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Diplomatic method

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Consultation and conciliation

For a long time, but especially recently, men have been trying to develop better methods for international conciliation. Most of these attempts have been directed to the development of international structures and legal mechanisms. Such formal procedures, however, overlook the potential of ad hoc diplomatic contacts as a significant way to international understanding. And, in actual diplomatic practice, there has been an increasing tendency to utilize informal means for influencing decisions or resolving conflicts. In fact, formal third-party conciliation is now largely reserved for a very few international differences. Direct diplomatic consultations suffice in most other cases to prevent or resolve problems.

Consultation is a conversational process of exchanging points of view on subjects of common interest. It serves as a means of inter-influencing diverse positions in a way that may bring them closer together. In this sense, diplomatic consultation becomes an informal method of international reconciliation.

To bring out the salient points of the consultative process, I shall discuss six questions: what is the nature of consultation? who participates in it? where is it practised? how does it operate? when is it most appropriate? and, finally, why is it useful in inter-

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national conciliation? The answers to these questions should provide information on the scope, actors, arena, method, timing, and purpose of consultation as it is used in international relations. This information in turn may demonstrate the efficiency of consultation as an informal procedure for resolving international issues.

NATURE

First of all it is essential to define the concept of consultation, delimiting its scope and content so as to differentiate it from other, related activities, in particular from negotiation.

Consultation is a well known activity to every diplomat. It is a normal pursuit of officials who wish to win friends and influence people. In diplomatic language, consultation means a common examination of an issue by an exchange of opinions, as a result of which the various parties may decide to adopt a more enlightened and accommodating policy towards each other. Of course, consultations vary in the degree to which they fulfil these qualifications. They range from the minimal one of a simple exchange of information through the co-operative activity in which the participants communicate their intentions to the maximal one of collective decision-making or consensual conflict resolution.

Three conditions are both necessary and sufficient for a consultation: an informal atmosphere, complete confidence, and a receptive attitude. It is upon them that I base my definition of consultation: the process of exchanging views by considerate, discreet, and informal means.

Consultation is not limited as to content. Any topic of common interest may be discussed, though the subjects most likely to be covered in consultations can be divided into two categories: procedural and substantive. The former deals with the mechanics of international conciliation, the latter tackles the issues themselves.

Many good examples of procedural consultations can be found in the activities of international organizations. United Nations conferences rely on consultations to determine the time and place of meetings, the adoption of an agenda, and the nomina-

tion of delegates to various bodies – all matters of primary importance which may determine to a large extent the outcome of subsequent negotiations.

Consultation on substantive matters may extend to any international subject. One example of the all-inclusive nature of consultations is the May 1971 Soviet-Canadian Protocol on Consultations. According to this agreement, the topics falling within the jurisdiction of bilateral consultations were: (1) questions of a political, economic, and cultural nature; (2) international questions, including situations causing tensions in various parts of the world; (3) problems which are the subject of multilateral talks, including those considered in the United Nations; (4) any other subjects in respect of which the parties may find it useful to have an exchange of views. From the extent of this pact, hailed as a prototype of its kind, one would be hard pressed to find any subject that could not properly be brought forward for discussion. Only the views of the parties on what can be fruitfully discussed at any one time circumscribes the content of any particular consultation.

If conciliation implies a convergence of conflicting positions then the reconciling process is at the heart of peaceful international accommodation. To convert conflicting policies into complementary ones requires diplomatic skill as well as good will. The basic diplomatic problem is how to change the mind of one's adversary or at least make him shift his position closer to one's own. The main approaches to achieving this goal may be said to be negotiation and consultation.

Negotiation is a formalized way of exchanging concrete interests in order to arrive at a mutually beneficial agreement. The negotiator attempts to influence the other party by bargaining inducements and deprivations, thus using political pressure to reach a compromise based on a balance of interests. The possession and manipulation of power are therefore the most important components in negotiation. Consultation, however, attempts to

influence by increasing the understanding that comes as a result of exchanging views. Greater appreciation of the positions of others is likely to bring about reconciliation. Consultation is an informal way of comparing positions to determine to what extent they complement or contradict each other. This knowledge will, it is hoped, contribute to understanding and thus lead to more accommodating policies, given a certain congruity of interests.

Although the ultimate purposes of consultation and negotiation are similar, their immediate ends and the means used to achieve them are markedly different. Whereas the objective of negotiation is to get the most benefit for the least cost, that of consultation is to minimize one's demands and maximize one's support of others. Though both operate on the principle of reciprocity, one might say that negotiation emphasizes the 'take,' while consultation stresses the 'give.'

The bargaining strategy used in negotiation tries to find the optimum pay-off in a given exchange. This rational method however tends to make negotiation a zero-sum game in which short-range optimization may result in long-range imbalances. This weakness of negotiation is not found in consultation where immediate gains are sacrificed for ultimate considerations. In place of the cold rationality of negotiation, consultation introduces a more human relationship based on a broader and longer outlook.

Such an approach is not as idealistic as it seems. It is rather an enlightened realism which contends that one should neither give away too little nor expect too much. The policy of trying to get as much as possible by giving as little as one can get away with has long been accepted as natural human behaviour. Yet, in an increasingly complex and interdependent world, such an ostensibly rational method may no longer be the best. Perhaps a more effective way to enhance one's credibility and hence influence in the world would be to improve the over-all atmosphere of confidence by building up trust and good will. The principle of consultations is that generosity and consideration inspire emulation, thus benefiting most people in the long run.

It is thus evident that reciprocity is the starting point of an effective consultation. The inter-communication that goes on in a consultation is not talk for its own sake or to satisfy idle curiosity, but is designed to influence the decisions of the participants. Yet, if one is to influence the position of others, one must be willing to be influenced in turn. By exchanging information on preferences and expectations, the parties to a consultation intend to have this information taken into account in the decision-making process of each party. In this sense, consultation is a stage in the formulation of policy because it contributes certain input factors to the system.

Unlike negotiation, successful consultation rarely results in mutual agreement. To be worthwhile, a consultation need only influence the parties to the extent that their separate decisions are more complementary than they might otherwise have been. Being informal events, consultations can hardly result in formal policies; their conclusions might more aptly be called 'understandings.' At best, these tacit agreements become the basis of more formally negotiated decisions. But in fact most consultations never lead to a common policy or collective action. The importance of consultation lies not so much in its conclusions as in its procedures. Decisions are after all only the salient points of a continuing multi-phase process of dynamic accommodation. It is conceivable that an exchange of views may result in a greater divergence of policies and an exacerbation of conflict. Such a development however would be a parody of consultation because it presumes an initial incompatibility of interests as well as ill will on the part of the parties. It is not consultation, but confrontation.

Properly conducted consultations lead to the convergence of policies. At the very least, consultation makes for more enlightened policies in that they take into account more different points of view. At best, it increases understanding and appreciation of others and thus promotes international accommodation. In any event, it contributes to making national policies more conciliatory and international principles more acceptable.

ACTORS

Although international consultations may be carried out by politicians, technical experts, or private citizens, professional diplomats are the main actors in most such encounters. It is the diplomatic corps in national capitals and international centres who participate in most political consultations. Other national and international civil servants usually engage only in the more technical consultations related to their specialty. Such substantive consultations generally occur at specialized international conferences where delegations of experts predominate. As well as ad hoc consultations, diplomats engage in the more procedural and regular meetings which are a major part of international relations activity.

Effective consultations depend upon the widespread contacts and personal knowledge of the participants. To gain rapid and reliable access to the views of other governments, one must have a network of authoritative sources. These sources must be cultivated gradually and methodically, and it is for this reason that professional diplomats have an edge over other possible actors. Diplomats belong to an informal organization of contacts and know their way around the established channels. These interlocking contacts form various informal groups which habitually consult together.

Since consultations depend on the free flow of information, those involved in them must be willing and able to communicate with each other. The selection of congenial participants is thus a prerequisite of successful consultations. Within the limits imposed by the exigencies of manpower, facilities, and time, diplomats are careful in the choice of those with whom they will exchange confidences.

It is natural that not all diplomats participate equally or work as effectively in consultations. One can discern various patterns of behaviour and different roles that the diplomat assumes depending on whether he is acting as an agent or an individual. At various times a diplomat may be initiator, mediator, negotiator, or confidant; he may be partisan on one issue and neutral

on another; he may lead in one group and follow in some other. Consultations operate better when the participants play different roles so that there is the proper mixture of leaders, catalysts, supporters, moderates, and activists.

As a state representative, the role the diplomat assumes will be based on the power and the policy of his government. There is no question that the delegates of great powers play a greater role in international negotiations, but this is not necessarily so in consultations. In these more informal meetings, a diplomat's influence is more closely related to his skill, experience, and personality. The man who has a reputation for ability, industry, knowledge, and understanding is much sought after as a participant in consultations. He who can listen as well as speak and who is able to accept good suggestions as well as give sound advice is very influential in informal contacts. In consultative activities, then, a diplomat is more likely to lead by following and can better influence by being open to influence.

Diplomatic influence is in general related to the ability to merge national interests with the collective pursuit of common goals. The less powerful his country, the more a diplomat must rely on his personal talents. In the councils of the great, skilful diplomats from smaller states may play a much greater role than their power would warrant. Through the informal activity of consultation, they mediate among the great powers, suggest fresh approaches to old issues, stimulate discussion of delicate topics, moderate the tone of debate, press for elucidation of policies, and focus attention on issues of general interest. Thus personality characteristics, as they affect consultative roles, tend to attenuate state power differentials.

Just as personality affects an actor's role in consultations so the experience gained in consultations affects his personality. Extensive and continuous contacts with each other create a reservoir of shared experiences among diplomats which internalizes the standards of a cosmopolitan culture. Multilateral communication tends to promote a common outlook, thus increasing predictability of behaviour, stability of expectations, and the likelihood of more compatible decisions.

To present the views of his government effectively, the diplomat must enter the minds of foreigners; only thus can international communication be effected. But, to capture another mind, one must understand how it works. This is precisely what happens in consultations. Once different men embark on the road to mutual understanding, they alter each other's prejudices and preconceptions. With increasing knowledge comes understanding and deeper experience broadens one's horizon. The insights and perspectives gained in the process of exchanging views tend to break down narrow national interests and build up a transnational community.

A lot of the recent data gathered by social scientists points to the profound impact of face-to-face contacts on the motivation, opinions, and personality of men. This is especially true of the diplomats involved in various international organizations, where consultations are more regular and multilateral. Various studies indicate that the United Nations system provides the best environment for rechanneling and realigning group loyalties in supranational directions. It appears that a shared political culture is emerging among the diplomats of all nations who come in prolonged contact with one another.

Undoubtedly, experienced diplomats have a more sophisticated picture of the world. They are more moderate and relativist in their opinions and become more tolerant of the pluralist nature of the international system. Whether conscious or not, this evolution affects their relations with their own governments at home. Diplomatic cosmopolitanism is the bane of nationalist politicians because it influences the foreign policy of their state towards international accommodation. We can therefore conclude that as a vehicle of informal diplomatic contacts, consultation contributes significantly to the conciliation of national differences.

STRUCTURE

Although consultation is an informal process, it is not entirely devoid of structure. The degree of structural formality varies according to several factors such as the size of the group, the nature of the issue, and the purpose of the consultation.

Structural complexity ranges from the very simple and informal social contacts and affinity circles (peer groups, parties, friendships), ad hoc meetings (contacts, drafting groups, working committees), and caucuses (coalitions, blocs, factions), to more formalized consultations (treaty obligations) and institutionalized bodies (consultative councils, commissions).

States consult with each other in various patterns of frequency, depth, and number. A part of this variation may be explained by the personal characteristics of the diplomats involved, but another strong factor is the coincidence or divergence of national interests and policies. In fact most consultations take place among delegates of friendly governments, since the quality and quantity of diplomatic intercourse in general tends to be proportional to the common interests that bind the parties. The greater the political proximity of the states, the more their representatives consult together. It is for this reason that one can observe great consultative activity going on within alliances. The phenomenon is also quite clear in international conferences where various coalitions develop on the basis of common interests. Similarly, in international organizations, allied states usually form blocs or caucuses with varying degrees of cohesion for the purpose of regular consultations.

National interest as the criterion of consultation manifests itself in spatial, normative, or material factors. Thus states which are neighbours, or share similar ideologies, or are economically interdependent tend to consult together. At present, these factors divide the international system into four broad camps with cross-cutting memberships. The first dichotomy is based on a political gap and the second on an economic one: thus we have the East-West and North-South confrontations. The United Nations is perhaps the central arena where these divisions are reflected in the operations of consultative groups. The General Assembly, for example, has developed at least nine such groupings (African, Afro-Asian, Arab, Benelux, Commonwealth, Latin American, Scandinavian, Socialist, and Western European) as permanent consultative structures.

Different contexts and issues, of course, bring out different configurations of varying cohesion and duration. The direction of potential conflict cleavages then runs along the lines of membership involved and the issues current in international affairs. If it were not for these cross-cutting interests and changing circumstances, consultative groups might become rigid blocs in a permanently polarized world. However, the international system is an ever-changing network of interlocking groups, in which the overlap among the manifold consultative groups attenuates the divisions.

Moreover, consultations are increasing at the intergroup level. Group representatives consult regularly on how to conciliate their differences. Consultations are thus utilized by rival and antagonistic states or groups to arrive at some *modus vivendi*, if not to resolve their conflicts. Unlike blocs, consultative groups do not require their members to commit themselves to collective decisions or common policies. The flexibility of consultations allows group members to co-ordinate their positions, and intergroup representatives to decrease their contradictions.

Belonging to a consultative group is almost mandatory, if a state is to have any influence in the international system. Only great powers can afford to stand outside these circles of regular consultation and still be able to exert some pressure on world events. In fact, less than 10 per cent of United Nations members do not belong to one or more of the consultative groups in the General Assembly (Austria, Finland, Greece, Ireland, Israel, Portugal, South Africa, Spain, and Yugoslavia). And most of these states exhibit some abnormal diplomatic behaviour: isolationism, neutrality, ostracism, or some other peculiar situation. Whatever the reason for such individualism, it decreases the effectiveness of one's foreign policy and neutralizes one's diplomacy. One could say that consultations not only internationalize diplomats, but combat state alienation and constrain political extremism.

The internal organization of consultations is directly related to the size of the group and the length of time it is in existence.

The number engaged in consultations ranges from two to a few dozen. Many organization experts claim that the optimum number for small-group interaction is about six people. Whenever a group becomes too big or continues for too long, the informality and spontaneity which make for effective consultation give way to rigid patterns of action and relationship.

Small ad hoc consultations usually do not need any functional differentiation; but for larger and more permanent groups it is inevitable that some organization will develop. In these cases, a chairman and/or a secretary are the two most likely positions to be created. The offices may be elective or simply rotated among the members. Their functions are simple, but necessary for any group of more than ten people. If the group persists and increases in size then the structure becomes more elaborate. In effect the group is subdivided into smaller more manageable units which can better maintain a consultative atmosphere. To the chairman are added vice-chairmen to head each subgroup and the secretary acquires a secretariat to help him with the administration. An extreme case of such evolution is the Group of 77 in UNCTAD. This consultative group, which now includes about a hundred member-states, is divided into regional and subregional groups, and is run by a permanent secretariat.

When a group attains such proportions it becomes institutionalized and would then have to develop a parallel network of informal consultations to allow for the free exchange of views. All formal bodies create spontaneously their informal counterparts which operate behind the scenes. Thus the official machinery of any organization is shadowed by an unofficial network of consultative contacts through which the real influence flows. It is through these informal consultations that decisions are made and not in the formal meetings where they are merely promulgated.

For this reason, officers of formal bodies are as influential as their informal activities allow. Not being involved in informal consultations makes an official a figurehead and a mouthpiece. Diplomats judge the secretaries-general of international organizations by their effectiveness in informal activities. The presiding

officers of formal United Nations bodies can only operate if they are in constant touch with the chairmen of the corresponding unofficial consultative groups. These officers, along with influential diplomats and senior civil servants of intergovernmental organizations, form the establishment which in effect runs the decision-making machinery of international conferences.

The location and physical surroundings of consultations contribute to their informal structure because they create the atmosphere for effective communication. Most consultations take place wherever diplomats naturally congregate for one reason or another. One would therefore expect a plethora of such informal meetings at the headquarters of international organizations and during diplomatic conferences. The United Nations locations in New York and Geneva are thus centres of feverish consultative activity as well as formal multilateral debates.

While the public speeches are being made in the great halls of the conference buildings, private consultations are under way in the corridors, lobbies, restaurants, and bars nearby. It is here, outside the official sessions, that one is most likely to find the more influential people engaged in what has been called 'corridor diplomacy.' Here, behind the scenes, is where information is gathered, soundings taken, policies clarified, bargains struck, and strategies planned.

All these activities are very much affected by the physical environment. Adequate space, pleasant surroundings, comfortable furniture, proper acoustics, convenient location, and other amenities create a congenial atmosphere which in turn ameliorates the psychological state of the diplomats. What Sir Leslie Munro called 'policy-making in the delegates lounge' depends much more than people realize on these auxiliary facilities and other extraneous factors.

From the proverbial diplomatic receptions to the most intimate luncheons, international consultations are carried out in the most diverse places throughout the world. Modern methods of communication may have shrunk space and time, but cannot replace direct personal contact as the only way of full engage-

ment. Physical proximity in the proper environment is directly related to psychological distance, especially in such activities as consultation.

PROCESS

We now move from the rather tangible structural elements of consultation to the more dynamic process of this activity. As we emphasized in our definition, consultation must be carried out by informal, discreet, and considerate means. It is these qualities which give consultation its uniqueness.

The first and most pervasive quality of consultation is its informality. The consultative process goes on outside formal diplomatic channels and relies almost entirely on personal contact. Diplomats are united by professional and personal ties, as well as they are divided by national interests. Thus they are not mere pawns of external contending forces, but are guided by certain private human considerations, though of course they are national civil servants and as such their government instructions override personal predilections most of the time.

It is only in the informality of consultations that diplomats can relax the rigid rules of international relations and behave with greater spontaneity. Only then can they divorce themselves from their government's policies and speak their own mind in the presence of other diplomats. It goes without saying that such candour can only be expressed unofficially and off the record so that there is no commitment or loss of face on anybody's part. In this way, diplomats from various countries can co-ordinate their efforts to influence their respective governments to adopt more conciliatory policies. This extraordinary activity in which one foreign diplomat can advise another on how the latter can deal with his government is indeed the essence of informal consultations.

To promote a frank and unhindered exchange of opinions, there must be an assurance of discretion and confidentiality. This condition makes consultation a 'behind-the-scenes' activity which shuns open diplomacy and publicity. This atmosphere of privacy

which pervades consultations does not stem from a desire for secrecy, but from the necessity of ensuring uninhibited discussion. It is only in the context of private consultations that delicate or serious matters can be broached, views freely exchanged, and positions shifted with impunity. Without these discreet activities, the conciliation of diverse policies would be almost impossible.

To laud quiet diplomacy is not to disparage public debate. The formal and public aspects of diplomacy serve a useful function in exposing and publicizing international issues. Such a function is not only desirable but politically necessary in the present world; yet it has grave limitations because it exacerbates contentious arguments, hardens positions, and precipitates confrontations. Without the accompanying sobering effects of private consultation, public debate would deteriorate into little but propaganda and polemic. Conversely, publicity serves as the final court of appeal and the threat of public disclosure has kept many private consultations honest. This complementarity confirms the dictum: open covenants, privately arrived at.

Finally, the requirement for consideration in consultative interactions introduces a human element into the cold and calculating world of power politics. There are many roads towards international accommodation, but only through consultation can we arrive at this desideratum in a spirit of empathy. Informality and discretion certainly open the way to communication, but for such an exchange to have any effect, it must fall on receptive ground. Only when intercommunication is carried out in the proper frame of mind does it lead to understanding and conciliation.

In consultations, one must try to put oneself in the other person's place, in order to appreciate his position. To do so, it is essential to know the other person not just in his official capacity but also as a human being. The difficulties of such total communication in the face of not only linguistic differences but more intangible and subtle variations of emotions, perceptions, attitudes, customs, and ideologies must not be underestimated. As difficult as this meeting of minds is, however, it can only come

about through determined effort in the context of informal, discreet, and considerate relationships.

The form and style of consultation preclude its having too many or too rigid rules. Indeed consultation deliberately seeks to escape the procedural web of international protocol. Yet, as in every social activity, so in consultations there are certain rules of behaviour for the actors which promote stable expectations. These norms are of course unwritten conventions tacitly understood by the practising members of the diplomatic culture.

The rules of consultation are flexible and simple; thus they are implicit in amicable diplomatic relations. They are based on common sense and on the standards of reciprocity. From these primordial norms are derived such perennial rules as those of good faith, civility, moderation, tolerance, integrity, pertinence, and tact. These rules and their derivatives exist to facilitate contacts and avoid embarrassment, unpleasantness, and misunderstanding. Diplomats, as other people, expect their colleagues to behave towards them with basic honesty and good will. More specifically, they abhor surprises and want to be given due notice of any significant changes contemplated by others so they may try to influence the outcome or at least prepare for it.

It is neither possible nor necessary to give a detailed accounting of the rules of consultation here. In any case, the rules have little 'letter,' it is their 'spirit' which is important. It is the overall ambiance of consultations that counts and not the blind observance of rules. For this reason, such questionable practices as 'arm-twisting' and 'log-rolling,' permissible in other contexts, are frowned upon in consultations. Such tactics might produce results, but their byproducts destroy the spirit of consultation and hence are reprehensible.

Conciliation of differences requires that those concerned reach a voluntary accommodation. Because of the voluntarist nature of any viable agreement growing out of consultation, it can only be reached through consensual practices. Unilateral declarations

and even majority decisions are therefore unacceptable. A common policy may not arise from consultations, but, if and when it does, it must be determined by the sense of the meeting and not by formal voting procedures.

Consensus-building may be likened to a dialectical process during which antithetical positions are synthesized into a broader and more comprehensive one. By a series of mutually acceptable adjustments a true resolution of apparently conflicting policies may be effected. Consensual decisions are superior to more formal processes because they reflect a deeper understanding of the agreement reached. Men are more likely to keep promises if they have participated in their formulation and understand the necessity or desirability for making them. Decision-making by consensus may be more cumbersome and time-consuming than by some authoritative methods, but this lack of mechanical efficiency is balanced by greater human effectiveness. Participatory consensus-building by informal, discreet, and considerate means creates the most lasting and profound agreements.

TIMING

Generally speaking, consultations should be held whenever a change in the status quo is contemplated or foreseen. At that time those most likely to be affected by such a change can get together to prepare for it. When a particular government intends to change an aspect of its foreign policy, it ought to consult with those governments which will be concerned. Such a gesture is a manifestation of good will if not of social duty and should not be limited to the circle of one's close allies but should include all states with which normal diplomatic relations are maintained.

More specifically, consultations are in order among treaty signatories to avoid misinterpretation of controversial articles and unilateral actions. Certain treaties specify the duty to consult when the actions of one state might come into 'potentially harmful interference' with the activities of other states. Consultations, then, are proper whenever amicable relations may be threatened for any reason whatever.

Although consultations may and do arise spontaneously from chance encounters, sensitive, complex, or multilateral meetings are most successful when the participants are well prepared. Some treaties recognize this requirement and stipulate that 'suitable arrangements' must precede proper consultations. Often preparatory consultations are needed to organize a consultation that is large and complicated or one at which technical subjects are to be discussed.

Whether impromptu or intended, consultations will happen whenever two or more parties consider a topic of common concern. The initiator of the consultation has the obvious advantage of choosing the time and place of the encounter, but at the same time exhibits a certain vulnerability on the issue considered. For this reason, delicate or inopportune subjects are best raised by neutral parties at their discretion.

Depending on when they occur, consultations may be divided into three categories: ad hoc (ordinary diplomatic contacts), periodic (regular standing group meetings), and conference (pertaining to international assemblies). The most numerous and informal consultations are, of course, the ad hoc contacts which take place every day. Of high frequency but short duration, they deal mostly with the routine issues of normal bilateral relations. The more formalized consultations called for specifically by treaties or convention are less frequent but of longer duration, since they require some preparation and cover more issues. But it is in the context of international conferences and intergovernmental organizations that one finds the most consultative activity. Both ad hoc and regular consultations can take place during the preparation for and course of these multilateral events. The United Nations system naturally provides a unique setting for countless contacts at the time of its sessions. During a busy day of General Assembly meetings, a typical delegate may engage in about a dozen consultations, lasting from a few minutes to hours. One political scientist, for example, counted about 3500 consultative interactions during fifty sessions of the Fifth Committee. From these figures, it would seem that consultations are the most

prevalent activity of delegates at an international conference.

The timetable of consultations runs parallel to that of the conference. Consultative activity, however, reaches peaks just before the opening of the conference and at its climax. Because the most important function of consultation is to influence policy, it must precede decision-making. This crucial pre-decisional stage is devoted to determining when, where, how, and by whom an issue may be discussed. After testing the interest in and degree of commitment to a certain subject, consultations move on to discussing the support for or opposition to particular proposals, finding allies and gathering votes, changing minds, drafting amendments, and conciliating opposing groups.

To achieve accommodation among a number of parties, each of whom brings to any given issue his individual preferences and views, requires patience and time. Some consultations may be over in a few minutes, while others need continuous contacts over a long period. The more experienced the delegates are, the less time is wasted in unnecessary preliminaries and the faster they reach a conclusion. Consultations, however, cannot be rushed; there must be adequate time for relaxed, thoughtful conversation. It is thus better if consultations take place regularly and become a habitual practice, rather than being resorted to during crises when time is of the essence.

Although each consultation is unique and most of them are too informal for a pattern to be discernible, many multilateral meetings do go through a series of similar stages. Thus a typical sequence of group consultations begins with preliminary pleasantries to establish a convivial mood. The convenor of the meeting then introduces the issue at hand and the purpose of the consultation. An exchange of initial statements of position and various thoughts on the subject by the participants is followed by a discussion of the pros and cons of the different ideas and a confrontation of alternatives. The next stage is to narrow the options through the elimination of some choices and the fusion of others. This process becomes a conciliation of alternatives and consensus-building. If the consultation is successful, this collective decision-

making will reach agreement and terminate; otherwise further meetings may be scheduled to continue the efforts at resolution.

Most consultations of this type follow this pattern of presentation-confrontation-conciliation. If they do reach consensus, it is reflected in the formal decisions taken later either by individual governments or by international institutions. In these cases some official body goes through the formality of ratifying the tacit understandings reached at consultations and thus publicly commits the parties to their agreement. As all those involved know, however, the real decisions had been made long before their public announcement.

FUNCTIONS

My praise of consultation should not be interpreted as an uncritical acceptance. Any apparent overemphasis in this article on the importance of consultations is a consequence of the need to balance previous neglect of this method. The moment is perhaps come to place consultation in perspective.

Diplomatic consultations do not, of course, occur in a vacuum. The 'realities' of the world are the independent variable upon which consultations depend. It is the dynamic nature of the world and the interdependence of the international system which combine to pressure states to come together to find ways of adjusting to change. Differing perceptions of reality and interpretations of change manifest themselves as conflicts of will and interest. Every government prefers to see others adopt its views, and so tries to influence their decisions to that effect. One's influence depends largely on one's control of resources or 'power.' But since no state is so powerful as to control all the others, its diplomatic skills must also be employed to exert influence.

It is in this area – where one must convince, rather than force, others – that consultations are so important. This is where power is tempered by ability, and a state is judged not so much by its economic resources as by its diplomatic acumen. It is in consultations that governments try to influence each other to adopt a more accommodating policy. The range of influence varies from

the minimal input of marginal consideration to truly collective decision-making and international problem-solving. Whether or not it results in more acceptable, complementary, or common policies, consultation contributes to international reconciliation.

Decision-making and conflict resolution are two sides of the same coin, since they both adopt the same means to achieve similar ends. Consultation is an approach utilized at an early stage before decisions are taken and conflicts crystallize. Both customary and statutory international law recognize consultation as a primary method of resolving disputes before other more formal means are tried. Although not mentioned by name, consultation is implicit in the United Nations Charter (chapters VI and VIII, especially articles 33, 36, and 37) as the first step in peaceful settlement procedures. These provisions make quite clear that direct contact between the parties should be made before disputes are brought to the United Nations. Any contrary procedure would thus seem to violate article 33.

The use of consultation does not end when disputes are brought before United Nations organs. Informal consultation goes on in parallel with negotiation. In conference diplomacy, consultation becomes an implicit procedure which encompasses conciliation and mediation. In this context, third parties bring to the attention of those concerned any matters which might develop into disputes.

India's former ambassador to the United Nations, Arthur Lall, has described this function of consultation as 'conciliation without a conciliator.' The 'conciliation procedures' of UNCTAD and GATT are merely consultation under another name. Their main characteristic is to provide a mechanism to deal with disputes through direct informal consultations. Only when this method fails is a true third party conciliation set up.

Many governments, especially those of non-western nations, seem to prefer consultation, whether bilateral or multilateral, to more formal procedures. Most of their diplomats are suspicious of the 'arbitrariness of arbitration' and other formal methods based on western traditions and rules. They prefer to deal directly and informally in the more familiar territory of common sense.

Given the reluctance of states to enter into litigation and the difficulty of enforcing judicial decisions, informal and amicable settlement is vastly more effective in international affairs. The old maxim that 'a bad political settlement is better than a good legal award' fits very well. Similarly, consultation is often preferable to negotiation, because its greater flexibility and adaptability minimizes and diffuses controversy. Formal negotiations tend to magnify differences and confront their contradictions, whereas consultations operate on a deeper level which makes for a settlement of wider issues, rather than an immediate termination of specific disputes.

Although peaceful conflict resolution may be attained by either legal settlement or political negotiation, the mechanism of social consultation provides a more human and moral approach. It does not merely treat the symptoms but resolves the underlying causes of conflict by emphasizing personal communication and understanding. Unfortunately, not all situations allow the selection of the consultative process, but whenever it is possible the utilization of consultations contributes a superior method and effects more lasting results.

The moral nature of consultation derives from the voluntarist principle of consenting parties. Although voluntary acceptance to consult, and consensual decisions are axiomatic in diplomatic relations, there is a developing principle that consultations are a duty among friendly and peace-loving states. Many legal experts assert that consultation is being established as a norm of customary international law. Moreover, an increasing number of international treaties make consultations obligatory. The usual terminology is that the signatories shall give 'full and sympathetic consideration' to the representations of each other, or simply that the 'parties shall consult together.' Such wording appears in the charters of intergovernmental organization, institutional rules of procedure, terms of reference, resolutions, and executive agreements.

One finds in many of these documents the novel idea that 'appropriate provisions would have to be included in the inter-

national regime to effect prior consultations' concerning transnational activities. More specifically, as the Canadian Draft Declaration on the Human Environment of 1971 stated: 'Every state has a duty to consult with other states before undertaking activities which may damage' them. In a complex and inter-related system, such activities are quite necessary; thus consultation must become a normal activity.

Although there are still some governments who consider the increasing use of international consultation an inappropriate intrusion on national sovereignty, more and more are coming to appreciate the advantages of judicious consultation in avoiding conflicts. As the Convention on Bacteriological (Biological) Weapons proclaims: 'States Parties to this Convention undertake to consult one another and to co-operate in solving any problems which may arise in relation to the objective of, or in the application of, the provisions of the Convention.'

Alliances have gone even further in spelling out the necessity for consultations among their members. At their June 1974 conference in Ottawa, the NATO governments reaffirmed their conviction that 'the fulfilment of their common aims requires the maintenance of close consultation, co-operation and mutual trust ... in the spirit of ... friendship, equality and solidarity.' For these reasons, they declared that they were 'firmly resolved to keep each other fully informed and to strengthen the practice of frank and timely consultations by all means which may be appropriate on matters relating to their common interests.'

It is hardly surprising, of course, that reality does not measure up to the ideals of men and nations. Whether allied or not, states do not necessarily practise what they preach, and so they do not consult each other as much as they could. Yet, both in relative and in absolute terms, the principle and practice of international consultation have grown significantly in the last few years. Through many open-ended and far-reaching commitments, nation-states have gradually accepted the legitimacy of diplomatic consultation.

The process of internationalization of issues through legiti-

mization of consultations is being promoted by the tremendous increase in the number of international organizations. Through the proto-legislative activities of multilateral conferences, almost all the states of the world participate to some extent in the creation of global policies. This universal involvement in collective decision-making minimizes the unilateral moves of great powers and increases consideration of all views. Although international institutions have little power over authoritative national policy-making, their indirect influence through informal consultations can hardly be denied. The gradual legitimizing activities of the United Nations system, as manifested in the plethora of resolutions, declarations, recommendations, and treaties, is evidence enough.

It is impossible to deduce from this documentary evidence the degree to which states comply with their consultative obligations. It would appear that the main obstacle to this new norm of consultation is the old principle of domestic jurisdiction. It is usually this excuse that governments give for not wanting to engage in international consultations on particular topics. The most notorious example of such opposition occurred at the Stockholm Conference on the Human Environment in 1972, when a deadlock nearly occurred because of controversy over the article on consultation in the Declaration.

In our increasingly interdependent world, however, the argument that a matter is purely domestic is becoming harder to substantiate. The necessities of the international system require closer contacts and greater co-operation. As more and more governments realize this, the legitimization of consultations will be assured. Meanwhile, consultations can neither be forced on reluctant parties nor forbidden to willing ones. The desire for consultations will increase in proportion to the perceived need for them, and the legal obligations will reflect this development.

The interflow of influence in the world cannot be legislated; it can only be the result of informal consultations. The principle that the members of a society ought to consult one another before

they take decisions, and that not doing so is an antisocial act, is being accepted voluntarily in theory, even if not always followed in practice. The informality and flexibility of consultations combine to strike a balance between legalistic rules and the methods of power politics. Since effective consultation can only be voluntary, its implementation rests on the principle of autolimitation. In the final analysis, the social behaviour of states in observing the spirit of collective decision-making as a self-imposed commitment constitutes the most significant development in international relations.

It may be that a new moral imperative for the world is emerging: a morality based on the principle that 'states should endeavour to ascertain the opinions of others, exchange views, and estimate the repercussions of their actions.' If morality is defined as consideration for others, then consultation is an eminently moral activity. By according 'sympathetic consideration' to the wishes of others, a state is not only behaving morally but sociably and responsibly. Consultation is, therefore, more than a legal obligation and a political necessity. It is a condition for effective and constructive social action through collective reconciliation of common issues, thereby helping to build up a better international community.

CONCLUSION

Consultation is not a panacea for international conflict. Rather, it is an indispensable tool of diplomacy, and, whether one likes it or not, the world cannot do without it. Based on this, I have tried to show that consultation is indeed a positive approach to international decision-making and conflict resolution within the constraints imposed by power politics.

A century ago Walter Bagehot affirmed that the only prerogative a wise ruler needed in order to influence state policy was the right to be consulted. More recently, it has been increasingly recognized that the indirect influence of consultation has been greatly underestimated by those who only look at the façade of

the political process. This is especially true in international relations where the main actors are relatively autonomous and direct authoritative commands cannot operate effectively.

For a generation now, states have sought to influence others through the development and use of various subtle and informal methods. This article has stressed some of the more significant ones: accommodation by consensus-building rather than decision-making by majority votes; ad hoc and discreet contacts rather than formal public confrontations; participatory and collective policy-making rather than great-power bloc dominance. This greater use of flexible, private, multilateral diplomacy emphasizing informality, discretion, and consideration thus has strengthened the role of consultation in international politics.

The development of East-West rapprochement and North-South decolonization have produced the kinds of political and economic change which favour international consultation. The increased number of members in the United Nations and the corresponding increase in demands for a more equitable distribution of wealth make for a greater decentralization of power. If these pressures are not to be manifested in confrontations, they must be eased by consultation. If peaceful change is preferable to violent revolution, then the consultative process can contribute to the evolutionary transformation of the world.

In one of his futuristic studies, Herman Kahn posited three main alternatives for mankind: a deteriorating, more troubled, and increasingly violent world; a world somewhat similar to the present one, drifting from one crisis to another and, with luck, muddling through; or, a more peaceful and prosperous world, with a higher degree of international consultation and political co-ordination. The third choice being most preferable, all that is needed is to make it the most probable. It has been the burden of this article to argue that this ideal may be achieved through the spirit of international consultation.