

Arguing and Persuasion in Multilateral Negotiations

Grant Proposal to the Volkswagen Foundation

Schwerpunkt: "Globale Strukturen und ihre Steuerung"

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1. Deutsche Zusammenfassung

Ziel des beantragten Projektes ist es, die Bedingungen herauszuarbeiten, unter denen argumentatives Handeln den Prozess und das Ergebnis multilateraler Verhandlungen beeinflusst. Unsere bisherigen Forschungen haben erstens ergeben, dass argumentatives Handeln und (zweckorientiertes) “bargaining” zwar analytisch voneinander strikt zu unterscheiden sind, in der empirischen Realität aber fast immer gemeinsam vorkommen. Zweitens konnten wir zeigen, dass argumentatives Handeln weniger von den an Wahrheitssuche ausgerichteten Handlungsorientierungen der Akteure abhängt (die ohnehin empirisch nur schwer zu ermitteln sind), sondern von spezifischen sozialen und institutionellen Kontexten. In bestimmten Verhandlungskontexten muss auch die zweckrationalste Diplomatin nicht nur gute Gründe für die von ihr vertretenen Interessen vorbringen, sondern sich auch vom “besseren Argument” überzeugen lassen und zumindest versuchen, die eigene Verhandlungsposition zu ändern.

Diese sozialen und institutionellen Kontexte zu ermitteln, unter denen argumentatives Handeln konkrete Verhandlungsverläufe beeinflusst und Überzeugungsprozesse einleitet, ist Ziel des von uns beantragten Forschungsprojekts. Wir untersuchen systematisch den Einfluss argumentativen Handelns

- sowohl in den verschiedenen Phasen multilateraler Verhandlungen (Agenda-setting, Problemdefinition, Aushandlung von Vertragstexten);
- als auch auf das Ergebnis solcher Verhandlungen.

Dabei überprüfen wir acht Hypothesen, die sich einerseits auf den sozialen Kontext der Verhandlungen, andererseits auf den Argumentationsprozess selbst beziehen. Die Kontext-Hypothesen evaluieren das Ausmaß der Institutionalisierung und des normativen Rahmens, in dem die Verhandlungen stattfinden (H1), sowie die Rolle von Öffentlichkeit (H3). Außerdem untersuchen wir in diesem Zusammenhang, ob sich Unterschiede ergeben, wenn liberale Demokratien die Hauptprotagonisten der verschiedenen Verhandlungspositionen sind (H2 und H4). Schließlich prüfen wir zum einen den Einfluß der Problemstruktur auf die Effektivität argumentativen Handelns (H5), zum anderen, wie sich die Ungewissheit wichtiger Akteure über die Situationsdefinition und über die eigenen Interessen und Ziele darauf auswirkt (H6). Die Hypothesen zum Argumentationsprozess selbst beziehen sich zum einen darauf, ob neutrale Sprecher bzw. solche mit moralischer Autorität bzw. Expertenwissen effektiver argumentieren können (H7), zum anderen, ob Argumente umso überzeugender wirken, je mehr sie mit den Erfahrungen der Zuhörerschaft bzw. mit vorher akzeptierten Normen und Prinzipien übereinstimmen (H8).

Wir überprüfen diese Hypothesen in acht Fallstudien aus allen Sachbereichen der internationalen Politik, von denen die meisten bereits alle Phasen multilateraler Verhandlungen durchlaufen haben, so dass sich insgesamt mehr als 25 unabhängige Beobachtungen ergeben. Die Fallstudienauswahl orientiert sich an den Institutionalisierungs- (H1) und den Problemstruktur-Hypothesen (H5). Verhandlungen, die in einem hoch institutionalisierten Kontext stattfanden und vor allem regulative Probleme betrafen, sind die Überprüfungskonferenzen 1995 und 2000 des Nuklearen Nonproliferationsvertrags (NPT), und die Aushandlung der Konvention gegen Kinderarbeit bei der Internationalen Arbeitsorganisation (ILO). Verhandlungen in einem hoch institutionalisierten Kontext, die vor allem distributive Probleme betrafen, sind die Verhandlungen zur Umsetzung des Kyoto-Protokolls in der Europäischen Union (EU) und die Klimaschutzverhandlungen selbst im Anschluss an Kyoto (Bonn, Den Haag, Bonn). Im Unterschied dazu fanden die Verhandlungen zum Verbot der Landminen und zum Internationalen Strafgerichtshof (ICC) außerhalb etablierter Institutionen statt und betrafen in erster Linie regulative Probleme. Auch die UN-“Kleinwaffen“-Konferenz betrifft regulative Probleme und zeichnet sich trotz der Einbindung in den Verhandlungsrahmen von UN-Abrüstungskonferenzen durch ein niedriges Niveau an normativem Konsens zwischen den Verhandlungsteilnehmern aus. Schließlich untersuchen wir die ersten Konferenzen der Vereinten Nationen zu Handel und Entwicklung (UNCTAD) in den 60er Jahren sowie die frühen Phasen der Klimaschutzverhandlungen, die ebenfalls zunächst durch einen niedrigen normativen Konsens gekennzeichnet waren und bei denen distributive Probleme eine vergleichsweise große Rolle spielten.

Methodisch wenden wir zum einen verschiedene diskurs- und inhaltsanalytische Verfahren an (u.a. Dialoganalyse), zum anderen führen wir in jedem einzelnen Fall eine Prozessanalyse des Verhandlungsverlaufs durch (process-tracing). Unsere Daten bestehen einerseits aus Texten (teilweise Wortprotokolle der Verhandlungen), andererseits aus umfangreichem Material von Interviews mit wichtigen Verhandlungsführern.

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2. State of the Art and Previous Research

2.1 State of the Art

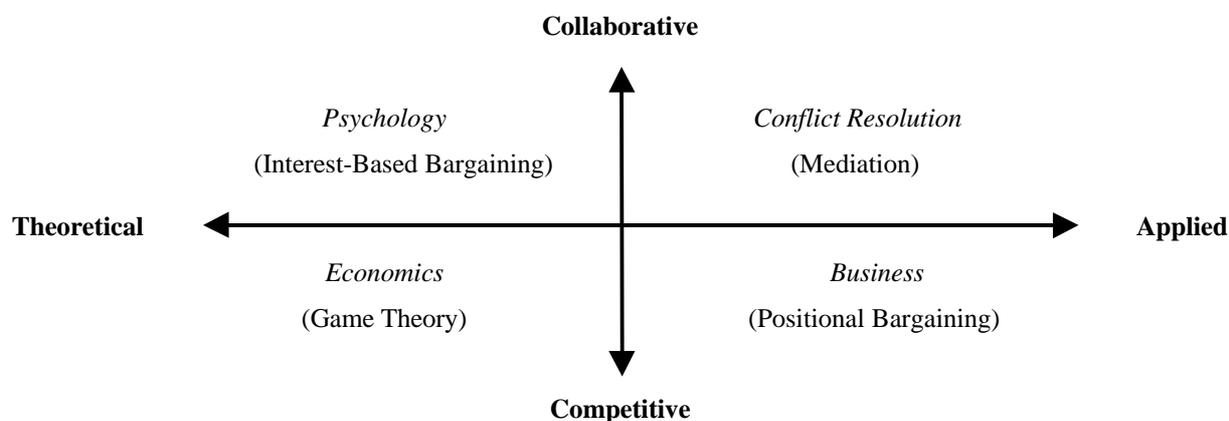
We argue in the following that the dominant strand of international negotiation theory is under-socialized. Negotiations are usually not conceptualized as processes of social interactions among actors with different types of rationalities. For the purpose of our project, we resort to a concept of negotiations as social processes in which communication plays a prominent role.

2.1.1 *Negotiation Theory*

Negotiating is all pervasive not only in politics but also in everyday live. It is one of the core mechanisms that is used in social interaction to solve joint problems and to settle disputes peacefully. Therefore, one can find all kinds of *theoretical approaches* to analyzing negotiations ranging from business (e.g. Bazerman/Lewicki/Sheppard 1991), economics (e.g. Binmore/Dasgupta 1987, Sutton 1986), game theory (e.g. Brams 1990, Scharpf 1997), political science (e.g. Raiffa 1982, Jönsson 1983, Susskind/Cruikshank 1987) and social psychology (e.g. Druckman 1977). The fact that negotiation research is undertaken in various disciplines makes it hard to gain a comprehensive overview on negotiation theory as a field of study.

In an effort to synthesize the existing literature on negotiation, Starkey, Boyer and Wilkenfeld (1999) tried to categorize the literature along the categories “level of abstraction”, ranging from theoretical to more applied approaches, and “value-orientation of the negotiation process”, ranging from collaborative to competitive (see Figure 2.1).

Figure 2.1: Literature on Negotiation



Source: Starkey/Boyer/Wilkenfeld 1999: 2 (slightly adapted)

Starkey et al.'s typology of different approaches to negotiation nicely shows one of the fundamental dilemmas of this type of literature: It is either written with the practitioner in mind, or from a very sophisticated theoretical perspective, applying, for instance, game-theoretic models or models of information-processing. What is relatively striking in most summarizing accounts on negotiation theory and research (see also Kramer/Messick 1995: vii) is the emphasis of most approaches on

- an economic actor model that takes preferences and interests as given, assuming instrumental rationality (logic of consequentialism)
- the individual as level and unit of analysis and its cognitive information-processing capacities
- equating negotiating with bargaining, in the sense of a dyadic (strategic) exchange relationship, using both terms interchangeably.

Rarely do these models depict negotiations as a process of social interaction that is embedded in a specific social context.

2.1.2 Negotiations as Social Processes

Most sociological and social psychological approaches to negotiations draw a wider picture of negotiations. The factors that are taken into account to analyze negotiations range from individual factors such as negotiation tactics and styles, cognitive and ideological differences of the participants, or personality traits of negotiating parties to contextual and situational factors such as the issues at stake, the rules and types of proceedings, or the number and types of parties.¹ Conceptualizing negotiations as social processes acknowledges that negotiations become meaningful because of their embeddedness in a social context.² “Meaning”, however, is also created endogenously by the negotiating parties who communicate in a verbal or non-verbal way with each other. From this perspective certain assumptions follow:

1. The social and institutional environment in which negotiation processes are embedded becomes important to explain how negotiations proceeded and what results they yield.
2. Individuals are no longer seen as rational strategic actors, but as social, norm-driven actors. They behave according to the logic of appropriateness in a given situation. The mechanisms that function to coordinate social and political interaction are social norms.

¹ For an older, but still informative overview see Druckman 1977.

² On the role of contexts in international politics see more specifically Goertz 1994 who conceptualizes “context” not only as independent or intervening variable, but also as “changing meaning”.

3. Interests and preferences are not given exogenously, but are shaped in an endogenous process of interest formation that is also based on communication.

The model of negotiating as a social process draws attention to the communicative dimension of the negotiation process which has yet to be elaborated more systematically.

2.1.3 Communicative Processes in (International) Negotiations

From a cultural perspective, communication - especially in international negotiations - has been studied with respect to the types of misunderstandings that might be produced (or avoided) in inter-cultural dialogues (see e.g. Cohen 1987, 1991). This approach introduces the moment of intersubjectivity into negotiation research. It stresses that “culture” is not a property of an individual but is shared by a whole group. Moreover, cultural repertoires of action tell actors what is “appropriate” in a given situation.

But still, as far as actors’ orientations are concerned, most approaches in negotiation theory either draw on a strategic economic actor model or a social actor model that stresses the appropriateness of actors’ behaviour in given situations. This theoretical distinction was also reflected in the debate between social constructivists and rational choice theorists in the Anglo-American IR community when the two competing paradigms tried to explain international cooperation and its endurance. In some social situations, however, rule-guided behavior involves a conscious process whereby actors have to figure out the situation in which they act, apply the appropriate norm, or choose among conflicting rules. They often do this by arguing about the rules of appropriate behavior in a given situation. That rule-guided behavior can be habit-driven as well as a conscious process suggests that two different logics of social action are at play. As Fritz Kratochwil has pointed out, this type of rationality can be captured with Habermas’ notion of “communicative rationality” (Kratochwil 1987: 304).

Taking up this assumption, a theoretical debate in the German *Zeitschrift für Internationale Beziehungen* (ZIB) focussed on the logic of arguing and of argumentative rationality. As compared to the strategically oriented logic of consequences or the norm-related logic of appropriateness, the coordinating mechanism of social action from a Habermasian point of view (Habermas 1981, 1992, 1995), consists in a system of validity claims to the truth, rightness and sincerity of competent speakers in a communicative situation. Drawing on the social theory of Habermas, Harald Müller introduced “truth-seeking behavior” in the IR debate,

whereby actors try to challenge validity claims inherent in any causal or normative statement and to seek consensus about their understanding of a situation as well as justifications for the principles and norms guiding their action (Müller 1994). Argumentative and deliberative behavior is as goal-oriented as strategic interactions, but the underlying logic is not to attain one's fixed preferences, but to seek argumentative consensus. Actors' interests, preferences, and the perceptions of the situation are no longer fixed, but subject to discursive challenges. Where argumentative rationality prevails, actors do not seek to maximize or to satisfy their own given interests and preferences, but to challenge and to justify the validity claims inherent in them. Interestingly enough, in the ensuing debate nobody disputed that communicative processes matter in international negotiations.³ The controversy as such centered around the question to what extent truth-seeking behavior and deliberative processes geared toward reaching a mutual understanding (*verständigungsorientiertes Handeln*) can be accommodated by rational choice.⁴

In his reconceptualization of international relations Müller did not only draw on certain assumptions of Habermas' "Theory of Communicative Action", he also took up Elster's distinction between "arguing" and "bargaining" as two different modes of communication (Elster 1991). According to Elster, arguing follows a different logic and applies different strategies compared to bargaining. Whereas arguing is characterized by an exchange of arguments that aims at consistency and makes certain validity claims in order to persuade the listener of the "power of the better argument", bargaining aims at a compromise between different parties using coercive strategies and material incentives. Although Elster himself acknowledged that arguing and bargaining are hard to distinguish empirically (Elster 1991: 4f, see also Saretzki 1995), subsequent studies that employed his concept of arguing, or "deliberation" as it was called later, treated it as distinct mode of communication in opposition to bargaining, not only in analytical but also in empirical terms (see e.g. Elster 1998a, Joerges/Neyer 1997, Prittwitz 1996).⁵ In a similar vein, studies in public policy and comparative politics stressed the "argumentative turn" in political research, focussing on the contents of policy debates and the role of processes of persuasion (e.g. Fischer/Forester 1993, Majone 1989). Most of these studies produced illustrative case studies that showed the importance of arguments and communica-

³ See also Johnson 1993 on the role of communication in game-theoretic approaches.

⁴ For competing views in this debate see see Keck 1995, 1997, Schneider 1994, Zangl/Zürn 1996, on the one hand, Müller 1994, Müller 1995, Risse-Kappen 1995a, Schmalz-Bruns 1995, on the other.

⁵ For a more critical perspective on this somehow "idealized" notion of deliberation see Johnson 1998.

tion in policy-making. Theorizing persuasion is also inspired by social psychological studies (for an overview see Chaiken/Wood/Eagly 1996, for an application see Billig 1987) which hint at a range of factors that are crucial for making an argument persuasive. This led to a number of mainly illustrative case studies (e.g. Mutz/Sniderman/Brody 1996).⁶

So far, there are no studies that systematically analyze the role of arguing and communicative processes in international negotiations (see also Payne 2001, Zehfuß 1998). The project on “Arguing and Persuasion in Multilateral Negotiations” does not aim at producing only illustrative case studies. After some of the claims of the ZIB debate have been tested empirically in a first phase, the project now focusses on systematically evaluating various hypotheses on the conditions under which arguing can be effectively applied in the different phases of multilateral negotiations.

2.2 Previous Research

For the past seven years, the two project directors have been at the forefront of the scholarly debate on arguing and bargaining in the German-speaking International Relations community (the “ZIB debate”, see above). Müller sparked the controversy in 1994 with his essay on “*Kommunikatives Handeln in den Internationalen Beziehungen*” (Müller 1994, see also Müller 1995). Risse contributed to the debate and more recently summarized it for the Anglo-American community (Risse-Kappen 1995a, Risse 1999, 2000).

While these contributions were mainly geared to clarify theoretical issues involved in arguing and bargaining, Müller and Risse have started empirical work on analyzing the role and effects of reason-giving and arguing in multilateral negotiations. The project which has been funded since mid-2000 by the *Volkswagen Foundation* and which will be completed by the end of this year, tries to accomplish three tasks:

1. to inductively generate hypotheses on the conditions under which arguing leads to changing persuasions thereby affecting the processes and outcomes of multilateral negotiations; these hypotheses are to be evaluated in the next phase of the project for which we are seeking funding and are discussed below;

⁶ Cobb/Kuklinski 1997 differ from that type of literature in that they offer a quantitative model on the persuasiveness of arguments in a specified context.

2. to start developing a methodology which allows us to study arguing and its effects on negotiations empirically (how do we know arguing when we see it?);
3. to empirically analyze our cases to the point where we can identify “critical junctures” in the various negotiations, i.e., moments of crises, of surprising and counterintuitive developments, and the like; the next phase of the project is designed to carry out in-depth analyses of the argumentative processes during these moments in order to identify their effects on the process and outcome of the negotiations.

In sum, given the absence of a sound methodology and of ready-made hypotheses to study arguing and distinguish it from bargaining and its effects (see however Fietkau/Weidner/Holzinger 1998), we initially opted for a more inductive approach. Our research has so far led to three important findings which are empirically and theoretically significant:

1. Arguing and reason-giving are all-pervasive during all phases of international negotiations. While we can distinguish analytically between the communicative modes of arguing and bargaining, in reality they usually go together. Pure arguing in terms of deliberative and truth-seeking behavior occurs as rarely as pure bargaining in terms of the exchange of demands, threats, and promises, and the like. Rather, pure arguing and pure bargaining represent opposite ends of a continuum whereby most of the actual communicative processes take place somewhere in between. Bargaining actors tend to constantly justify their demands in terms of generally accepted norms as well as consensual knowledge. Arguing actors tend to routinely use reasons in order to persuade *others* of the validity and the justifiability of their claims. This puts doubts on the proposal to separate, for the sake of negotiation success, distributive (bargaining) and regulative (arguing) phases of a negotiation (Scharpf 1997). But the ubiquity of arguing in multilateral negotiations should not be confused with the assertion that, therefore, reason-giving always matters and always influences results. Rather, it leads us to slightly shift the focus of our research: Instead of analyzing whether arguing or bargaining modes dominate in various phases of the negotiations, we need to identify the conditions under which arguing leads to changes in actors’ persuasions and, thus, influences the process and outcomes of negotiations. The hypotheses developed below which will be evaluated in the next phase of the project, are geared toward establishing these scope conditions.
2. Our second finding concerns the interaction orientations and motivations of negotiators involved in arguing and bargaining. Initially, we have been misled by some theoretical

claims according to which actors engaged in arguing must be motivated toward truth-seeking in order to be able to mutually exchange and challenge validity claims. Such claims stem from a particular interpretation of the Habermasian theory of communicative action, but they can also be found in the broader literature (e.g. Scharpf 1997: 84-89; for a discussion see Steffek 2001). However, it is empirically impossible to ascertain with any certainty the interaction orientations of our negotiators. At the same time, we discovered that it is not necessary to make heroic assumptions about truth-seeking actors to find them engaged in argumentative exchanges and reason-giving. In particular circumstances, even instrumentally rational and strategically motivated actors need to engage in a serious dialogue and in reason-giving with their counterparts in order to be able to influence the course of the negotiations. Ritualistic rhetoric that repeats the same arguments over and over again tends to be rather self-defeating in diplomatic negotiations (actors retain some veto power, but are unlikely to positively influence the course of the talks). As a result, even actors with an initial strategic motivation must engage in the give and take of arguing in order to affect the negotiations. They must demonstrate their truthfulness and their open-mindedness to the “better argument”. Risse has suggested to call this process “argumentative entrapment” for lack of a better term (Risse 1999). In fact, we found instances in several cases when more powerful actors changed their position in the direction of arguments presented by less powerful ones. We can explain this finding on the basis of the triadic structure of arguing as compared to the dyadic structure of bargaining (Saretzki 1996, see below). As a consequence, it is no longer necessary for us to ascertain the interaction orientations of negotiators in order to claim that arguing influences the course of negotiations. Rather, we must focus on the social and institutional context in which these negotiations take place. The question then becomes what type of context conditions are required to enable the triadic structure of arguing to become effective. The hypotheses identified below are designed to get at these context conditions.

3. In the ZIB debate, one important criticism against applying the concept of communicative action to the realm of international negotiations was the lack of a common lifeworld in the international diplomatic realm (Keck 1995). Since diplomats involved in the negotiation originate from quite diverse cultures with highly different lifeworlds, arguing would become impossible as the joint system of normative reference on which argumentation must rely simply did not exist. The ubiquity of arguing in our cases indicates that this problem appears to be much less virulent than the critics would have it. Arguments are not only made, but regularly exchanged and replied to. This finding would suggest that

diplomacy has found ways to substitute for the lack of a lifeworld rooted in domestic cultures and refers our attention to the type of normative reference systems used by the negotiators during their arguing.

3. Goals, Research Design, Hypotheses and Work Schedule

3.1 Goals and Research Design

The ubiquity of reason-giving in negotiations implies that arguing as such can almost be treated as a constant rather than a variable in our research design. It does not mean that we give up the analytical distinction between arguing and bargaining. Arguing implies reason-giving and the search for a reasoned consensus, irrespective of actors' motivations when they enter into an argumentative process. Bargaining involves searching for a compromise based on fixed preferences of the actors involved. Yet, while it is possible to distinguish analytically between arguing and bargaining speech acts, both modes of interaction occur almost simultaneously in a negotiating sequence. This also means that pure arguing and pure bargaining can be treated as opposite ends of a continuum, but that most of the action in international negotiations takes place in between.

As a result, our future research will not focus on whether arguing occurs in international negotiations, but *how arguing works and how it matters*. Thus, our focus is on persuasion and the effects of arguments (Keohane 2001) rather than on the presence or absence of arguing during multilateral negotiations. The project's goal is to *explain to what extent and how arguing influences the processes and outcomes of multilateral negotiations* and to *specify under what conditions arguing is likely to change actors' perceptions of the situation and/or interests (preferences over strategies and outcomes)*. We systematically evaluate the influence of arguing

- in the various phases of multilateral negotiations (agenda-setting, problem definition, negotiating an agreement);
- on the outcome of such negotiations (does arguing enhance the perceived problem-solving capacity of international institutions?).

Instead of accomplishing the empirically impossible task to assert truth-seeking actors' motivations, we try to establish the social context in which arguing is likely to influence both the process and the outcome of international negotiations. Below, we identify a set of hypotheses on the conditions under which arguing matters.

Figure 3.1: The Research Question



3.1.1 What Is Arguing?

Arguing is a *mode of communication* (as is bargaining). Following Saretzki (cf. Saretzki 1996: 32-36), pure arguing as reason-giving can be distinguished analytically from pure bargaining in modal, structural, and procedural terms (see also Elster 1991: 5) and in terms of possible observable outcomes. In table 3.1 arguing and bargaining are defined as ideal types representing the end points on a continuum. Thus, arguing is a mode of communication in which the power of reasoning prevails, i.e. the mutual assessment of the validity of an argument geared toward reaching a reasoned consensus rather than instructions, rules, votes, force, manipulation, tradition etc. is crucial for decision-making (Eriksen/Weigard 1997: 227). Moreover, arguing is a reflexive process that does not take place in distinct sequences. The process of arguing is rather characterized by an exchange of arguments that is based on a common frame of reference that is adjusted in the course of communication.

As to structural features, arguing can be distinguished from bargaining through its triadic nature. Bargaining actors assess the moves in negotiations solely based on their own utility functions including private information, while validity claims such as the truthfulness of speakers, the truth of empirical assertions, or the rightness of normative claims recede in the background and are irrelevant for the bargaining situation. This is the dyadic nature of bargaining. In contrast, arguing always involves references to a mutually accepted external authority to validate empirical or normative assertions. In international negotiations, our empirical domain, such sources of authority (*Berufungsgrundlagen*) can be previously negotiated and agreed-upon treaties, universally held norms, scientific evidence, and other

Table 3.1: *Arguing and Bargaining as Modes of Communication*

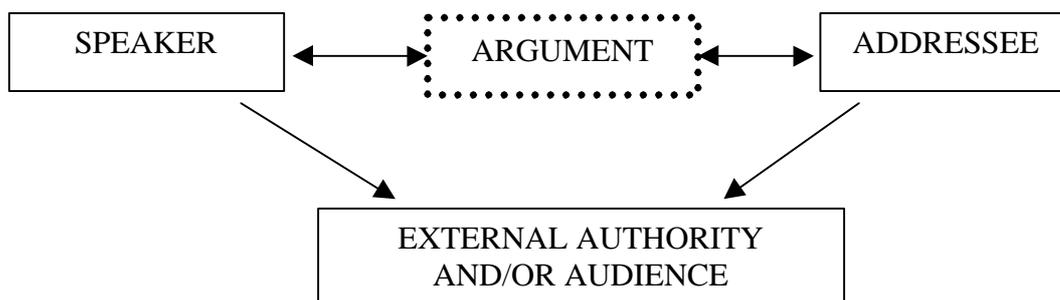
Mode of communication / Characteristics	ARGUING	BARGAINING
modal	empirical and normative assertions with validity claims (assessment criteria: empirical proof and consistency or in the case of normative assertions consistency and impartiality); based on: “argumentative power” in the sense of good reasoning	pragmatic demands with credibility claims (assessment criteria: credibility of speaker); based on: “bargaining power” in the sense of material and ideational resources and exit options
procedural	reflexive	sequential
possible observable outcome	reasoned consensus, actors submitting to the better argument and changing interests/preferences accordingly	compromise without change in preferences/interests
structural	triadic (speaker and listener have to refer to some external authority to make validity claims)	dyadic (only mutual assessment counts)

forms of consensual knowledge. Of course, challenging validity claims is an open-ended process and can occur on various levels:

- Challenging the validity of empirical claims about the state of the world (knowledge assessment discourses).
- Challenging the validity of particular actions in terms of its consistence with agreed-upon norms of appropriate behavior and challenging the applicability of a norm in a given context (*Normanwendungsdiskurse*);
- Challenging the validity of the underlying norms themselves and/or challenging the superiority of a norm over a competing norm (*Normrechtfertigungsdiskurse*);
- Challenging the validity of procedural norms (procedural discourses).

In each case, there are different sources of external authority to which speakers can refer in order to validate their claims. A special case of this kind of triadic situations occurs when negotiators argue in front of an audience which serves as adjudicators of the ‘better argument’. In such cases, they do not only refer to some external authority, but the audience itself might become that external authority as part of the reflexive process. In the multilateral settings of concern for us, such audiences might sit around the negotiating table, but they can also be the public observing the negotiations.

Figure 3.2: The Triadic Structure of the Process of Arguing



Every negotiation process is embedded in some kind of material and social context. Studies on international bargaining have overwhelmingly focussed on the material context of negotiations. Features of this material context are the power resources of participants, their cost-benefit calculations and material factors that heighten the credibility of commitments or make side payments possible (see Schoppa 1999: 307/308). Conceptualizing the negotiation process as a social process that is not only characterized by exchanging resources but also by communicative processes renders a different picture of context. A social context of communicative action can then be defined as “the structure of those properties of the communicative situation that are ostensibly relevant for participants in the production and comprehension of text or talk” (van Dijk 1999: 291). Communicative processes take place within specific social and material contexts (see 3.1.3).

3.1.2 The Dependent Variable: Arguing Effects on Negotiation Processes and Outcomes

The effectiveness of arguing might vary according to the phases of international negotiations:

1) *Agenda-setting*:

Arguing may be effectively applied during the process of “getting to the table” (Stein 1989) in various ways. Actors have to be convinced that there is a problem that needs to be solved cooperatively. If an issue gets on the international agenda in the absence of material interests or strategically motivated issue-linkages, this might be an indicator for the influence of arguing. A second indicator could be that an item has been put on the agenda against the will of materially powerful actors. The presence or absence of ‘norm entrepreneurs’ in the sense of (transnational) advocacy networks (Keck/Sikkink 1998) and epistemic communities (Haas 1992) serves as a third indicator for the influence of arguing during this phase, since such entrepreneurs normally do not command powerful material resources, but have to rely on the power of the ‘better argument’. Framing and strategic

constructions (Finnemore/Sikkink 1998) are typically used in this phase to persuade other actors of the urgency to tackle a particular issue.

2) *Problem-definition:*

Once an issue has been put on the agenda of international negotiations, the negotiation partners involved need to agree on a common problem definition. Defining a problem is a crucial aspect for tackling it. In general, how a problem is defined will influence the way it is solved, i.e. which types of instruments and strategies are chosen. Therefore, actors will once again put considerable effort into framing a problem (McAdam/McCarthy/Zald 1996, Johnston 1995, Payne 2001, Snow/Bedford 1988). In the terminology of the bargaining literature and of non-cooperative game theory, actors need to develop some kind of “common knowledge” about the situation and the underlying principles of negotiating. Sometimes, “knowledge brokers” might help the negotiating parties to reach a common definition of the situation and to agree on certain underlying normative principles – including rules of fairness – which structure the negotiation process.⁷ These underlying normative principles can serve as basis for the actors involved to claim legitimacy for their respective positions. The convergence of initially differing problem definitions is an indicator of an effect of arguing, notably if it differs from the more powerful actors’ preferences.

3) *Negotiating an Agreement:*

Once the problem has been defined, actors can negotiate a common solution. This involves finding an agreement on the norms, rules, and procedures of the treaty under consideration, but also negotiating the distributive aspects as well as the monitoring and enforcement procedures. This is the actual bargaining phase of the negotiations where horse-trading, package deals, and other bargaining tools are expected to be employed. As a result, arguing and reason-giving might recede into the background and might have less effects than during the earlier phases of the negotiations. However, distribution will proceed along some standards of appropriateness, fairness and justice, and arguing about such standards might be found in this phase. And while a coercive solution sharply contradicts the logic of arguing, we might infer the influence of arguing during this phase from the extent to which actors describe the negotiation results as outright failure, agreement to disagree, compromise, or consensus. Likewise, the emergence of new normative frame-

⁷ The “ZIB debate” to a large extent centered on the question to what degree processes of arguing and persuasion were necessary to establish “common knowledge”, which non-cooperative game theory takes for granted. For competing views see Keck 1995, 1997, Müller 1995.

works that could not be predicted from the initial set of preferences point in the same direction. (Note that we do not infer the effects of arguing from the successful conclusion of negotiations.) The more actors give identical reasons for why they adhere to a consensus or why they failed to find a solution, the more we can infer the influence of arguing and the achievement of a reasoned consensus. The more actors give different reasons for why they support a treaty or why they failed to achieve one, the more we can infer a compromise and the less mutual persuasion.⁸

Another yardstick for the effects of arguing on negotiating a solution concerns the degree to which actors change their views and preferences during the process, provided that the alternative explanations fail to account for these changes. Arguing might affect levels of knowledge and information (weak version), but also more fundamental interests and preferences of actors (strong version). To measure this, we can compare the kind of ‘outcome’ relevant actors had in mind at the beginning of the negotiation processes with the final accord, including the reasoning used for explaining or justifying them.

4) *Negotiation Outcome:*

If arguing is not only “cheap talk” (Farrell/Rabin 1996), it should also have effects on the outcome of a negotiation process. The dominant hypothesis in the literature asserts that a reasoned consensus rather than a compromise is likely to enhance the problem-solving capacity of the agreement (Scharpf 1997: 124, Lax/Sebenius 1986). But how do we ascertain empirically what a ‘better outcome’ in terms of enhanced problem-solving capacity means? In the absence of an ‘objective’ yardstick we have to resort to *actors’ preferences* and *subjective perceptions* of what has been achieved. Once again, this can be established through “before-after” comparisons as well as actors’ own evaluations of the negotiation outcomes.

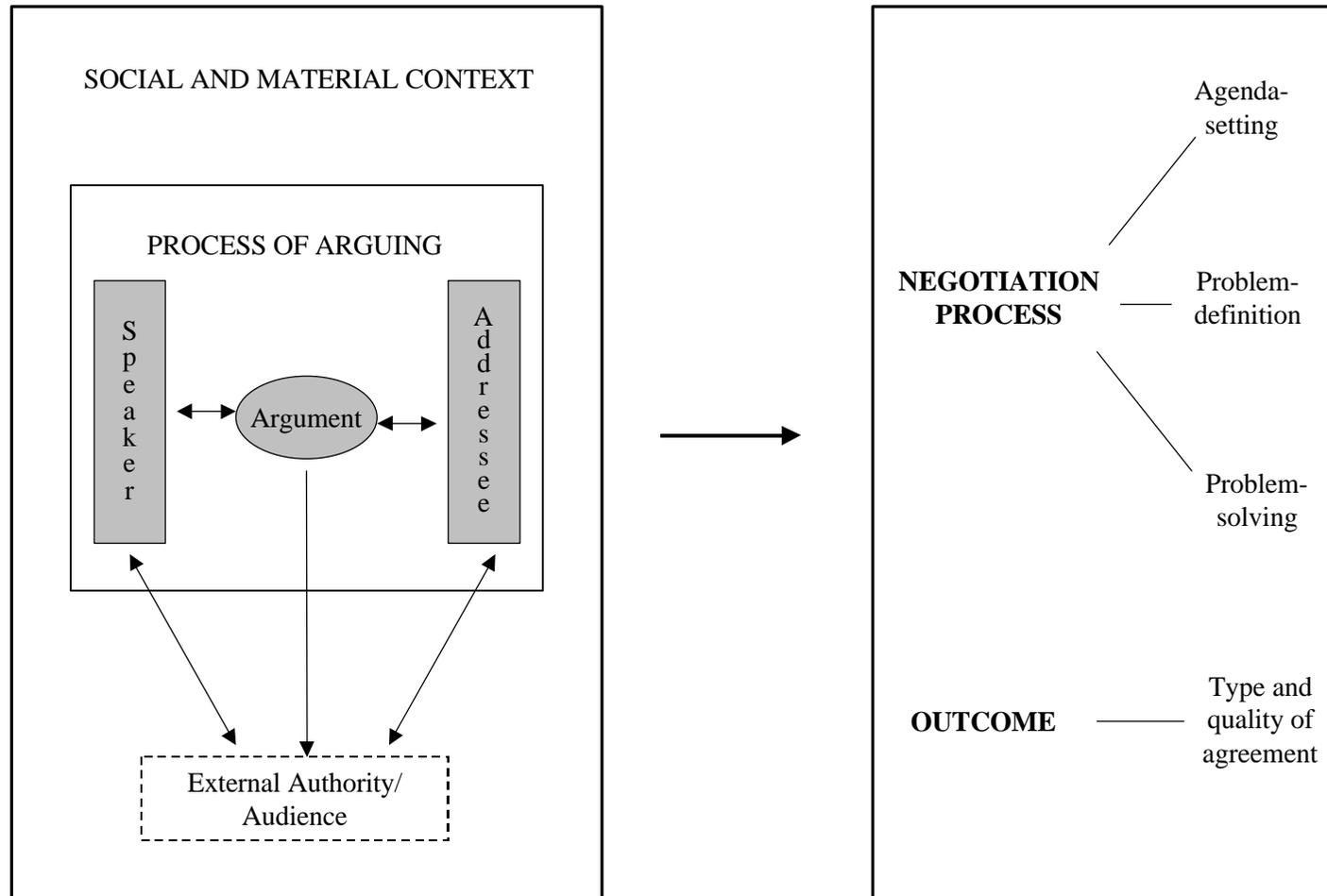
For practical reasons, our project will not focus on the implementation phase of an agreement or on questions of compliance which would require a far more complex research design and would not be manageable within a two-years period.

⁸ Here, we follow the distinction between compromise and consensus which Eriksen/Weigard proposed and adapt it for our purposes (Eriksen/Weigard 1997: 229, quoting Habermas: Faktizität und Geltung).

Table 3.2: *The Influence of Arguing on Negotiation Processes and Outcomes*

	NEGOTIATION PROCESS			OUTCOME
Relevant stages	AGENDA-SETTING	PROBLEM-DEFINITION	NEGOTIATING AN AGREEMENT	TYPE AND QUALITY OF AN AGREEMENT
Indicators for effects of arguing	<ul style="list-style-type: none"> • absence of material interests or strategically motivated issue-linkages • putting an item on the agenda against the will of powerful actors • norm entrepreneurs: advocacy networks, epistemic communities 	<ul style="list-style-type: none"> • (re-)framing of problem • common knowledge base: “knowledge-broker” to establish consensual knowledge, legitimacy claims • convergence of initially differing problem definitions 	<ul style="list-style-type: none"> • reasoned consensus (or consensus to disagree) vs. bargaining compromise or failure • emergence of new normative frameworks that were not predicted • change of views (concerning levels of knowledge and information) and fundamental interests and preferences of significant actors 	<ul style="list-style-type: none"> • change in positions of significant actors compared to beginning of negotiation process (“before – after” comparison) • actor’s evaluations of problem-solving capacity and quality of agreement

Figure 3.3: Research Design



3.2 Hypotheses

The project's main goal is to explain how arguing affects the process and outcome of multi-lateral negotiations and to specify under what conditions arguing might be effectively applied in the various phases of negotiations specified above. Relevant conditions that influence the effect and effectiveness of arguing and specific arguments can be found in

1. the social context within which negotiations take place
2. the process of arguing itself.

3.2.1 *Social Context*

From a broader perspective, the social context in negotiations can comprise various factors like the negotiation parties, the social knowledge the participants have of each other and their respective preferences and strategies, the social norms of the institution, and processes of communication (cf. Thompson/Peterson/Kray 1995: 7). In our empirical analyses we will focus on different factors that shape the specific context of each negotiation process under study. From our theoretical perspective, apart from the communicative processes we will treat separately below, there are two types of context variables which deserve closer attention to infer some guiding hypotheses – the institutional setting in which the negotiations take place and the nature of the problem to be solved.

The *institutional setting* is relevant in terms of

- a) the *degree of institutionalization*, i.e. the density of norms, rules and procedures in which the negotiations are embedded, and
- b) providing reference points for the “*external authority*” to which speakers have to refer in their arguments given the triadic nature of arguing. At the same time, the institutional setting provides negotiations with different types of audience.

a) *Degree of Institutionalization*

Institutions consist of specific sets of principles, norms, rules and procedures that pre-structure the interactions and define the range of legitimate behaviour (cf. Keohane 1989). Institutions do not only reduce transaction costs and provide actors with relevant information, they can also serve as discourse arenas enabling actors to argue and challenge validity claims in order to solve common problems. Given the triadic structure of arguing, densely institutio-

nalized settings of international negotiations supply actors with a “common lifeworld” of collective interpretations of the world and of themselves, as provided by language, a common history, or culture, to facilitate processes of arguing (Habermas 1981, 1992, 1995). The “common lifeworld” provides actors with a repertoire of collective understandings to which they can refer when making truth claims. Thus, densely institutionalized settings provide consensual reference points (*Berufungsgrundlagen*) in terms of previously agreed-upon substantive norms of appropriate behavior (as codified in treaties and agreements, e.g.), but also in terms of procedural norms and standards. In short, institutions provide the ‘common knowledge’ to which the rationalist literature on bargaining refers to. Densely institutionalized settings should, however, not only facilitate bargaining, but should also make arguing more effective. This leads to the following hypothesis:

H1: The more densely institutionalized the social context of the negotiations in terms of consensual norms, rules and decision-making procedures, the more likely it is that arguing affects both the process and the outcome of negotiations.

As negotiators have to draw on shared norms to justify their positions in an arguing process, arguing will be more common as well as more successful the denser the network of common knowledge and shared norms among the actors is. The normative interpretation of the “democratic peace” theory claims that it is that shared background that makes democracies particularly averse against entering armed conflict against each other, as they recognize each other as directed by the same set of cherished norms (Risse–Kappen 1995b). The same factor makes democracies particularly inclined to enter international organizations. Shared democratic norms and additional institutional networks engendered by this heightened organizational activity mean that common knowledge must be significantly higher among democracies than between democracies and non-democracies.

H2: In negotiation settings that involve democracies as the protagonists of the main contending positions, arguing is more dominant and bargaining more subdued than in settings in which democracies negotiate mainly with non-democratic opponents.

b) External Authority

But institutional settings do not only provide different degrees of reference points enabling the triadic structure of arguing to play itself out, they also vary with regard to the (public) audiences who can listen to the argumentative exchanges of the speakers. Interestingly

enough, we can derive competing expectations from the literature as to how the effect of arguing in front of (public) audiences is likely to be. On the one hand, Elster has pointed out (Elster 1991, 1998b) that public discourses tend to have a “civilizing effect” on the participants in the sense that explicitly selfish interests can rarely be defended and justified in the public sphere. At least, actors have to pretend rhetorically that their interests serve the common good. Once universalistic claims are made in a public discourse, though, other speakers can weigh in and challenge the arguments as self-serving etc. On the other hand, Checkel claims (1999b) based on insights from the literature on persuasion that arguing geared toward a reasoned consensus is more likely in private in-camera settings and behind closed doors given the considerable risks which actors face when they expose their interests or even identities to arguing. Thus, arguing in front of a public would rarely result in a true dialogue, but more likely lead to ritualistic rhetoric and purely strategic arguing.

We suggest that both claims might be correct, but depend on the institutional context of the negotiations. Take legal reasoning in front of a court. In such settings, the civilizing effects of an audience weigh heavily on the speakers even if they are strongly motivated by instrumental concerns. The point here is that judges and juries are obliged to be impartial and to decide about the validity of the arguments of the speakers. In contrast, arguing in front of a TV audience often results in ritualistic rhetoric and symbolic mobilization, because the speakers’ main purpose is to rally their own constituencies behind their positions, and rhetorical performance criteria are at least as important as the ‘power of the better argument’ (of course, the latter is also relevant in a court setting).

The difference between the two scenarios seems to be, on the one hand, how significant the consent of the audience is for the decision to be taken and how much the speakers know about its preferences, on the other. Furthermore, we need to distinguish between two potential audiences in the case of multilateral negotiations: First, there are always those states at the negotiating table who do not actively participate in the negotiations on a specific point, but whose consent is nevertheless needed to achieve an agreement. As a result and absent the possibility of side-payments or issue linkages, arguing should be more effective in multilateral rather than bilateral settings. Unfortunately, we cannot evaluate this hypothesis in the strict sense, since we are focussing on multilateral negotiations. What we can do, however, is to analyze how many different negotiating ‘camps’ are present in any given talks and how much is known about their preferences. This leads to the following hypothesis:

H3: The smaller the number of preferences that have to be taken into account in a negotiating setting and the more these preferences can be treated as fixed, the more appropriate 'in camera' settings might be for making arguing effective.

Second, there are the public audiences of multilateral negotiations, both in the transnational public sphere and in the domestic environments of many negotiating states. Here, the domestic structures of the states involved in the negotiations might make a difference. Public spheres are a constitutive feature of liberal democracies as a result of which they might be particularly affected by Elster's argument of the 'civilizing effect' of audiences. And to the extent to which a transnational public space exists in the international community, it largely links up and is dominated by the public spheres of these democratic systems. This consideration leads to the following hypothesis

H4: The more liberal democracies are involved in the negotiations in terms of both speakers and audiences whose consent is sought, the more effective arguing will be.

The second context factor which is relevant for the effects of arguing on the negotiations, concerns the ***problem and situation structure*** (see e.g. Zürn/Wolf/Efinger 1990, Zürn 1992). Again, we will concentrate on two factors that are relevant for our research:

- a) the *type of problem* and
- b) the *degree of knowledge and/or uncertainty* that actors have about a specific problem.

a) Type of Problem

Neoliberal institutionalism and rationalist regime analysis have provided a straightforward proposition as to the type of problems conducive to the effects of arguing. The more negotiations deal with regulatory issues in order to solve commonly identified problems, these authors claim, the more arguing should matter (Scharpf 1997). Distributive problems, however, should be particularly conducive to bargaining, once an agreement on principles of fairness and justice has been achieved. This leads to the following hypothesis:

H5. Arguing will be more successful in the case of regulatory instead of distributive problems.

b) Degree of knowledge and uncertainty

The last context condition which is conducive to making arguing effective concerns the degree of knowledge and uncertainty of actors about the problem to be dealt with and about their interests and preferences. Arguing can be conceptualized as a micro-mechanism for learning in a social interaction environment. Learning, particularly “double-loop learning” defined as changes in actors’ goal orientations (Argyris/Schön 1978; see also Levy 1994) is the more likely to occur, the more uncertain actors are about their preferences over outcomes and over strategies. Psychological research has identified conditions under which a listening audience is motivated to accept arguments running counter to previous convictions. Such receptivity for counterattitudinal information is likely in situations of high uncertainty or in threatening circumstances (Chaiken/Wood/Eagly 1996, Johnston 1998). New arguments might also become persuasive if actors try to cope with previous policy failures. Much of the negotiating literature in the rationalist tradition takes it for granted that national governments enter multilateral negotiations with fixed preferences and that they mostly know what their preferences are. But, as Zangl and Zürn pointed out in the ZIB debate (1996), strategically rational actor should be interested in getting the ‘facts right’ and to update their preferences accordingly. Uncertainty might be particularly relevant in the early phases of negotiations, e.g. agenda-setting and problem definition. This leads to the following hypothesis:

H6: The less certain actors are about the nature of the problem and about their own interests and preferences, the more they are likely to be open to persuasion and arguing.

3.2.2 Process of Arguing

A second set of hypotheses to be evaluated in the project pertains to the process of arguing itself rather than to the social and institutional context in which it is embedded. As emphasized above, arguing itself consists of a special structure comprising a speaker, listeners (addressee and context-specific audience), and the argument itself. The question is what makes a particular argument persuasive and convincing. The psychological literature on persuasion provides some clues for answering this question.⁹ According to this literature, the persuasiveness of an argument is related to

- 1) properties of the speaker,
- 2) properties of the argument, and
- 3) the attitudes and cognitive capacities of the listeners.

⁹ For an excellent review see Chaiken/Wood/Eagly 1996.

As to the *properties of the speaker*, there is overwhelming evidence that the *credibility* and *trustworthiness* of the speaker are the most important features for the persuasiveness of an argument (see also Ostrom 1998). According to the psychological literature, mutual trust is based on one or a combination of the following factors:

- affective and emotional relationship between a speaker and her audience (e.g. based on common values or a common ideology);
- consistence with which a speaker makes similar arguments, irrespective of the audiences;
- perceived moral authority of the speaker;
- authoritative claim to knowledge by the speaker.¹⁰

If we apply these factors to our case of multilateral negotiations in international society, we can identify two types of speakers who are most likely to make persuasive arguments because of their trustworthiness (see also Young 1991):

- mediators and dis-interested third parties
- NGOs with a high level of moral authority as well as expert groups (epistemic communities).

This leads to the following hypothesis:

H7. The more a speaker represents a neutral third party to the dispute under consideration or can legitimately claim moral authority and knowledge, the more persuasive her arguments will be.

As to the *persuasiveness of the arguments* themselves, the constructivist literature on norms and persuasion shows an astonishing convergence on what could be called the “*resonance*” or “*cultural match*” assumption (see, e.g., Checkel 1999a, b, Finnemore/Sikkink 1998, Ulbert 1997). “*Resonance*” means that listeners (either the direct addressee of an argument or an audience) can relate or fit a new argument to their previous beliefs on a subject or on some moral convictions. If an argument is coherent with a generally accepted principle or norm as

¹⁰ As to the two latter factors, various studies have shown, for example, that the authority and influence of many NGOs and expert communities largely derives from the fact that they are often perceived as knowledgeable in a particular issue-area, neutral with regard to partisan opinions, and/or only interested in the international common good and well-being of the people (see, for example, Keck/Sikkink 1998, Sabatier/Jenkins-Smith 1993). Similar findings hold true for the argumentative power of expert communities with an authoritative claim to knowledge in a particular issue-area (Haas 1992).

well as with previously agreed-upon treaties (*Berufungsgrundlage*), if analogies are used, or if the speaker uses powerful symbols to make her case, the arguments become more persuasive (Price 1998). Since arguing is a social-interactive process, speakers will actively seek not only to deliver their perspective on a problem, but will also –implicitly or explicitly - try to find out the positions other participants will take. In a discourse so-called “story-lines”, “a generative sort of narrative that allows actors to draw upon various discursive categories to give meaning to specific physical or social phenomena” (Hajer 1995: 56), might function as a kind of unifying argumentative scheme for various discursive dimensions of a problem. When entering in an argumentative discourse actors either use certain story-lines more or less automatically because it is appropriate in a given context. Or they are actively seeking for a story-line that empowers them to structure a discourse and to gain the power of giving meaning to a certain problem (*Definitionsmacht*). This leads to the following hypothesis:

H8. The more an argument can be made to resonate with some listener’s previous attitudes or experiences and/or previously accepted norms and principles, the more persuasive it is likely to be.

Finally, the ***attitudes and cognitive capacities of the listeners and the audience*** are relevant for the persuasiveness of an argument. Here, most of the literature emphasizes *uncertainty*, lack of knowledge as well as preparedness to receive counter-attitudinal information. Hypothesis 6 above captures this proposition.

Table 3.3: Overview of Hypotheses

Conditions...	SOCIAL CONTEXT				PROCESS OF ARGUING		
... for	effectiveness of arguing as such				effectiveness of specific arguments		
Variables	Institutional setting		Nature of the problem		Properties of the speaker	Properties of the argument	Attitudes and cognitive capacities of listeners
Dimensions	Degree of institutionalisation	External authority	Type of problem	Degree of knowledge and uncertainty			
Hypotheses	“norm density” hypothesis (H1) “democracy” hypothesis (H2)	“in camera” hypothesis (H3), “public sphere” hypothesis (H4)	“problem structure” hypothesis (H5)	“uncertainty” hypothesis (H6)	“credibility” hypothesis (H7)	“resonance” hypothesis (H8)	“uncertainty” hypothesis (H6)
Theoretical and empirical foundations	Habermas, democratic peace literature	Elster, Checkel	neoliberal institutionalism, rational regime analysis	social psychological theories on learning	social psychological studies on persuasion	constructivist studies, discourse analysis	social psychological studies on persuasion and learning

3.3 Case Selection and Methodology

3.3.1 *Case Selection*

The empirical domain of our research consists of multilateral negotiations in international society. In general, such diplomatic negotiations constitute “hard cases” for the study of arguing and persuasion:

1. If a common lifeworld constitutes a pre-condition for successful arguing and processes of persuasion, international society as compared to domestic settings is characterized by relatively low degrees of shared histories, common experiences, and the like.
2. Diplomatic and other negotiators are usually not paid to engage in truth-seeking moral discourses. They are supposed to represent the interests and preferences of national governments or private (transnational) actors.

As to the selection of specific cases of negotiations, we have followed a research design that maximizes the variation on the intervening variables, i.e., our hypotheses (given that arguing – our ultimate ‘independent variable’ - is not so much a variable but a constant; on these distinctions and their relevance for case selection see King/Keohane/Verba 1994). However, it is impossible to vary cases with regard to the variables pertaining to the process of arguing itself (hypotheses 7 and 8), since we need to do the actual research first in order to see how these hypotheses play out. The same holds true for hypotheses 3 (conditions for ‘in camera’ settings), 2 and 4 (involvement of liberal democracies) and 6 (degree of uncertainty). Nevertheless, since we have selected altogether eight multilateral negotiations, six of which went through all phases in a negotiating process (agenda-setting, problem definition, negotiating an agreement), this allows for – at a minimum – 25 independent observations. In addition, each of these 25 observations consists of several negotiating sequences which we treat as our units of analysis. As a result, we are confident to gain plenty of leverage to be able to evaluate these hypotheses.

Our main criteria for case selection have been hypotheses 1 (norm density) and 5 (problem structure). Three of our negotiations (Child Labour Convention of the International Labour Organization [ILO], Nuclear Non-Proliferation Treaty [NPT] review conferences, and EU negotiations on greenhouse gas (GHG) emission limits) took place in densely institutionalized settings with previously agreed-upon treaties as well as well-defined and –specified procedures and decision-making rules. Comparatively speaking, four negotiations (Treaty

Banning Land Mines, International Criminal Court (ICC), the Small Weapons Conference and the United Nations Conference on Trade and Development (UNCTAD) originated outside the established framework of an international institution and/or in the absence of clearly identified consensual norms and rules of procedure. Finally, the Climate Change Negotiations initially took place outside established settings with little normative consensus, but then became strongly institutionalized. As to the problem structure, all cases involved both problem-solving and distributive bargains. However, regulatory issues dominated five of our cases (ILO Child Labour, NPT Review, Land Mines, Small Weapons, ICC), while distributive problems were particularly relevant for the Climate Change Negotiations, the EU negotiations on GHG emissions and UNCTAD. Our case selection is summarized below.

Table 3.4: Criteria for Case Selection

Degree of Institutionalization	HIGH	LOW
Type of the Problem		
REGULATIVE	NPT ILO Child Labour	Land Mines Small Weapons ICC
DISTRIBUTIVE	EU GHG emissions Climate Change (phase 2)	UNCTAD Climate Change (phase 1)

3.3.2 Overview of the Case Studies

In the following, we briefly present the various negotiations with a special focus on the critical phases which we have identified in our previous research for an in-depth analysis of processes of arguing and persuasion.

Nuclear Non-Proliferation Treaty (NPT) Review Conferences

(Research associate in charge: Harald Müller, HSFK)

The research on the Nuclear Nonproliferation Treaty (NPT) addresses two separate but connected case studies, the Review and Extension Conference in 1995 and the Review Conference in 2000. In the first instance, the parties had to decide if and for how long to prolong the Treaty. Given the divergent preferences at the outset, most predictions were for a stalemate or for another 25 years duration. In fact, the parties extended the NPT indefinitely, but attached a set of new norms (“Principles and Objectives”) which reinterpreted the Treaty in authoritative form without amending it, and established a new, strengthened review procedure. Research so far has shown strong shift in positions by both the nuclear weapon

states and several non-aligned countries. Further research will focus – on the basis of in-depth interviews with selected participants – on how the shifts occurred.

The 2000 Review Conference started in a very pessimistic mood after a series of three very controversial Preparatory Committee Sessions (Prepcoms). At the first Review following the Extension, the Conference would set a precedent how to implement the Strengthened Review Process and how to deal with the “Principles and Objectives” adopted by the 1995 Conference. The most controversial element was whether to amend the Principles and Objectives by a new set of norms – a move strongly opposed by the nuclear weapon states – or whether just to assess how well the Treaty had been implemented in the past five years. Against expectations, the Conference produced a consensus final declaration, including a rather ambitious action plan for nuclear disarmament, again defying the initial wishes of the nuclear weapon states. Besides the documentation of country positions, the researcher can draw on his experience as a participant.

The NPT provides a highly institutionalized environment. The framework of norms is dense, including the NPT itself, the verification documents, nuclear weapon free zone treaties, the documents adopted by the 1995 Conference, the Final Declaration of the 1985 Review Conference and the documents of the UNGA Special Sessions on Disarmament and resolutions adopted by the UNGA First Committee. All these documents serve as references to which parties can relate in their deliberations. The NPT Community is divided into the Nuclear Weapon States and the Non-nuclear Weapon States, and in the Nonaligned and the Western groupings (the Eastern group ceased to play a framing role before 1995). In 2000, a new grouping, the New Agenda Coalition, a group comprising neutral Western and Nonaligned countries, emerged as the main negotiating partner for the Nuclear Weapon States.

The main puzzle in this field is the production of new norms against the preferences of the Nuclear Weapon States. It provides a very good testing ground for our hypotheses. The research strategy for the first part – the 1995 Conference - focuses on the initial statements, working papers, and final statements of the main participants commenting upon the result of the Conference. The interpretation of the changes will be assessed in interviews with selected participants. The same method will be applied for 2000, but supplemented by in-depth analyses of two reconstructed verbatim passages from the negotiations.

United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

(Research associate in charge: Simone Wisotzki, HSFK)

The Program of Action on the Illicit Trade in Small Arms and Light Weapons was being negotiated in the framework of the United Nations. Already, the 1997 anti-personnel mine negotiations triggered a new sensitivity for the problems caused by the unlimited spread of small arms and light weapons. Nevertheless, the differences in issue were obvious. The right of legitimate self-defense inhibited states to agree upon a convention with the scope of the anti-personnel mine treaty. A total ban on small arms was beyond the aim even of the most progressive governments. These differences in issue made it more difficult for the NGO network to broadcast a clear message.

The Program of Action on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, which was agreed upon in July 2001, had been prepared and negotiated within two

years. After finishing the Ottawa Convention there were multiple efforts mainly on the regional level to curb the illicit trafficking of small arms. These regional efforts, such as the EU Joint Action in December 1998 or the Bamako Declaration of the Organization of African States in 2000, set out the different perspectives. After this crucial phase of agenda-setting the UN Conference on the Illicit Trafficking failed over three Preparations Conferences to resolve disputes, most importantly to define the illicit trade of small arms in all its aspects. To find a common problem-definition under the UN auspices and its institutionalized consensus rules almost brought the negotiations on the brink of failure. The discourse was highly dominated by different regional and national perspectives. Some negotiating parties were eager to limit the scope of the action program strictly to illegal aspects of small arms trafficking, others wanted to include the legal parts of such trade as well. Nevertheless, after intense negotiations and continuous efforts by the Chairman the parties finally managed to agree upon an action program. The consensus rule worked in favour of those parties who preferred a minimalist outcome of this conference.

The research strategy for examining this case study will have to be divided into two parts. Firstly, the differences in positions and discourses between the different regional antagonists, most prominently the European Union/Canada, the Middle East and African States and the United States, have to be identified. Therefore, the agenda-setting processes in the regional caucuses must be examined carefully. Secondly, the final phase of the negotiations was being characterized by the attempt of the parties and especially the Chairman to the Conference to find a common language how to frame and address the problem of illicit trade of small arms. Here, a more micro-analytical discourse and text analysis will be pursued in order to identify to what extent the state parties were willing to abide from their positions.

The Negotiations on the Ottawa Convention on banning the use, the stockpiling, the production and the export of anti-personnel mines

(Research Associate in charge: Simone Wisotzki, HSFK)

The negotiations to the Ottawa Convention are being characterized by the low degree of institutionalization and an effective coalition of non-governmental organizations. These organizations with a background of humanitarian relief experience campaigned with a high degree of authenticity. Nevertheless, when the network was founded in 1992 it had to meet the strong resistance to ban those weapons.

When the actual negotiations of the anti-personnel mine treaty started at the end of 1996, the NGO movement had finally managed to raise public awareness of the indiscriminate use of anti-personnel mines against civilians in conflict situations. Also, continuous resolutions in the UN General Assembly served as an agenda-setting frame. A group of like-minded states developed the Ottawa process after realizing the dead-end of the Review process of the Certain Weapons Convention in July 1996 and set it deliberately outside existing institutions and the rules of consensus. While in the CCW negotiations the leading mine producing countries, such as the United States, China and Russia strongly bargained on that issue, the middle powers which formed the like-minded group of states identified a total ban on this weapon category as their primary aim.

The Ottawa Convention to ban anti-personnel mines was being negotiated within one year. The agenda-setting process was accompanied by intensive efforts to agree upon a common problem-definition which was worked out in a close cooperation between states and civil

society. While the NGO-network successfully managed to reframe the discourse and raise awareness for the humanitarian suffering caused by the misuse of anti-personnel mines, the group of like-minded states defined the scope of the potential ban. Effective lobbying convinced other states to agree upon this unique process and steadily broadened the group of like-minded states. States from all regions agreed on the necessity to address the landmine problem in a truly comprehensive way. Nevertheless, in the final round of negotiations in October 1997 in Oslo, the United States played a more than ambivalent role and finally dropped out of the negotiations. Other states, such as China, Russia or the majority of the Arab states did not share the maximalist approach either.

The research strategy for the case study has to be divided into two stages. Firstly, the reframing of discourse about anti-personnel mines which was initiated by the NGO network, several UN resolutions and later by the group of like-minded states has to be identified in more detail. This changed discourse will be set into contrast with the dominant discourse during the negotiations for the Protocol II of the Convention against Certain Weapons. In the second part, the final negotiations at Oslo will be examined in more detail. Due to access to all relevant negotiation protocols for this process further research has to be done in order to identify the central turning-points and change in positions of crucial actors during the negotiations.

The Negotiations on the ILO Convention on “Eliminating the Worst Forms of Child Labour” (C182)

(Research associate in charge: Cornelia Ulbert, FU Berlin)

The negotiations on the Convention on “Eliminating the Worst Forms of Child Labour” are characterized by a highly institutionalized framework within the context of the International Labour Organization (ILO) that pre-structured the interactions of the actors involved. A distinguishing characteristic of the ILO structure is its tripartite membership comprising not only states but also employers’ and trade unions’ representatives. Due to its basic philosophy, the ILO acts as a forum, where international standards should be agreed on consensually, thus providing an institutional setting which favours the exchange of arguments.

The Convention on “Eliminating the Worst Forms of Child Labour” (C182), which was adopted in June 1999, had been officially negotiated for about two years. In the ILO child labour case one can distinguish relatively clearly between the agenda-setting and problem-definition phase (from about November 1994 onwards) on the one hand, and the phase of actually negotiating an agreement on the other. At the beginning, the discussion on (already existing) instruments against child labour was sparked off by some industrialized countries focussing on the “comparative advantage” developing countries could gain by producing export goods through cheap child labour. In the course of time the discourse on international trade, poverty and child labour was considerably re-framed, thus changing the problem perception of the parties involved. This was due to the fact, that in the first part of the negotiation process (the “pre-negotiations”) the International Labour Office, the ILO’s secretariat, exerted considerable influence as a kind of legitimate “knowledge broker” to frame the problem in such a way that its constituents were willing to formulate a new Convention to tackle at least the worst forms of child labour.

The research strategy for the first phase of the negotiations, which was decisive for taking the decision on formulating a new instrument against child labour and how this instrument should look like, will focus on a type of discourse analysis that tries to work out how competing

discourses were reformulated. The second phase of the negotiations was characterized by negotiating contested issues in the light of wording the convention. For this phase, a more micro-analytical type of text and discourse analysis will be applied to establish the effect of certain lines of arguments. Here, the research will rely on a number of verbatim protocols and minutes. Moreover, a number of in-depth interviews have to be conducted, to gain additional information about some argumentative processes that are not well-documented.

The Negotiations on the Establishment of an International Criminal Court, ICC

(Research associate in charge: Nicole Deitelhoff, HSFK)

The actual negotiations leading to the adoption of the Rome statute in 1998 started in 1993 and can be clearly divided in an agenda-setting stage (Ad-Hoc-Committee 1993-1995), a problem-definition phase (Preparatory Committee 1996-1998) and the negotiating of the statute (diplomatic conference June to July 1998). Central about the negotiation course is foremost its setting outside the inner-institutional structure of the United Nations and the heavy involvement of non-state actors.

The idea of a permanent international criminal court had been frequently on the agenda of the United Nations after the end of World War II but never reached a point of actual negotiation before the decision of the General Assembly in 1993 to establish an Ad-Hoc-Committee to discuss the political issues involved. This was mainly related to the “Cold War” confrontation apparent in the United Nations on the one hand and the fear especially of countries of the developing world that such a court would mainly be an instrument in the hands of the hegemonic powers in the United Nations Security Council to perpetuate their predominant status on the other hand. Only after the decision had been taken to conduct negotiations outside the UN-structure, efforts to create a permanent court could proceed.

The following Prep-Com-process leading from 1996 to 1998 (which was open to all interested states and based on a consensus-principle) mainly served the purpose of getting the facts right, i.e. establishing the common knowledge of the situation, and helped in shaping the preferences on behalf of the participating actors. Norm-entrepreneurs were of central importance at this stage as they submitted considerable expertise on various aspects of the subject and additionally held states accountable to already established mechanisms (especially the war crimes tribunals of former Yugoslavia, ICTY, and Rwanda, ICTR) and hence served as a kind of “moral authority” in guiding the debates. Finally, at the diplomatic conference in Rome, the actual negotiating of the statute took place which was considerably influenced by the style the conference secretariat adopted in leading the negotiations, in particular in circumventing the consensus agreement. The conference in Rome finally resulted in an overwhelmingly support for the adoption of the statute. Norm-entrepreneurs have been involved in all parts of the negotiations. In “re-framing”-efforts at the agenda-setting stage, as a “moral authority” and “knowledge-broker” in the problem-definition phase and mainly as service-institutions at the actual negotiating part.

Discourse analysis methods will be needed as main research strategy to reconstruct the relevant discourses and changes leading to the decisions to establish the negotiation process outside the UN-institutional system. The problem-definition phase and the actual negotiating will be analyzed using additionally textual analysis and extensive and in-depth interviews to reconstruct arguing processes and their impact on the process and the outcome.

EU Negotiations on the Internal Differentiation of Externally Agreed Greenhouse Gas Emission Limits

(Research associate in charge: Cornelia Ulbert, FU Berlin)

This case study deals with negotiations in the highly institutionalized setting of the European Union. More specifically, conforming to the project's overall focus on multilateral negotiations, the Council of Ministers is chosen as the most "intergovernmental" one of the EU institutions. In substantive terms, the focus of the case study is on climate policy, and in particular on the setting of greenhouse gas (GHG) emission limits as demanded by the 1992 United Nations Framework Convention on Climate Change and the 1997 Kyoto Protocol (KP) to the Convention. The KP contains a provision which allows "regional economic integration organizations" such as the EU and their member states to divide among themselves the responsibilities for the fulfillment of their obligations. The EU fought hard for this provision, since its relatively less developed member states had made it clear that they were not willing to individually commit themselves to stringent GHG emission limits. Thus, only if the richer member states took on a bigger than proportional share of the overall emission reductions would the EU as a whole be able to substantiate its claim for global climate-policy leadership.

While the principle of differentiating emission targets among member states was not contested (at least not openly), the specifics of a "burden-sharing" agreement were the subject of several rounds of tough negotiations in the Council of environmental ministers between late 1996 and mid-1998. Estimates of the absolute costs of achieving a certain amount of emission reductions differed widely, but it was clear to all participants that substantial efforts would have to be made to reach any target below the "business-as-usual" scenario. In March 1997 a first agreement was reached which provided for emission limits ranging from -30% (Luxembourg) to +40% (Portugal); this provided the basis for the EU's negotiating position in Kyoto. During the first half of 1998, this agreement was renegotiated so as to accommodate the outcome of Kyoto, were the EU had been faced with the reluctant stance of other industrialized countries and in the end had committed itself to an overall target of -8%, rather than the -15% it had proposed before. In addition, in Kyoto the "basket" of GHGs to which emission limits were applied had been enlarged from three to six gases, which provided an additional rationale for renegotiating the burden-sharing agreement. Distributive issues were even more dominant in this second round of negotiations as the overall target was now fixed (although in principle the EU could of course have decided to unilaterally go beyond what it had subscribed to in Kyoto). Several individual member states successfully pushed for substantially greater emission allowances, while others failed to achieve the same goal; overall the range of targets was smaller in the revised agreement of June 1998 than before.

Official documentation of the Council proceedings is limited to listing the items on the agenda and the decisions reached. Hence this case study will have to rely heavily on extensive interviewing of participants in the negotiations, with the aim of reconstructing in detail the development of their negotiating positions over time, and above all the arguments used to justify those positions, as well as their evaluation of other parties' arguments.

Negotiating the Generalized System of Trade Preferences within UNCTAD

(Research associate in charge: Jens Steffek, European University Institute)

The case study on the first United Nations Conference on Trade and Development (UNCTAD) in the first phase of this project has generated some interesting results. It has

shown that moral arguments about the alleged unfairness of the world economic system have contributed to the convocation of the first UNCTAD-conference in 1964. One of UNCTAD's major achievements was the introduction of a generalized system of trade preferences (GSP) in favour of developing countries. The GSP, however, could not be completed at the conference, due to strong American resistance. Only a follow-up process, that lasted roughly 3 years, brought about an eventual 'change of mind' in the US.

To the surprise of many observers, President Johnson in April 1967 announced a policy reversal that paved the way for the completion of the GSP. Thus, after years of bitter resistance, the US eventually accepted a preference system for developing countries. In his public statements, Johnson adopted the arguments that had been made for it by developing countries and the EC. This American 'change of mind' raises new questions that could be answered by additional research. Did arguments in favour of a preference system make the decisive difference? Were US politicians really convinced about the merits of a new approach to trade and development, or did they simply try to avoid international isolation and a loss of prestige in the Third World? Did the European efforts to convince American delegates in the working groups of the GATT and the OECD have a demonstrable effect?

To answer these questions and complete the UNCTAD study, an additional research in the relevant archives would be desirable. As the period of interest ends in 1967, all the material should be de-classified and accessible to researchers. To gather the key primary documents, the following archives should be visited:

- Lyndon B. Johnson Library, Austin / Texas. All personal papers of president Johnson and his advisors, correspondence within his administration. Of particular interest are the 'Solomon – papers'.
- OECD, Paris. Minutes of the 'Special Group on Trade with Developing Countries' from 1965/66.
- WTO, Geneva. Minutes of the GATT 'Working Party on Preferences' from 1964-66.

The Negotiations on an International Climate Change Regime

(Research associate in charge: Jens Steffek, EUI)

The first phase of my study has generated insights into the importance of arguments during the creation of the international climate change regime. In 1991/92 more than 100 countries negotiated the *United Nations Framework Convention on Climate Change*. This dramatic negotiation process culminated in a last-minute compromise on the question of principles. While the US had opposed the inclusion of any principles section in the Convention, Third World countries had fiercely fought for it, widely supported by West Europeans. The conflict was resolved eventually through an arguing process that resulted in a compromise formula, stating the core principle of a "common but differentiated responsibility" of states to fight climate change.

The main obstacle in the formula negotiations was that the US did not want to accept a wording that indicated that Americans assume any sort of responsibility for their past and present pollution of the atmosphere. In the US reading, "common but differentiated" means that states have different capacities to act, and only therefore different responsibilities. According to this view, the wording did not imply a general exemption of developing countries from duties. Most other countries, by contrast, intended "differentiated responsibility" to mean an automatic exemption of developing countries, since these

contributed very little to the greenhouse effect. After the compromise was crafted an American diplomat said: “We all agree that industrialised countries should take the lead, but we do not agree why.” This was clearly not a “reasoned consensus”. As my research shows the arguing process was truncated at a point when time constraints only allowed for a compromise to be bargained in a *quid pro quo* fashion.

In subsequent years the Convention has been interpreted along the line of the majority opinion, which in fact led to a complete exemption of developing countries from reduction commitments under the climate regime. This provision, however, has proven to be a major hindrance to its implementation. The US was never convinced about the appropriateness of exempting developing countries from all substantial duties. This became apparent again in the negotiations of the Kyoto Protocol (1997) and was confirmed in the crucial ‘Byrd-Hagel resolution’ of the Senate. The senators made it unmistakably clear that they would not ratify a legally binding climate Protocol that categorically exempted developing countries from obligations. With a similar reasoning, US president George W. Bush eventually abandoned the climate regime in early 2001. An extension of my research will allow for a more profound investigation into these long-term consequences that the lack of a “reasoned consensus” in 1992 might have had for the climate regime.

3.3.3 Methodology

In terms of research methodology the project aims at testing hypothesis by means of reconstructing and interpreting communicative processes. We do not only want to understand how processes of arguing unfolded and developed over time. We also aim at explaining why certain instances of arguing had political effects and what these effects were. Studying processes of arguing necessarily means that the usage of language, both written and spoken, has to be analyzed. The effects of language and communicative processes are always related to a specific context and can only be accounted for in the framework of this specific context. Therefore, we need to look at the context in order to figure out how participants perceived a specific move or communicative act. As a consequence, for establishing systematically what type of context conditions favour arguing and what kind of effects it may have, no single method can be employed only. Instead, a systematic variation of research perspectives (triangulation) is needed, whereby a combination of different data sets, theoretical perspectives and methods will be used (Flick 1998: 229/30):

- 1) Generally speaking, the *method* of analysis we apply in our case studies is process-tracing. Process-tracing is the appropriate method to be used to generate data on causal mechanisms, events, actions and other kinds of intervening variables or context conditions that link arguing to observed effects (see Bennett/George 1997). In addition, for analyzing

communicative processes we will employ various methods of discourse and content analysis depending on the available data sets (for details see below).

- 2) As far as *data sets* are concerned, we will use different types of texts ranging from official documents and other documentary material (summarizing and/or rephrasing the negotiation process) to interview material. A lot of the communicative action in international negotiations, however, takes place in informal meetings, behind closed doors, or in the corridors. There is usually little documentary evidence available to track these meetings. Moreover, written protocols are only available in four of our eight cases (ILO Child Labour, Land Mine Treaty, UNCTAD, Nuclear Non-Proliferation), while we can use methods of participant observation in only two cases (NPT, Climate Change negotiations). As a result, there is no way around intensive and in-depth interviewing of participants to the negotiations. Using different data sets should allow us to map the argumentative processes as precisely as possible.

- 3) The various *theoretical perspectives* we employ are reflected in our set of hypotheses. Moreover, we will try to test alternative explanations for the process and outcome of the negotiations from different theoretical approaches. The main point will be to establish the counterfactual (Fearon 1991, Tetlock/Belkin 1996): How would the negotiations have proceeded and what would have been the result in the absence of arguing and reasoning?

Our actual *research strategies* will depend on the different data sets that are available in each case. Irrespective of differences in data a crucial aspect in the research design will be the systematic comparison of texts that have been produced by the same actor through different stages of the negotiation process. Wherever possible, we will try to establish a sequencing of the data (initial positions, pre-negotiations, positions after pre-negotiations but before negotiations, positions expressed during and after various stages of negotiations, and positions explaining and justifying negotiation results or the lack thereof). Changes in style (shift of emphasis from arguing to bargaining and vice versa), objectives (redefinition of preferences) and reasoning (reference to previously rejected or unmentioned norms, assertion of previously unspoken causal links etc.) serve as important indicators of a redefinition of an actor's position. Moreover, the following indicators will be used to measure the effectiveness of arguing in the various contexts:

- A negotiating result that cannot be explained by the power ratio among the negotiating parties, that is, against the will of the more powerful party/parties;
- A result that goes beyond the actors' preferences at the outset of negotiations and cannot be explained on the basis of these preferences alone;
- A marked shift in preferences of actors, notably more powerful ones, in particular if it coincides with a change in the set of arguments by which these actors' positions are justified and explained;
- An explicit conceding of an argument by an actor leading to a shift in position which cannot be explained by events outside the negotiations themselves;
- A convergence of explanation and justification of positions and/or negotiations result at during and at the end of negotiations which deviate markedly from explanation and justification at the beginning of negotiations.

Discourse analytical approaches will help us to approach communicative processes from a more *macro-analytical perspective* by analyzing how specific patterns of thinking and of giving meaning to something changed over time. The term “discourse analysis” covers a wide range of theoretical approaches and methods (see e.g. van Dijk 1985, Potter/Wetherell 1987, Milliken 1999, Titscher/Meyer/Wodak/Vetter 2000). A discourse can be defined as “a specific ensemble of ideas, concepts, and categorizations that are produced, reproduced and transformed in a particular set of practices and through which meaning is given to physical and social realities” (Hajer 1995: 44). Analyzing discourses is an attempt to give meaning to regularities and variations in different types of texts, and to understand the social backgrounds and social effects of different ways and modes of communication. Therefore, discourse analysis is characterized by two analytic dimensions:

- the level of *content*, i.e. what is actually said or written and
- the level of *context*, i.e. the social situation in which a text is produced, by whom it is produced and/or by which social practices it is produced (van Dijk 1999).

Employing discourse as the overall concept with which communicative processes can be reconstructed and interpreted allows us to pose specific questions that help to structure our analysis of the argumentative processes (see also Keller 1997: 318/19):

- How did a specific discourse develop?
- How did various discourses change over time?

- To which issue-area and to which audience do they refer specifically?
- Which kind of content (frames, story-lines etc.) do they convey?
- Which types of rhetoric strategies are employed to promote a certain discourse?
- Who are the carriers of specific discourses?
- What is the relationship of one dominating discourse to other competing current or historic discourses?
- What kind of effects do these discourses have on actors' behaviour?

Since the contexts, in which the negotiations take place, are not always fixed over time, we will check regularly for changes in the social and material settings of the negotiations and if, or to what extent, such changes are mirrored in argumentative styles and behaviour.

Wherever the data available allows us to reconstruct communicative processes in greater detail, we will define a negotiation act by a speaker as a bargaining or arguing move on the basis of the type of speech act (promise/threat/reward/punishment versus proposition plus reference to a reason). On the *micro-analytical level* of speech acts we can also complement discourse analysis by some *qualitative content analysis* techniques developed for dealing with larger textual data sets:

- Operational Code/Cognitive Mapping Analysis was developed to clarify the causal structure of beliefs (George 1969, Axelrod 1977, Bonham/Jönsson/Persson/Shapiro 1987, Shapiro/Bonham/Heardsveit 1988, Young 1996). This method can be adapted to formalize the structure of arguments with a view to establish the references to norms and principles that have been invoked and the hierarchy of these norms and principles. Such "argumentative codes" can then be compared for their similarity and dissimilarity. The tool could be helpful in measuring the divergence of norm hierarchies in the argumentative sets of parties at the beginning, during the various stages, and at the end of negotiations. It can be most fruitfully applied when the available data set is restricted to statements by the actors, but does not contain the actual negotiation record.
- Dialogue analysis reconstructs the sequences and the inherent structure of the speech acts and characterizes the speech acts according to a general typology (Duffy/Frederking/Tucker 1998). It will thereby be possible to distinguish pure speech acts of bargaining (promises, threats [of sanctions or exit]) from pure speech acts of arguing (giving a factual or normative proposition plus a reason why the proposition is true or morally justified). It connects the statements of the speakers to each other, identifying the mode in which they

react to the arguments just made by the previous party. The technique is therefore also helpful to establish under what circumstances parties concede an argument and if and how the hierarchy of norms are converging during the course of the negotiation.

Although the data available for each case allow for different levels of textual analysis we will try to develop a common scheme of various content and discourse analytical methods that will help us to compare our findings more systematically.

3.4 Arbeitsplan

MONAT (ab Beginn der nächsten Projektphase)	AKTIVITÄT
01-03	<ul style="list-style-type: none"> - je nach Stand der Fallstudie: (weitere) Aufarbeitung der Sekundärliteratur - weitere Diskussion des methodischen Vorgehens - Vorbereitung von Forschungsreisen und Interviews - Vorbereitung einer internationalen Konferenz zur Vorstellung der Projektergebnisse der ersten Projektphase
04-06	<ul style="list-style-type: none"> - Durchführung von Forschungsreisen und Interviews - gemeinsames Projekttreffen der beiden Forschungsgruppen - Durchführung einer internationalen Konferenz zur Vorstellung der Projektergebnisse der ersten Projektphase
07-09	<ul style="list-style-type: none"> - Auswertung der Feldforschungsergebnisse und Interviews - evtl. Anpassung des Untersuchungsdesigns, Überprüfung der Hypothesen
11-12	<ul style="list-style-type: none"> - Abschluß der ersten Fallstudien - Vorbereitung weiterer Forschungsreisen und Interviews - gemeinsames Projekttreffen der beiden Forschungsgruppen
13-16	<ul style="list-style-type: none"> - Erstellen des Zwischenberichts - nochmalige Durchführung von Forschungsreisen und Interviews
17-18	<ul style="list-style-type: none"> - Diskussion der Ergebnisse - gemeinsames Projekttreffen der beiden Forschungsgruppen
19-24	<ul style="list-style-type: none"> - Abschluß der Fallstudien - Vorbereitung des Abschlußberichts und von Projektpublikationen - abschließendes gemeinsames Treffen der beiden Forschungsgruppen

Im Verlauf der zweiten Projektphase ist neben der Ausrichtung einer internationalen Konferenz am Europäischen Hochschulinstitut, Florenz, zudem geplant, Projektergebnisse kontinuierlich einem (internationalen) Fachpublikum zu präsentieren. So wurde beispielsweise für die nächste Jahrestagung der "International Studies Association" im März 2002 ein Panelvorschlag mit Papieren aus dem Projektzusammenhang eingereicht. Daneben ist die Veröffentlichung von diversen Aufsätzen in einschlägigen Fachzeitschriften und eine gemeinsame Projektpublikation geplant. Darüber hinaus werden die Ergebnisse der Fallstudien im Rahmen von Disserationen noch in drei weiteren Monographien veröffentlicht werden.

3.5 Wissenschaftliche Kooperation

Das beantragte Projekt ist ein Gemeinschaftsvorhaben zwischen dem Otto-Suhr-Institut der Freien Universität Berlin und der Hessischen Stiftung für Friedens- und Konfliktforschung.

Darüber hinaus bestehen konkrete Kooperationen mit folgenden Wissenschaftler/inn/en:

- Prof. Jeffrey Checkel, Politikwissenschaft, ARENA, Universität Oslo, Norwegen
- Prof. Bernhard Giesen, Soziologie, Universität Konstanz
- Prof. Christer Jönsson, Politikwissenschaft, Universität Lund, Schweden
- Prof. Peter Katzenstein, Politikwissenschaft, Cornell University, Ithaca NY, USA
- Prof. Robert O. Keohane, Politikwissenschaft, Duke University, North Carolina, USA
- Prof. Beate Kohler-Koch, Politikwissenschaft, Universität Mannheim
- Prof. Ruth Wodak, Angewandte Sprachwissenschaft, Universität Wien, Österreich

5. Erklärung

Die Antragsteller erklären hiermit, dass dieser oder ein ähnlicher Antrag keiner anderen Stelle vorgelegt wurde.

6. Literatur

- Axelrod, Robert 1977, Argumentation in Foreign Policy Settings: Britain in 1918, Munich in 1938, and Japan in 1970, in: *Journal of Conflict Resolution* 21: 4, 727-744
- Argyris, Chris/Schön, Donald A. 1978: *Organizational Learning: A Theory of Action Perspective*, Reading: Addison-Wesley.
- Bazerman, Max H./Lewicki, R. J./Sheppard, B. H. (Hrsg.) 1991: *Research on Negotiation in Organizations: Vol. 3. Handbook of Negotiation Research*, Greenwich, CT: JAI.
- Bennett, Andrew/George, Alexander L. 1997: *Process Tracing in Case Study Research*, Paper Presented at the MacArthur Foundation Workshop on Case Study Methods, Belfer Center for Science and International Affairs (BCSIA), Harvard University, October 17-19, 1997.
- Billig, Michael 1987: *Arguing and Thinking. A Rhetorical Approach to Social Psychology*, Cambridge et al.: Cambridge UP.
- Binmore, Ken/Dasgupta, Partha (Hrsg.) 1987: *The Economics of Bargaining*, Oxford: Blackwell.
- Bonham, G. Matthew/Jönsson, Christer/Persson, Stefan/Shapiro, Michael J 1987: *Cognitive and International Negotiation: The Historic Recovery of Discursive Space*, in: *Cooperation and Conflict* 22:1, 1-19
- Brams, Steven J. 1990: *Negotiation Games. Applying Game Theory to Bargaining and Arbitration*, New York/London: Routledge.
- Chaiken, Shelly/Wood, Wendy/Eagly, Alice H. 1996: *Principles of Persuasion*, in: Higgins, E. T./Kruglanski, A. W. (Hrsg.): *Social Psychology. Handbook of Basic Principles*, New York: Guilford Press, 702-742.
- Checkel, Jeffrey T. 1999a: *Norms, Institutions, and National Identity in Contemporary Europe*, in: *International Studies Quarterly* 43: 1, 84-114.
- Checkel, Jeffrey T. 1999b: *Social Construction and Integration*, in: *Journal of European Public Policy* 6: 4 (Special Issue), 545-560.
- Cobb, Michael D./Kuklinski, James H. 1997: *Changing Minds: Political Arguments and Political Persuasion*, in: *American Journal of Political Science* 41: 1, 88.
- Cohen, Raymond 1987: *International Communication: An Intercultural Approach*, in: *Cooperation and Conflict* 22, 63-80.
- Cohen, Raymond 1991: *Negotiating Across Culture. Communication Obstacles in International Diplomacy*, Washington D.C.: United States Institute of Peace Research.
- Druckman, Daniel 1977: *Social-Psychological Approaches to the Study of Negotiation*, in: Druckman, D. (Hrsg.): *Negotiations: Social-Psychological Perspectives*, Beverly Hills/London: Sage, 15-44.
- Duffy, Gavan/Frederking, Brian K./Tucker, Seth A. 1998: *Language Games: Dialogical Analysis of INF Negotiations*, in: *International Studies Quarterly* 42: 2, 271-294
- Elster, Jon 1991: *Arguing and Bargaining in Two Constituents Assemblies*, The Storrs Lectures, New Haven: Yale Law School.
- Elster, Jon (Hrsg.) 1998a: *Deliberative Democracy*, Cambridge: Cambridge UP.
- Elster, Jon 1998b: *Introduction*, in: Elster, J. (Hrsg.): *Deliberative Democracy*, Cambridge: Cambridge UP, 1-18.
- Eriksen, Erik Oddvar/Weigard, Jarle 1997: *Conceptualizing Politics: Strategic or Communicative Action*, in: *Scandinavian Political Studies* 20: 3, 219-241.
- Farrell, Joseph/Rabin, Matthew 1996: *Cheap Talk*, in: *Journal of Economic Perspectives* 10: 3, 103-118.
- Fearon, James 1991: *Counterfactuals and Hypothesis Testing in Political Science*, in: *World Politics* 43: 2, 169-195.
- Fietkau, Hans-Joachim/Weidner, Helmut/Holzinger, Katharina 1998: *Umweltverhandeln. Konzepte, Praxis und Analysen alternativer Konfliktregelungsverfahren. Ein erweiterter Projektbericht*, Berlin: Edition Sigma.
- Finnemore, Martha/Sikkink, Kathryn 1998: *International Norm Dynamics and Political Change*, in: *International Organization* 52: 4, 887-917.
- Fischer, Frank/Forester, John (Hrsg.) 1993: *The Argumentative Turn in Policy Analysis and Planning*, Durham/London: Duke UP.

- Flick, Uwe 1998: *An Introduction to Qualitative Research*, London/Thousand Oaks/New Delhi: Sage.
- Goertz, Gary 1994: *Contexts of International Politics*, Cambridge: Cambridge UP.
- George, Alexander 1969: The "Operational Code": A Neglected Approach to the Study of Political Leaders and Decision Making, in: *International Studies Quarterly* 13: 2, 190-222
- Haas, Peter M. (Hrsg.) 1992: *Knowledge, Power, and International Policy Coordination* (Special Issue of *International Organization* 46: 1), Cambridge, MA.
- Habermas, Jürgen 1981: *Theorie des kommunikativen Handelns*, 2 Bde., Frankfurt a.M.: Suhrkamp.
- Habermas, Jürgen 1992: *Faktizität und Geltung. Beiträge zur Diskurstheorie des Rechts und des demokratischen Rechtsstaats*, Frankfurt a.M.: Suhrkamp.
- Habermas, Jürgen 1995: *Vorstudien und Ergänzungen zur Theorie des kommunikativen Handelns*, Frankfurt a.M.: Suhrkamp.
- Hajer, Maarten A. 1995: *The Politics of the Environmental Discourse. Ecological Modernization and the Policy Process*, Oxford: Clarendon Press.
- Joerges, Christian/Neyer, Jürgen 1997: Transforming strategic interaction into deliberative problem-solving: European comitology in the foodstuffs sector, in: *Journal of European Public Policy* 4: 4, 609-625.
- Johnson, James 1991: Habermas on Strategic and Communicative Action, in: *Political Theory* 19: 2, 181-201.
- Johnson, James 1993: Is Talk Really Cheap? Prompting Conversation Between Critical Theory and Rational Choice, in: *American Political Science Review* 87: 1, 74-86.
- Johnson, James 1998: Arguing for Deliberation: Some Skeptical Considerations, in: Elster, J. (Hrsg.): *Deliberative Democracy*, Cambridge: Cambridge UP, 161-184.
- Johnston, Alastair Ian 1998: *Socialization in International Institutions: The ASEAN Regional Forum and IR Theory*, unpublished manuscript (Workshop on "The Emerging International Relations of the Asia-Pacific Region", University of Pennsylvania, May 1998).
- Johnston, Hank 1995: A Methodology for Frame Analysis: From Discourse to Cognitive Schemata, in: Johnston, H./Klandermans, B. (Hrsg.): *Social Movements and Culture*, Minneapolis: University of Minnesota Press, 217-246.
- Jönsson, Christer 1983: A Cognitive Approach to International Negotiation, in: *European Journal of Political Research* 11:, 139-150.
- Keck, Margaret E./Sikkink, Kathryn 1998: *Activists beyond Borders. Advocacy Networks in International Politics*, Ithaca/London: Cornell UP.
- Keck, Otto 1995: Rationales kommunikatives Handeln in den Internationalen Beziehungen. Ist eine Verbindung von Rational-Choice-Theorie und Habermas' Theorie des kommunikativen Handelns möglich?, in: *Zeitschrift für Internationale Beziehungen* 2: 1, 5-48.
- Keck, Otto 1997: Zur sozialen Konstruktion des Rational-Choice-Ansatzes. Einige Klarstellungen zur Rationalismus-Konstruktivismus-Debatte, in: *Zeitschrift für Internationale Beziehungen* 4: 1, 139-151.
- Keller, Reiner 1997: Diskursanalyse, in: Hitzler, R./Honer, A. (Hrsg.): *Sozialwissenschaftliche Hermeneutik*, Opladen: Leske + Budrich, 309-333.
- Keohane, Robert O. 1989: *International Institutions and State Power*, Boulder.
- Keohane, Robert O. 2001: Governance in a Partially Globalized World, in: *American Political Science Review* 95: 1, 1-13.
- King, Gary/Keohane, Robert O./Verba, Sidney 1994: *Designing Social Inquiry. Scientific Inference in Qualitative Research*, Princeton: Princeton UP.
- Kramer, Roderick M./Messick, David M. (Hrsg.) 1995: *Negotiation as a Social Process*, Thousand Oaks/London/New Delhi: Sage.
- Kratochwil, Friedrich 1987: Rules, Norms, Values and the Limits of 'Rationality', in: *Archiv für Rechts- und Sozialphilosophie* 73: 3, 301-329.
- Lax, David A./Sebenius, James K. 1986: *The Manager as Negotiator: Bargaining for Cooperation and Competitive Gain*, New York: Free Press.
- Levy, Jack 1994: Learning and Foreign Policy: Sweeping a Conceptual Minefield, in: *International Organization* 48: 2, 279-312.
- Majone, Giandomenico 1989: *Evidence, Argument and Persuasion in the Policy Process*, New Haven/London: Yale UP.

- McAdam, Doug/McCarthy, John D./Zald, Mayer N. (Hrsg.) 1996: *Comparative Perspectives on Social Movements, Political Opportunities, Mobilizing Structures, and Cultural Framings*, New York: Cambridge UP.
- Milliken, Jennifer 1999: *The Study of Discourse in International Relations: A Critique of Research and Methods*, in: *European Journal of International Relations* 5: 2, 225-254
- Müller, Harald 1994: *Internationale Beziehungen als kommunikatives Handeln. Zur Kritik der utilitaristischen Handlungstheorien*, in: *Zeitschrift für Internationale Beziehungen* 1: 1, 15-44.
- Müller, Harald 1995: *Spielen hilft nicht immer. Die Grenzen des Rational-Choice-Ansatzes und der Platz der Theorie kommunikativen Handelns in der Analyse internationaler Beziehungen*, in: *Zeitschrift für Internationale Beziehungen* 2: 2, 371-391.
- Mutz, Diana C./Sniderman, Paul M./Brody, Richard A. (Hrsg.) 1996: *Political Persuasion and Attitude Change*, Ann Arbor: The University of Michigan Press.
- Ostrom, Elinor 1998: *A Behavioral Approach to the Rational Choice Theory of Collective Action*, in: *American Political Science Review* 92: 1, 1-22.
- Payne, Rodger A. 2001: *Persuasion, Frames and Norm Construction*, in: *European Journal of International Relations* 7: 1, 37-61.
- Potter, Jonathan/Wetherell, Margaret 1987: *Discourse and Social Psychology. Beyond Attitudes and Behaviour*, London et al.: Sage.
- Price, Richard 1998: *Reversing the Gun Sights: Transnational Civil Society Targets Land Mines*, in: *International Organization* 52: 3, 613-644.
- Prittitz, Volker v. (Hrsg.) 1996: *Verhandeln und Argumentieren. Dialog, Interessen und Macht in der Umweltpolitik*, Opladen: Leske + Budrich.
- Raiffa, Howard 1982: *The Art and Science of Negotiation: How to Resolve Conflicts and Get the Best out of Bargaining*, Cambridge, MA: Harvard UP.
- Risse, Thomas 1999: *International Norms and Domestic Change: Arguing and Communicative Behavior in the Human Rights Area*, in: *Politics & Society* 27: 4, 529-559.
- Risse, Thomas 2000: *“Let’s Argue!”: Communicative Action in World Politics*, in: *International Organization* 54: 1, 1-39.
- Risse-Kappen, Thomas 1995a: *Reden ist nicht billig. Zur Debatte um Kommunikation und Rationalität*, in: *Zeitschrift für Internationale Beziehungen* 2: 1, 171-184.
- Risse-Kappen, Thomas, 1995b: *Democratic Peace-Warlike Democracies? A Social Constructivist Interpretation of the Liberal Argument*, in: *European Journal of International Relations* 1: 4, 491-517.
- Sabatier, Paul A./Jenkins-Smith, Hank C. (Hrsg.) 1993: *Policy Change and Learning. An Advocacy Coalition Approach*, Boulder/San Francisco/Oxford: Westview Press.
- Saretzki, Thomas 1995: *“Arguing” oder “Bargaining”: Selbstbindung der Politik durch öffentliche Diskurse*, in: Göhler, G. (Hrsg.): *Macht der Öffentlichkeit - Öffentlichkeit der Macht*, Baden-Baden: Nomos, 277-311.
- Saretzki, Thomas 1996: *Wie unterscheiden sich Verhandeln und Argumentieren? Definitionsprobleme, funktionale Bezüge und strukturelle Differenzen von zwei verschiedenen Kommunikationsmodi*, in: Prittitz, V. v. (Hrsg.): *Verhandeln und Argumentieren. Dialog, Interessen und Macht in der Umweltpolitik*, Opladen: Leske + Budrich, 19-39.
- Scharpf, Fritz W. 1997: *Games Real Actors Play. Actor-Centered Institutionalism in Policy Research*, Boulder: Westview.
- Schmalz-Bruns, Rainer 1995: *Die Theorie kommunikativen Handelns - eine Flaschenpost? Anmerkungen zur jüngsten Theoriedebatte in den Internationalen Beziehungen*, in: *Zeitschrift für Internationale Beziehungen* 2: 2, 347-370.
- Schneider, Gerald 1994: *Rational Choice und kommunikatives Handeln. Eine Replik auf Harald Müller*, in: *Zeitschrift für Internationale Beziehungen* 1: 2, 357-366.
- Schoppa, Leonard J. 1999: *The Social Context in Coercive International Bargaining*, in: *International Organization* 53: 2, 307-342.
- Shapiro, Michael J./Bonham, G. Matthew/Heradsveit, Daniel 1988: *A Discursive Practices Approach to Collective Decision-Making*, in: *International Studies Quarterly* 32: 2, 397-420

- Snow, David A./Bedford, Robert D. 1988: Ideology, Frame Resonance, and Participant Mobilization, in: Klandermans, B./Kriesi, H./Tarrow, S. (Hrsg.): *From Structure to Action: Comparing Social Movement Research Across Cultures*, Greenwich, N.J.: JAI Press, 197-218.
- Starkey, Brigid/Boyer, Mark A./Wilkenfeld, Jonathan 1999: *Negotiating a Complex World. An Introduction to International Negotiation*, Lanham/Boulder/New York/Oxford: Rowman & Littlefield.
- Steffek, Jens 2001: *Argumentieren mit Habermas. Überlegungen zur empirischen Anwendbarkeit der "Theorie des kommunikativen Handelns"*, unveröffentl. Ms., Florenz: EUI.
- Stein, Janice G. (Hrsg.) 1989: *Getting to the Table. The Processes of International Prenegotiations*, Baltimore/London: Johns Hopkins UP.
- Susskind, Lawrence/Cruikshank, Jeffrey 1987: *Breaking the Impasse: Consensual Approaches to Resolving Public Disputes*, New York: Basic Books.
- Sutton, John 1986: Non-Cooperative Bargaining Theory: An Introduction, in: *Review of Economic Studies* 53: 5, 709-724.
- Tetlock, Philip E./Belkin, Aaron (Hrsg.) 1996: *Counterfactual Thought Experiments in World Politics. Logical, Methodological, and Psychological Perspectives*, Princeton: Princeton UP.
- Thompson, Leigh/Peterson, Erika/Kray, Laura 1995: Social Context in Negotiation: An Information-Processing Perspective, in: Kramer, R. M./Messick, D. M. (Hrsg.): *Negotiation as a Social Process*, Thousand Oaks/London/New Delhi: Sage, 5-36.
- Titscher, Stefan/Meyer, Michael/Wodak, Ruth/Vetter, Eva 2000: *Methods of Text and Discourse Analysis*, London/Thousand Oaks/New Delhi: Sage.
- Ulbert, Cornelia 1997: Ideen, Institutionen und Kultur. Die Konstruktion (inter-)nationaler Klimapolitik in der BRD und den USA, in: *Zeitschrift für Internationale Beziehungen* 4: 1, 9-40.
- van Dijk, Teun A. (Hrsg.) 1985: *Handbook of Discourse Analysis, Vol. 1: Disciplines of Discourse*, London et al.: Academic Press.
- van Dijk, Teun A. 1999: Editorial: On Context, in: *Discourse & Society* 10: 3, 291-292.
- Young, Oran R. 1991: Political Leadership in Regime Formation: On the Development of Institutions in International Society, in: *International Organization* 45: 3, 281-308.
- Young, Michael D. 1996, Cognitive Mapping Meets Semantic Networks, in: *Journal of Conflict Resolution* 40: 3, 395-414
- Zangl, Bernhard/Zürn, Michael 1996: Argumentatives Handeln bei internationalen Verhandlungen. Moderate Anmerkungen zur post-realistischen Debatte, in: *Zeitschrift für Internationale Beziehungen* 3: 2, 341-366.
- Zehfuß, Maja 1998: Sprachlosigkeit schränkt ein. Zur Bedeutung von Sprache in konstruktivistischen Theorien, in: *Zeitschrift für Internationale Beziehungen* 5: 1, 109-137.
- Zürn, Michael 1992: *Interessen und Institutionen in der internationalen Politik. Grundlegung und Anwendungen des situationsstrukturellen Ansatzes*, Opladen: Leske + Budrich.
- Zürn, Michael/Wolf, Klaus Dieter/Efinger, Manfred 1990: Problemfelder und Situationsstrukturen in der Analyse internationaler Politik. Eine Brücke zwischen den Polen? in: Rittberger, V. (Hrsg.): *Theorien der Internationalen Beziehungen. Bestandsaufnahme und Forschungsperspektiven*, Opladen: Leske + Budrich, 151-174.