## 22 | ZYLA

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# Success after Stalemate? Persistence, Reiteration, and Windows of Opportunity in Multilateral Negotiations<sup>1</sup>

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Counter to conventional wisdom, stalemates in multilateral negotiations occasionally contribute to productive future negotiations. With evidence from the history of the Organization for Security and Co-operation in Europe (OSCE) and the United Nations General Assembly (UNGA), this article demonstrates significant and often overlooked processes within international organizations with large, heterogeneous compositions which have contributed to successful negotiations after stalemates, including reconsideration of failed proposals, reiteration of norms, and a special relationship to windows of opportunity. The article builds on scholarship on international negotiations, international organizations, and policy development. Despite large international organizations' appearance of ineffectiveness during contentious periods, their role in laying constructive groundwork can prove catalytic even during short windows of opportunity.

### Introduction

The productive potential of stalemates in multilateral negotiations is often overlooked. Scholarship on international negotiation suggests a wide range of factors that facilitate reaching multilateral agreements, such as leadership qualities, unequal power distribution among parties, commonalities among negotiating parties, issue characteristics, or conducive institutional arrangements (e.g., absence of consensus decision-making rules, distance from media, effective secretariats or working groups) (Narlikar 2010; Faure 2012; Druckman 2001; Zartman and Rubin 2000; Prantl 2010; Bercovitch and Lutmar 2010; Boyer 2012). Despite their obvious drawbacks, stalemates also merit attention for the foundations they sometimes provide for future negotiations. Under what conditions might failures in multilateral negotiations serve as opportunities and through which processes might stalemates contribute constructively to successful negotiations? With evidence from the Conference on Security and Co-operation in Europe (CSCE)/Organization for Security and Co-operation in Europe (OSCE)<sup>2</sup> and United Nations General Assembly (UNGA), this article counter-intuitively argues that stalemates can, in fact, serve a useful purpose.

Typically, stalemates are viewed negatively for reinforcing disagreements and for undermining the efficiency and reputation of an international organization (IO). However, a few scholars note that failure to reach agreement may sometimes be a temporary dynamic with

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<sup>2.</sup> The CSCE refers to a series of conferences among thirty-five states (the United States, European states, the USSR and Canada) that were launched in 1973. After developing a secretariat and permanent organs in the early 1990s, the CSCE became the OSCE in January 1995.

positive effects in subsequent decision-making processes (Boyer 2012, 221; Bercovitch and Lutmar 2010, 239; Faure 2012, 357–58). Yet gaps remain in our understanding of how stalemates can serve as stepping stones for future progress in multilateral negotiations, and there is a dearth of empirical evidence on conditions under which these processes are (or are not) observed. The question of how a standing international body might facilitate "snatching victory from the jaws of defeat" has great empirical and theoretical relevance for the study and practice of international negotiation.

In what ways might stalemates perform useful functions? Jacob Bercovitch and Carmela Lutmar argue that stalemates "create opportunities," for, "if nothing else, they at least provide us with signposts as to the real state of the negotiation" (2010, 239). Similarly, Guy Oliver Faure states that incomplete negotiations can be constructive in "developing a channel for discussion, testing the other, knowing more about the other party and the overall situation, or getting recognized by the other as a legitimate counterpart" (2012, 357). Moreover, "actors are not inclined to naively reproduce the model as they would do in the case of a negotiation considered as successful or at least completed" (Faure 2012, 358). This article builds on these insights and elaborates additional mechanisms relevant to large multilateral conferences and international organizations that regularly convene like-minded and non-like-minded states.

One effect of stalemates in large multilateral conferences and in IOs with recurring meetings is that state representatives become acutely aware of points of agreement and contention at regular intervals. By issuing restatements of prior commitments and reconsidering failed proposals, negotiators intermittently probe the "ripeness" of a historical moment and keep norms alive for future negotiations (see Zartman 2008; Thomas 2001). If a change in political will occurs, representatives may be able to easily assess where they can break through impasses, in part because a structure is in place to facilitate actors' willingness to cooperate. In other words, recurring multilateral meetings enable much groundwork to be done in advance (Hecht 2012). This feature is underemphasized in the literature. Although stalemates occur frequently in IOs with large, heterogeneous compositions, particularly in those with consensus decision-making rules, persistence is a valuable characteristic of negotiators that can generate significant rewards. When a large group of diverse states reaches agreement on a norm, it sends a signal of broad legitimacy underpinning the norm.

Regarding generalizability, although the empirical focus of this article is on multilateral negotiations on norms and policies for democratic governance and human rights, the analysis is relevant to other norm sets, including trade, development, or environmental protection. Beyond the CSCE/OSCE and UNGA, the findings are most applicable to multilateral conferences or IOs with large, heterogeneous compositions, such as the OAS or WTO (as opposed to IOs or groups with smaller, more homogenous memberships, e.g., of democratic states, such as the EU or NATO).

The CSCE/OSCE<sup>3</sup> and UNGA were selected because of their historic importance convening multilateral conferences and as large, heterogeneous IOs with wide variation in their ability to elaborate norms and implementation policies over time, as well as ample examples of stalemates. The CSCE/OSCE has been governed by consensus decision-making rules,<sup>4</sup> while many decisions in the UNGA can be made by simple majority of those present and voting.<sup>5</sup> This study does not aim to systematically analyze all of the factors that contribute to overcoming stalemates or that have influenced the development of democracy and human rights norms in the CSCE/OSCE and UNGA. Rather, by emphasizing the relevance of certain

institutional features, this article aims to complement existing literature on stalemates in multilateral negotiations (Faure 2012; Narlikar 2010), as well as existing literature documenting the actors and structural factors influencing democratic norm development in IOs (Franck 1992; Fox and Roth 2000; Ludwig 2004; Newman and Rich 2004; Haack 2011; Hyde 2011; Morsink 1999; Thomas 2001; van Sickle and Sandholtz 2009; OSCE 2013; Hecht 2012, 2016).

Evidence includes analysis of several hundred statements from CSCE/OSCE Summits, CSCE Follow-up meetings (1977–89), Human Dimension Conferences (1989–91), and several Ministerial Councils, statements made in UNGA debates on specific resolutions, as well as media and secondary sources. The research also draws on counterfactual analysis and semi-structured interviews conducted in 2008–09 and 2013–14 with representatives of states' permanent missions to the OSCE and UN and staff of both organizations, primarily as background, as well as data collected while a Researcher-in-Residence in the OSCE's Prague Office archives.

The following section provides a conceptual framework to study processes by which stalemates in multilateral negotiations may contribute toward subsequent agreements, focusing on the interrelation between reiterative processes and windows of opportunity. The approach is innovative in bringing together insights from literatures on stalemates in negotiations, reiterative processes in international organizations, and windows of opportunity in policy development. The plausibility of two propositions is demonstrated in the empirical sections through supporting evidence from the CSCE/OSCE followed by brief comparisons to the UNGA. The final section presents conclusions.

## Stalemates, Reiteration, and Windows of Opportunity in Multilateral Negotiations

The concept of stalemate refers to an impasse or a state of incompleteness or non-agreement in negotiations. According to Amrita Narlikar, stalemate is one of three types of deadlock, the other two being extended delay and complete breakdown (2010, 3–5). Stalemates are viewed by Berkovitch and Lutmar as the most likely of these three types of deadlock to generate subsequent opportunities (2010, 239). Proposition 1 emphasizes the role of reiterative processes and windows of opportunity in overcoming stalemates to codify new norms in large multilateral conferences and international organizations.

Proposition 1: Multilateral conferences and international organizations which convene large numbers of like-minded and non-like-minded states on a recurring basis are susceptible to stalemates, yet, in part due to reiterative processes, are also well placed to move beyond stalemates and capture broad agreement to codify new norms during windows of opportunity.

A window of opportunity, or period of time in which conditions are ripe for action or agendasetting on a particular policy issue (Kingdon 1984; Doeser and Eidenfalk 2013, 392–93), may be recognized and rapidly capitalized upon in multilateral conferences and IOs with recurring sessions in which the issues in question have been debated on a regular basis. According to I. William Zartman, a "ripe moment" for overcoming stalemate depends on a) a mutually hurting stalemate, and b) perceptions of a way out (2008, 232–33; Hopmann and Zartman 2010; Narlikar 2010, 4). Although a mutually hurting stalemate is viewed as facilitating the (re)opening of negotiations, a more positive type of ripeness, namely c) a mutually enticing opportunity, potentially contributes to subsequent agreements (Zartman 2008, 235–37).

Elaborating on windows of opportunity and overcoming stalemates in international norm development, Brian Tomlin's research on the 2001 Inter-American Democratic Charter (IADC) offers a helpful approach on which the following empirical analysis draws. In particular, Tomlin illustrates how multilateral negotiations benefit from the intersection of three "process streams": a) problem identification (e.g., through a focusing event or indicators), b) availability of appropriate policy responses, and c) politics conducive to action (e.g., favorable public opinion, ideological distribution in the IO, committed leadership) during a window of

<sup>3.</sup> While many IOs comprise member states, the CSCE/OSCE has comprised *participating* states. The CSCE/OSCE has operated without a legal founding document and legal personality; thus, its decisions have been politically, rather than legally, binding. Following accession of states of the former Soviet Union, Czechoslovakia, and Yugoslavia, as well as Mongolia, today the OSCE comprises fifty-seven participating states.

<sup>4.</sup> As defined in the OSCE's *Rules of Procedure*, consensus refers to the "absence of any objection expressed by a participating State to the adoption of the decision in question." 1 Nov. 2006, MC.DOC/1/06, p.1.

<sup>5.</sup> Many resolutions, however, are adopted by consensus. Important issues such as the budget, peace and security, admissions decisions, and elections to the UN Security Council are decided by a two-thirds majority.

opportunity (2007, 4–5; Kingdon 1984). For example, agreement on the IADC benefited from the convergence of three processes: a) anti-democratic practices of the Fujimori government in Peru in 2000 were identified as a problem, serving as a focusing event (and window of opportunity) for negotiators to extend the OAS democracy agenda beyond Resolution 1080; b) after Fujimori's resignation, responses were conceived such as the insertion of a "democracy clause" into the 2001 Quebec Summit document, and c) leadership was provided by Lloyd Axworthy, Thomas Pickering, César Gaviria, and Pérez de Cuéllar to identify and capitalize on the opening (Tomlin 2007, 6–10). Although a draft charter was blocked by stalemate at an OAS General Assembly meeting in June 2001, delegates achieved consensus after subsequent revisions and reconsideration on 11 September 2001 (Tomlin 2007, 11).

As Tomlin argues, "Typically, a policy window opens because the policy agenda is affected by a change or event in the political stream, or by the emergence of a pressing problem that captures the attention of decision makers" (2007, 5). Another example, albeit with a smaller group than the full UN membership, is the Rome Statute of the International Criminal Court, which in 1998 was fairly quickly negotiated after several decades of stalemate as decision makers responded to prevent future atrocities and had gained support from experience with ad-hoc tribunals in Rwanda and former Yugoslavia (see Fehl 2004, 360–62). Moreover, negotiators must recognize and capitalize on a window of opportunity (Tomlin 2007, 5; Doeser and Eidenfalk 2013, 392–93).

How can certain institutions facilitate overcoming stalemates? Scholars have noted that it is difficult to predict and identify a window of opportunity in advance (Doeser and Eidenfalk 2013, 393; Mahoney 2000). Despite perceptions of inefficiency, re-consideration of norms or policy instruments provides multilateral negotiators with opportunities to probe the "ripeness" of a moment. If Proposition 1 is correct, I expect to find evidence of the continuity and evolution of aspects of states' proposals as articulated at key CSCE/OSCE and UNGA meetings in prior years, which are subsequently re-inserted into negotiations which overcome stalemate and achieve broad agreement to codify new norms during favorable policy windows. This article demonstrates that such mechanisms influenced the CSCE's Charter of Paris, concluding documents of the CSCE Copenhagen and Moscow Human Dimension Conferences in 1990–91, and the development of election observation norms in the UN system.

A related, yet distinct proposition emphasizes the formal *durability* of agreements made in multilateral conferences and international organizations with large, heterogeneous compositions and the role of reiterative processes in overcoming stalemates related to the *implementation* of commitments.

Proposition 2: After norms are codified, multilateral conferences and international organizations with large, heterogeneous compositions that convene on a regular basis are well placed to ensure the (formal) perpetuation of their commitments. Norm restatements and reconsideration of failed policy proposals occasionally support negotiators in overcoming stalemates regarding the implementation of commitments during windows of opportunity.

The practice of issuing restatements of prior commitments and reconsidering failed proposals prevents earlier achievements from falling through the cracks and keeps them alive for future negotiations (see Thomas 2001, 196–97). As Thomas Farer argues, "Restatement is one way of rescuing [Article 25 of the ICCPR] from inanition" (2004, 37). This imagery of saving a norm from starvation vividly conveys that norm restatements are often an important strategy for infusing new life into multilateral commitments and for potentially overcoming certain stalemates related to implementation.

Insights from international law underscore the significance of reiterative processes in maintaining the relevance of an existing norm. According to Samuel Bleicher, "Re-citation can distinguish significant resolutions from the thousands of others that the [UN General] Assembly has passed" (1969, 453). Moreover, "the persistent re-citation of a given resolution

indicates that it embodies a view of the community which has some continuity, rather than an ephemeral 'accident' of General Assembly politics" (Bleicher 1969, 453). A frequently reiterated norm is viewed to have more significant, timeless content and is expected to be more binding than others (Bleicher 1969, 454). Similarly, Wayne Sandholtz and Kendall Stiles argue that higher numbers of precedents exert greater influence, as do more recent precedents, which are viewed as more relevant to current negotiations than earlier precedents (2006, 17-8). Diana Panke highlights two additional motivations behind repeated UNGA resolutions: a) incrementalist strategies, in which negotiators repeat resolutions to optimize the language of the resolution or the number of supportive votes, thereby strengthening international law and b) symbolic politics, in which negotiators repeat resolutions to communicate positions on a controversial topic to broader audiences, or to single out and damage the reputations of certain states (2014, 2-5). If Proposition 2 is correct, I expect to find evidence of the reiteration of norms and reconsideration of failed policy proposals which contribute to overcoming stalemates and productive negotiations on implementation mechanisms during windows of opportunity. This article demonstrates that such processes influenced the CSCE Vienna Followup Meeting in 1989, the International Covenant on Civil and Political Rights (ICCPR), and creation of the UN Office of the High Commissioner for Human Rights (OHCHR).

A critic might argue that alternative explanations, i.e., factors exogenous to IOs, such as shifts in power at the end of the Cold War, the dissolution of the USSR, and democratic transitions underway in Central and Eastern Europe were responsible for international agreements on democratic norms and policies for their implementation in the late 1980s and early 1990s. However, these explanations should not be seen as alternatives entirely beyond the scope of the present conceptual framework. My focus on windows of opportunity incorporates important aspects of structural change into the argument (see also Doeser and Eidenfalk 2013, 392). Windows of opportunity opened at the end of the Cold War in the CSCE in part due to changes in structural relations between participating states. The difference is that the point of departure in this article is internal to the institutional environment of multilateral conferences and international organizations. I do not claim that these are the only causal factors involved in overcoming stalemates. However, reiterative processes and policy windows merit greater theoretical and empirical attention in the study of multilateral negotiations, particularly on the subjects of norm development and multilateral policy implementation. The CSCE's institutional structure was instrumental when CSCE participating states developed the most comprehensive set of democratic norms in the CSCE area in 1990-91, as will be discussed. The CSCE is particularly surprising as a venue for the emergence of a substantial democratic norm set given its consensus decision-making rules, large, heterogeneous composition, and history of stalemates. Resolutions in the UNGA have also benefited from reiterative strategies and illustrate dynamic tensions in norm development (see Sandholtz and Stiles 2009, 3). Propositions 1 and 2 would be challenged if exogenous structural changes or leadership characteristics were found to fully explain observed outcomes without any influence of endogenous institutional dynamics. However, the subsequent sections illustrate the significance of reiterative processes in facilitating normative change during windows of opportunity.

# CSCE, 1975-89: Significance of Restatements and Negotiation Histories in Overcoming Stalemates

This section illustrates that following the Helsinki Final Act of 1975, although negotiations on human rights issues often encountered stalemate, failed proposals in CSCE meetings in the 1980s eventually contributed constructively to negotiations on implementing Helsinki commitments during windows of opportunity in 1986–89 (Proposition 2). As the foundational text of the CSCE, the Helsinki Final Act established a set of ten principles of equal importance for

relations among CSCE participating states.<sup>6</sup> Despite their contradictions, CSCE participating states set the principles of sovereignty and non-intervention (Principle 1) alongside "respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief" (Principle 7).<sup>7</sup>

CSCE mechanisms to implement the Helsinki principles initially consisted of follow-up meetings in Belgrade (1977-79) and Madrid (1980-83), the outcomes of which disappointed many diplomats and human rights activists.8 As Ambassador Yuri Dubinin of the Soviet Union argued: "The only positive decision adopted at the Belgrade Meeting was to convene another meeting of the same type, which was to be the Madrid Follow-up Meeting in 1980." Expert meetings on human rights in Ottawa in 1985 and on human contacts in Bern in 1986 met similar frustrations and ended without concluding documents. Nevertheless, these meetings provided opportunities to review states' implementation of commitments, to express concerns about human rights abuses, and to maintain inter-state communications. <sup>10</sup> By contrast, the follow-up meeting in Vienna (November 1986–January 1989) was remarkable for the progress that delegates were able to make on human rights in 1989, a breakthrough attributed in part to the leadership of Mikhail Gorbachev in the Soviet Union and changes in foreign policies of Warsaw Pact states.<sup>11</sup> The 1989 Vienna Concluding Document included human rights standards and mechanisms formulated with greater specificity. The Vienna Mechanism enabled states to request information, hold meetings, and raise and discuss human rights violations among participating states (OSCE 2007, 92, 5-6). Moreover, three "human dimension (HD) conferences" were scheduled to take place in Paris (1989), Copenhagen (1990), and Moscow (1991), which would considerably develop a new set of democratic norms for the CSCE area.

It is clear there were both successes and failures in developing international commitments to implement human rights norms in the CSCE between 1973 and 1989. A critic might argue that the institutional structure remained constant during this period and, therefore, other factors must have been decisive. How and under what conditions were features endogenous to CSCE institutions influential in overcoming stalemates?

Evidence from CSCE meetings shows that lengthy negotiations in Belgrade, Madrid, Ottawa, and Bern resulted in finer-grained articulation of states' positions, also formulated in response to critique and opposing perspectives. In 1989, while Warsaw Pact states remained committed to social and economic rights, there was a gradual opening to elaborating previously submitted proposals on civil and political rights. A window of opportunity was highlighted in 1989 by several diplomats who favorably viewed the decline of bloc-to-bloc politics and the increased number of proposals co-sponsored by previously adversarial states as contributing to a more productive working environment.<sup>12</sup>

As mentioned above, reiterative consideration of norms prevents earlier achievements from falling through the cracks and retains the possibility of progress in a window of opportunity. At the opening of the Vienna Follow-up Meeting in November 1986, several state representatives commented on the value of the earlier Ottawa and Bern expert meetings in 1985 and 1986, despite their lack of tangible results. For example, Péter Varkonyi, minister for foreign affairs of Hungary, stated:

We feel that these [expert meetings] were useful, though some of them did not produce a written document. Nonetheless, the exchange of views has enriched the CSCE process with a number of important experiences, and we deem it necessary to consider at the Vienna Meeting the implementation of many proposals submitted in the course of those debates. . . . The results achieved at the meeting of experts and the proposals and ideas which were raised there and which met wide-scale approval can serve as an important point of departure for the work of the subsidiary working bodies of the Vienna meeting. <sup>13</sup>

Similarly, Sten Andersson, minister for foreign affairs of Sweden, stated, "Those meetings were not outright failures. It is true that they failed to reach agreement on concluding documents. But they provided opportunities for exhaustive, comprehensive and frank discussions. They helped to shed light on the various ways of thinking and different priorities in the humanitarian sector." And Archbishop Achille Silvestrini, secretary of the Council for the Public Affairs of the Church, Holy See, echoed:

The experience of the Meetings of Experts has been positive. Even if, unfortunately, these meetings did not conclude with the publication of a final document, they nonetheless allowed us to work out numerous solutions and reflections which constitute a wealth of material which remains only to be used and to bear fruit. The Vienna Meeting is called upon to give this material the necessary attention.<sup>15</sup>

The number of diplomats expressing the value of failed negotiations is striking. In November 1986, Peter Jankowitsch, federal minister for foreign affairs of Austria, stated, "Austria sees these meetings as being very useful despite their regrettable lack of agreement on a final document. For especially in such controversial areas, where an agreement on substance is not always readily available, dialogue helps to elucidate our views on matters of principle." And Paavo Väyrynen, minister for foreign affairs of Finland, added that "although proposals that do not reach consensus cease to formally exist after the respective meeting is over, they enrich the fabric of the co-operation within the CSCE and may prove timely in another context in the future." The above statements support Proposition 2 and convey that negotiators benefited from the substance of prior intermittent meetings held during less conducive circumstances to overcome stalemates during the window of opportunity presented at the Vienna Follow-up Meeting and to strengthen the durability and implementation of Helsinki norms.

At the Vienna meeting's closing session in January 1989, Jón Baldvin Hannibalsson, minister for foreign affairs and external trade of Iceland, noted that the meeting resumed the consideration of many proposals that had been tabled over the course of the prior follow-up meetings. While new proposals were also considered, the Vienna meeting's progress was facilitated by a wealth of materials and insights generated from state representatives' recurrent prior interactions. In January 1989, progress was likely but not preordained. The CSCE served to constructively channel actors' willingness to cooperate.

Without the CSCE, it is unlikely the international community would have developed similar mechanisms for monitoring human rights commitments in Europe and the Soviet Union in January 1989. The CSCE's Vienna mechanism responded directly to Principle 7 of the Helsinki Final Act and evolutions in its third basket; thus, it was a unique product of the history of interactions within the CSCE. The EU and Council of Europe had much smaller memberships in the late 1980s. In the absence of the CSCE, higher levels of political will and engagement would have been needed to launch human rights monitoring mechanisms for the

<sup>6.</sup> The Helsinki Decalogue itself benefited from negotiations over the previous decade toward the "Declaration on Principles of International Law concerning Friendly Relations among States in accordance with the Charter of the United Nations" (A/RES/25/2625), adopted in the UNGA in 1970. OSCE 2013. 140–42.

<sup>7.</sup> See CSCE Helsinki Final Act, 1975, www.osce.org/helsinki-final-act, Accessed 8/2016. On origins of Principle 7 in the Final Act, see Thomas 2001; OSCE 2013.

<sup>8.</sup> See OSCE Oral History Project 2013, 55, 109, 213-14, 234.

<sup>9.</sup> OSCE 2013, 214

<sup>10.</sup> Such meetings also formed networks of external activists; however, this is beyond the scope of this study (see Thomas 2001).

<sup>11.</sup> See OSCE 2013, 60-61.

<sup>12.</sup> CSCE Follow-up Meeting, Vienna, 4-7 Nov. 1986, CSCE/WT/VR.2-7.

<sup>13.</sup> Statement at CSCE Follow-up Meeting, Vienna, 5 Nov. 1986, CSCE/WT/VR.3, p.5.

<sup>14.</sup> Statement at CSCE Follow-up Meeting, Vienna, 5 Nov. 1986, CSCE/WT/VR.3, p.35.

<sup>15.</sup> Statement at CSCE Follow-up Meeting, Vienna, 4 Nov. 1986, CSCE/WT/VR.2, pp. 24–25. Similar comments were expressed at this meeting by representatives of the United Kingdom, Italy, Czechoslovakia, Monaco, and Switzerland, 4–7 Nov. 1986, CSCE/WT/VR.2–7.

<sup>16.</sup> Statement at CSCE Follow-up Meeting, Vienna, 7 Nov. 1986, CSCE/WT/VR.7, p. 20.

<sup>17.</sup> Statement at CSCE Follow-up Meeting, Vienna, 5 Nov. 1986, CSCE/WT/VR.4, p. 33.

<sup>18.</sup> Statement at CSCE Follow-up Meeting, Vienna, 17 Jan. 1989, CSCE/WT/VR.10, p 17.

CSCE region. Importantly, the CSCE facilitated regular meetings in which ambassadors and diplomats (rather than heads of state and foreign ministers) could negotiate incrementally on implementing human rights norms at the Vienna Follow-up Meeting of 1986–89. Exogenous structural changes at the end of the Cold War and leadership alone cannot explain the development of more significant CSCE human rights mechanisms in 1989. CSCE institutions were instrumental by providing a foundation and structure for recurring negotiations through which, despite stalemates, participating states refined and elaborated their positions and capitalized upon a window of opportunity. The following section shows that this also provided a basis for new democracy commitments in subsequent years.

# Persistence, Reiteration, and Windows of Opportunity: Codification of the CSCE's Democratic Norm Set in 1990–91

In support of Proposition 1, this section illustrates that the CSCE's institutions and recurring meetings facilitated the refinement of delegates' positions, with which they benefited from a window of opportunity and codified a new set of democratic norms for the CSCE area, at the second Human Dimension (HD) conference in Copenhagen in June 1990, despite the CSCE's consensus decision-making rules. At the Paris Summit of November 1990, the thirtyfour heads of state and government publicly celebrated the end of the Cold War and in their speeches reveled in the as-yet-untested opportunities for cooperation with human rights and democracy as key principles underpinning international relations. Whereas at the first HD conference in Paris in mid-1989, delegates could not agree on a concluding document, just one vear later the same proposals were reconsidered and expanded. The Copenhagen Document of June 1990 delivered unprecedented agreement on democratic norms related to elections, rule of law, and human rights with high levels of specificity. It delineated the most comprehensive series of international commitments in existence at that time on pluralistic democracy, emphasizing, for example, judicial independence, civilian control of the military, separation between the state and political parties, the right of peaceful assembly, and set the stage for CSCE/ OSCE work in election observation.<sup>19</sup> Subsequently, in the Charter of Paris for a New Europe, participating states declared: "We undertake to build, consolidate and strengthen democracy as the only system of government of our nations."<sup>20</sup> The Paris Summit of November 1990 also launched a new intensity in the CSCE's institutionalization, including establishing a permanent secretariat and the Office for Free Elections in Warsaw, which would become the Office for Democratic Institutions and Human Rights (ODIHR) in 1992 (see OSCE 2007, 6-7). The third HD conference, held in Moscow just weeks after the averted August coup in 1991, elaborated CSCE commitments to condemn the overthrow of legitimately elected governments, support judicial independence, professional conduct of law enforcement, freedom of the media, and rights during a state of public emergency. In the concluding document of the Moscow HD meeting, participating states adopted the Moscow Mechanism to strengthen the implementation and monitoring of human rights commitments. They also emphasized that "issues relating to human rights, fundamental freedoms, democracy and the rule of law are of international concern" and "categorically and irrevocably" declared that "commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned."21

The interests of CSCE participating states in responding to what they viewed as the major domestic political issues in Central and Eastern Europe, structural power shifts, lead-

ership, or a conducive normative environment alone do not fully explain how the CSCE was able to codify new democratic norms so quickly in 1990. Here the institutional structures played a key role. When a window of opportunity opened after the fall of the Berlin Wall and new leadership emerged in Central and Eastern Europe, delegates were able to clearly identify where they could break through earlier impasses. Negotiations benefited from states' positions that had been discussed and refined in advance. For example, Géza Jeszenszky, minister for foreign affairs of the Republic of Hungary, highlighted issues that previously failed to achieve consensus, yet were placed again onto the agenda and were agreed upon at Copenhagen in June 1990:

We continue to regard as valid the proposals which we submitted at last year's meeting in Paris. Hungary is interested in the conclusion of the present meeting with the adoption of a document reflecting the spirit of the construction of a new Europe. . . . It should lay down the basic criteria of democracy and the rule of law . . . and it should refer to the importance of inter-state cooperation for the enforcement of democracy and the rule of law and for the creation of a European legal space, and . . . the concrete modalities of further developing the human dimension mechanism. <sup>22</sup>

Eduard E. Shevardnadze, foreign minister of the USSR, likewise stated in June 1990, "We are hopeful that Copenhagen will help to set in motion the bank of proposals and ideas put together in Paris, which offer a good basis for elaborating a common position for all the countries participating in the Helsinki process."<sup>23</sup> Similarly, on behalf of the European Community and its member states, Gerard Collins, minister for foreign affairs of Ireland, stated in 1990:

At the Paris Meeting last year, many interesting and valuable proposals were put forward for improving the human dimension provisions of the Helsinki Final Act and the other CSCE documents. We had a first discussion of these proposals on that occasion and, since then, we have had the opportunity to study them further . . . the majority represent useful bases on which to continue our work.<sup>24</sup>

The CSCE meetings in Ottawa, Vienna, and Paris in 1985–89 were eventually of great benefit to the preparations of delegates in Copenhagen and Paris in 1990 and Moscow in 1991, both for advancing new norms and elaborating implementation mechanisms (Propositions 1 and 2). Many of the proposals tabled at the 1990 Copenhagen Human Dimension meeting had been considered and refined at the 1989 HD meeting in Paris, which in turn built from third basket negotiations during the 1986–89 follow-up meeting in Vienna. In the words of Alice Němcová of the OSCE Prague Office: "It was like a reservoir that exploded at Copenhagen." <sup>25</sup>

In their statements at the 1990 Copenhagen Human Dimension meeting, several diplomats highlighted the unique policy window in which the meeting took place. For example, Kjell Magne Bondevik, minister of foreign affairs of Norway, stated in June 1990: "The political changes in Europe have opened up a window of opportunity for further advancing the human dimension of the OSCE. Prospects for a successful outcome of this meeting are immeasurably better than was the case at the opening of the Paris meeting last year." Moreover, in retrospect, we see the limited window in which consensus was attained. This window began to close at the end of 1991 with the end of Gorbachev's presidency and the dissolution of the USSR and Yugoslavia, which created new international priorities and increased the number of CSCE participating states, making consensus in a group with more diverse priorities more difficult to achieve.

<sup>19.</sup> Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, www.osce.org/odihr/elections/14304?download=true, accessed 8/2016.

<sup>20.</sup> Charter of Paris for a new Europe. Paris, p.3, www.osce.org/mc/39516?download=true, accessed 8/2016.

<sup>21.</sup> Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, pp. 29, 31–35, www.osce.org/odihr/elections/14310?download=true, accessed 8/2016.

<sup>22.</sup> Statement at CSCE Human Dimension Meeting, Copenhagen, 6 Jun. 1990, pp. 6-7.

<sup>23.</sup> Statement at CSCE Human Dimension Meeting, Copenhagen, 5 Jun. 1990 (unofficial translation), p. 11

<sup>24.</sup> Statement at CSCE Human Dimension Meeting, Copenhagen, 5 Jun. 1990, p. 10.

<sup>25.</sup> Author's interview, Prague Office of the OSCE Secretariat, Dec. 2010.

<sup>26.</sup> Statement at CSCE Human Dimension Meeting, Copenhagen, 6 Jun. 1990, p. 3.

Without the structure provided by the CSCE and its history of earlier attempts to develop human rights and democracy commitments among ideologically divergent states, it is unlikely that such a comprehensive set of democratic norms would have been developed in 1990–91 by the international community for application in the CSCE region. The CSCE was the only regional institution at the time to comprise states of North America, Europe, and the USSR, and its norms applied to its participating states, whereas EU or Council of Europe norms applied to the smaller group of member states or states with membership prospects. Helmut Kohl, federal chancellor of Germany, made a similar, yet broader counterfactual argument at the 1990 CSCE Paris Summit: "Without the foundation laid fifteen years ago for a peaceful order encompassing the whole of Europe, it would not have been possible today to accomplish German unity and to restore the historical unity of our continent, as we are doing here in Paris." CSCE institutions drew on their Cold War—era history of negotiations of human rights and democracy commitments between ideologically divergent states and were well placed to capitalize on changes in political will in 1990–91.

## CSCE/OSCE from 1992 into the 2010s: Narrowing Windows of Opportunity, Increasing Stalemates, and a Return to Reiterative Processes

The following section further illustrates the interrelation between windows of opportunity and reiterative processes affecting policy implementation, supporting Proposition 2. Norm restatements contribute to norms' durability, despite stalemates and even when policy windows to support implementation are limited. Consistent with Tomlin's analysis discussed above, policy breakthroughs in the CSCE/OSCE have often corresponded to windows of opportunity created through a combination of focusing events with high profile media coverage, where policy solutions were available, and political will and leadership supported the launch of new institutions. Agreements in the CSCE of the early 1990s created institutions to respond more effectively to European security threats, including nationalism and xenophobia. For example, the 1992 Helsinki Summit enhanced the role of ODIHR and established a High Commissioner on National Minorities (Němcová 2010, 9). CSCE field offices began operating in 1992 in Kosovo, Sandjak and Vojvodina, Skopje, Georgia, Tajikistan, and Estonia and in 1993 in Latvia and Moldova. Windows remained in some policy areas after 1995, when the OSCE was buoyed from supervising elections in Bosnia and Herzegovina and assisting implementation of the Dayton Agreement. Several new field offices were opened in the mid-1990s<sup>28</sup> and an OSCE representative on Freedom of the Media began work in 1997. However, broader debates on the future security architecture of Europe contributed to a narrowing window for policy development in the human dimension. Over time, differing opinions about Chechnya, NATO enlargement, and the use of force by NATO in Kosovo chipped away at political will to cooperate, and the 1990s ended with increased contestation and decreased efficiency of OSCE institutions.

In the 2000s, we observe a more stereotypical feature of IOs with large, heterogeneous compositions and consensus decision-making: frequent stalemates. Several points of contention during the 2000s, including on the Conventional Armed Forces in Europe Treaty, inhibited consensus and clouded debates in other areas, including the human dimension.<sup>29</sup> It also became clear that the OSCE would not evolve into an alternative to NATO and there were no signs of consensus on creating a legal basis for the OSCE, further fueling Russia's dissatisfaction (see Ghebali 2005). Moreover, no OSCE Summits took place between 1999 and 2010, an indicator of decreased political will to work through the OSCE in the decade. Essential components of a policy window—a powerful focusing event, an acceptable policy solution,

political will, and effective leadership—have only occasionally aligned favorably for the human dimension in recent years.<sup>30</sup>

In light of frequent stalemates, OSCE participating states in the late 2000s returned to a strategy employed frequently during the Cold War: issuing restatements of existing commitments (Proposition 2). An example of a restatement of democratic norms appeared in the 2008 OSCE Ministerial Declaration on the 60th anniversary of the Universal Declaration of Human Rights (UDHR), in which the OSCE participating states agreed, among others, on passages from the 1991 Moscow Document and 1990 Charter of Paris.<sup>31</sup> The four-page Astana Summit Declaration of 2010 availed of a similar strategy, where the fifty-six OSCE participating states recommitted themselves to "the vision of a free, democratic, common and indivisible Euro-Atlantic and Eurasian security community stretching from Vancouver to Vladivostok, rooted in agreed principles, shared commitments and common goals" on the 35th anniversary of the Helsinki Final Act and the 20th anniversary of the Charter of Paris. 32 As Thaddeus Kontek, human dimension officer at the U.S. Mission to the OSCE in Vienna, explained, it is often possible to reach consensus on restating an earlier commitment because rejecting a previously agreed-upon norm can be difficult for any state to justify.<sup>33</sup> States' reputational concern for maintaining consistency in their positions corresponds with constructivists' expectations. Just as restatements of human rights norms in the 1970s and 1980s kept issues on the agenda despite stalemates, restatements of democratic norms contribute to their institutional history and recurring negotiations may contribute to moving beyond stalemates if a window of opportunity presents itself.

## United Nations General Assembly: Persistence, Reiteration, and Windows of Opportunity in Norm Development

A few brief examples from the United Nations General Assembly illustrate the applicability of Propositions 1 and 2 in a different context. Although stalemates have periodically forced delegates' efforts to codify new norms or to develop implementation policies to lie dormant, as in the most contentious phases of the Cold War, the examples of Article 25 in the ICCPR and the establishment of the Office of the High Commissioner for Human Rights in 1993 show that, at times, states and UN agencies have been able to draw on the history of failed negotiation processes and benefit from windows of opportunity to overcome stalemates.

The factor of a common point of reference underpinning successful negotiations after stalemate—the aim of preventing the reoccurrence of a specific destructive event—was highlighted in Tomlin's study of the IADC and is also relevant to the development of the UDHR in 1948. The shared horror of Nazi atrocities provided a focal point from which UN members agreed upon human rights provisions in the UN Charter, the Universal Declaration of Human Rights, and the UDHR's Article 21<sup>34</sup> in particular, as "the experience of the war had reinforced their belief that the cluster of rights spelled out in Articles 18, 19, 20, and 21 are universally the first ones dictators will seek to deny and destroy" (Morsink 1999, 69). It

<sup>27.</sup> Statement at CSCE Paris Summit, 20 Nov. 1990, CSCE/SP/VR.3, p. 55.

<sup>28.</sup> For example, field offices were opened in Croatia and Uzbekistan in 1996, Albania and Belarus in 1997, Kazakhstan, Turkmenistan and Kyrgyzstan in 1998, and Yerevan and Baku in 1999.

<sup>29.</sup> See, for example, Zellner et al., 2007.

<sup>30.</sup> Despite a dearth of OSCE Ministerial Council decisions in the human dimension in the 2010s, two reached consensus in 2013: one on freedom of thought, conscience, religion, or belief, and one on improving the situation of Roma and Sinti. Statements and Declarations, 20th Meeting of the OSCE Ministerial Council, Kiev, 5–6 Dec. 2013, pp. 16–21. www.osce.org/mc/kyiv?download=true, accessed 8/2016.

<sup>31.</sup> MC.DOC/2/08, Helsinki, 5 Dec. 2008, www.osce.org/mc/35476?download=true, accessed 8/2016.

<sup>32.</sup> OSCE, Astana Commemorative Declaration: Towards a Security Community. 3 Dec. 2010. SUM.DOC/1/10/Corr.1\*, pp. 1–2, www.osce.org/cio/74985, accessed 8/2016.

<sup>33.</sup> Author's interview, Vienna, 14 Jan. 2009.

<sup>34.</sup> Article 21 of the UDHR reads: "1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives; 2) Everyone has the right of equal access to public service in his country; 3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures." Articles 18–20 cover freedom of thought, conscience and religion, freedom of opinion and expression, and freedom of peaceful assembly and association. UDHR, 10 Dec. 1948, www.un.org/en/universal-declaration-human-rights/index.html, accessed 8/2016.

is infrequently mentioned that in the general roll-call vote on the UDHR in 1948, delegates voted on the declaration article by article. Twenty-three articles were adopted unanimously with no abstentions, including Article 21.35 Leaders such as Eleanor Roosevelt and Rene Cassin recognized the importance of capitalizing on the policy window presented by the international environment of the mid-1940s. Awareness that a window of opportunity was *closing* in the late 1940s led leaders to support finalizing the declaration quickly, especially when escalating U.S.–Soviet tensions in 1948 threatened to jeopardize agreement (Morsink 1999, 19).

In line with Proposition 2, the idea of an international bill of rights was kept on the agenda of the General Assembly's Third Committee during the Cold War, which facilitated delegates' negotiations toward the ICCPR in December 1966, when a sufficient thaw in Cold War tensions presented an opportunity. Restating parts of the UDHR's Article 21, the ICCPR codified norms related to democratic elections in its Article 25.36 If the UNGA had not been revisiting this agenda item, the international community might not have been able to draft and negotiate such a document with global scope before Cold War tensions resumed later in the 1970s. Regarding the policy window, Wiktor Osiatyński states that "although the drafting was almost complete by 1953, the covenants were shelved for more than 10 years because of ideological rivalry and the Cold War" (2009, 29). In those years, leaders from Africa and Asia were among the most vocal supporters of human rights, in tandem with quests for self-determination and global distribution of resources (Osiatyński 2009, 30–31). The debate changed in the mid- to late 1960s, when European states held fewer colonies and the U.S. civil rights movement, women's rights movements, and student protests in Europe and North America helped to shift public opinion and states' priorities in advancing international human rights, while the temporary easing of U.S.-Soviet tensions enabled more constructive negotiations (see Kennedy 2006, 185–88, 216; Osiatyński 2009 31–34). Moreover, as a diplomat argued in 1977: "The acceptance of the [CSCE Helsinki] Final Act [in 1975] was an important contribution to the entry into force in 1976 of the [UN] Covenants of Economic, Social and Cultural Rights and of Civil and Political Rights, which had been drawn up as far back as 1966."37

Similar to CSCE strategy of restating Helsinki human rights norms during the Cold War in the CSCE, periodic restatement of Articles 21 and 25 of the UDHR and ICCPR maintained their relevance on the UN's agendas and provided an opportunity to develop new election observation norms when delegates displayed greater political will. The year 1988 commemorated the 40th anniversary of the UDHR, and UN delegates cited this anniversary as an occasion to reflect on achievements and to rekindle dedication to commitments and strengthen implementation mechanisms.<sup>38</sup> In December 1988, the UN General Assembly first adopted a resolution entitled "Enhancing the Effectiveness of the Principle of Periodic and Genuine Elections," which restated key passages from Article 21 of the UDHR and Article 25 of the ICCPR, would become a recurring resolution in the UNGA, and would lay part of the normative foundation for the UN's mandate to support democratic governance.<sup>39</sup> While many factors contributed to the development of the UN's election assistance mandate (see Ludwig 2004; Kelley 2008; Hyde 2011; Hecht 2012), including the UN's history of support for decolonization which conferred legitimacy and enabled it to assume this new role, recurring UNGA meetings facilitated negotiations on mechanisms to implement previously agreed-upon norms. The window of opportunity for expanding UN engagement in democracy support was underpinned by important expressions of demand by UN member states, which simultaneously requested boundaries on the extent of UN practices.

Although the policy window was supported by newfound common interests between the United States and Soviet Union and contributed to some significant developments in the UN in 1990–91 (e.g., authorization of a focal point to coordinate the UN's electoral assistance), these developments pale in comparison to the more comprehensive democracy commitments in the CSCE in the same years. In the UNGA, the high water mark for democratic norms beyond free and fair elections to date appeared approximately in 1999–2000 (see Resolution A/RES/55/96) <sup>40</sup>—nearly a decade later than in the CSCE/OSCE. What explains this divergence? The East-West divide spanned by the CSCE became less relevant at the end of the Cold War, yet UN bodies continued to contend simultaneously with North-South divisions. In 1990–91, much diplomatic energy was channeled to dilemmas in Europe, and the CSCE encountered a different window of opportunity to elaborate a new democratic norm set than the UNGA (Proposition 1).

Emerging after the Cold War-era stalemate, the UN Office of the High Commissioner for Human Rights (OHCHR) was an outcome of the Vienna World Conference on Human Rights, established by UNGA Resolution 48/141 and adopted on 20 December 1993 (see Mertus 2005, 8–12). During the Cold War, there had been several efforts to establish a high commissioner for human rights. UNGA Resolution 44/156 in December 1989 revived the process by requesting that the UN Secretary-General seek views of governments, specialized agencies, NGOs, and UN human rights bodies about holding a world human rights conference.<sup>41</sup> Ongoing deliberations in the UNGA Third Committee and preparations for the 1993 Vienna World Conference facilitated states' consideration of the post of a high commissioner and enabled them to act when conditions became more favorable. The history and negotiators' persistence were highlighted by Emilia Castro de Barish, ambassador of Costa Rica, who explained her country's position on the UNGA resolution 48/141 in December 1993, "We in Costa Rica feel very honoured to have been able to contribute to the adoption of this resolution through a long process that began in 1952 with the proposal by Uruguay, and continued in 1965 with that made by Costa Rica. That process came to fruition this year."

Several delegates also credited the leadership and effective diplomatic skills of Ambassadors José Ayala Lasso, Eduard Kukan, Gilberto Saboya, and Chew Tai Soo in facilitating consensus. <sup>43</sup> Emphasizing the window of opportunity, Victor Marrero, delegate of the U.S., stated, "The Assembly's action this year, after numerous past efforts to create an office of High Commissioner failed, is representative of a new spirit of cooperation and seriousness of purpose within this body." <sup>44</sup> The process of periodic debate in the UNGA, even in the less conducive Cold War environment, helped to prepare the ground for negotiations in the early 1990s and for the OHCHR's eventual acceptance in 1993, in line with Proposition 2. The above examples show that stalemates in negotiations in international organizations with large, heterogeneous compositions occasionally serve a useful purpose at later points in time. Standing bodies in such IOs are well placed to capture agreements among member states and to ensure that, once made, these commitments can be formally perpetuated and perhaps expanded during windows of opportunity.

<sup>35.</sup> UNGA, Paris, 10 Dec. 1948, (A/777), A/PV.183, pp.932–33.

<sup>36.</sup> The ICCPR was adopted and opened for signature, ratification, and accession, 16 Dec. 1966, entered into force on 23 Mar. 1976. www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx, accessed 8/2016.

<sup>37.</sup> Statement by Mr. Petrán, Hungary, CSCE Follow-up Meeting, Belgrade, 7 Oct. 1977, CSCE/BM/VR.7, p. 15.

<sup>38.</sup> UNGA, 8 Dec. 1988, A/43/PV.74-75.

<sup>39.</sup> Ibid., see Ludwig 2004, 170.

<sup>40.</sup> Resolution "Promoting and Consolidating Democracy," see UNGA, 4 Dec. 2000, A/55/PV.81, pp. 14–16. However, the UN Human Rights Council, with its smaller, rotating group of forty-seven UN member states (and its predecessor until 2006, the Commission on Human Rights, with fifty-three members) had more substantive resolutions on the subject, including CHR Resolutions 2000/47 and 2005/32 and HRC Resolution 19/36 (2012).

<sup>41.</sup> UNGA, 15 Dec. 1989, A/RES/44/156, p. 231.

<sup>42.</sup> UNGA, 20 Dec. 1993, A/48/PV.85, p. 19.

<sup>43.</sup> See statements made in UNGA, 20 Dec. 1993, A/48/PV.85, pp. 14–22. Others have highlighted influential lobbying by NGOs (Mertus 2005), the Carter Center, and the U.S. government (Weiss et al. 2014, 207).

<sup>44.</sup> UNGA, 20 Dec. 1993, A/48/PV.85, p. 17.

#### Conclusions

Counter-intuitively, this article has shown that stalemates occasionally have a silver lining and can contribute productively to future negotiations. Alternative explanations for successful negotiations—such as converging state interests, committed, skilled leadership, or the conducive normative environment after the Cold War have some explanatory power, yet alone do not explain the outcomes observed. In the cases discussed above, institutional features and reiterative processes enabled negotiators to take advantage of windows of opportunity, which opened in part due to changes in structural relations among states. Given narrow or closed policy windows in many issue areas in the mid-2010s, it is worthwhile to re-examine strategies employed during the Cold War.

Supporting Proposition 1, both in the CSCE/OSCE and in the UNGA, the practice of issuing restatements of prior commitments and reconsidering failed proposals contributed to agreements on the codification of new norms even during short windows of opportunity, particularly when recurring meetings enabled groundwork to be done in advance. If there are shifts in political will, standing bodies that convene diverse groups of states ensure that a structure is in place to facilitate actors' willingness to cooperate, if present. Supporting Proposition 2, I showed that the durability and implementation of commitments in multilateral negotiations facing stalemate can benefit from reiterative processes, through which negotiators have periodic opportunities to probe the "ripeness" of historical moments and to revive failed proposals.

Certainly, there are many examples of stalemates that are never overcome. These types of stalemates were not examined in this article, because they reflect the more typical treatment of the subject. When negotiators are blocked by stalemates in large multilateral conferences or IO fora, they often seek a more favorable venue or smaller group of like-minded states instead of relying on the unpredictable, long-term processes highlighted above (Coleman 2013; Boyer 2012, 234; Cameron, Lawson, and Tomlin 1998; Hecht 2012). Yet there are disadvantages to abandoning international organizations with large, heterogeneous compositions. When negotiators decrease their engagement in these venues based on short-term calculations, this undermines the vitality of institutions with effects over longer time scales and sacrifices potential rewards of persistence highlighted in Propositions 1 and 2.

Re-endorsing or elaborating norms is significant in IOs with large, heterogeneous compositions, because high levels of support communicate norms' legitimacy, signal states' re-commitment, and convey broad expectations of compliance. Smaller IOs with like-minded member states (e.g., EU, NATO) may be similarly effective at using materials from previous negotiations and capitalizing on windows of opportunity; however, their agreements are relevant to their limited memberships rather than to the larger group. Although Cold War-era stalemates are perhaps more likely in hindsight to have been overcome in the post–Cold War era, the selected examples call attention to the significance of reiterative processes and policy windows in the study of multilateral negotiations and norm development. Additional empirical research could make fruitful comparisons to stalemates with different sets of causes than those underpinning the cases investigated above (e.g., stalemates that arise from failures in implementation) as well as to current trends. Future research on multilateral negotiation and diplomacy might add detail about ways in which the restatement of norms and reconsideration of failed proposals—in other issue areas, IOs, and time periods—may help state representatives to identify and capitalize on windows of opportunity.

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- 38 | HECHT
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# Regional Intergovernmental Organizations, Globalization, and Economic Development

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This study analyzes the effects of regional intergovernmental organizations (RIGOs), e.g., the African Union (AU), European Union (EU), or Association of Southeast Asian Nations (ASEAN), on the economic development of member states in an age of globalization. The study is based on seventeen major RIGOs chosen from each of the continents/subcontinents in the world. In general, regionalism pursued by countries via their RIGOs (and regional free trade agreements) was found to have no independent and direct effect on economic development. The RIGOs instead were found to indirectly affect economic development via globalization, which has a strong positive effect on economic development. Based on the effect of collective RIGOs on the economic development of individual member states, the following four patterns were found: facilitating, impeding, suppressing (hidden), and noneffective. Collective RIGOs composed of developed member states were generally found facilitating economic growth, while those composed of less developed, or a hybrid of developed and developing, member states were not. Instead, the latter were found impeding, suppressing, or being noneffective in the economic development of member states. Globalization is multidimensional. A collective RIGO should help an individual member state enhance each of the multidimensional aspects of globalization, which turn out to be the true engine of economic development.

### Introduction

The purpose of this paper is to assess the effect of regional intergovernmental organizations (RIGOs) on the economic development of the member states in an age of globalization. Many RIGOs, such as the European Union (EU), African Union (AU), and Association of Southeast Asian Nations (ASEAN), pursue the economic development of their respective member states. What might the differences be in economic development between the ASEAN member states and non-ASEAN member states, for example? What are the differences in economic development between EU and non-EU members? Can RIGO membership itself independently affect economic growth, regardless of other economic variables, such as investment, trade, and economic globalization?

Regionalism in international relations can be defined in diverse ways. Nye (1968) defined an international region as "a limited number of states linked by a geographical relationship as well as by a degree of mutual interdependence." He defined regionalism as "the formation of interstate associations or groupings on the basis of regions." Hurrell (1995) viewed regionalism as "identity or shared perception of being part of a definable region." A general definition for regionalism in international relations is "the expression of a common sense of identity and purpose (e.g., economic, security, political, etc.) combined with the creation and implementation of regional institutions or organizations" (Regionalism).

The definition of regionalism is still heavily debated, but a general consensus includes the following three criteria (Karns and Mingst 2010). First, regionalism is viewed as the process by regional intergovernmental organizations in which regions are significant economic/political units. These units serve as the basis for cooperation, identity, and integration (Explain 2016).

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