THE DIPLOMACY OF DEVELOPING STATES IN INTERNATIONAL
ORGANIZATIONS: A COMPARISON OF THE STRATEGIES USED
BY THE LDCs IN UNCTAD AND IN UNCLOS III

by

MICHAEL RALPH

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Department of Political Science

The University of British Columbia
2075 Wesbrook Place
Vancouver, Canada
V6T 1W5

Date August, 1979
This study analyses the types of strategies which characterise the diplomatic behaviour of developing states at the United Nations. The behavioural patterns of these states are observed within the two selected multilateral conference environments, the United Nations Conference on Trade and Development (UNCTAD) and the Third United Nations Conference on the Law of the Sea (UNCLOS III). These institutions are responsible for bargaining about and debating issues relating to many of the vital problems of developing states. Thus, a fairly representative view of the United Nations diplomacy of developing states can be obtained.

Though the concentration of this inquiry is on the diplomatic behaviour and methods of the selected group of states, the success or failure of the strategies used is beyond the scope of this study. The purpose is not to assess the impact of the diplomatic behaviour of developing states on decision-making at the United Nations level, but rather to understand the emergence of the strategies and the factors which support or hinder their use.

To understand the mechanics of the diplomacy of developing states and the institutional and other factors which affect them, the comparative method is used in the main parts of this study. The requirements of the comparative method makes this method apt for
examining the differences in institutional factors in UNCTAD and UNCLOS III and how these affect the strategies which are used in both forums. The comparative method requires that things compared be similar enough to belong to the same species but differentiated by other characteristics. Commonalities of the selected institutions derive from the fact that they both encompass the UN conference environment in which a particular set of actors conduct their diplomacy. They are set apart by the significant differences in their institutional structures, the issues they deal with, and the factors which affect group formation within them.

The sources used for this study are documentary and secondary materials. The data collected from documentary sources are supplemented with those from academic and theoretical sources. In the main parts of the study the empirical data are compared with the theoretical assumptions. The similarities and differences are noted, following which the repetitive characteristics and strategies of developing state diplomacy are outlined.

The inquiry examines changes in the nature of the global and the institutional diplomatic environment which inevitably impinge on, and determine the types of, strategies and practices that evolve. Other impermanent factors that affect diplomatic methods and strategies are the nature of the actors and the extent to which their bargaining strength or lack of strength support or hinder the
strategies used. The nature of the issues likewise affects the diplomacy of developing states. For example, in the Law of the Sea Conference sessions when the issues being debated are related to jurisdiction over ocean space, countries which possess common geographical features very often share common perspectives on what norms should be established. Thus developed and less developed countries (having common geographical features) frequently group together to cosponsor joint proposals or jurisdictional matters.

In UNCTAD countries which share common economic attributes and capabilities likewise often share common perspectives on how issues affecting their economic well-being may be solved. In terms of shares of economic attributes and capabilities, there are wide disparities between developed and less developed countries. This very often, leads to conflicting perspectives of remedial policies to be pursued. These factors combined with others underlie the tendency for countries in the bargaining environment to polarise according to their share of economic wealth. In this latter case the predominant form of group alignment follows the pattern of developed versus less developed countries.
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CHAPTER I

INTRODUCTION

Many developing countries have attained formal legal independence, but are still trying to lessen their economic and political dependence and by so doing achieve a greater measure of genuine independence. In this quest for development, they are forced to deal with a growing number of international problems. These include the increasing complexities of internal trade, finance and other issues such as those relating to international maritime matters. In order to find satisfactory ways of resolving these problems, they seek an increased role in international decision-making. At the United Nations, developing countries have for a long time sought changes in the economic institutions where decision-making mechanisms were not always conducive to their interests. They were partly successful with the formation of the permanent machinery of the United Nations Conference of Trade and Development (UNCTAD) which has become largely Third World oriented.

In the area of the use of the oceans and delimitation of jurisdiction over ocean space, developing countries seek to influence the formation of the emerging regime, particularly those under discussion at the Third United Nations Law of the Sea Conference (UNCLOS III). Their intention is to influence the bargaining and decision-making machinery of UNCLOS III, so that it may become more representative of their policy objectives.
This study analyses the strategies that developing states use in the multilateral conferences in UNCTAD and UNCLOS III. In the main parts of this study these strategies are identified, the rationale underlying their use is discussed and the factors that support or hinder their use are analysed.

Purpose and Scope of the Study. More specifically, the objectives of this study are to examine and analyse the strategies used to pursue the issues normally negotiated in the two forums. In UNCTAD, the issues are those relating to trade, aid, monetary and developmental problems. In UNCLOS III, the issues are those relating to jurisdiction over and use of ocean space. Another related aim is to examine the characteristic features of the two institutions, and to compare and contrast the factors within them that either enhance or hinder the use of any specific strategies by the developing states.

In relation to the strategies used in UNCTAD, the time period that this study encompasses is mainly from its inception in 1964 to 1976. On occasion, however, a few references have been made to more recent developments to emphasize the continuity of some strategies. The period selected in UNCLOS III is mainly from 1973, when the first UNCLOS III Conference was convened, to 1976. Here again a few references are made to more recent developments for the sake of emphasis.

The research is organized around the following specific questions.
(1) Why did developing countries seek to pursue their policy objectives and interests in international organizational forums rather than through other means?

(2) Why did they pursue these objectives in some organizations rather than in others? For example, why did they not utilize the already existing economic organizations rather than agitate for the formation of UNCTAD?

(3) How did they pursue their objectives; what strategies did they use?

(4) How did they foster and maintain a unified position on certain issues?

The data sources include:

(1) United Nations documents of -
   a) relevant General Assembly meetings,
   b) relevant Sessions of UNCTAD and
   c) relevant Sessions of UNCLOS III;

(2) addresses of some participants of these Sessions;

(3) literature on diplomatic practice in general and other relevant material. The sources listed above comprise the empirical and theoretical foundation of this study.

Definitions and Abbreviations. The terms "developing countries" or less developed countries (LDCs) as used in this study pertain to
the newly independent largely non-industrialized states. These are also usually referred to as underdeveloped or Third World States. These terms are used synonymously in this study. For the most part, states which are referred to by these names, are of the Latin American, Caribbean and Afro-Asian regions.

The word 'diplomacy' also needs clarification. Traditional and contemporary writers have used it in a variety of ways. The word has been used synonymously with negotiation and foreign policy. It is also used to refer to the ways in which negotiations are conducted.

In this study 'diplomacy' is used in this latter sense, and the process of diplomacy is analysed in the international conference environments selected for this study. The emphasis is therefore on conference diplomacy. Contemporary writers such as Kaufmann and Wright have used the word diplomacy in a similar sense. By reference to the Oxford English Dictionary, Kaufmann defines 'diplomacy' as the process of negotiation by which international relations are managed and the methods used to adjust these relations.¹ With this perspective of diplomacy, Kaufmann later defines conference diplomacy as

That part of the management of relations between governments and of relations between governments and intergovernmental organizations that takes place in international conferences.²


2. Ibid.
Quincy Wright uses the word 'diplomacy', in very much the same way, as a process. Thus according to Wright,

Diplomacy more than either war or law, proceeds by a process of action and reaction. Initial plans, general principles and customary rules are adapted and modified until at the end those relied upon by both participants have been radically altered.  

The 'Group of 77' is another term that needs clarification. It refers to a group of developing states which usually represent their interests jointly in the two selected forums. The emergence of the Group can be traced to the autumn session of the 1963 United Nations General Assembly Meeting. At first the Group comprised the 75 countries which co-sponsored a joint declaration in 1963 requesting that the forthcoming 1964 Geneva Conference on Trade and Development deal with certain specific issues. These issues included international trade, monetary issues and related problems such as the improvement of United Nations institutional arrangements responsible for these issues. At the inaugural meeting of the United Nations Conference on Trade and Development the group had increased to 77. Writing about the group, Gosovic remarks that,

The Group of 77 was born as an ad hoc group of co-sponsors... but soon evolved into a permanent instrument to systematically articulate the demands of the developing countries.4

After UNCTAD I, this coalition of developing states retained the name Group of 77.

The abbreviations UNCTAD and UNCLOS III are used respectively to refer to the United Nations Conference on Trade and Development and the Third United Nations Conference on the Law of the Sea. The abbreviation UN is used henceforth in this study to refer to the United Nations. Other acronyms used to represent the names of UN agencies include IMF, for the International Monetary Fund, IBRD, for the International Bank for Reconstruction and Development and ECOSOC, for the Economic and Social Council. In other cases where acronyms are used, the full term or name is written when first mentioned followed by the accepted acronym in parentheses. Thereafter, only the acronym is used.

CHAPTER II

THE DIPLOMATIC ENVIRONMENT - A COMPARATIVE ANALYSIS OF SOME FEATURES OF THE SELECTED INSTITUTIONS

The Origin and Evolution of UNCTAD

There are a number of factors which led to the establishment of UNCTAD in 1964. Two of the most fundamental were the process of decolonization, which led to a rapid growth in the membership of the UN, and the inadequacies of the UN agencies existing at that time.

In the late fifties and early sixties there was a steady increase of new members in the UN as former colonial territories achieved their independence. This development led to the formation of new and dominant majorities on questions such as the economic and political underdevelopment of the new states. The problems of underdevelopment included declining prices for primary commodities, high cost of manufactured goods, and inadequate bargaining skills and expertise of LDCs to negotiate successfully with more developed countries.

Traditionally, negotiation with developed countries concerning these issues was pursued mainly through bilateral channels, and at times through issue specific interest groups of states. Developing countries, however, found that these arrangements did not result in many solutions
that were satisfactory to them. They argued that though the developed countries often expressed the willingness to extend some financial assistance to them, in most instances bilateral projects involved too many stringent conditions.

Other problems that faced them derived from the trading arrangements they had with developed countries. Through these arrangements, developed countries offered access to preferential markets and lower tariffs to primary commodity producers. However, the primary commodity producers complained that these arrangements ensured continuous supplies to developed countries at the lowest possible prices and provided no lasting benefits to them. They argued that these problems were worsened by a sharp decline in the "terms of trade", for example. They supported the view that the prices of primary commodities were declining sharply, while the prices of imported manufactured goods were consistently increasing. These factors together led to an increasing tendency among developing countries to pursue solutions to their problems at various other levels of decision-making. Besides the formation of regional and other specific issue groups, developing countries sought solutions at the multilateral decision-making forums of the UN.

Early UN multilateral projects did not, however, receive the necessary support from all members of the organization. For example, the first major UN aid project for developing countries, the Special Fund for Economic Development (SUNFED), had to be abandoned because
of a lack of support from the more developed countries. Despite early UN failures such as these, the developing countries still looked to the institution for a solution to their problems. This commitment to the institution derived from the failure of bilateral, regional and other arrangements, as well as from the fact that developing states felt that the institution could help them in pursuing their quest for economic independence, just as it had helped them in gaining constitutional and legal independence.

As the Third World countries agitated for the reform of international trading and other economic arrangements, the need for change in the UN agencies responsible for economic matters became increasingly apparent.

The UN system had to become more oriented to the problems of developing countries. Agencies such as IBRD, the IMF, ECOSOC and others were seen as the forums in which these problems could be tackled. However, these institutions became increasingly unacceptable to developing countries.

These institutions, from the point of view of developing countries, were in the hands of the titans of international finance and trade. They were viewed therefore as mere extensions of "Wall Street" diplomacy. Attempts on the part of the developing states to initiate major reforms


6. See Gosovic, UNCTAD: Conflict and Compromise, pp. 3-4.
in these institutions seemed futile. For example, there was a major controversy over the role of the General Agreement on Tariffs and Trade (GATT). The developing countries argued that the system of international trade as it had become instituted in GATT, was biased in favour of the more developed countries. They considered it unfair that the Agreement should be based on reciprocal tariffs between all members. They found this *quid pro quo* arrangement unacceptable because it vested a greater amount of power in the hands of the big trading nations. As far as developing countries were concerned, GATT produced too many injurious or ineffective results. They therefore increased their agitation for institutional reform.

The arguments of developing countries for a new institution in the field of trade and development, and for institutional changes elsewhere were opposed by the developed countries. The latter argued that the existing institutions like GATT were quite capable of dealing with the problems of finance, trade and development. While this debate progressed, the global economic system was changing and new problems were constantly being added to already existing ones. Some new problems included the adverse effects on the Third World states of the growth of technology in the more developed countries. For example, a major problem for developing countries was the competition which their natural products faced from synthetics and substitutes. These problems were further exacerbated by stockpiling and surplus disposal by the major industrial countries. In addition, the primary commodity exporting countries faced regional
and internal problems. There was a lack of coordination of their production and marketing policies. And worse yet, many of these countries lacked the long-range structural requirements for the diversification of production, as a means of avoiding the dependence on the export of primary commodities.

The agitation by Third World countries for institutional change was reinforced by the rise of the non-aligned movement. The Belgrade Conference of 1961 and other follow-up conferences helped developing countries to be more aware of world economic trends and to identify broad common interests in areas such as trade, finance and development. At the end of the sixteenth session of the UN General Assembly in 1963, the developing countries introduced two draft resolutions calling for action in the field of international trade and stressing the need for new international meetings and conferences in order to seek solutions.

These proposals were supported in 1963 by the non-aligned conference of developing countries held in Cairo. The Cairo Declaration recommended that developing countries protect their common interests within GATT as well as cooperate to strengthen the economic and social activities of the UN. The participants came out strongly in favour of holding an international economic conference under the aegis of the UN, preferably in 1963, to discuss all "vital questions" relating to international trade, primary commodity trade and economic relations between developed and developing countries. These efforts
eventually led to the decision by the UN to convene the UN Conference on Trade and Development in early 1964. At this first UNCTAD conference the machinery and institutional arrangements for a permanent organization complete with secretariat were devised. The debate between the proponents (the developing countries) and the opponents (the developed countries) was long, tedious and complex, involving many compromises and setbacks. The developing countries managed to succeed in getting UNCTAD established, only by holding a common position and getting a majority draft resolution passed for the creation of this new institution. The new institution represented a partial success of Third World group unity and provided an institutional forum in which new strategies associated with group representation could be tried and tested.

At UNCTAD I in 1964, it was unanimously agreed that UNCTAD be established as an organ of the UN General Assembly. The permanent machinery of UNCTAD established shortly afterwards, included two main deliberative organs and two main administrative offices. The main deliberative organs are the triennial conferences and the Trade and Development Board. The main administrative offices are the Office of the Secretary-General and the Secretariat.

General Assembly resolution 1995 (XIX) of December 1964, stipulated that the conferences be convened at a venue set by the General Assembly at least every three years. The purpose of these
conferences is to review and coordinate trade policies, to negotiate and implement new principles and policies. Accordingly, after the inaugural Conference of UNCTAD I at Geneva in 1964, UNCTAD II was convened in New Delhi in 1968, UNCTAD III in Santiago in 1972, UNCTAD IV in Nairobi in 1976, and recently UNCTAD V in Manila in 1979.

UNCTAD I emphasised development through trade. The Secretary-General at that time, Raul Prebisch, presented a report to the Conference entitled "Toward a New Trade Policy for Development". This report called for the restructuring of the existing rules and conventions of international trade and finance, so that they may be more responsive to global needs, particularly, to the needs of development. In accordance with these views, new principles for commodity trade were recommended. Contrary to the liberal view of economic thought which insisted on equal treatment for exporters and importers, the principles of UNCTAD placed the accent on the fundamental inequality between developed and the less developed nations. The 1964 and 1968 Geneva and New Delhi conferences laid the groundwork for future commodity arrangements to be based on special clauses allowing for exemption from duties and other levies. In addition, at these conferences there were prolonged discussions on the problem of stabilizing world prices of agricultural commodities, so that fluctuations could stay within accepted limits. Another fundamental principle of UNCTAD was to guide

the prices of tropical producers to "remunerative" levels compared to the prices they paid for imports.

A subject of major importance at the deliberations of the second UNCTAD conference at New Delhi in 1968 was the need for the improvement of the institutional machinery of the conference. After this conference, the UNCTAD Board, the major policy-making organ of the institution met in September 1969 to discuss some of the suggestions made at the conference. Some of these suggestions concerned the question of institutional improvement. This matter was considered of great importance and discussed at length. In order to lessen the duplication of functions between UNCTAD and GATT, the Secretary-General of UNCTAD was authorised to "maintain regular contact and consultation with the Director-General of GATT". It was felt that this step would help the two institutions to explore further possibilities of joint coordinated action. Additionally the Board recommended that the General Assembly should designate UNCTAD as a "participating organization" of the UN Development Programme (UNDP). The major objective of this decision was to make UNCTAD more effective in the promotion of technical aid to less developed countries.

UNCTAD III, held at Santiago in 1972 continued discussions and negotiations of the major issues raised at the two previous conferences,

in addition to other new agenda items. By the end of its first three conferences UNCTAD had several achievements to its credit, but was still far from changing the international economic system radically. In the area of commodities it had negotiated the International Cocoa Agreement successfully and renegotiated the agreements on sugar, wheat and tin. In relation to trade, UNCTAD had initiated a generalised system of preferences. This system has now become part of the tariff structures of virtually all developed member countries. In addition, in relation to aid and finance, it helped to secure agreement on objectives and aid targets from the developed countries. 9

The fourth conference, UNCTAD IV held at Nairobi in 1976, was convened in the wake of the sixth and seventh special sessions of the UN General Assembly. These sessions were held in 1974 and 1975. The sixth session, which commenced in 1974, was prompted by the oil crisis of 1973. At this session, a Programme of Action for the establishment of a new International Economic Order was adopted. The programme was adopted by consensus despite strong reservations expressed by the United States, Japan and several members of the EEC. At the Seventh Special Session, held in 1975, the United States adopted a more conciliatory mood and put forward a number of proposals for the improve-

ment of the trading and financial position of LDCs. These sessions were not organized to reach detailed agreements on specific policy measures, but rather to suggest broad guidelines for measures to be negotiated subsequently. As a result, many of the issues raised at the special sessions were continued at UNCTAD IV.

For example, at this conference work continued in the field of commodity relations within the guidelines recommended at the Seventh Special Session. Progress was made in this area, and the conference eventually accepted an Integrated Programme for Commodities (IPC), proposed by the Group of 77. There were six main objectives of the IPC. These were the creation of a series of international buffer stocks, a system of indexation, a common fund for financing the stocks, multilateral long-term supply contracts, compensatory finance against fluctuations in export earnings, the expansion of processing and diversification within the less developed countries. UNCTAD IV made advances in other policy areas. It endorsed a wide-range programme to strengthen the technological capability of the developing countries and set out the modalities for the negotiation of a code of conduct for the transfer of technology.

In spite of a limited measure of progress in dealing with the issues and problems of development, all UNCTAD conferences are

characterised by a great deal of frustration and obstacles to agreement. These drawbacks derive from a number of complex and interrelated factors. For example, though many resolutions and programmes of action are proposed at the conferences, only a small percentage of these stand any chance of being implemented because of their recommendatory nature and the presence of counter proposals from delegates with opposing views. So far the success of negotiations and the subsequent implementation of the decisions of these have been limited. Additionally, though both developed and less developed countries sometimes agree on what measures should be taken to improve the international environment of trade and development, there are usually deep disagreements between them about the substantive measures and specific steps to be taken to ensure and promote progress.

The Origin and Evolution of UNCLOS III

The importance of the Law of the Sea Conference (UNCLOS III) to developing countries is attributable to many diverse factors. One of the motivations underlying the policies of Third World countries in UNCLOS III was the desire to seek legitimization (from credible international institutions) for their unilateral policies. The increasing trend of unilateralism that preceded the UNCLOS III conferences caused serious jurisdictional problems and affected the ability of countries to provide themselves with valuable sea resources found
off their coasts. For some developing countries, this created a serious shortage of food.

Among the unilateral claims to off shore rights were claims of 3 miles, 12 miles, 30 miles, 100 miles, 150 miles and 200 miles. These claims constituted attempts to retain control over what were often highly conflicting, overlapping and controversial territorial sea areas and contiguous zones. Most of these claims had started in an earlier period, before UN mechanisms were established to deal with maritime issues. For example, following the "Truman Proclamation" of 1945, through which the United States pursued its unilateralism, there were a number of similar claims by other countries. Most of these were by developing states, particularly those in Latin America. One of the major motivations behind the claims of Third World countries was the desire to include valuable fishing grounds and submerged ocean resources within their jurisdictional boundaries.

The primary motive for the Latin American States to increase their maritime jurisdiction appears to have been concern over actual and anticipated foreign fishing of their coasts.\textsuperscript{11}

What was true for the Latin American and Caribbean states was equally true for a number of other developing states, such as the coastal Afro-Asian States. Where the motive was not primarily to protect fishing resources, it was to protect claims to island territories and

\begin{itemize}
  \item \textsuperscript{11} See Barry Buzan, \textit{Seabed Politics}, (New York: Praeger, 1976), p. 11.
\end{itemize}
mineral oil resources. Exploitation of the last set of resources became increasingly more plausible and less costly, especially with the discovery of new technologies and the spread of foreign investment from developed countries.

Encouraged by these developments, states in Asia and Africa like those in Latin America made increasing off-shore claims. The claimants included Cambodia, Thailand, and South Vietnam. These states made extensive and overlapping claims into the Gulf of Siam. South Korea, Japan, Taiwan and China made similar conflicting claims to large areas of the Yellow and East China Seas. Meanwhile in Africa, Gabon added a 50 mile fishing zone to its 100 mile territorial sea. Likewise, South Vietnam, Iran, Morocco, Senegal and Iceland added fishing zones to their territorial seas. All these claims occurred before or during the early stages of UNCLOS III, which was convened in 1973. Before the Law of the Sea Conferences, the Inter-American Council of Jurists (IACJ), established as a part of the Organization of American States (OAS), was occupied with the legality of the rising tide of unilateral claims. It had a vested interest in determining the legitimacy of these claims because most of the Latin American states involved in the controversial claims were members of the OAS. Several sessions of the IACJ were thus held to discuss these jurisdictional matters and to avoid an escalation of conflict. Progress was slow, however. Thus the new claims

12. Ibid., p. 122 and p. 194.
remained as a formidable challenge to international legal jurisprudence.

The less developed countries, especially those in Latin America, were naturally concerned with these developments, especially since they were seeking means of gaining legitimacy for their claims. They therefore held a series of multilateral regional conferences outside the auspices of the UN for the purpose of forging common maritime practices. Following each conference there were declarations of their positions with respect to the issues discussed. These activities were not seen as an end in themselves but as a way of influencing the codification process at the UN level. These states sought to go to the UN conferences with as many regional multilateral arrangements as possible.

Other factors relating to developments in marine technology and ocean activity made the approaching UN conferences of critical importance to all less developed countries. Some of these were of particular importance.

1) There were first of all the steadily increasing variety and intensity of ocean activities, including fishing and shipping activities. Buzan, for example, notes that the tonnage of world shipping had risen steadily in size, reflecting an annual increase of 8 percent from 1950 to 1958; and the tonnage of the world fish catch escalated from 21.1 million metric tons in 1950 to 36.7 metric tons in 1959.  

13. Ibid., p. 34.
2) The development of technology in the developed countries led to concern by LDCs about the effects on them of naval research, marine science research and new technologies for drilling offshore oil.

3) The developments taking place in the UN concerning trade, finance and other developmental problems of LDCs, and the formation of UNCTAD were reflected in the Law of the Sea negotiations. The emergence of the Group of 77 signalled the era of greater cooperation of Third World countries in presenting joint proposals. This trend was not limited to economic forums such as UNCTAD but to all major UN multilateral forums.

4) Another development of significant importance to Third World countries was the Pardo proposal. This proposal was made by Arvid Pardo, the UN Ambassador of Malta, on his own initiative and on behalf of his country. At the August 1967 session of the UN General Assembly, he stated:

In view of the rapid progress in the development of new technologies by the technologically advanced countries, it is feared...that the seabed and the ocean floor underlying the Seas beyond present national jurisdiction will become progressively and competitively subject to national appropriation and use. This is likely to result in the militarization of the accessible ocean floor through the establishment of fixed military installations and in the exploitation of resources of immense potential benefit to the world, for the national advantage of the technologically developed countries.14

Pardo concluded with a proposal that the seabed and ocean floor beyond national jurisdiction be designated as "a common heritage of mankind", and further that the resources of this area be banned from appropriation by prospecting states. As an alternative, he proposed that the material and financial resources that could be acquired from the area be used mainly to promote the development of poor countries. Further, he suggested that the area be reserved for peaceful purposes only and that an international agency be established to regulate, supervise and control all activities in the area.

An analysis of the proposal made by Buzan is worth examining. In addition to other effects, he notes that the proposal

- gave an immense momentum to the idea of a common heritage of mankind by linking it to the needs and interests of the developing countries;

- also placed the issue squarely in the context of developed versus developing country interests, and thereby established or greatly helped to establish, alignment on the issue that might otherwise have evolved in different or at least in less stark forms;

- raised the vision of a new type of international organization that would give economic benefits and political power to the developing countries as a means of restoring the balance between them and developed countries and

- raised a banner against technological imperialism of both the
economic and the military variety around which the developing countries could rally with relative ease.  

These factors in combination with the others mentioned earlier led to the major role which Third World countries were to play in UNCLOS III, individually as well as through the instrumentality of the Group of 77.

So far the UN has organized three conferences on the Law of the Sea which have dealt progressively with various ocean matters. The First Conference was held in 1958. It adopted four conventions: these dealt with the territorial sea and the contiguous zone, the high seas, fishing and the conservation of the living resources of the high seas and the continental shelf. This conference as well as the Second Conference of 1960, failed to define the limits of the territorial sea and the fishing zone.  


15. Ibid., p. 68.

the conference set by the General Assembly in 1973 is "to adopt a convention dealing with all matters relating to the Law of the Sea."

Following an initial session in 1973 on organizational and procedural matters, the conference devoted its first substantive session in 1974 mostly to general debate and a first attempt to reduce the plethora of proposals to manageable proportions. In 1975 the main Committee Chairmen produced the first "single negotiating text," setting out in treaty language, provisions to be used as a basis for negotiations on most points considered for inclusion in a convention. The officers of the conference revised this text in 1976 and again in 1977, in the light of the results of negotiations. The 1977 text is known as the "informal composite negotiating text" (ICNT). Current work is based on the ICNT.

UNCLOS III has three main committees. The First Committee focuses on the international seabed regime and machinery; the Second Committee on general aspects of the Law of the Sea; the Third Committee on the marine environment, marine scientific research and the development and transfer of marine technology.

A Comparative Analysis of Some Features of the Selected Institutions

There are important differences in the role of the Group of 77 in UNCLOS III and in UNCTAD. The nature of each institution affects the pattern of group formation within it and the pattern of group formation in turn affects the role of the Group of 77. In UNCLOS III, Third World and developed countries have conflicting views on issues such as who should exploit the "common heritage" (for example the minerals on the deep seabed) and how the resources should be distributed. Despite these differences in outlook, both developing and developed countries are sometimes drawn into the same alliances on other issues. Common interests and expected solutions in this latter case derive from common geographical attributes. Thus referring to the group of coastal states, Johnson and Zacher remark,

> While developing states are members of this group, developed countries such as Canada, Australia, New Zealand and to an extent the United States fall into it.18

In contrast to the above situation, the relevant economic attributes of states in UNCTAD serves to polarize them into distinct groups of developed and less developed states. Among these attributes are type of industries established, commodities exported and type of technology and level of infrastructural development attained. Since there is

more commonality among less developed countries in relation to these attributes, they share similar interests, expectations of benefits and other factors favourable to joint representation. Thus the group structure in UNCTAD is more rigid. In UNCLOS III it is much more fluid, and therefore states tend to form different alliances depending on what issues are being negotiated at a particular time.

Other differences in the nature of the institutions relate to the developments which precipitated their emergence and the amount of autonomy they possess. For example, UNCTAD was founded in 1964 through an agreement reached at the 1964 Geneva UN Conference on Trade and Development. UNCLOS III in contrast was one of a series of Law of the Sea Conferences, following the 1958 and 1960 conferences. UNCTAD was formed in an atmosphere of North/South confrontation and Third World assertiveness against both East and West. UNCLOS III evolved out of earlier conferences dominated by a majority of larger nations. This latter point has significant implications regarding the attitude of states toward the forums and their willingness to make compromises.

Formally, there are strict mechanisms of control over UNCTAD. Being an organ of the UN General Assembly, it is supposed to report annually to the General Assembly through the Economic and Social Council (ECOSOC). Its Secretary General is appointed by the UN and its
budget is financed through appropriations from the large UN budget. Despite these attempts to control it, UNCTAD possesses a great deal of autonomy. This is a fact very well documented by researchers such as Nye and Gosovic. In practice, UNCTAD works independently of ECOSOC. It has achieved a great deal of independence because it has its own secretariat located in Geneva away from the main controlling center of the UN in New York. In addition, separate budgetary provisions were established where contributions could be made directly to the UNCTAD budget. This latter fact means a great deal in terms of enhanced autonomy, more efficient daily administration and greater flexibility of the institution.

In contrast, UNCLOS III is more of an extension of the UN General Assembly. There is no Secretariat, Secretary General, separate budget, or any of the other institutional apparatuses present in UNCTAD. Thus, UNCLOS III is merely a conference writ large while UNCTAD is a permanent institution euphemistically dubbed a conference. The UNCTAD Secretariat serves as a research arm for the less developed countries, thus helping them to plan common strategies and draft proposals and resolutions. In UNCLOS III there are no such aids. No special services are provided to the same extent as in UNCTAD and there is no single source of expertise and skills that developing countries can rely on.

Functions of the Institutions. Both bodies serve as public forums for bargaining and formulating agreements or conventions. Most of these are subject to ratification by member countries. In terms of providing services for members such as the collection of data on the subject of the conferences, UNCTAD is in a better position to do this (through its Secretariat) than is UNCLOS III.

UN General Assembly Resolution 1955 (XXV) empowers UNCTAD to initiate action, where appropriate, in cooperation with the competent organs of the UN for the negotiation and adoption of the multilateral legal instruments in the field of trade. So far, UNCTAD has had some limited success in negotiations. The 1966 and 1967 Cocoa Agreements and the 1968 sugar agreements are two of a series of commodity agreements negotiated successfully.

UNCLOS III debates proposals concerning Law of the Sea issues. The main objective is to formulate a general Law of the Sea convention through consensus. As stated earlier in this chapter, the task set by the General Assembly in 1973 was for participants to "adopt a convention dealing with all matters relating to the Law of the Sea". The process of decision-making, as set out in the rules of procedure of the conference, provides for deferral of votes on substantive questions to permit efforts to resolve differences. It calls for a "cooling-off" period prior to any vote on a substantive matter, during which the President or Chairman of the session would seek
"to facilitate the achievement of general agreement" on the point or points of issue. If no further agreement is reached and unless a further deferment is decided on, there would first have to be a determination by the same majority as is required by substantive decisions, "that all efforts at reaching a general agreement have been exhausted". Only then can a vote on a substantive issue take place. In UNCTAD similar mechanisms for seeking consensus are being instituted.

CHAPTER III

DIPLOMATIC STRATEGIES OF THE GROUP OF 77

The Strategies Most Characteristic of Group of 77 Diplomacy. Comparison of their Use in the Two Institutions

The strategies of the less developed countries in the Group of 77 are crucial to an understanding of their pattern of diplomatic behaviour. Just as important are the reasons underlying the preference of these countries for pursuing their policy objectives in the two selected forums, rather than through other existing means of decision-making. The analysis of this chapter is organized around specific questions pertaining to these two broad general considerations. These questions are:

1) Why in general did developing countries seek to pursue their policy objectives and interests in international organizational forums rather than through other means?

2) Why did they pursue these objectives in some organizations rather than in others? For example, why did they not utilize the already existing economic organizations rather than agitate for the formation of UNCTAD?

3) How did they pursue their objectives; what strategies did they use?

4) How did they foster and maintain a unified position on certain issues?

The answers to the first two questions relate to the choice of forums. LDCs chose the forums they saw most likely to promote their
policy objectives. The answers to the third and fourth questions relate to strategies such as the formation of groups, pre-conference activities, the use of the Secretariat, the use of rhetoric and the making of symbolic speeches. These strategies and some factors associated with their use are elaborated below.

Choice of Forums

The significance of this issue derives from the fact that UNCTAD and UNCLOS III were preferred to other decision-making and bargaining environments which existed. In the case of UNCTAD, as stated in Chapter II, there already existed economic institutions for dealing with developmental, trade and monetary issues. These included GATT, the IMF, ECOSOC and others. In addition, there were unilateral, bilateral, regional and other means of bargaining outside of the UN. These means by themselves, however, did not prove very viable to the LDCs for pursuing their interests and problems. For example, in addition to the reasons discussed in Chapter II (pp. 7-17) unilateral, bilateral and regional means of bargaining were limited in scope and focussed only on a small number of specific issues. Additionally, early UN institutions were not oriented towards dealing with Third World concerns in a satisfactory manner because of such factors as their normative orientations, their membership structure,
their voting mechanisms and other rules of procedure.

For instance, the normative and policy orientations on which the rules and operations of GATT, ECOSOC and other early UN institutions are based, are those deriving from classical liberal economic thought. The founding members of GATT, for example, held that rules and policy prescriptions should apply to all members on an equal and reciprocal basis. Thus the rules and policies were applied to developed and developing countries alike regardless of the fact that many of the policies that benefitted the developed countries did not favour the interests of the LDCs. Under the rules of GATT, for example, the LDCs were committed to offer developed countries an equivalent tariff concession for every tariff reduction they received from the latter. The rules of the IMF and other economic institutions were supportive of those in GATT. These institutions were all committed to the "liberalization of international trade" and were "system preserving rather than system challenging or reforming."  

LDCs thus felt a growing sense of frustration with these rules and the institutional systems that maintained them. They therefore agitated for wide ranging reforms.

However, the membership structure and voting mechanisms of these

early institutions, limited the LDCs from having any direct impact on
decision-making. As late as 1958, only a small number of LDCs were
members of the UN and its agencies. This, among other factors, led to
the trend for executive and other administrative posts of UN agencies
to be filled by representatives of developed countries. Power and
influence in the decision-making forums of these institutions were in
the hands of the industrially advanced countries who were responsible
for establishing them in the first place. Later, when LDCs became
members of the institutions, the voting structures and rules of
procedure limited their ability to change basic institutional
mechanisms. For example, in the IMF and World Bank voting power was
weighted according to a member's quota of financial contribution to
the institution. Since the LDCs contributed very little finances,
their voting power remained minimal.

Efforts by LDCs aimed at reforms met with strong resistance from
the developed countries. One reason for this was the fact that the
developed countries benefited from the institutions as they were, and
therefore had more faith in the existing system than in the often
uncoordinated and sometimes conflicting formulae for change suggested
by the LDCs. Despite this resistance to change by some developed
countries the LDCs continued to advocate for reforms. As they became
more unified they coordinated their efforts to a greater extent than
previously, and were eventually instrumental in the formation of
UNCTAD, a new institution for trade and developmental issues. Because of their involvement in the formation of UNCTAD's internal structure, the mechanisms were such that LDCs could participate in bargaining and negotiations at the highest levels. They therefore ensured that the priorities of the institution were directed towards seeking solutions for the developmental problems that most seriously affected them. The combination and interrelation of all these factors contribute to the preference by LDCs to pursue their policy objectives in UNCTAD.

In the case of Law of the Sea issues, LDCs gravitated towards the UN forum, because apart from its other attractions they felt that it could help them to gain legitimization for unilateral and regional policies pursued outside of the UN. Gradually the LDCs saw the opportunity for using their unity and the strategies they perfected in the economic field to influence the formation of the new rules for bargaining and negotiation that were constantly evolving in UNCLOS. The Group of 77's pre-conference meetings prior to UNCLOS III were used to emphasize the linkages between Law of the Sea issues and Trade and Developmental issues. The need for the maintenance of Group unity in both UNCTAD and UNCLOS III was repeatedly emphasised. These matters, for example, were of primary concern at the Group of 77's "Second Ministerial Meeting" at Lima in November 1971.  

interrelation of these factors underlie the commitment of LDCs to pursue their policy objectives through the UN Law of the Sea conference sessions.

Group Formation and Other Group Activities

International conferences like UNCTAD and UNCLOS III have become characterised by various interest and negotiating groups of countries. The group of countries which has almost become a permanent institution by itself is the group of LDCs, or the Group of 77. Group representation by the LDCs facilitates the use of several group strategies which help to maximise the impact of these countries in the bargaining environment. Thus whenever possible at these multilateral conferences, the LDCs use joint representation and seek to promote group cohesiveness and impact. In order to achieve these objectives they use such strategies as pre-conference preparation, seizing the initiative and using as representatives of the group those members most knowledgeable, skilled, and interested in the issues on the agenda.

The Use of Joint Representation

In UNCTAD the LDCs seek to work through the Group of 77 to devise a common position pertaining to the issues on the agenda in order to confront and bargain with other participants with positions opposed to theirs. Ultimately their objective is to provide the transformation of their demands into agreed international policy
through their collective lobbying. The concerted use of the strategy of joint representation to the extent that it has been used in UNCTAD and UNCLOS III, is a relatively new phenomenon at international conferences. The presence of a coalition as large as the Group of 77 at these conferences was a gradual development. Previously, because of the lack of unity among the relatively limited number of developing countries at international conferences, the developed countries used the existing system to their advantage. These countries maintained their dominance and influence, by using their resources to play off developing countries one against the other. Changes in the global system such as the decolonization process, the influx of new nations, into the UN system, the non-aligned conferences and the increasing contact of Third World states with each other led to the consistent use of collective action by LDCs.

The polarization of UNCTAD into groups for electoral purposes reinforced this trend. The members of UNCTAD are divided into four lists of states for electoral purposes. These are lists A, B, C and D. The A list contains less developed countries mainly of the Latin American region. The B list contains developed states such as Britain, the US, Canada, the EEC countries, the Nordics and the Netherlands. The C list contains less developed countries such as Burma, Malaya, Malawi and others in the Afro-Asian regions. The D list contains countries in the socialist block such as the USSR, Albania and others.
The countries in the Group of 77 are the less developed countries in the A and C lists.

In UNCLOS III, the LDCs seek to use the strategy of joint representation in order to promote their policy objectives through joint proposals. They do this especially when the interests of other groups of states are opposed to theirs. This strategy is however, less effective in UNCLOS, because of the tendency of the LDCs to split their ranks and join other groups except when bargaining on certain specific issues. On issues where the interests and goals of LDCs are similar to those of developed and other groups of states, LDCs often join these groups in drafting and co-sponsoring joint proposals. However, where there is a conflict of interest between the objectives of a large number of LDCs and those of developed states the LDCs represent their interests jointly through the Group of 77.

For instance, at the 1974 Caracas Session of the First Committee in UNCLOS III, conflicting interests between LDCs and developed states emerged in the area of the control and management of deep seabed resources. There were also conflicting interests on the related issue of the scope and powers of the proposed International Ocean Authority. Most developed states favoured the exploitation of the non-living resources of the seabed by transnational enterprises and other private interests. They were therefore opposed to a strong international regime that might limit or severely regulate their access to the deep seabed. LDCs on the other hand favoured a strong
international Seabed Authority which had the power to secure
exclusive control over the exploitation of living and non-living
resources. At this session, the Group of 77 submitted a joint
seabed proposal of LDCs (on the power of a proposed seabed authority),
which stipulated general conditions of access to deep seabed
resources. The use of the strategy of joint representation by the
Group of 77 was evident in other instances at UNCLOS III, where there
was a commonality of interests among LDCs.

This strategy is by far one of the most important of the
strategies used by the Group of 77. It enables the Group to foster
the solidarity of LDCs and facilitates the use of the other strategies
analysed here. Group unity is especially difficult at times because
of the characteristic features of the Group of 77. Unlike other
smaller groups of the past, which coalesced around a limited number
of common traits, the Group of 77 reflects a large amalgam of states
of varying levels of economic resources, vast political, ideological,
geographical and cultural differences. The solidifying factors
that sustain group cohesiveness include the shared interest among
members in moving out of their peripheral position in the world
economy, and a common expectation of increased benefits.

23. United Nations, Official Records: Third UN Conference of the

24 See, United Nations, Conditions of Exploitation of the Deep
Promotion of Group Cohesiveness

The LDCs seek to promote group cohesiveness by pre-conference group and intra-group meetings, by forging consensus among members for group policies, by issuing joint declarations and by peer group appeals to members of the importance of maintaining their unity. Group cohesiveness is promoted as a means of maintaining unity, joint representation and greater bargaining power. Specific strategies and supporting techniques used to maintain group unity are discussed further below.

Pre-conference Preparation

The Group of 77 uses pre-conference meetings, at group and various sub-group levels, as a prelude to conference negotiations. This is done in order to iron out conflicts of interest among group members, to enlighten members about the technicalities of agenda items, and generally to keep members informed and committed to broader group goals. Additionally other techniques are used at these meetings to forge and maintain group unity. These include efforts by group leaders to devise programmes and proposals which promise the maximum benefits to as many group members as possible and efforts to maintain peer pressure on dissatisfied members to encourage them to support group positions. At a broader level, group leaders work continuously to promote general consensus among members for the acceptance of new principles and rules of international economic relations. Additionally, in order to harmonize
objectives and policies with other supportive groups such as the non-aligned movement and the members of the group based in New York, regular intra-group meetings are convened.

In attempts to minimise conflict among members of the group, at times "trade offs" or bartering between members becomes necessary. "Trade offs" usually center around agreements by the larger group to support the positions of sub-groups in exchange for full support by the latter for broader Group of 77 proposals. For instance the Group of 77's proposal for an Integrated Program for Commodities (discussed in greater detail in Chapter II), generated some intra-group conflict. There were disagreements between Latin American and other countries on this issue. For example, Columbia, Brazil, and other Latin American countries were not entirely convinced of the appropriateness of the common fund for financing commodities historically characterised by structural over production.... Columbia had not opposed the resolution, on the understanding that it would be possible to argue the case for excluding coffee from the list.25

Other LDCs who stood to lose in some specific area through the implementation of the IPC were promised compensation against losses, by the Group of 77. Another area in which the support was gained from dissatisfied members was in the case of the Group's proposal of a Generalised System of Preferences (GSP). The Group again promised

similar compensation to potential losers in this case.  

In UNCLOS III, the Group of 77 found this strategy of forging consensus by arranging "trade offs" difficult to pursue. This is mainly because of the differences in objectives of LDCs deriving from their distinctions in geographical features. When group interests are not in their favour, some LDCs tend to leave the group and seem to co-sponsor resolutions with other states which possess a similarity of geographical features. Since the issues negotiated in UNCLOS III do not always lend themselves to the system of bartering developed in UNCTAD, the Group of 77 often found their efforts to keep the group united much more difficult.

Besides providing the opportunity for pursuing strategies like bartering or arranging compensation for dissatisfied members, pre-conference meetings provide the opportunity for the Group of 77 to make its members more informed of the specifics of agenda items. Data available from the UNCTAD Secretariat and other sources is disseminated and discussed and sometimes used with the aid of the Secretariat staff to draft joint proposals. LDCs frequently produce declarations after these meetings delineating their positions on specific agenda items of the approaching Conference. For example, declarations and programmes of action were produced after the Group of 77's pre-conference meetings held at Algiers in 1967 in preparation

26. Ibid.
for UNCTAD II; at Lima in 1971 in preparation for UNCTAD III; at Manila in 1976, in preparation for UNCTAD IV, and at Arusha in 1979 in preparation for UNCTAD V.  

Besides discussing issues pertaining to UNCTAD at these meetings, the LDCs discuss the agenda items of approaching Law of the Sea sessions. In order to publicise their positions relating to these issues, the LDCs use the same technique they use in relation to UNCTAD issues. They produce declarations and resolutions delineating their interests, objectives and proposed solutions. For example, at the pre-conference meeting at Lima in November 1971, besides discussing UNCTAD issues, the LDCs discussed Law of the Sea issues pertaining to the exploitation of the deep seabed. This was part of their pre-conference activities for the approaching January 1972 session of the Seabed Committee. The Seabed Committee was the UN preparatory body for UNCLOS III. One of the documents produced at the 1971 Lima meeting of the Group of 77 emphasized the Group’s commitment to helping coastal states to protect their marine resources. Discussions of Law of the Sea issues also take place at sub-group levels of the Group of 77. Sub-group meetings held by LDCs prior to UNCLOS III include the meeting of the Central American and Caribbean states held in June 1972, the Law of the Sea Seminar of African States also held in June 1972 and the OAU Heads of State meeting of June 1973. All of these meetings aimed at informing LDCs of agenda items at forthcoming


conference sessions and attempts to forge common policies among them. These meetings all produced declarations or resolutions concerning the common positions adopted by the LDCs in relation to agenda items. Other pre-conference preparations of the Group of 77 include attempts by group representatives to co-opt and persuade other groups of states to support the policy objectives of the "77" or to join the group in co-sponsoring specific draft proposals. Taken together all the activities of the group discussed in this sub-section help to promote group cohesiveness and reinforce group unity.

Seizing the Initiative

The LDCs seek to seize the initiative at conferences, especially when they have previously worked out a comprehensive proposal that is mutually beneficial to a majority of the members in the group. In order to focus attention on these proposals and to ensure maximum discussion of their policy objectives, they strive early in the negotiations to attract and maintain the interest of as many participants as possible.

At UNCTAD I, for example, in order to focus attention on the nature of the proposed economic institution envisaged by LDCs, Burma, Ghana, Indonesia, Nigeria and Syria presented a draft resolution on the type of institutional machinery that LDCs favoured. This draft according to one observer,
led to negotiation on the nature of the institution and gradually shifted the focus on this question, making it the most important issue on the agenda.29

The various declarations produced at the pre-conference meetings of the Group of 77 are circulated, either before the start of the conference or in its early stages. This serves to draw attention to LDCs objectives and therefore reinforces the ability of group representatives to seize the initiative. Thus at UNCTAD II of 1968, the "Charter of Algiers" produced at the 1967 pre-conference meeting of the Group of 77, was circulated for this purpose. Similarly, at UNCTAD III of 1972, the same technique was used in the case of the "Declaration and Programme of Action" of the 1971 Lima pre-conference meeting. At UNCTAD V of 1976, there was the "Manila Declaration of Programme of Action" of the Manila 1976 pre-conference meeting, and at UNCTAD V of 1979, there was the "Arusha Programme for Collective Self-Reliance" produced at the Arusha pre-conference meeting of 1979.

In UNCLOS III, the same techniques are used by the LDCs to seize the initiative. The LDCs follow up any impact gained from pre-conference declarations by trying to be first to submit proposals to the general conference or its preparatory committees. For example, at the 1973 Caracas session of the First Seabed Committee,

the Jamaican delegation sought to present a separate proposal, but the Group of 77 quickly presented a more coordinated and representative proposal. The Group's strategy caused the Jamaican proposal to be relegated to obscurity. The Group of 77's proposal "dominated the proceedings". Agreement on it marked a big step forward for the LDCs, since it gave the Group of 77 "the initiative" in the proceedings. The Group's proposal gained the backing of more than two-thirds of the participants and was accepted as the basis of negotiation. Later in the proceedings, though, the United States (US) disagreed with some paragraphs in the text, the US draft presented shortly afterwards was oriented towards the general arguments in the draft by the Group of 77.  


The Use of Skilled Representatives

The LDCs use the best qualified representatives in order to put forward group positions competently and persuasively and to draft proposals that (as far as possible) includes the mutual benefits and interests of all members in the group. Among the more competent individuals are those on the Board of UNCTAD or those from countries with the institutions, skill and expertise in relation to a particular issue. Representatives of the Group are often from "one of the key countries within the Group (for example, Brazil, India, Iran),"
though delegates from less powerful countries, for example Jamaica or Tanzania also get opportunities for representing the Group.

In bargaining in the two forums, the Group of 77 choose different spokesmen according to their knowledge and competence with respect to the agenda item being discussed. In reference to this point Gosovic, for example, states that in UNCTAD,

Ceylon has always been in the forefront on matters of financing. Specialization is that much more important if related to a country's specific economic interest...Chile, Brazil, India and the UAR are prominent on shipping, Afghanistan and Bolivia on landlocked countries, Argentina and Uruguay on temperate zone products. 32

At Group meetings and sub-group meetings, the LDCs use a system of rotating chairmanships. At each session of these meetings a delegate from a different country chairs the meetings. In cases where a delegate is nominated at random to chair a meeting pertaining to an issue outside of his competence, he performs the duties of chairman for the more general part of the proceedings. After this stage of the meeting, he delegates the Chairmanship to a substitute Chairman who is specially qualified in the topic on the agenda. The substitute chairman usually has greater competence in answering questions and explaining the complexities of the issue in question.

An example of the use of the more skilled representatives in UNCLOS III, is the use by the LDCs of Latin American delegates as spokesmen on issues relating to the exploitation of the seabed. These delegates are chosen because of their knowledge and interest in this particular issue. Likewise, African and Asian representatives of the Group serve as spokesmen on issue pertaining to landlocked states. The interest and knowledge of these members in the problems of landlocked states derive from their own landlocked geographical position.

Use of the Secretariat

In support of the group strategies discussed above, the LDCs maximise the use of the UNCTAD Secretariat. They use Secretariat help particularly to aid them in devising effective and comprehensive proposals that promise the maximum benefits to as many group members as possible. The aid of the Secretariat is especially crucial when the issue is very technical or complicated. In these instances, countries in the group often lack the expertise, time and data available to the professionals of the Secretariat. Additionally, in the negotiating process, Secretariat officials are best able to defend LDCs objectives within their sphere of competence. Their job at the Secretariat exposes them to the statistics and other data relevant to these. Furthermore, they are often more aware in advance of the
opposing states' positions on particular issues. Secretariat staff have proven very reliable in formulating sound proposals (on behalf of the LDCs), grounded in hard statistical and other empirical data. In reference to the use of the Secretariat staff by the LDCs, Rothstein states, for example, that

the staff plays the central role in devising a programme that promises as many benefits as possible to as many countries as possible. Only the staff has the legitimacy and the expertise to perform this function—to provide the common policies that the unified Group will promote. Given the limited expertise within many developing countries governments (and especially within the delegates assigned to UNCTAD), staff perceptions of what the Group of 77 ought to seek and staff decisions on how to package a set of demands are very critical.33

The Group of 77 maintains constant contact with the Secretariat of UNCTAD and makes use of secretariat services and facilities not only for assistance in drafting proposals but for convening pre-conference meetings. The staff proves very useful in providing the venue for the Group's pre-conference meetings, and in providing services at these meetings. The latter include providing documents, researches and evaluative reports on the progress of the programmes and negotiations in UNCTAD.

In addition, the LDCs use the secretariat staff as the initiators of action and as mediators. In their role as initiators, the staff

give prominence and credibility to LDCs proposals. In their role as mediators, the staff are more adept at resolving deadlocks with other delegates. As initiators the secretariat staff is most useful in delineating broad general objectives for the Group of 77. The opening statements of staff papers at Conferences, often correspond with specific goals of the Group of 77, sometimes deliberately and at other times because of similar perspectives on trade and development. The representatives of the Group often use this opportunity to submit proposals couched in the language used by the staff. This gives such proposals an air of relevance and credibility. The Secretary-Generals of UNCTAD have been most effective as initiators of LDCs proposals. Thus in an analysis of the role of the Secretary-General in UNCTAD, Nye (in reference to Raul Prebisch, the first Secretary-General of UNCTAD), makes the following observation,

Prebisch achieved his effect by catalyzing an inchoate set of ideas prevalent among less developed countries, into a clear doctrine and then tirelessly repeating it in fluent, moving speeches that reflected his honesty and conviction....For the 1964 conference, Prebisch's personal analytical report proved to be almost the only one constantly referred to and used as a basis for discussion by the delegates.34

LDCs appeal to the secretariat staff to act as mediators and brokers when there is an impasse or deadlock in negotiations. In their role as brokers and mediators secretariat officials may chair the

meetings of small contact groups formed to work out compromises between the LDCs and other states.

The strategy of maximizing the use of the Secretariat is more applicable in UNCTAD than in UNCLOS III, because of the Group of 77's closeness to the UNCTAD Secretariat. In UNCLOS III there is no Secretariat, and the Group is far less close to the United Nations Secretariat which is the general organizing body of UNCLOS III.

The Use of Symbolic Speeches and Rhetoric

The LDCs seek to use dramatic and moralistic speeches in order to focus attention on their problems and their proposals for remedial action. In addition, this strategy serves to contribute to group cohesiveness by providing a common rallying point for LDCs. Thus, throughout the conferences some of the statements contained in these moralistic speeches serve as a common reference point and a broad framework against which specific issues could be visualized. Common themes emphasized in these speeches include the emphasis on the need for a "new international Economic Order"; an "international Development Strategy"; for the "collective self-reliance of developing countries" and the need for the ocean and deep seabed resources to be regarded as "the common heritage of mankind".\(^{35}\) This strategy

is common in the pre-conference period but is also used on an ad hoc basis, sometimes in frustration when group objectives and proposals are repeatedly opposed by others and when there is danger of losing group support.

At UNCLOS III, this strategy is common especially at the opening and closing stages of the sessions. The "Pardo Proposal" (discussed in Chapter II), identified symbolic goals and a common rallying point for LDCs. Generally, the declarations made at the pre-conference meetings are examples of attempts by the LDCs to publicise their positions and gain the widest possible support for these.

In general, most strategies used by the LDCs are carefully planned. Some of these however, though carefully planned in some instances, are used on an ad hoc basis in other instances. For example, in addition to publicising LDCs preferences by moving speeches and appeals, symbolic speeches are used when there is a stalemate in the bargaining process. This strategy is also used as a means of generating peer group pressure on dissatisfied members. Other strategies such as seizing the initiative, using skilled representatives and others analysed in this chapter are likewise sometimes used without prior planning. Despite this fact, however, they are used in most instances for the achievement of specific goals planned before hand.

Additionally, the strategies such as pre-conference preparation and the use of the UNCTAD Secretariat were initially chosen and
retained because they are essential to the operation of the Group of 77 as a representative of the large number of LDCs within it. Without a knowledge of the possible conflict of interests among members or without the opportunity to inform members of the complexities of technical agenda items, group representation would be virtually impossible. These factors along with the others discussed above make these two strategies among the most important, especially for maintaining group unity and cohesiveness.
CHAPTER IV

CONCLUSION

SUMMARY OF MAIN FACTORS AFFECTING THE DIPLOMACY OF DEVELOPING STATES

Conference diplomacy, as defined in the introduction of this study, is the process by which negotiation is pursued within conferences, and the methods by which the relations between states are adjusted. This study has focussed on the diplomatic behaviour of developing states in the Group of 77, with special reference to the selected forums, UNCTAD and UNCLOS III, and the issues negotiated in them. The multilateral diplomacy of less developed countries is analysed with special emphasis on the strategies that characterise their behaviour in the conference environment.

Multilateral conference diplomacy has been an unprecedented and essential development to changes in the global environment, the UN environment and the priority of the issues in these environments. New norms in international politics and the increasing importance of the multilateral conference facilitate the development of conference diplomacy. These new rules were precipitated by changes in the international system such as the sharp decline in the number of colonial territories and consequently an increase in the number of constitutionally independent countries. However, the continuing
economic and political dependence of the newly independent countries aggravated their low level subsistence and generated a number of problems which threatened their very existence. LDCs found that solutions to these problems were difficult and sometimes impossible to pursue only through unilateral, bilateral, regional and other limited means of decision-making outside the UN system. For these and other reasons mentioned earlier in this study (in the analysis in Chapter II), they displayed an increasing tendency to rely on the UN and its agencies to publicise their problems and seek solutions to these.

The institutional system at the UN level was, however, sometimes unfavourable to the LDCs. Thus in the case of trade and related economic matters they agitated for a new institution. As a result, UNCTAD, an institution more sympathetic to Third World problems was formed.

At conference sessions dealing with Law of the Sea issues LDCs sought to use the strategies they developed and perfected in UNCTAD. The environment and nature of the issues were, however, somewhat different in Law of the Sea institutions. This made the use of the group strategies (practised in UNCTAD) far less effective in this context. In UNCLOS III, for instance, LDC states and developed states often became members of the same group when bargaining and seeking to resolve some issues. Yet when bargaining on other issues, they were
in opposing groups. Despite the additional number of LDCs which become involved in Law of the Sea negotiations, group formation did not always follow the pattern of developed versus developing countries as in UNCTAD. In UNCLOS III, there was the tendency for countries to identify with others which shared common geographical features, when the issue was related to the geographical characteristics they shared. For example, in relation to the delimitation of national maritime jurisdictional boundaries, coastal states favour wide boundaries extending as far as possible out into the ocean. On the other hand landlocked states favour narrower boundaries for coastal states because they hope for as large a share as possible of the resources of the international seas. Thus, in regard to this and other related issues the positions of coastal developed and developing countries are often opposed to those of landlocked countries. Thus it is mainly in relation to issues less relevant to the geographical characteristics of states and more relevant to economic considerations, that group formation in UNCLOS III tends to be similar to the pattern in UNCTAD. This flexibility of alliances makes attempts by the Group of 77 to try to maintain group unity on all issues in UNCLOS III, virtually impossible.

In contrast to the Law of the Sea institutional system, the institutional system of UNCTAD emerged at one of the high points of what has become largely known as the North/South debate.
The debate started during the 1950's and reached a high point during the 1960's with the establishment of UNCTAD. It continued in the 1970's reaching other high points such as during the 1972-73 Arab oil embargo and the 1974 and 1975 Sixth and Seventh Special Sessions of the UN General Assembly. This debate was characterised by arguments, confrontation and moving, impassioned speeches denouncing the systems underlying the global economic order, and emphasising the need for reforms and radical changes. Many of these appeals emanated from forums such as the non-aligned conferences and from analyses by Third World scholars. One of these scholars was Raul Prebisch, who later became the first Secretary General of UNCTAD. These factors combined encouraged LDCs to identify with each other and to group together to pursue common strategies in UNCTAD. The internal structure of UNCTAD and some of its rules of procedure encouraged the formation of groups aligned along lines of developed versus developing states. These factors made joint representation and group strategies much more conducive to its deliberative environment.

A final comment may be made of LDCs strategies. These strategies are not likely to be permanent or unchangeable. For example, some of the main factors which led to their use as stated at the

36. See pp. 36-37.
beginning of this chapter, were changes in the nature and characteristics of the global and UN environments, the priority of issues and the nature of actors in these. With further changes in these and other determining factors, adaptations and further modifications in LDCs strategies can be expected. Recent trends indicate some of the factors that could become instrumental in future changes in the characteristics of the Group of 77, and in the strategies used by LDCs. For example, the growing power of OPEC states, has caused serious sporadic conflicts among states in the Group of 77. These conflicts usually center around how the OPEC states use their bargaining strength and the determination of OPEC to keep the issue of oil off the agenda of UNCTAD Conferences. OPEC states insist on pursuing their "oil diplomacy" largely outside of the UN system. This meets with the disapproval of many LDC states, especially those which stand to lose much by OPEC's diplomacy. The disagreements between OPEC states and other developing states can lead to serious conflicts and disunity, which in turn may threaten the very existence of the Group. At the most recent conference of UNCTAD, held at Manila from May to June 1979, the matter of the inclusion of oil negotiations on the agenda of the conference arose. On this occasion there was an altercation between Latin American states and OPEC states about this matter. The OPEC states maintained their objection to keeping the subject of oil on the agenda of the
conference. Latin American and other Third World states which are severely affected by rising fuel costs felt that such a crucial matter merited discussion at the Conference. The matter however, was unresolved, thus it was not included on the agenda.

Another disagreement similar in some aspects to the latter arose at UNCTAD V. A rift developed between Group of 77 states and the developed states. The developed states indicated a strong preference for discussing issues such as protectionism in GATT.

If these conflicts persist or increase in magnitude, they are likely to affect further changes in the diplomacy of LDCs. For example, if there is no agreement on the forum in which issues like protectionism or oil may be discussed, there could be a breakdown of the entire process of negotiation between developed countries and LDCs. On the other hand, if the issues are negotiated in UNCTAD, the diplomatic behaviour of LDCs as analysed in this study, may persist longer. If issues such as protectionism are discussed in GATT or elsewhere, the pattern of LDCs behaviour and the strategies they use will most likely be modified to suit the change of institutional environment.
BIBLIOGRAPHY

1. United Nations Publications

United Nations Conference on Trade and Development.


United Nations Conference on Trade and Development
Provisional Agenda. (E/Conf. 46/1, 1964)

Report to the Secretary General: The Significance of the United Nations Conference on Trade and Development. (E/Conf. 46/140, 1964)


New Directions and New Structures for Trade and Development: Report by the Secretary-General of the United Nations Conference on Trade and Development to UNCTAD IV. (TD/183/Rev. 1, 1977)


Documents of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction. (A/Conf./AC. 138, 1974)


Statement by the Chairman of the Second Committee at its 46th Meeting. (A/Conf. 62/C. 2/L.86, 1974)


2. Books and Articles


Corea, Gamani, "UNCTAD and the NIEO." International Affairs No. 2 April 1977.


