law. She is currently Chair of the Advisory Council on Ethics for the Norwegian Government Pension Fund–

Global, which is one of the world's largest public funds with investments of more than €200 billion. The creation of this Council stemmed from public debate in Norway in the late 1990s about the need for ethical guidelines for the Norwegian Government Petroleum Fund. In 2006, fifteen large arms-producing companies were excluded from the Fund on the Council's recommendations. Nystuen's chapter explains how the Ethical Guidelines came about and how they function, as well as looking at the consequences of the Guidelines for investment in arms production more generally, including implications for on-going advocacy work related to cluster munitions.

The final chapter of *Thinking Outside the Box in Multilateral Disarmament and Arms Control Negotiations* considers the role of NGOs in the monitoring and verification of international arms control and disarmament agreements. As the nature of the relationships between civil society and governments has changed over the last decade-and-a-half, new issues, risks and opportunities have arisen. Drawing on the accumulated experience of the London-based Verification, Research, Training and Information Centre (VERTIC), Michael Crowley and Andreas Persbo review case studies of civil society organizations and networks currently active in the field of monitoring and verification, and explore how such activities can be further developed in the future. In the current international climate there are many difficulties associated with generating enough resources for NGO activities in this regard, besides allowing them to operate without restriction and acting upon their recommendations. But this interesting analysis provides multilateral practitioners with useful insights about working with civil society in this area in future disarmament and arms control initiatives.

## BEYOND THE BOX

This volume does not attempt to be a comprehensive manual or guide to making multilateral negotiations work. Our suspicion, based on interacting with many diplomats and NGOs in these environments over the years, is that they would be unlikely to read such a tome anyway. Moreover, there is often a gulf between the policy-making and research communities in disarmament that can be difficult to bridge. Researchers often have only little or a naïve understanding of how multilateral policy processes really work. Diplomats, for their part, are often unrealistic in assuming that anyone can offer them ready-made solutions that will save them the trouble

of fashioning worthwhile and acceptable negotiating outcomes—it is, after all, what *they* are tasked with doing.

In all likelihood, specific ways to engineer further progress on disarmament and arms control-related issues in the multilateral context will have to come from practitioners themselves, especially from diplomats. Judging by recent multilateral deadlocks and failures, though, many of them could use some inspiration, for instance through the input or skill in facilitating that others, such as NGOs, can inject. The *Disarmament as Humanitarian Action* project has tried to show that there are valuable lessons to be drawn from recent multilateral experience, and that there are also useful things to be learned from other fields and other perspectives. To that end, the chapters in this volume are intended to both provoke multilateral practitioners and to assist them by providing new tools and perspectives to help them work better. The urgent need for this should be evident: even in the richest, most powerful or most sheltered societies, problems of human security exacerbated by the availability of weapons are nearer our doorsteps in an interconnected world than we often imagine. If we can accept this reality as the basis for reframing and redoubling multilateral disarmament efforts, we are already starting to think outside the box.

## Notes

- <sup>1</sup> John Borrie and Vanessa Martin Randin (eds), *Alternative Approaches in Multilateral Decision Making: Disarmament as Humanitarian Action*, UNIDIR, 2005.
- <sup>2</sup> See Vanessa Martin Randin and John Borrie, “A Comparison between Arms Control and Other Multilateral Negotiation Processes”, in John Borrie and Vanessa Martin Randin (eds), *Alternative Approaches in Multilateral Decision Making: Disarmament as Humanitarian Action*, UNIDIR, 2005, pp. 67–129.
- <sup>3</sup> John Borrie and Vanessa Martin Randin (eds), *Disarmament as Humanitarian Action: From Perspective to Practice*, UNIDIR, 2006.
- <sup>4</sup> United Nations Security Council, document S/RES/1540 (2004), 28 April 2004.
- <sup>5</sup> See John Borrie, “Rethinking Multilateral Negotiations: Disarmament as Humanitarian Action”, in John Borrie and Vanessa Martin Randin

(eds), *Alternative Approaches in Multilateral Decision Making: Disarmament as Humanitarian Action*, UNIDIR, 2005, pp. 7–37.

- <sup>6</sup> Robert Axelrod and Robert Keohane, “Achieving Cooperation under Anarchy: Strategies and Institutions”, *World Politics*, vol. 38, no. 1, Johns Hopkins University Press, 1985, pp. 226–254.