

***Social Interactions in International  
Forums: A New Model***

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*To my parents, with my deepest gratitude*

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## **List of Abbreviations**

ACP	Antarctic Consultative Party
ATCM(s)	Antarctic Treaty Consultative Meeting(s)
ATS	Antarctic Treaty System
BAS	British Antarctic Survey
CCAMLR	Commission for the Conservation of Antarctic Marine Living Resources
CRAMRA	Convention on the Regulation of Antarctic Mineral Resource Activities
FRG	Federal Republic of Germany
IR	International Relations
MARPOL	International Convention for the Prevention of Pollution from Ships
MP	Member of Parliament
NATO	North Atlantic Treaty Organization
NGO(s)	Non-Governmental Organization(s)
PM	Prime Minister
Q	Question
SATCM(s)	Special Antarctic Treaty Consultative Meeting(s)
SCAR	Scientific Committee on Antarctic Research
SR	Scientific Realism
UNFCCC	United Nations Framework Convention on Climate Change
UK	United Kingdom
UN	United Nations
USA	United States of America
USSR	Union of Soviet Socialist Republics



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## **Abstract**

This dissertation argues that the creation of a theoretical model able systematically to distinguish and categorize the different types of statements made during international forums can help answering certain fundamental questions related to the functioning of inter-state negotiations; and that this would lead to a greater understanding of international relations in general. The existing literature has not yet been able to build such a systematic process of categorization, and the main reason for this is that they attempted to distinguish different types of forum statements by looking at indiscernible objects: the true dispositions of forum participants. Trying to build and to initially test such a systematic, valid and reliable method of classification of forum statements, able to lead to the formulation of empirically testable hypotheses, is the objective of this research. This with the objective of providing to future research the tools to analyse international forums on sounder conceptual and methodological bases.

The theoretical model in this dissertation presents a reviewed version of Jennifer Mitzen's theory of collective intention, and it argues that forum types of statement can be distinguished on the basis of the intention they address. It is argued that forum types of statement can be classified in collectivist, particularistic and procedural ones. Furthermore, it is argued that greater frequency of collectivist statements in international forums is likely to be correlated with a greater legitimacy of the forums' outputs. To test the plausibility of this hypothesis, two most-similar cases are compared through the lens of qualitative content analysis: the two Antarctic meetings which respectively led to the elaboration of CRAMRA and of the Madrid Protocol.

## **Introduction**

International forums are the main instrument by which states collectively address issues of global politics, and to study them means to study the unfolding and the development of international relations. Above all, they are moments of dialogue, “interactive processes” (Kotzian, 2007, 80) in which delegates meet and communicate through language – both verbal and non-verbal – conveying their concerns, sharing their views and, eventually, attempting to reach an agreement. All concerns, hopes, promises, threats, appeals made during the forum are expressed by single *statements*, which can be very different from each other: a delegate can persuade another that one choice is the fairest one, one can coerce others to take a certain decision by threatening them, and so on. Different statements convey *different types of behaviour*, and the way participants choose to behave influences the output of the negotiations. Researchers can approach the study of international forums in many different ways, depending on the questions they want to answer; however, some questions can be answered only if the vast sea encompassing everything uttered during the forum is separated, delimited into single statements, and if those statements are *systematically classified* according to the type of behaviour they convey.

How can decision-making procedures influence the way delegates interact during negotiations? Does the predominance of a certain type of behaviour influence the output of the forum? Is it true that certain political regimes often resort to specific types of behaviour over others when they negotiate? These very important questions, and many more, can be answered only by a systematic comparison between different types of international forums, and such comparison is possible only if one is able systematically to categorize the different types of statement made during the negotiation. Being able to categorize in a systematic way each statement according to the behaviour it expresses, in fact, would enable one to assess the frequency with which one type of behaviour was displayed during a forum, and this in turn would allow researchers to compare the frequencies of certain types of behaviours in different forums. This comparative process would then

help to assess with greater clarity and reliability whether, for instance, in a forum where delegates decide through consensus actors behave differently than in a forum where decisions are taken by majority; or whether a forum with higher frequency of threatening types of behaviour delivers a different output than a forum with a lower one; or whether democratic countries tend to act differently than authoritarian ones during the same international forums. The first step to take in order to answer some of the most important questions related to inter-state negotiations is to build a method of categorization of forum statements, that can be empirically tested and implemented in a reliable and valid way. The objective of this research is to establish such a method; in order to do so, the thesis revisits Jennifer Mitzen's theory of *collective intention* in international forums, and it claims that forum statements can be categorized *according to the type of intention they pursue*.

The existing literature has not been able to build a systematic process of categorization of forum statements. The main reason for this was that they attempted to distinguish one type of statement from another by looking at indiscernible objects: *the true dispositions of forum participants*. The term "disposition" in this research is defined, in accordance with the Cambridge Dictionary, as "a person's usual way of feeling or behaving".<sup>1</sup> In other words, previous authors have tried to identify the types of statement delivered during a forum by building theoretical models that pre-supposed that negotiating actors approached negotiations with precise *dispositions*. Constructivist authors believed that diplomatic delegates naturally had a norm-observant disposition, while rationalists claimed that negotiating parties had a selfish<sup>2</sup> and strategic disposition, and these fundamental premises shaped the theoretical models they elaborated. Dispositions, however, cannot be detected empirically, and when authors tried to test their theoretical models while looking at real-world negotiations, they encountered seemingly insurmountable obstacles.

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<sup>1</sup> <https://dictionary.cambridge.org/it/dizionario/inglese/disposition>

<sup>2</sup> When talking about states representatives with "selfish" disposition and/or acting in pursuit of "selfish" gains, this thesis indicates that a particular actor is acting in pursuit of the national interest of the state he/she represents.

The most famous example of how the literature failed in isolating and distinguishing different types of forum statements while looking at real-world negotiations is the 2005 research conducted by Nicole Deitelhoff and Harald Müller. The two authors looked at different international forums and tried to isolate moments where the negotiating behaviour of “arguing” – in their words, “an interaction in which actors attempt to coordinate actions by reaching an agreement on the definition of the situation and the norms to be applied to it”<sup>3</sup> (Deitelhoff and Müller, 2005, 168) – was clearly present and detectable. Deitelhoff and Müller started from the consideration that one of the most important shortcomings of the literature concerning international forum social interactions was “the missing *empirical* record on ‘communicative action’ [meaning: of arguing behaviour] in international politics” (Deitelhoff and Müller, 2005, 170). They identified a lack of empirical testing as one of the main problems of the theories looking at international negotiations, and, attempting to fill this gap, they tried to isolate and identify arguing behaviour within different forums. However, at the end of their study they claimed that although they were able to detect the presence of arguing in the forums, they could not isolate the precise moments in which arguing was taking place (Deitelhoff and Müller, 2005, 177).

The main obstacle that they encountered was that arguing was defined and conceived by the literature as a type of behaviour in which a subject is open to being persuaded by other people’s arguments and is moved by an inner desire to find the truth (Deitelhoff and Müller, 2005, 170). This meant that, to detect arguing within real-world negotiations, one needed to assess the open-mindedness of forum participants and their truth-seeking disposition; however, since “the mind is not accessible” (Deitelhoff and Müller, 2005, 171), these were indiscernible objects, and the impossibility to detect them resulted in the impossibility of clearly isolating arguing moments. Their attempt, although unsuccessful, delivered fundamental contributions to the study of international forums, because it highlighted one of the most important issues that the discipline

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<sup>3</sup> This passage of their article is defining the concept of “Communicative Action”, which is later in their work (Deitelhoff and Müller, 2005, 170) equated with arguing behaviour.

needs to address: the impossibility of empirically verifying the presence of a behaviour by looking for invisible evidence. Drawing from their work, this thesis wants to address such an issue, and to elaborate a model able systematically and clearly to isolate and to categorize different types of behaviour within international forums, and to begin to test whether such a model is able to provide plausible and empirically testable hypotheses. For this to be done, however, types of forum behaviour have to be re-defined, and this process of re-definition needs to be based on concepts that can be at least detectable while looking at the empirical world.

Despite the courageous attempt made by Deitelhoff and Müller, the creation of a systematic procedure of categorization of forum statements has often not been the main objective of the discipline, which has mostly developed in two directions. Some authors have decided to focus on understanding *how delegates think* while negotiating, how they take decisions, and what they are (Müller, 2004; Kotzian, 2007; Grobe, 2010). Others have decided not to give excessive attention to what delegates said during the negotiation process, and tried to explain the output of international forums by choosing a more “structural” approach, looking at the way norms and mechanisms of governance can lead negotiations to deliver a certain output (Keohane, 1996; Clapp, 2011).<sup>4</sup> While this thesis does not argue that these approaches are problematic in themselves, it does claim that they are unable to provide solid bases for an effective comparison between different forums, and that they are therefore unfit to answer any of the previously listed vital questions concerning interstate negotiations. Before outlining the theoretical framework at the base of the thesis, this introduction highlights the difficulties encountered by earlier approaches in addressing those vital questions.

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<sup>4</sup> Authors studying international forums are not rigidly divided in groups characterized by either an “ontological” or a “structural” perspective: the two approaches often overlap, and theories are often influenced by both approaches. The division made within this introduction is a mere simplification, in order to show some of the basic concepts that the literature has used in order to interpret international forums and their outputs. Similarly, when this thesis discusses the clash between rationalism and constructivism within the ontological debate, it does not attempt to suggest that these two approaches are radically different and rigidly separated; it provides a simplification in which the main features of both approaches are outlined, so as to present a basic portrait of the main questions characterizing the debate concerning international forums within the discipline of IR.

### ***I: How delegates think: the rationalist/constructivist dispute***

The strain of the literature trying to assess “how delegates think” has been significantly shaped by the clash between rationalism and constructivism. Authors on both sides tried to define what was the forum participants’ natural disposition during forum sessions – a disposition that led them to behave in a certain way. Rationalist researchers envisioned subjects interacting in a forum as rational units with a *selfish and strategic disposition*: an inclination to strategically maximize their own gains (Elster, 1986, 103-105), while constructivist ones conceived them as subjects driven by their perceived and historically-shaped identities, as units with an inherently *norm-orientated and norm-observant disposition* (Müller, 2004, 401).<sup>5</sup> Despite their differences, rationalist and constructivist works were similar in two ways. First, in almost every case they have attempted to identify different types of behaviour that could be displayed during international negotiations, and to establish the thinking process that led delegates to display one behaviour over another. Second, they have been mainly driven by a *deductive approach*: starting from either rationalist or constructivist premises, they elaborated hypotheses trying to explain how states interacted while negotiating.

Since rationalists and constructivists both followed a deductive approach, the different types of forum behaviour they identified were inevitably the result of their philosophical premises. Thus, rationalist authors, who considered forum participants to have a self-focused and strategic disposition, argued that negotiations were mostly made of *bargaining behaviour*, defined as strategic use of threats and promises (Müller, 2004, 397) in order to reach “compromises based on fixed preferences of the actors” (Deitelhoff and Müller, 2005, 172). Constructivist researchers, on the other hand, started from the belief that negotiating parties have a norm-observant disposition; consequently, they claimed that forum participants were mainly driven by the norms they internalized (Müller, 2004, 401), and that, when there were not clear norms to follow, they engaged

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<sup>5</sup> This distinction is obviously a simplification of both approaches, which will be looked in greater depth later in this research.

in *arguing*, defined as “truth seeking [behaviour] with the aim of reaching mutual understanding based on reasoned consensus” (Risse, 2000, 1-2).

This rigid division between rationalism and constructivism was very soon challenged (Finnemore and Sikkink, 1998, 911), and authors tried quite early to build theoretical bridges between the two approaches (Risse, 2000, 3). These attempts, however, were not able to circumvent the ontological dispute: constructivists tried to explain self-focused behaviour without disowning their ontological premises, envisioning models where a constructivist ontology could explain the presence of bargaining during negotiations (Müller, 2004, 402-405). Rationalists tried to do the same but on opposite terms, attempting to explain the existence of norm-driven behaviour and arguing on the premises that actors were rational and strategic units (Kotzian, 2007, 84-85). The result was that much of the research was focused on resolving the rationalist/constructivist ontological dispute, and did not elaborate theoretical models aiming at explaining the features and the dynamics of real-world negotiations.

As already highlighted by describing the research conducted by Deitelhoff and Müller, an even greater problem was that when some authors tried empirically to test their theories, they were unable to determine whether a certain statement could belong to a certain behavioural category. The main reason explaining these hindrances is, once again, that most theoretical models were committed to a constructivist or a rationalist framework, and that the ideal-typical categories that they conceptualized were the necessary consequence of the very model’s philosophical premises. In turn, most of the philosophical premises of both constructivism and rationalism focused on the hidden dispositions driving forum participants: their being (or not being) self-focused units driven by fixed preferences (Grobe, 2010, 22), their willingness (or unwillingness) to find the truth and to be persuaded by other people’s arguments (Risse, 2000, 7-12), their susceptibility (or imperviousness) to social norms (Müller, 2004, 401). These features are undetectable observables of international life (Krebs and Jackson, 2007, 36): objects that do not leave identifiable traces of their existence in the empirical world (Jackson, 2016, 97). The fact that most theories considered



these hidden dispositions to be the main distinction between different types of forum behaviour was the main reason for the impossibility to test those theories empirically.

To sum up, many authors have identified different types of forum behaviour by relying on undetectable features. This is not a problem if the objective of research is to provide an interpretive perspective through which to examine real-world international events; however, the conclusions reached by a theoretical framework relying on unobservables can be easily contested. An example of this can be Thomas Risse's account of the negotiating process between the USA, USSR, France, UK and the two Germanies, which discussed the possibility of German re-unification. In his case study Risse considers the attitudes and the "hidden dispositions" of forum participants as fundamental to identify the presence of arguing. He argues that the Soviet leader Mikhail Gorbachev, who started the forum by opposing reunification, eventually changed his mind because he was persuaded by other forum participants that a united Germany would be in the interest of all (Risse, 2000, 23-28) – this entails that Gorbachev approached negotiations by being ready to be persuaded, and therefore with an open-minded disposition. Risse's conclusions were challenged by Ronald Krebs and Patrick Jackson, who argued that Gorbachev's change of mind could also be the consequence of the realization that the Soviet Union was politically, militarily and economically too weak to stop reunification, and that the only option for Moscow was to accept it and go along with it (Krebs and Jackson, 2007, 40) – this would imply that Gorbachev had not an open-minded disposition, but a strategic one. The weaknesses of ontological approaches relying on undetectable features are even more evident when authors address questions which, to be answered, need a systematic and methodologically rigorous approach, often based on a comparison between two or more different forums.

An example of this last claim can be found by looking at Christian Grobe's article "The Power of Words: Argumentative Persuasion in International Negotiations" (2010). Grobe looks at the phenomenon of persuasion in international politics, and he argues that forum claims made with the attempt to persuade other delegates are successful only if they provide new and reliable

knowledge regarding the debated issue (Grobe, 2010, 22) – in his own words, when these claims are “informative” (Grobe, 2010, 15). For Grobe, in fact, “the persuader will only be successful if he provides the persuadee with new causal knowledge about the problem at hand or the policy options available to him” (Grobe, 2010, 12), and causal knowledge is persuasive when it is considered impartial and scientifically reliable (Grobe, 2010, 13-14).

Thus, Grobe’s model argues that forum participants are “persuaded” to change their behaviour only when they hear informative claims shedding new light on the debated issue, able to convince them that their interest is better pursued by following a different course of action than the one previously envisioned (Grobe, 2010, 19-22).<sup>6</sup> He tried to test his theoretical model by comparing the International Convention for the Prevention of Pollution from Ships (better known as MARPOL) and the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) negotiations – respectively, international forums concerning the prevention of pollution from ships and the preservation of Antarctic marine resources. Grobe argues that during MARPOL negotiations proposals were debated on scientific grounds, but that, “lacking clear scientific evidence”, persuasive claims were unsuccessful (Grobe, 2010, 18); he also wrote that as MARPOL negotiations progressed “both sides put forward numerous arguments to prove the superiority of their preferred solutions but in the absence of new scientific evidence these arguments were purely rhetorical in nature” (Grobe, 2010, 19). On the contrary, he argues, persuasive claims made during CCAMLR negotiations led to a change of actors’ behaviour, and this was “due to a newly emerging scientific consensus” (Grobe, 2010, 21). To sum up, he claims that forum participants tried to persuade others both in MARPOL and CCAMLR forums, but that only in the latter persuasive claims were “informative” enough and, therefore, effective in their aim to persuade (Grobe, 2010, 20-21).

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<sup>6</sup> Grobe’s theory argues that persuasion in international forums does not lead to changes in the preferences of forum participants, but that it only changes the ways actors pursue the same preferences. His theory is examined in greater detail later in this thesis.

Grobe's theoretical framework, however, bases the whole assessment of the "informativity" of forum persuasive statements on undetectable features: it is, in fact, impossible to establish to what extent forum participants hearing a scientific explanation are convinced by it, because, once again, "the mind is not accessible" (Deitelhoff and Müller, 2005, 171). The impossibility to know how a claim is actually considered "informative" by forum participants is what makes Grobe's conclusions problematic. Grobe himself, for instance, said that MARPOL proposals were debated on scientific bases (Grobe, 2010, 18): on which ground is it possible to claim that the scientific arguments made were not good enough to be considered reliable? Furthermore, how can one assess whether changes in actors' behaviour during CCAMLR negotiations happened because actors thought the scientific information that they received was reliable? Why is it not possible that they changed their behaviour due to other reasons? It seems that the only possible answer provided by Grobe is that scientific arguments can be considered reliable only when forum participants claim they are. This, however is a dangerous assumption, because it would easily lead to the quite weak and unconvincing conclusion that "forum claims are persuasive only when forum participants claim to be persuaded by them".

This last example shows how reliance on unobservable features is problematic when a researcher wants to address certain questions regarding international forums and grasp some of their basic features. At this point, one could argue: "If it is impossible to know *how delegates think*, why not then focus on the context in which *delegates are*, on the inner characteristics of the forum in which they negotiate, in order to understand their behaviour?". This path was chosen by authors that, in attempting to explain the output of certain negotiations, decided to focus on the way those negotiations were organized

## **II: Where delegates are: structure-centred theories**

Like many other political phenomena, international forums can be examined through the lens of a theoretical framework distinguishing between structure and agency, where the term “structure” includes “factors beyond the immediate control of the actors directly involved”, and agency indicates the “ability or capacity of an actor to act consciously” (Hay, 2002, 94). In an international forum the structure is constituted by its diplomatic framework: climate summits, for instance, are organized by the United Nations Framework Convention on Climate Change (UNFCCC) (Friman, 2013, 217), while Antarctic meetings are enclosed within the Antarctic Treaty System (ATS) diplomatic framework. Usually, diplomatic frameworks define the membership and the decision-making procedures of the forum, the rules disciplining the debate, the legal status of the forum’s output, and many other things. Agency, on the other hand, is a concept encompassing all the ways in which different actors pursue their goals during the forum: the strategy they choose to follow, the concerns they address, the concessions they make to other forum participants and the promises, threats, and requests they express. International negotiations are the interplay between structural forces and the agency of participating subjects: delegates’ different types of behaviour generate the debate which is at the base of international forums, while the diplomatic framework of a specific forum is what influences and regulates the debate.

Most research on international negotiations has examined how structural features could influence the agency of negotiating actors – for instance, how institutional arrangements regarding decision-making rules or governance mechanisms could influence the output of a certain forum. According to them, studying previous forums and institutional arrangements can lead to the elaboration of more effective mechanisms of governance (Keohane, 1996, 7), which, in turn, could lead to more successful negotiations in the future (Clapp, 2011, 6-7). A structure-centred approach to the study of international forums does not necessarily lead to flawed conclusions; however, an excessive focus on structure, together with a general disregard of agency, can generate serious flaws

in the research process. The limits of structure-centred approaches are shown by an example considering two international forums related to the administration and the protection of the Antarctic environment.

In the spring of 1988, the city of Wellington, New Zealand, hosted an international forum including all member states of the Antarctic Treaty System (ATS) – the diplomatic framework administering Antarctica. At the end of the forum, participants adopted the Convention on the Regulation of Antarctic Mineral Resources Activities (CRAMRA) (Verhoeven, 1992, 11), which regulated future mining in Antarctica and aimed at safeguarding the three pillars at the base of the ATS: maintenance of peace, promotion of scientific research and protection of the environment (Joyner, 1998, 57-64). The event was first hailed as a “triumph of legal ingenuity” (Puissochet, 1988, 8), but less than a year after CRAMRA’s adoption Australia and France refused to sign the treaty, causing the Convention’s juridical demise (Joyner, 1996, 162-164) and led national governments and international organizations to cast doubts over the legitimacy of the ATS (Vidas, 2000, 3). Less than two years later, on November 1990, ATS members reconvened in a new forum, regulated by the same rules, driven by the same mandate and attended by almost the exact same states as the CRAMRA negotiations. This second forum resulted in the Madrid Protocol, which banned mining in Antarctica and established that all human activities in the continent needed to be subordinated to the protection of the Antarctic scientific, wilderness, aesthetic and intrinsic values (Vicuña, 1996, 289).

The CRAMRA negotiations produced a treaty that allowed mining in Antarctica; the Convention, however, never came into force, created fractures amongst negotiating parties and dragged the ATS into a legitimacy crisis which endangered its own survival. The Madrid Protocol negotiations, instead, led to a treaty which banned mining in the Southern Continent; the Protocol was very soon ratified by all parties, it healed divisions between states, and it significantly restored the legitimacy of the ATS in the eyes of the international community. How is it possible that forums which were structurally so similar delivered such different outputs? The CRAMRA and the Madrid

Protocol Antarctic forums are examined in greater depth later in this dissertation, being at the base of this research's case study. However, the brief description provided in this section shows that structural features alone cannot provide a clear picture of international forums, and researchers need to focus on other elements as well. These other elements are often labelled under the category of agency, a term which includes the types of interaction and the types of behaviour that delegates adopted during the forum.

Looking at the negotiating process which ended with the adoption of the Kyoto Protocol can provide a clear example of how a structure-centred approach may lead not only to incomplete understandings, but also to false predictions. When diplomatic delegations started to elaborate a climate regime aiming at reducing greenhouse gas emissions, the international community had just reached, with the coming into force of the Montreal Protocol, a significant achievement for the protection of the ozone layer. Inspired by this achievement, delegates started shaping the structure of the climate regime in a similar fashion: both policymakers (Baron and Colombier, 2015, 153) and IR scholars (Mert, 2013, 31-32) assumed that the protection of the ozone layer and the preservation of climate stability were similar issues, and that the structure that worked with the former could work with the latter as well (Barrett, 2003, 300). The failure of the Kyoto Protocol (Kutney, 2014, 1), however, shows that these types of assumptions are not always safe to make.<sup>7</sup>

### **III: What delegates say: the role of language and its unitization into statements**

Previous sections have shown that research focusing on *how delegates think* during international forums may be useful in elaborating interpretive conclusions, but is unfit to produce empirically-testable theories enabling a systematic comparison between different inter-state negotiations, because of their excessive reliance on undetectable objects in international life. Similarly, works

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<sup>7</sup> This dissertation does not aim at providing an explanation for why the Montreal Protocol negotiations were different from the Kyoto Protocol ones. The only purpose of this example was to highlight how excessively structured-centred analysis of international forums could lead to the formulation of false predictions, which would later on translate into ineffective policymaking.

which tend to analyse *the structure in which delegates are acting* and that overlook other fundamental, agency-related variables run the risk of generating erroneous interpretations and predictions. Drawing from different works that emphasized the fundamental role played by language and communication in the context of international forums (Zartman and Berman, 1983, 27-41; Wendt, 1992, 404-407; Jörke, 2013, 353), some authors have claimed that research should instead focus on *what delegates say* during the negotiations. This conclusion was based on the consideration that forums are, as previously said, interactive processes, where actors communicate through language, and that studying what participants said during a forum might reveal fundamental insights into the forum itself.

At this point, one might think that to know what happened in a particular forum one simply needs to examine what each forum participant said. This seems easy, since anyone can read or listen to diplomatic statements, but things are obviously more complex. In fact, to capture the fundamental features of international forums one needs to read between the lines, to separate the relevant from the irrelevant, to go beyond the words uttered by delegates and to understand why those words have been uttered and the underlying aims of the speaker. The only way to do that is *systematically* to examine what delegates said, starting from clear definitions. The term “definition” in this research indicates a “description of the features and limits of something”:<sup>8</sup> indeed, to define is, in a certain sense, to distinguish, to separate indistinct objects into clearly delimited conceptual categories. Examining what forum delegates said starting from clear definitions means that all sentences that have been uttered during the negotiating process have to be classified into different conceptual categories, each of them representing an ideal-typical behaviour that could take place within a forum. The difficulties encountered by authors who tried to do that by assessing “how delegates think” led some researchers to claim that the impossibility of assessing “what people think” led to the need to “observe what they say” (Krebs and Jackson, 2007, 36), and that differences between different forum statements should not be based on the hidden dispositions of

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<sup>8</sup> [dictionary.cambridge.org/dictionary/english/definition](http://dictionary.cambridge.org/dictionary/english/definition)

the forum participants, but on the inherent characteristics of the acts of speech uttered during the negotiations (Ulbert and Risse, 2005, 353; Saretzki, 2009, 162-165).

Most of these authors, however, disagreed on the exact way to distinguish between the different types of behaviour that can be encountered. While for some forum behavioural categories were mere ideal-types, to be considered as “end-point[s] of a continuum” (Ulbert and Risse, 2005, 352), others advocated a model able to draw clear lines, to distinguish one type of behaviour from another (Saretzki, 2009, 166). Although this development in the literature looked promising, it did not lead to the elaboration of a model able systematically to identify and categorize the different types of behaviour which can occur in real-world negotiations.<sup>9</sup> This dissertation aims at filling this gap in the literature, and by doing so it wants to provide the methodological and theoretical bases on which to start comparing different forums in a reliable and valid way, in order more effectively to address some of the fundamental questions concerning inter-state negotiations.

This thesis starts from two considerations. First, since it is impossible to understand how delegates think, and since only looking at the structural context in which delegates are is not enough, it is necessary to build a theory analysing what delegates said during the negotiation. Second, a theory looking at what delegates said without a methodological framework able to unitize and categorize data leads to interpretations relying on unstable foundations.<sup>10</sup> It is therefore necessary that all things uttered during negotiations are divided into basic units, the “atoms” of which the whole negotiating process is composed. This thesis argues that *forum statements* are the

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<sup>9</sup> A branch of the IR literature which attempts to study the “micro-processes” (Johnston, 2008, xv) of inter-state social interactions in a systematic way is the one looking at the process of socialization. There are, in fact, works arguing that international organizations are not just bureaucratic institutions, but are instead bearers of certain norms and values (Chayes and Chayes, 1995), and that subjects interacting within institutions progressively learn and internalize those norms and values through processes of socialization. Amongst these authors there is, for instance, Alastair Johnston, who identified three different types of socialization processes: mimicking, social influence and persuasion (Johnston, 2008, xv). Authors belonging to this branch of the discipline, however, have not tried to create a theoretical model able systematically to distinguish and categorize the different types of statement which can be made during a forum, and their main focus has remained the study of the mechanisms through which states internalize international institutions’ normative frameworks (Johnston, 2001, 487-488).

<sup>10</sup> With this last claim, this research does not imply that every previous work examining what delegates said during negotiations did not provide significant contributions or relied on unstable foundations. It only argues that they were unsuited for the building of a model aiming at systematic categorization of forum statements, and that they were therefore unsuited to address questions that could be answered only through cross-case comparison.



basic unit of the negotiations. A statement is “something that someone says or writes officially, or an action done to express an opinion”.<sup>11</sup> Within international forums, statements are the units of the negotiating process, the sentences, the acts of speech that, if summed, constitute the very fabric of the debate taking place in an international forum. They are the very result of the interplay of structural forces and the agency of different actors, and being able systematically to examine statements made during an international forum means, to a certain extent, systematically to examine the forum in itself.

What statements are to international forums, why they are so important, and how it is so difficult to detect them and to examine them, can be further explained by an analogy considering a football match. One could imagine a situation where football players belonging to two different teams use their respective agency in order to win the game. The two teams face structural constraints, represented by the rules of the game: for instance, one team cannot win the match if its players grab the ball with their arms and start running. The rules of football, however, allow teams to arrive near the opponents’ goal in many different ways: they can, for instance, display a style based on slow and patient short passes aiming at retaining ball-possession, or they can launch quick counter-attacks, aiming at reaching the other half of the field with a few long passes. Similarly, players facing the goalkeeper from the other team can decide to kick a very powerful shot or to place the ball with a weak but precise hit, and the defending team can choose to stop the attackers through tackles or tight-marking, through pressing or through a more passive type of game; team players exercise their agency while making all these choices.

However, what happens in the field, the very fabric of the game is made by passes, tackles, shots, markings and all the other athletic gestures that make the ball move. Facing different teams can lead players to change their style of play, while changes to the rules of football would change the way athletes act in the field, but those changes can be assessed only by looking at the athletic gestures taking place during the match. Similarly, the output of the game is not decided by the team

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<sup>11</sup> [dictionary.cambridge.org/dictionary/english/statement](https://dictionary.cambridge.org/dictionary/english/statement)

players' names, nor by the rules of football: it is decided by the sum of all athletic gestures which took place. This thesis does not try to say that international forums are similar to football matches – indeed, the two things are very different. However, it argues that statements are to international forums what athletic gestures are to football matches: the decisive, constitutive features of a phenomenon and yet the most elusive object to grasp.

Looking at an international forum without looking at the statements that took place within it would be similar to looking at a football match without paying attention at the passes, the shots and all the athletic gestures that constituted the game. How could one examine the way changes in the forum's structural features can influence the way actors behave within a forum, without looking at subjects' actual behaviour? How could one examine the extent to which an actor influenced another during the negotiating process without looking at the way they talked to each other? How could one identify the negotiating strategy of a certain state during a particular forum without looking at the statements its delegates made during negotiations? The dissertation tries to elaborate a model able to unitize what delegates said into clear and delimited statements, to examine those statements in order to categorize them as examples of different types of behaviour, and to produce a theory that can be tested empirically in a reliable and valid way. To do so, however, it is necessary to build clear definitions of all the different types of behaviour which can be displayed during international forums, and those definitions need to be based on concepts that are detectable empirically.

#### **IV: Formulating a theory**

In his seminal work *Theory of International Politics*, Kenneth Waltz distinguished between “laws” and “theories”, by claiming that

Rather than being mere collections of laws, theories are statements that explain them. Laws identify invariant or probable associations. Theories

show why those associations obtain. Each descriptive term in a law is directly tied to observational and laboratory procedures, and laws are established only if they pass observational or experimental tests. In addition to descriptive terms, theories contain theoretical notions. Theories cannot be constructed through induction alone, for theoretical notions can only be invented, not discovered (Waltz, 1979, 4).

A theory can therefore be originated, according to Waltz, from a theoretical notion: an abstract concept that is only indirectly connected with the empirical world, that does not possess explanatory power on its own and that can find validation only through the validation of the theory it contributes to create (Waltz, 1979, 4-5).

Waltz's need to define theories arose from his desire to formulate a systemic theory of international relations (Waltz, 1990, 29-32). Reviewing authors of classical realism, he claimed that they were to international politics what physiocrats were to the economy: researchers who discovered some fundamental features of their subject of study, without building theories that were able to explain them and to produce testable hypotheses (Waltz, 1990, 24-26). This research claims something similar while looking at the literature that has hitherto examined international negotiations and the types of forum statements which are made within them. As the debate has progressed, constructivist and rationalist works have retained their ontological differences, but at the same time started describing increasingly similar processes, referring to certain, fundamental features of international negotiations. Indeed, almost all the most recent works, from both constructivist and rationalist authors, claim that:

- Forum participants decide which statement to make according to the structural context they are in (Kotzian, 2007, 80-85; Müller, 2004, 411-412).

- Different types of statement can be made within the same international forum (Risse, 2000, 21).
- Some statements made in forums indicate a certain choice as the best thing to do, because it is the fairest or the best choice in objective terms (Risse, 2000, 2-4; Kotzian, 2007, 83).
- Some forum types of statement aim at the realization of a compromise addressing the particularistic interests of the people striking the deal (Deitelhoff and Müller, 2005, 172; Jörke, 2013, 253).
- Some forum types of statement advocate the observance of norms which have been previously established and accepted by participants in the negotiation (Davies, 2010, 455; Müller, 2004, 401).

Most of these authors, however, have based their explanations on theoretical notions which are not even indirectly related to detectable features of international politics: the hidden dispositions of forum participants. Because of this, their theories deliver hypotheses that could not be tested – and, therefore, validated (Waltz, 1979, 13) – empirically. That is why this research starts with an examination of the existing literature, and it tries to filter previous authors' claims and assumptions through a theoretical framework able to produce hypotheses that can be tested empirically through valid and reliable methodological procedures.

To do so, the theoretical framework must be based on a theoretical construct which can at least be empirically detected, although not directly. The construct that is used for this purpose is that of “intention”: by examining the basic characteristics of the concept of intention, and by revising Jennifer Mitzen's theory of collective intention in international relations (Mitzen, 2013), this study argues that different types of forum statement can be distinguished on the basis of which type of

intention they are expressing. Starting from this assumption, it claims that there are three types of statement that can take place within international forums:

- Collectivism, which aims at the realization of the forum's collective intention.
- Particularism, which aims at the realization of one or more particularistic intentions held by certain forum participants.
- Proceduralism, which aims at the observance of pre-established norms.

Starting from this theoretical model, the research hypothesizes that international forums with a higher frequency of collectivist interactions should be correlated with a greater fulfilment of the forum's collective intention – and, consequently, with greater legitimacy.<sup>12</sup> To test such a hypothesis, the dissertation looks at two Antarctic international forums, which were extremely similar in their structural features but delivered very different outputs in terms of legitimacy: the negotiations that led to the elaboration of CRAMRA and those which ended with the adoption of the Madrid Protocol. The hypothesis this research formulates is that the difference in the legitimacies of these two forums' outputs can be explained by the fact that the more legitimate forum involved more collectivism. The case study is conducted through the method of qualitative content analysis, accompanied by procedures designed to assess the validity and the replicability of the research findings.

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<sup>12</sup> The connection between the fulfilment of the forum's collective intention and the legitimacy of the forum's output is explained later in this research.

### V: Philosophical premises

It has just been outlined that the goal of this dissertation is to elaborate a theoretical model able to formulate a hypothesis that can be tested empirically. It is then possible to conclude that this work of research follows what was defined by Patrick Jackson, in his book *The Conduct of Inquiry in International Relations*, as a “neopositivist” path, relying on the philosophical wagers of mind-world dualism and of phenomenism.

Indeed, in 2016 Patrick Jackson examined different approaches to the study of IR, and argued that all of them can be categorized and examined by looking at two fundamental “philosophical wagers” (Jackson, 2016, 24). The two wagers he identified were: the way the researcher related to the object of study; and “the relationship between knowledge and observation” (Jackson, 2016, 37). The first wager distinguished between research characterized by *mind-world dualism*, which considers the external world to be independent from the observer’s perspective (Jackson, 2016, 30-31), and *mind-world monism*, which argues that the image of the observed “world” is inextricably connected with the social and cultural environment in which the researcher is entrenched (Jackson, 2016, 115-141). The second wager divides research into *phenomenalist* works, which postulate that knowledge can only be limited to “the world that can be empirically grasped and directly experienced” (Jackson, 2016, 42) and *trans-factualist* ones, arguing that knowledge can extend beyond the realm of observables (Jackson, 2016, 36-37). Jackson’s distinction was conceived to be “ultimately a practical one” (Jackson, 2016, 38), and it is hereby used as a very useful tool through which to better locate this research within the discipline.

The calls for a *systematic* categorization of different forum statements and for a theoretical framework able to provide valid and reliable forms of empirical hypothesis-testing imply that this research follows an approach rooted on the concepts of “mind-world dualism and of phenomenism”,<sup>13</sup> and that it is therefore what Patrick Jackson would call a “neopositivist” piece

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<sup>13</sup> As Jackson writes, “mind-world dualism enables hypothesis testing”, and “testing a hypothetical guess to see whether it corresponds to the world makes little sense in the absence of a mind-independent world against which to

of research (Jackson, 2016, 42). The choice of following a neopositivist approach does not imply that other methods of research are considered to be “unscientific”, unreliable or inherently flawed; nor does it mean that the questions this research aims to answer are the only questions that matter while studying international forums. It only means that the questions examined in this research are considered to be important ones to answer if one wants to understand international forums, and that these questions can be answered through an approach allowing systematic comparison of different empirical cases. While other equally important issues regarding inter-state negotiations might be addressed through different approaches, the lack of a systematic, valid and reliable method through which to categorize the different types of behaviour that can occur during international forums is what hinders the analysis of many fundamental features of inter-state negotiations. This work attempts to fill this gap in the literature to provide such a method.

Another necessary premise to make is what does this dissertation exactly mean when talking about states. For this thesis, the state is at the same time a *group agent*, a *corporate actor* and a *person*. Members of national governments, diplomatic delegates *et cetera* are considered to be spokespeople of a unitary body, with a unitary agency: the state they represent. Questions on the nature of the state as a group or a corporate actor, or on whether the state should be considered as a person or not, have been treated by an extensive literature, and the thesis does not want to examine the existing debate in detail. However, it is necessary to briefly outline the extent to which claims made about the nature of states are held, and the meaning that is given to each of them.

First of all, states, together with other collective organizations like, for instance, commercial corporations and NGOs (Tuomela, 2013), have often been defined as “group agents”. A group agent has usually been defined as a collective subject that, “like an individual human being”, has certain intentions and preferences, and that pursues those intentions through its actions (List, 2018, 295).

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test the hypothesis”. Jackson also argues that “phenomenalism enables covariation-causality”; in fact, a systematic method of analysis implies that causal relationships must be “*inferred*, rather than abducted” from a set of observations examined through the lens of a systematic method. This is because phenomenalism maintains that knowledge must be limited only to those aspects of the world that can be empirically grasped and directly experienced (Jackson, 2016, 42).

But states are not just group agents; they are the type of group agent that the literature has often defined as “corporate actor”. Indeed, when an intention-driven group agent has the authority and the capability of “imposing binding decisions on [... its] members” (Wendt, 2004, 297) – and when therefore the group agent has a certain autonomy from the individual parties constituting it (Engel, 2010, 447) – it is possible to talk about corporate actors. According to Alexander Wendt, there are two characteristics that corporate actors necessarily must have to be defined as such. First, they need to be composed by people who recognize themselves as parts of a collective body which pursues certain preferences and objectives.<sup>14</sup> Second, the way individuals are parts of a corporate actor is often hierarchical (Wendt, 2004, 297-298). Both conditions are respected by states, whose functionaries pursue precise goals and policies while being subjected to a certain “chain of command”.

So, in this dissertation states are considered to be corporate actors; but what does it mean to say that the state is a person? Can corporate actors be *people*? And *should* they be considered as such? Treating the institution of state as a person, and attributing to it preferences and intentions, is common practice in the discipline of international relations (Wendt, 2004, 289); but such a practice has often been object of a complex and articulated debate. The objective of this thesis is not to examine and to intervene in such debate.<sup>15</sup> It will therefore be sufficient to explain the definition of “personhood” hereby adopted, and the extent to which such a definition of personhood is attributed to states.

In treating the state as a person, this dissertation, in line with the work of Christian List and Philip Pettit, adopts a performative account of personhood, according to which “what makes an agent a person is not what the agent is but what the agent does; the mark of personhood is the ability to play a certain role, to perform in a certain way” (List and Pettit, 2011, 171). In other words,

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<sup>14</sup> To examine in greater depth how, according to the existing literature, corporate actors are able to elaborate their preferences see, for instance, the work of List and Pettit (2011, 59-79).

<sup>15</sup> To start approaching to the literature’s debate about state’s personhood, see, for instance, the work of Christian List and Philip Pettit (2011) or the articles by Alexander Wendt, Patrick Jackson and Colin White published in the second issue of the 2004 volume of the *Review of International Studies* (2004).



according to a performative approach, a person must not necessarily have intrinsic physiological or psychological properties; a person needs to be able to perform certain actions that are *proper of a person*. Drawing mainly from the Hobbesian and the Lockean tradition (List and Pettit, 2011, 171-173), List and Pettit formulate the following definition of personhood:

To be a person is to have the capacity to perform as a person. And to perform as a person is to be party of a system of accepted conventions, such as a system of law, under which one contracts obligations to others and [...] derives entitlement from the reciprocal obligations to others. In particular, it is to be a knowledgeable and competent part to such a system of obligations. One knows what is owed to one, and what one owes to others, and one is able and willing to pay one's debts or to recognize that censure or sanctions are reasonable in case of failure (List and Pettit, 2011, 173).

In other words, to be a person is to be a subject that is an active participant in a *society* constituted by shared rules, rights and obligations. The fact that this dissertation considers states as people according to this definition is the reason why communication during inter-state negotiations are often defined as *social interactions*.<sup>16</sup>

One last clarification is needed. The way the state is conceived as a person in this thesis is an "ideal-typical" one, and, since "ideal-types are pragmatically useful rather than 'true' or 'false'" (Jackson, 2004, 284), the claim that "the state *is* a person" does not aim to assert an objective reality. It is an abstraction made for instrumental reasons, done in the conviction that it could be helpful in building a simplified portrait of international relations able to formulate plausible and empirically-testable hypotheses that could help understanding some features of real-world

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<sup>16</sup> Alexander Wendt (2004, 293-314) offers an interesting review of alternative ways the concept of states' personhood has been conceived.

international forums.<sup>17</sup> In other words, and similarly to other IR works, this thesis treats the state as a person because “it is a matter of convenience and economy to do so” (Gilpin, 1986, 318).

### **VI: Studying international forums in the age of the “Tragedy of Global Commons”**

The beginning of this introduction claimed that studying international forums means to study the unfolding and the development of international relations; for this reason, the analysis of inter-state negotiations has always been a key objective of many authors. By looking at congresses, summits, and forums, researchers have tried to define the negotiating strategy and the top priorities of single countries during given historical periods (Bava, 2010, 120; Sargil, 2010, 473-474), to understand and track changes occurring within the global order (Schmitt, 2013, 315-318), or to envision ways to reform and strengthen the network of international institutions (Keohane, 1996, 7). This thesis aims to contribute to the literature by elaborating a theoretical model able to re-define the different types of behaviour which can be displayed during international forums; to begin to test whether such model can provide plausible and empirically testable hypotheses; to categorize and classify forum statements by following a reliable and valid methodology. This effort is justified by the conviction that building such a model means providing the discipline with the basic instrument through which it may systematically examine and compare international forums. In turn, such a process of systematic comparison can allow researchers more effectively to address vital questions regarding inter-state negotiations, and to determine, for instance, the role exercised by the forum structure in shaping delegates’ behaviour, the situations that encourage actors to choose one type of behaviour over another, the conditions that can make one type of interaction more effective, the role domestic politics play in shaping states’ behaviour during negotiations, et cetera. To address these issues is more necessary than ever in these years, with the international community experiencing new and unprecedented challenges.

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<sup>17</sup> A more detailed account of instrumentalism is provided later in this dissertation.

Many of the new issues of global politics are related to the administration and the safeguarding of the “global commons”: natural or human-made entities that produce non-excludable (Ostrom, 2015, 30) and non-competitive (Kaul, Grundberg and Stern, 1999, 2-3) public goods that benefit all mankind, or at least a large majority of it (Joyner, 1998, 26-27).<sup>18</sup> The struggle to administer common-pool resources is not new to the various disciplines of the social sciences. Already in the 1960s, Garrett Hardin warned that “ruin is the destination towards which all men rush, each pursuing his own best interest in a society that believes in the freedom of the common” (Hardin, 1968, 1244), while Mancur Olson wrote that individuals belonging to a group sharing a collective interest are not likely to act in its pursuit (Olson, 1965, 2). However, the increasing globalization of world politics and the emergence of new, ominous dangers involving the whole planet has made the “tragedy of the commons” an even more pressing concern for policymakers and IR researchers (Ostrom, 2015, 1-2).<sup>19</sup>

The issue of climate change further confirmed the difficulties that international institutions encounter when they need to safeguard global commons (Death, 2014a, 74). The international community’s inability to tackle environmental degradation has led many authors to challenge the very usefulness of international forums, and to question the ways they are structured and organized (Death, 2014b, 251-252; Dryzek and Stevenson, 2013, 232; Okereke and Charlesworth, 2014, 46-49), while it drove others to examine possible ways to improve the current mechanisms of global governance (Clapp, 2011, 6-7). Furthermore, emerging issues such as cyber-security revealed the necessity to regulate, at an international level, new phenomena within the realm of politics (Broeders and Cristiano, 2020), and the recent COVID-19 pandemic has highlighted the frailty of existing norms and institutions managing global health. The spread of Coronavirus, and the

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<sup>18</sup> The terms “non-excludable” and “non-competitive” indicate respectively that nobody can be excluded from the enjoyment of the produced public goods, and that it is not possible to compete in order to obtain higher quantities of those goods (Kaul, Grundberg and Stern, 1999, 2-3).

<sup>19</sup> Many authors have challenged the concept of the “tragedy of the commons” by questioning some of its core assumptions (Stevenson, 2018, 25-29). However, there are researchers that highlighted how the concept of “tragedy of the commons” is very effective in explaining the many problems the international community encounters when trying to manage *global commons* – meaning, common resources that benefit the whole humankind and that cannot be enclosed under the jurisdiction of single states (Araral, 2014, 15-16).

disastrous consequences it implies for the economy worldwide, has forced us to redefine the concepts of global security, and entails the need for a stronger, more effective concerted action in the international sphere (Ivanov, 2020). Now more than ever it is important to understand how international forums work, and to identify the practices and mechanisms that are most effective in addressing these new, complex issues of international politics. The renewed interest in the role played by dialogue in international negotiations can be observed among policymakers as well. The negotiations taking place during the last climate summits, for instance, has been following the rules of “Indaba”, the debating method amongst Zulu and Xhosa people. Forum participants believe that this particular way to negotiate allows everyone to quickly express their opinions and main priorities, while it enables the form to reach consensus more quickly (Zimmer, 2015). The method of “Indaba” was significantly helpful in solving some of the most contentious issues during the 2015 Paris Climate summit (Harvey, 2015), and this perhaps can indicate to what extent new, unprecedented issues can only be tackled by new, equally unprecedented ways of discussing them

To study international forums means to study the way states’ representatives communicate with each other; it is therefore important to examine them, to grasp their fundamental features and dynamics, to study negotiations of the past in order to assess what worked and what did not, and why. In these momentous and confused times, studying international forums could establish what is the best negotiating strategy for a certain country in a given context, or which norms and mechanisms of governance regulating international negotiations are best suited to address new tasks. This thesis wants to contribute to this research effort. Its objective is to elaborate a theoretical model that can distinguish the different types of forum statements in a clear and systematic way, so that future researchers trying to examine which variables in international negotiations encourage one type of behaviour rather than another will be able to rely on sounder methodological and theoretical foundations.

## **VII: Structure of the thesis**

This dissertation starts from the assumption that it is essential to study the characteristics and the dynamics of international forums in order to address the ominous challenges looming on the horizon of world politics. Furthermore, it argues that any attempt to study negotiations between state representatives must start from a theoretical model able clearly to define and distinguish the different types of statement that can be made during real-world negotiations.

The first chapter provides a brief outline of the existing literature. It describes the ontological premises of both rationalism and constructivism, and it reviews the many attempts, coming from both theoretical strains, to reconcile the two ontologies. Furthermore, it examines some of the main theoretical and methodological unanswered questions within the debate, focusing especially on the many difficulties encountered by authors when they tried empirically to test their hypotheses. Finally, it calls for a new approach, able to circumvent the ontological debate between rationalism and constructivism and to provide a definition of forum social interactions relying on empirically detectable features of international forums.

The second chapter introduces the concept of “intention”, with particular attention to Jennifer Mitzen’s theory of collective intention; it then presents a reviewed version of her theoretical framework, envisioning the simultaneous existence, within the forum, of collective and particularistic intentions. Furthermore, it claims that forum social interactions can be distinguished according to the type of intention they pursue, and it identifies three different types of interaction which can take place during international forums: collectivism, particularism and proceduralism. Finally, it argues that the elaborated theoretical model implies that a forum with greater frequency of collectivism has a higher chance of being correlated with an output with greater fulfilment of the forum’s collective intention – and, consequently, an output which is more legitimate.

The third chapter explains and defends the choice of a most-similar case study of two Antarctic forums to test the hypothesis. It then briefly describes the history of the Antarctic regime

and its main characteristics, and it claims that the different outputs in terms of legitimacy of the two examined forums is due to the fact that in one collectivist interactions were more frequent than in another.

The fourth chapter describes the methodology on which the empirical investigation is based, and it explains the reasons behind the choice of qualitative content analysis as the best approach to take. Furthermore, it outlines the reasoning behind the coding scheme for the content analysis, and it outlines the coding scheme itself. Finally, it explains the different procedures for testing the reliability and the validity of research findings.

Finally, the fifth chapter examines the findings from the content analysis, it interprets them and examines their validity and reliability. The dissertation concludes by analysing the implications of the findings and avenues for future research.

## **Chapter One – Social Interactions Within International Forums: The Need for a New Approach**

This thesis's introduction has pointed out that the world is facing unprecedented challenges that can only be tackled by concerted efforts by all members of the international community, and that studying international forums can help identify the variables and the types of negotiating behaviour that can foster such concerted action. It also observed that there are vital questions concerning international forums that can only be addressed by a process of systematic comparison, and that inter-state negotiations are mostly moments of dialogues. Starting from these considerations, it argued that researchers should examine “what delegates said” during negotiations, by building a system of categorization of the different types of statement that could be made during diplomatic meetings.

Other researchers have previously tried to undertake this task, and to build theoretical models aiming at isolating and distinguishing different types of forum social interactions. The literature studying the different types of behaviour that can be displayed during international forums has mainly been shaped by the debate between rationalism and constructivism (Risse, 2000, 6). While in the very early stages these two approaches seemed to be at opposite poles of the debate, later developments saw theorists from both the rationalist and the constructivist camps trying to merge them, in search for a “theoretical bridge”. This chapter first describes the basic characteristics of rationalism and constructivism, in order to present the different types of behaviour that authors identified as being displayed during international negotiations. After that, it outlines the evolution of the literature and the different attempts authors have made in order to combine rationalist and constructivist elements in a single theoretical model. It then analyses the methodological problems that authors encountered when they tried empirically to isolate arguing statements from others, and it describes how the literature tried to present different solutions in order to overcome such

methodological challenges. Finally, it illustrates the existing gaps within the literature, and it proposes an alternative approach to the study and categorization of forum statements.

### **1.1: Rationalism and bargaining**

In most rationalist theories, subjects participating in international negotiations are conceived as selfish and rational units, focused on the fulfilment of their own preferences and the maximization of their gains. Negotiating actors have exogenous and fixed preferences (Elster, 1986, 105), and in most rationalist models a state chooses to cooperate with other states when there is a chance to maximize a particularistic gain while dealing with a collective issue that involves all actors participating in negotiations (Risse, 2000, 3-4). According to orthodox rationalist theories, negotiating subjects do not problematize their identities, and they are not interested in (or at least, not driven by) social norms (Jörke, 2013, 353). They instead follow what Max Weber would call a “teleological rationality”: they find, through rational analysis, the best way to proceed in order to realize a selfish goal and act accordingly (Habermas, 1981, 85). In a rationalist perspective, subjects interacting in a forum produce something very similar to the type of interaction that could be seen in a competitive, strategic game: each of them acts in reaction to and in anticipation of others’ behaviour, in order to end up in an advantageous position (Davies, 2010, 455). Since, for rational choice theories, “the goal of politics is the optimal compromise between given, and irreducibly opposed, private interests” (Elster, 1986, 103), their theories consider *bargaining* the main type of behaviour occurring during negotiations.

The literature usually defines bargaining as a type of behaviour that attempts to reach a certain output through the strategic display of threats, promises and deals (Müller, 2004, 397), and an action that “involves search for compromises based on fixed preferences of the actors” (Deitelhoff and Müller, 2005, 172). Within a forum, then, actors engage in bargaining by strategically displaying promises and threats in order to change others’ behaviour. A successful negotiation is



therefore a series of bargaining statements leading to an agreement resulting from a compromise between all particularistic interests of the actors involved – a compromise that does not come from changes of the actors’ preferences, but through the conciliation of the already existing ones (Jörke, 2013, 353). Following this logic, most powerful actors necessarily have more influence over decisions, since given their higher level of capabilities they are able to deliver more dangerous threats, more convenient deals or more attractive promises (Davies, 2010, 455).

That, however, is not all. Indeed, bargaining is not only characterized by “pragmatic demands [...] underpinned by promises, threats and hints to exit-options” (Saretzki, 2009, 162); those promises and threats also need to be credible, in order to be convincing (Risse, 2000, 8). Jon Elster examines in further depth the way bargaining statements work when he writes that:

Bargainers rely on threats and promises that will have to be executed outside the assembly itself [...]. Bargaining power does not derive from the ‘power of the better argument’, but from material resources, manpower and the like. Statements asserted in a process of bargaining are made with a claim to be credible, in the sense that the bargainers must try to make their opponents believe that the threats or promises would actually be carried out (Saretzki citing Elster, 2009, 158).

In order for a bargaining statement to be valid, therefore, the proposed deal, promise or threat does not just have to seem advantageous or ominous if it were to be realized, it has also to be *credible*: the promises and threats made have to seem likely to be carried out.

## 1.2: Constructivism and norm-orientated action

On the other hand, constructivists claim that subjects interacting within the international system are influenced by their understanding and representation of reality and by their identities, both of them shaped by socially internalized norms; these norms are the result of a series of interactions between states and other relevant actors in international negotiations throughout history (Brunée and Toope, 2000, 28).<sup>1</sup> While the international political system is shaped by historically-built norms, actors have “multiple and overlapping” identities that they assume according to the context in which they are acting (Brunée and Toope, 2000, 31). Hence, constructivists claim that international subjects are most of the time driven by their identities, their adherence to certain norms and rules and by their acceptance of the values at the base of international institutions (Barkin, 2003, 338).

The natural consequence of constructivist premises is that the interests and priorities of subjects participating in an international forum, alongside their preferences and behaviour, are influenced by their social context, and the social norms that regulate that particular context contribute in turn to shape actors’ preferences (Risse, 2000, 4-5). The type of behaviour that best sums up the basic assumption of constructivism is the *norm-regulated action* (Risse, 2000, 3), which can be described in the following way: given a certain context, regulated by certain social norms, actors will internalize those norms and act accordingly (Müller, 2004, 401). Thus, norm-regulated behaviour translates into interactions which remark the need to observe shared norms and previously established agreements.

For constructivism, subjects participating in a negotiation are influenced by their identities and the social context they are in (Risse, 2000, 4). This theoretical approach rejects the concept of pure rational individualism and claims that structure and agents are reciprocally. As they claim, agents are shaped by their culture, their families, their social environments, their personal history – in other words, their social context; at the same time, the social context changes according to the

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<sup>1</sup> A more detailed description of the constructivist approach and of its basic principles can be found in the works of Nicholas Onuf (1989), Friedrich Kratochwil (1989) and Alexander Wendt (1992, 1999).

behaviour of agents, and norms can be re-shaped in the long term by changes in actors' behaviour. The same happens in the realm of international relations (Risse, 2000, 5): the relationship between structure and agency is then seen by constructivist as reciprocal, because one influences the other and vice versa (Brunée and Toope, 2000, 30).

### **1.3: The social interaction of arguing**

The English-speaking debate focusing on social interactions within international forums has been characterized, until the early 2000s, by the debate between rational-choice and constructivist approaches (Risse, 2000, 1). While the former envisions interacting subjects as rational, selfish and strategic units driven by a “logic of consequences” and engaging in strategic bargaining, the latter claims that they follow a “logic of appropriateness”, engaging in norm-orientated behaviour complying with their internalized norms.<sup>2</sup> Quite soon, however, this duality between bargaining and norm-orientated action was shaken by the conceptualization of a new, alternative mode of communication that can occur in international negotiations: *arguing*.

While the concept of arguing was first elaborated in the 1990s by German researchers (Risse, 2000, 1), Thomas Risse has been one of the first authors to introduce it in the English-speaking world. The initial description he gives of arguing is the following: a “process of argumentation, deliberation and persuasion” (Risse, 2000, 2), which is not driven by the consequentialist logic of bargaining, nor by the “logic of appropriateness” of norm-orientated behaviour, but that is instead relying on a different form of logic: that of “communicative action” (Risse, 2000, 4). Even from this first definition, it is possible to see how the concept of arguing draws extensively from the work of Jürgen Habermas.

Jürgen Habermas' ideal and normative theory of communicative action portrays a situation in which two or more subjects “capable of speech and action” interact, aiming to reach a common

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<sup>2</sup> A more in-depth description of rationalism and constructivism and their differences can be found in the work of James March and Johan Olsen (1998).

understanding over an issue, and consequently to elaborate a shared and coordinated plan of action in order to deal with it. The elaboration of such a shared plan is the result of a synthesis of different and conflicting interpretations of reality into a single, collective one (Habermas, 1981, 86). By engaging in communicative action, therefore, actors pursue their particularistic interests while recognizing, at the same time, the necessity to understand and to fulfil the interests of other actors (Habermas, 1981, 286). During communicative action subjects are mainly focused on the strength of the arguments made, while hierarchy of power is put temporarily aside. Jon Elster offers a very effective description of how this “ideal speech situation” would work, portraying a situation where “the private and idiosyncratic wants have been shaped and purged in public discussion about the public good”, and where, as a consequence, “uniquely determined rational desires would emerge. Not optimal compromise, but unanimous agreement is the goal of politics in this view” (Elster, 1986, 112).

Risse started from Habermas’ theory of communicative action and defined arguing as “truth seeking [behaviour] with the aim of reaching a mutual understanding based on a reasoned consensus” (Risse, 2000, 1-2). Risse considers arguing to be a type of interaction that is often displayed within international forums in order to create a shared set of “rules of the game”, to elaborate a common normative framework and to try to solve a problem that interests all actors participating in the debate (Risse, 2000, 2). Thus, arguing is different both from strategic bargaining and from rule-guided behaviour, and it should be seen as a type of interaction occurring when grounds are divided, ideas are conflicting and norms are contested. This is in order to establish what is the “right”, “most appropriate” thing to do in a certain situation (Risse, 2000, 7).

In other words, when subjects are not certain of what is the most “appropriate” thing to do, they argue in order to find out. It is possible to see from this consideration that the theoretical approach of social constructivism is able to explain both norm-orientated and arguing statements

(Risse, 2000, 6):<sup>3</sup> actors are driven by their historically shaped identities, and will usually comply with already existing, consolidated norms. However, in the absence of those norms, they will engage in arguing in order to build them. Another consequence spreading from this idea of arguing is that it can be considered as a type of behaviour most likely to occur at the early stages of the negotiations, with the aim of elaborating the shared set of norms and definitions within which to enact other types of interaction (Risse, 2000, 21).

Risse also writes that arguing can happen only if certain preconditions are applicable. These preconditions are many, from the ability of negotiating actors to empathize with others to the existence of a “common lifeworld” – namely, a shared interpretation of reality, based on a common history, culture and/or a common language (Risse, 2000, 10). Another fundamental precondition of arguing is that “communication is motivated by the desire to find out the ‘truth’ with regard to the facts in the world or to figure out ‘the right thing to do’ in a commonly defined situation [...] [In order to do so, actors] should be open to being persuaded and changing their minds” (Risse, 2000, 12).

Indeed, Risse claims that a discussion in which subjects are open to be persuaded by the “better argument” is a situation where “relationships of power and social hierarchies recede in the background” (Risse, 2000, 7). Starting from these assumptions, it is possible to see that the concept of arguing shares some similarities with that of *deliberative action* presented in democracy studies, since two of the fundamental prerequisites of both deliberation and arguing are that actors must maintain an open-minded attitude towards others’ arguments and be ready to change their minds at any point of the debate (Barabas, 2004, 489). Finally, arguing can only take place in the presence of a “public sphere”, with a public witnessing the negotiating process and towards which actors are accountable; this will in fact force negotiating subjects to legitimize their actions to a wider

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<sup>3</sup> This does not mean that, according to Risse, arguing and norm-orientated action are driven by the same logic. Indeed, as previously outlined, Risse claims that norm-orientated actions follow the “logic of appropriateness”, and that arguing types of behaviour are driven by a different logic, that of “communicative action” (Risse, 2000, 4). What is claimed in this section is that the theoretical approach of social constructivism is able to produce theoretical models justifying the coexistence of norm-orientated behaviour and arguing actions within the same forum.

audience, and it will impede efforts to justify their choices on purely selfish bases (Risse, 2000, 22). Such “public spheres” can be many things, from public opinion in general to NGOs, scientific communities or the mass media.

Arguing can be defined as a type of statement that aims to change the way a subject considers and conceives of an issue; it aims, therefore, to change actors’ preferences and to persuade them through the “logic of the better argument”. In order to do so, arguing needs to rely on certain types of validity: Müller writes that arguing claims need to be validated by assessing their morality or truthfulness (Müller, 2004, 397). Cornelia Ulbert and Thomas Risse say something very similar when they explain that, in order for an arguing claim to be valid, it has to be based on “the truthfulness of speakers, the truth of empirical assertion, or the rightness of normative claims” (Ulbert and Risse, 2005, 353). This threefold legitimacy is directly derived from Habermas’ theory, according to which there are three types of “validity claims” that can be made in order to assert the legitimacy of an argument in an “ideal speech situation” (Habermas, 1981):

- Are the empirical assertions made true?
- Is the claim made morally justified?
- Does the statement reflect the speaker’s true intent?

While the truth of the empirical assertion can be demonstrated by displaying reliable knowledge proving that the information conveyed is true, and the morality of the claim is assessed by proving that in making a normative claim the speaker is being impartial and consistent (Ulbert and Risse, 2005, 353), the third validity claim “ultimately relies on trust”, but it can be partly evaluated by assessing the coherence of someone’s claims and behaviour, or the correspondence between that person’s words and deeds (Risse, 2000, 9-10).

#### **1.4: The need to bridge rationalism and constructivism**

To sum up, previous sections of this chapter have said that for rationalist authors subjects interacting during a negotiation strategically display sets of promises and threats in order to influence each other's behaviour and to find a compromise between conflicting interests. Constructivist theorists, on the other hand, claim that actors participating in a forum often abide by the norms they have previously internalized, and, when there are no internalized norms, they engage in arguing in order to build a shared normative framework. Although this description is an ideal-typical simplification of rationalism and constructivism, it provides the main points of the two approaches, and it offers an outline on how the literature studying social interactions within international forums looked in its earliest stages.

Starting from this outline, it is possible to see how both rationalist and constructivist authors have followed what could be defined as a deductive method: starting from a certain perspective, they elaborated theories attempting to explain how states interact while negotiating. Consequently, the types of forum behaviour they identified were inextricably shaped by their theoretical premises. Rationalists saw in bargaining the most frequent type of interaction within inter-state negotiations because it was the necessary consequence of self-focused behaviour. Constructivists conceptualized theories of arguing and norm-driven types of behaviour because they were the most obvious ways subjects would interact, postulating that they were driven by their identities and by the norms they internalized. The very fact that the concept of arguing is directly inspired by an ideal, normative theory is clear evidence of this deductive process of conceptualization of the kind of statement that take place in international forums.

This rigid division between rationalist and constructivist theories, however, was almost immediately challenged. Authors started to elaborate theoretical models in which arguing, bargaining and norm-driven types of statement could coexist (Risse, 2000, 21), and their efforts were backed by empirical evidence suggesting that, while certain characteristics of international

negotiations were best understood through a rationalist lens, others could best be explained through a constructivist approach. Indeed, while rationalist orthodoxy had proven extremely useful in describing some processes of international forums, and in elaborating mechanisms that could facilitate cooperation in difficult negotiation rounds (Grobe, 2010, 5), it also showed its limitations in explaining why certain forums led to the birth of binding international norms that contradicted the will of the most powerful states (Jörke, 2013, 353). Similarly, constructivist approaches had been highly effective in addressing situations where a different “framing” of the situation influenced actors’ attitudes (Stein, 1989, 244; Grobe, 2010, 6), but they too often seemed to undervalue the role that power asymmetries and strategic considerations had in influencing negotiations’ outputs (Hanrieder, 2011, 401).

Many researchers, therefore, attempted to build “theoretical bridges” between rationalism and constructivism, in order better to portray the reality of international negotiations (Risse, 2000, 3). This resolution is detectable, for instance, in some works of Martha Finnemore and Kathryn Sikkink, who wrote that “[...] the current tendency to oppose norms against rationality or rational choice is not helpful in explaining many of the most politically salient processes we see in empirical research” (Finnemore and Sikkink, 1998, 888). Furthermore, John Odell highlighted how in other branches of political science such as, for instance, negotiations studies, many authors had already created a theoretical framework that partially reconciled bargaining and strategic action with persuasion and normative action:

Walton and McKersie, Iklé and their successors have long blended certain insights from simple rationalist premises with an emphasis on perception, biases, framing and persuasion. This tradition introduced the ideational dimension of negotiation a decade before game theorists began incorporating incomplete information, and a generation before IR constructivism was invented (Odell, 2010, 621).



Here, Odell refers, amongst other works, to research published by Richard Walton and Robert McKersie in 1965. The two authors focused their research on labour negotiations and, drawing from the work of previous authors (Walton and McKersie, 1991, 8), they identified four types of interaction that can take place in this particular type of forum:

- Distributive bargaining, defined as a term comprehending “the complex system of activities instrumental to the attainment of one party’s goals when they are in basic conflict with those of the other party”, and further classified as “bargaining in the strictest sense of the word” (Walton and McKersie, 1991, 4).
- Integrative bargaining, which refers to all the activities focused on achieving goals that are not in conflict with those of other parties.
- Attitudinal structuring, including activities that aim to influence “the relationships between parties, in particular such attitudes as friendliness-hostility, trust, respect and the motivational orientation to competitiveness-cooperativeness” (Walton and McKersie, 1991, 5).
- Intraorganizational bargaining, encompassing all types of interaction that aim to achieve internal consensus amongst members of a party during the negotiation process, and to consolidate that party’s position.

Although Walton and McKersie focused on labour negotiations,<sup>4</sup> and did so by starting from a clearly rationalist perspective, these authors had already identified, in the mid-1960s, types of interaction that would take into consideration features that could not be accommodated by the most orthodox rationalist views, such as perceptions of trustworthiness and friendliness. Odell and other authors, therefore, argued that the discipline of International Relations needed to quickly update and follow the examples of other disciplines, and try to integrate elements of constructivism within rationalist theories, and vice-versa.

These attempts often started from the realization that, as demonstrated by empirical evidence, different types of interaction can coexist in the same negotiation round, and that rigid versions of rationalism and constructivism could be problematic in explaining the functioning of real-world international politics. Furthermore, many authors pointed out that “arguing and bargaining have to be seen as two ideal-typical modes of communication, which are rarely instantiated in their pure form” (Saretzki quoting Elster, 2009, 159) and that, in reality, actions are usually a mixture between these two types of interaction; this led part of the literature to advocate a synthesis between the two conflicting approaches (Finnemore and Sikkink, 1998, 911; Risse, 2000, 3). However, since both rationalist and constructivist theories were deductive ones, most of the theories aiming to explain their coexistence during the same round of negotiation started from an attempt to reconcile their opposed philosophical standpoints.

### **1.5: Rationalist arguing**

On the rationalist side Bernhard Zangl and Michael Zürn claimed that arguing interactions are perfectly compatible with a rational choice ontology, so long as it is not excessively orthodox. They

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<sup>4</sup> While the authors explored the possibility of applying their theory in order to study the dynamics of international negotiations (Walton and McKersie, 1991, 382-391), their efforts did not result in the building of a model attempting to explain the functioning of international forums. While their contributions may be useful in the examination of the tactics and the occurrences of individual negotiations (especially bilateral ones) that took place in the past, they cannot be used to understand the dynamics of international forums in general.

claimed that, since it is possible to conceive of a situation where “searching for the truth is motivated by the desire to change the situation in such a way as to solve or at least mitigate social dilemmas”, there is no reason why rational and selfish actors should not use arguing when it is convenient to them (Risse, 2000, 12).<sup>5</sup> Katharina Holzinger says something similar when claiming that arguing is an act of speech that is strategically displayed during negotiations, when it provides the best chances to maximize a subject’s gain, and that therefore it does not contradict the basic principles of rationalism (Müller, 2004, 407).

Harmut Esser develops these assumptions and elaborates a rationalist model of social interactions based on the concept of “frame”. For Esser, a frame is “a package of several components, telling the actor what the situation is about and what to do in a given situation” (Kotzian, 2007, 83). A frame is, in other words, a certain way to represent a situation; a portrait of reality that at the same time interprets it, “defining what the situation is all about” (Kotzian, 2007, 83). A frame not only provides a contextualization of an empirical situation; it also proposes norms and solutions that, given the conceptual framework provided, are applicable. Starting from this assumption, Esser argues that “both the arguing and bargaining mode of behaviour can be seen as frames” (Kotzian, 2007, 83). Subjects participating in a negotiation examine both the situation and the behaviour of other actors, and this analysis leads them to determine how effective an arguing or a bargaining frame would be, given the context (Kotzian, 2007, 84-85). After that, “the actor will [...] choose the frame which grants the highest subjective expected utility [...] and behave accordingly” (Kotzian, 2007, 85).

Finally, Christian Grobe presents a theory of functional persuasion where he claims that arguing in international negotiations is effective only when it is able to introduce new, reliable knowledge regarding the debated issue. In his model, the preferences of negotiating subjects remain

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<sup>5</sup> In this research Zangl and Zürn, together with other German authors such as Katharina Holzinger, Harmut Esser or Nicole Deitelhoff, are sometimes cited by using secondary sources. The reason is the following: some of their works have been written in German, and, since the author is not sufficiently proficient in that language, he is relying on authors explaining or describing their theories and findings in English.

fixed and exogenous, and the reason some actors might change their behaviour as a result of arguing is explained in the following way: a moment of effective arguing leads to a new round of bargaining negotiations in which, in light of the new information provided by arguing, actors pursue the same set of preferences in different and more effective ways (Grobe, 2010, 22). Grobe conceives, therefore, a rationalist model in which arguing can exist without challenging the fixed and exogenous nature of preferences, and where arguing interactions are just a way to introduce new information in order to allow actors to perfect the calculation of every choice's payoffs.

### **1.6: Constructivist bargaining**

On the constructivist side, Nicole Deitelhoff tried to build a model where subjects choose between different types of interaction by taking into consideration two main variables: the levels of norm internalization and of institutionalization. The former indicates the presence of a set of already shared and accepted norms amongst negotiators (dense norms) or their absence (weak norms); the latter indicates the presence of precise, structured institutional mechanisms of debate and decision-making within the forum (dense institutions) or their absence (weak institutions). Starting from these premises, she claims that:

- In situations of dense norms and institutions, subjects engage in norm-regulated behaviour.
- Dense norms and weak institutions lead to strategic actions (bargaining).
- Contexts of weak norms and dense institutions promote arguing.

- Weak norms and weak institutions usually result in a higher frequency of rhetorical actions.<sup>6</sup>
- (Müller, 2004, 401)

		NORMS	
		Dense	Weak
INSTITUTIONS	Dense	Norm-regulated behaviour	Arguing
	Weak	Bargaining	Rhetoric

Figure 1: Nicole Deitelhoff's model of forum social interactions

In this theory, bargaining would not be incompatible with a constructivist ontology, since it would simply be an act of speech that it is appropriate to enact given certain structural conditions (dense norms and weak institutions).

In attempting to “bridge” rationalism and constructivism, Harald Müller started from Deitelhoff's theory. However, while recognizing the potential and significance of her model, he claimed that it was necessary to develop it further, since Deitelhoff did not yet provide an effective reconciliation between the rationalist and the constructivist philosophical standpoints, able to justify the coexistence of arguing and bargaining within international negotiations (Müller, 2004, 402). According to Müller “theories based on contradictory ontologies are incoherent”, and “coherence is a prime element of quality of any theory” (Müller, 2004, 396). Thus, a theory trying to explain how arguing and bargaining can coexist should start from a process of philosophical reconciliation. Arguing (driven by the logic of communicative action) and bargaining (driven by consequentialist

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<sup>6</sup> The characteristics of rhetorical action are explained later in this chapter.

logic) can coexist only if one presupposes the existence of a predominant, superior logic, able to encompass both of these acts of speech (Müller, 2004, 402-405).

In his article “Arguing, Bargaining and All That” (2004), Müller calls into question claims that arguing could be implemented in a strategic way in order to maximize selfish preferences. He writes that whoever postulated rationalism as the dominating logic in international negotiations, the one almost always driving actors’ behaviour, would immediately meet two unanswerable questions (Müller, 2004, 407): if so, why do actors argue? And why is arguing effective? Indeed, “arguing makes sense only if [...] [an actor] assumes that among his interlocutors some may be guided by the logic of appropriateness”;<sup>7</sup> this would imply that the receivers of the arguing interaction would be focused on “what it is appropriate” rather than “what it is advantageous”, and that they could be persuaded by the force of the “better argument”, since, otherwise, persuasion would not be effective (Müller, 2004, 406). However, he continues, rationalist authors expect actors participating in negotiations “to behave rationally”.<sup>8</sup> Effective arguing would imply that, within international forums, “rationalism is mixed with an orientation of appropriateness”, and this “is a logical contradiction” (Müller, 2004, 406-407).<sup>9</sup> Even adopting a “natural selection theory”, according to which behaviour is a product of natural selection, and if certain behaviours do not lead to good output those enacting them will eventually perish, would not explain this paradox. Indeed, such a statement would assume that in a system privileging rational logics arguing would very soon disappear, and “it is very hard to explain why, after 350 years of competition in international anarchy, we should still observe this phenotype in international negotiations” (Müller, 2004, 409).

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<sup>7</sup> Here, Müller is following the path that had been traced already by Risse, who claimed that, in situations in which subjects are not in the presence of internalized norms, they engage in arguing behaviour in order to build them and to find out what is “the most appropriate” thing to do. However, rather than depicting arguing, bargaining and norm-orientated action as types of interaction driven by different logics, Müller claims that all the forum social interactions rely on “the logic of appropriateness”.

<sup>8</sup> The type of rationality Müller refers to is the “teleological rationality” of self-focused actors.

<sup>9</sup> Indeed, if arguing is considered to be a type of interaction aiming at establishing a set of norms shared by all forum participants, in order to find out what is the most appropriate thing to do in a certain context, the existence of arguing in international negotiations would mean that forum participants are driven by a logic of appropriateness. On the other hand, it would also mean that they are not, as rationalist theorists claim, self-focused actors who do not take social norms into great consideration and that are only focused on the strategic pursuit of their objectives.

As an alternative, Müller proposes a theory that considers both the logic of rational choice and the logic of communicative action as encompassed by an overarching logic; by following this argument, arguing and bargaining are simply considered “two different types of speech acts”, two different types of statement rather than two types of behaviour driven by different rationalities justified by conflicting philosophical standpoints (Müller, 2004, 396-397). In order to envision a theoretical framework under which both arguing and bargaining can coexist within the same negotiations and under the same logic, he claims that “[...] the logic of communication and the logic of consequences can be integrated if we assume a superior logic of appropriateness” (Müller, 2004, 411). Bargaining behaviour, therefore, can be justified through a “logic of appropriateness”, and does not need to rely on a rationalist ontology. As he argues: “Bargaining [...] is [...] a norm-regulated, fully legitimate and sanctioned mode of behaviour under the right circumstances” (Müller, 2004, 414).

Müller’s model, similarly to the one elaborated by Deitelhoff, claims that the two main variables determining which type of interaction subjects will choose in the course of negotiations are the levels of norm internalization and of institutionalization. His theory identifies these possible outputs (Müller, 2004, 411-412):

- In conditions of dense norms and institutions actors display a norm-orientated behaviour.
- In a situation of weak norms and dense institutions “[subjects] pursue self-interest according to the institutional procedure until and unless severe coordination problems emerge” (Müller, 2004, 412).
- Dense norms and weak institutions lead to norm-orientated behaviour based on informal conventions “unless severe coordination problems emerge” (Müller, 2004, 412).

- Weak norms and weak institutions lead subjects to “pursue self-interest unless coordination problems emerge” (Müller, 2004, 412)

Furthermore, he argues that, in the presence of “severe coordination problems”, or if forum participants are confronted with “undesirable outcomes”, they engage in a process of norm-building through arguing (Müller, 2004, 412). For Müller, then, arguing is an action that can always happen, except in situations of dense norms and institutions, since it is the instrument through which negotiating actors attempt to build new guiding norms in times when they face “undesired outcomes” or encounter “severe coordination problems”, in order to re-establish cohesion, effectiveness and an overarching normative framework (Müller, 2004, 412).

		NORMS		
		Dense	Weak	
INSTITUTIONS	Dense	Norm-orientated behaviour	Pursuit of self-interest by following institutional procedures	Arguing used to overcome severe coordination problems or undesired outcomes
	Weak	Pursuit of norm-orientated behaviour by following informal conventions	Self-interested behaviour	

Figure 2: Harald Müller’s model of social interactions

**1.7: Ontological disputes and lack of empirical record**

To sum up, the study of social interactions within international negotiations was, in its very early stages, characterized by the opposition between rationalist and constructivist scholars. Very soon,



however, the debate started to go in two main directions. Some scholars tried to integrate elements of the two approaches into a single one; others examined arguing and bargaining types of statement in greater depth, in order to better distinguish one from the other and to better understand how they could coexist within the same negotiation.<sup>10</sup> As the debate evolved, the line separating the two approaches became thin and blurred, and while authors kept trying to define the precise boundaries of this thin and blurred line, their theories became increasingly similar. Risse effectively sums up this state of the debate by writing that both the constructivist and the rationalist approaches are fundamental in order to understand the “real world” of international negotiations, and that each approach cannot ever be fully encompassed by the other (Risse, 2000, 12). Rationalist authors had to include some constructivist elements in their theory, and vice versa, leading to a situation where “the methodological, epistemological, and ontological differences between [...] sophisticated rational choice and moderate social constructivism are usually vastly overstated” (Risse, 2000, 3).

Looking once again at two of the most important theories of the rationalist and constructivist sides could help understanding how the two fronts started converging. Müller argues that actors assess the levels of internalization of norms and of institutionalization of decision-making procedures, in order to assess what is the most appropriate type of statement to make (Müller, 2004, 411-412). On the rationalist side, Esser, who has been described by Peter Kotzian as “the rationalist counterpart to Müller” (Kotzian, 2007, 80), claims that subjects rationally analyse the structural characteristics of a negotiation in order to decide the most advantageous type of behaviour (Kotzian, 2007, 85). The only difference between the two models is that Müller’s actors have a norm-orientated and norm-observant disposition while approaching to negotiations, and decide which type of statement to make by answering the question “what is most appropriate?”. Esser’s ones instead have a strategic and self-focused disposition, and decide by asking themselves: “what

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<sup>10</sup> This does not suggest that these research paths are mutually exclusive. Indeed, there are authors which pursued both approaches. An already made example is Harald Müller (2004), which identified the “logic of appropriateness” as the overarching principle able to reconcile rationalist and constructivism ontologies and, at the same time, elaborated a theoretical model aiming at distinguishing between the different types of statement that could be made during an international forum.

is most advantageous for me?”. Despite these two theories describing very different thinking processes, the phenomenology the two authors describe is very similar: subjects decide which type of statement to make by analysing the structural characteristics of the context. In both cases, rational calculations are necessary in order to choose, because the structural conditions need to be interpreted; in both cases, the subject is not free to act as he/she pleases, because there are structural constraints that make a certain interaction more or less effective. The comparison between these two theories shows how, while the two approaches started describing increasingly similar phenomena, authors kept focusing on their reciprocal philosophical differences, drifting away from an empirical study of international negotiations and moving increasingly towards an abstract and conceptual dispute.

The debate, that once tried to explain the internal dynamics of international negotiations in order better to understand their functioning, showed increasing interest in answering the question: “which is the prevalent logic driving actors’ behaviour – that of the consequentialist-rationalist approach or the norm-driven constructivist one?”. While there is nothing wrong with this type of research question, an excessive focus on them meant that the theories born from these works of “theoretical bridging” did not sufficiently examine how arguing, bargaining and norm-orientated action could be detected and could be performed empirically, and this in turn led the existing debate to be perceived as detached from the very subject it wanted to examine: that of international forums. Driven by these concerns, Nicole Deitelhoff and Harald Müller embarked on an ambitious research project, aiming at producing clear evidence of the empirical existence of arguing behaviour within real-world negotiations.

### **1.8: Arguing as an “empirically lost” concept**

In the middle of this process of “bridging” the two alternative approaches to negotiations, in the year 2005 Nicole Deitelhoff and Harald Müller observed that, although the conceptualization of

arguing was able to provide a more insightful analysis of forum dynamics, one of the problems of the arguing/bargaining debate was the lack of works which empirically isolated and detected arguing within real-world international negotiations (Deitelhoff and Müller, 2005, 170). In the same article, the two authors aimed to fill this theoretical gap by analysing a certain number of international forums covering a range of issues. They looked for arguing, focusing on those situations where, in the course of negotiations, actors changed their positions or preferences, and on times where less powerful actors were able to make their voice heard because they were promoters of a “better argument”. Their objectives were: to identify factors that would promote arguing within negotiations, to assess which types of arguing behaviour would prove more effective and to analyse how arguing was able to influence the outputs of international forums. In their article, arguing actions were described as a mode of interaction in which participants were driven by a truth-seeking, open-minded and persuasive-oriented disposition (Deitelhoff and Müller, 2005, 170). However, they immediately encountered many difficulties in assessing actors’ true dispositions towards negotiations, and in defining the extent to which another actor was genuinely convinced by an arguing claim, since “the mind is not accessible, and the orientation behind speech acts remains private information” (Deitelhoff and Müller, 2005, 171).<sup>11</sup> These were the reasons that led them to modify their definition of arguing, departing from the Habermasian “ideal speech situation” and beginning to define it as an action that “implies reason-giving, and the search for reasoned consensus, irrespective of actors’ initial motivations”. Bargaining, on the other hand, was described as “searching for compromise based under fixed preferences of the actors” (Deitelhoff and Müller, 2005, 172).

Deitelhoff and Müller claimed that, in the course of their study, they were able to identify moments where positions of negotiating actors radically changed, moments when non-state actors

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<sup>11</sup> When writing that “the mind is not accessible”, Deitelhoff and Müller are not referring, in their paper, to the mind of a general individual, but to the mind of diplomatic personnel participating in negotiations (i.e., states’ representatives). Since this dissertation defines states as persons and as unitary actors, whose delegates are spokespeople sharing a unitary, corporate will, the impossibility to detect the “true dispositions” of diplomatic delegates translates in the impossibility to detect the true dispositions of states participating to the forum.

were able to influence the debate despite powerful actors' opposition, and numerous examples that underlined the importance, within forums, of ethical statements (Deitelhoff and Müller, 2005, 170-171). Despite these important findings, they were not able empirically to distinguish arguing and bargaining actions in the course of diplomatic debate (Deitelhoff and Müller, 2005, 171). One of the main problems was that the two modes of communication were inevitably intertwined: every bargaining action contained some degree of reason-giving and validation, and every arguing action focused, to some extent, on the maximization of selfish gains. Their analysis concluded that in international negotiations:

[...] utilitarian<sup>12</sup> actors cannot avoid using arguments [...]; others may enter negotiations with a communicative orientation, but we cannot tell one from the other. However, our findings suggest that authentic persuasion *did* take place, and we argue that actors changed their orientations during the process of argumentation. At this stage, we are unable to methodologically and empirically *prove* this assumption; it is a *theoretical paradise* that is *empirically lost!* (Deitelhoff and Müller, 2005, 177).

The difficulties encountered by Deitelhoff and Müller represented a turning point in the literature, which, from that moment onwards, evolved in three different directions. Some argued that the difficulties the authors found in empirically isolating arguing meant that it was a “methodologically intractable” concept (Krebs and Jackson, 2007, 36), and presented the concept of *rhetorical coercion* as an alternative to the theory of communicative action. Other authors attempted to re-conceptualize arguing and bargaining, in order to find definitions that would enable researchers to overcome the empirical problems Deitelhoff and Müller encountered. Finally, some

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<sup>12</sup> In this case, the term “utilitarian” indicates rational subjects acting driven by selfish preferences, similar to the ideal-typical rationalist conceptualization of forum participants.

scholars abandoned any attempt to try to solve the rationalist/constructivist dichotomy and started to focus on the situations, within forums, that could indicate the presence of arguing, and the structural conditions that could promote it and increase its effectiveness.

### **1.9: Arguing and rhetoric: Ronald Krebs's and Patrick Jackson's model of "rhetorical coercion"**

In 2007, Ronald Krebs and Patrick Jackson published an article that claimed that in order to classify a claim uttered in an international forum as an arguing type of interaction, a researcher should know the personal and subjective attitudes and feelings (the *dispositions*) of the party who is making that claim – for instance, an arguing actor says certain while having a truth-seeking, open-minded and persuasion-oriented disposition. However, these “true dispositions” cannot be clearly known and identified by researchers analysing diplomatic negotiations. Hence, they conclude that “although persuasion undoubtedly does occur in the political arena, it is also rare. Moreover, such mechanisms rest on a strong specification of the subjective motivations<sup>13</sup> of actors, and these are methodologically intractable” (Krebs and Jackson, 2007, 36).

Other than challenging the empirical verifiability of arguing, the two authors also criticized attempts made by previous constructivist researchers to detect arguing and to explain its function. One of the cases they analysed was, for instance, that described in Neta Crawford's 2002 book, which argued that the process of decolonization was triggered by successful persuasion that convinced European countries of the illegitimacy of their colonial conquests (Crawford, 2002). Krebs and Jackson argued that the behaviour displayed by European countries during the process of decolonization could be explained in other ways: they, for instance, may have realized that the maintenance costs of colonial empires were excessive (Krebs and Jackson, 2007, 40). They also

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<sup>13</sup> When Krebs and Jackson talk about “motives” and “motivations”, they refer to something almost identical to what this dissertation calls “dispositions”. The reason why, in this research, “dispositions” are not simply defined as “motives” is the following: future sections of this dissertation develop a theoretical framework which tries to distinguish different types of forum statement on the basis of the *intention* they address, and the literature analysing the concept of intention has a precise definition of the term “motive”, which is not necessarily the one adopted by Krebs and Jackson in their paper.

examined the work of Thomas Risse, who studied the process of German reunification; while acknowledging that parties negotiating for this particular issue were deeply divided, Risse also argues that they were able to overcome their differences by engaging in “a true dialogue of mutual persuasion” (Risse, 2000, 23). For Risse, Gorbachev was initially against the reunification of Germany and the membership of the new, united German state in NATO, and he eventually changed his mind because he was effectively persuaded that it was the best possible solution (Risse, 2000, 23-28). Risse points out how negotiations focusing on German reunification

probably constituted one of the most extraordinary cases of arguing in international relations. The two leaders [i.e., Mikhail Gorbachev and George H. W. Bush] were engaged in a discourse about norms. Bush apparently persuaded Gorbachev by reframing the NATO issue from realist terms linked to Soviet security and stability in Europe to a liberal argument emphasizing democracy and self-determination (Risse, 2000, 27).

However, Krebs and Jackson pointed out how Gorbachev’s decision finally to accept a united Germany under NATO membership could also have come from the fact that he considered the USSR politically too weak to oppose it (Krebs and Jackson, 2007, 40). This alternative explanation is for instance supported by the works of Peter Caldwell and Karrin Hanshew, which wrote that the breakthrough in negotiations focused on German reunification

came at the end of May, when he [i.e., Gorbachev] accepted the conditions of Germany’s membership to NATO. On the surface, he was accepting the principle that a nation-state had the right to choose its own alliance system, which under the leadership of Kohl meant NATO. What really changed his mind was a growing internal crisis within the Soviet Union, which faced not

only the inability to provide basic goods by Soviet citizens but also the beginnings of its own collapse, as the Baltic states declared their independence from the Soviet Union. Under pressure from all sides, Gorbachev gave in [...] (Caldwell and Hanshew, 2018, 258).

Finally, Krebs and Jackson challenged another method of empirical analysis that constructivist authors often used to identify arguing: the analysis of private correspondence and informal interactions, in order to find better indications of the “true dispositions” of actors. The two authors argued that this method does not take into account that private statements could be used strategically as much as the public ones (Krebs and Jackson, 2007, 40).<sup>14</sup> In highlighting the conceptual and methodological problems behind the theories of arguing, their attempt was not to assert that actors do not have dispositions when they negotiate, but simply that, those dispositions being impossible to be clearly detected, a theorist should instead focus on more visible, identifiable features of international negotiations (Krebs and Jackson, 2007, 41). That is why the two authors claimed that “at the level of methodology, [...] [their article] calls on mainstream scholarship to avoid centring causal accounts on unanswerable questions about actors’ true motives [i.e., true dispositions] and to focus instead on what actors say, in what context, and to what audiences” (Krebs and Jackson, 2007, 36).

This conclusion led them to elaborate a model of “rhetorical coercion”, in which they claimed that, since it is impossible to “observe directly what people think”, it is necessary to “observe what they say and how they respond to claims and counter-claims” (Krebs and Jackson, 2007, 36). In other words, given the “intractability” of arguing, the only possible strategy for the researcher is to

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<sup>14</sup> Indeed, subjects could dissimulate their true dispositions and objectives in private correspondence as well. One could not know with sufficient clarity the disposition of an ambassador from a report to his/her foreign minister, because such disposition could be dissimulated. Similarly, a situation in which a diplomat A engages in private correspondence with another diplomat B, who is from another country, cannot lead to the conclusion that A is in that context showing its true disposition. There is the possibility that while writing A is strategically trying to manipulate B in order to change B’s behaviour in a way that is advantageous to A, and to do so A is dissimulating his disposition towards negotiations. Thus, the fact that certain data are informal or private does not guarantee that the conveyed information truly portray actors’ “hidden dispositions”.

focus on the *strategic*, instrumental use that subjects make of what seems like arguing claims (Krebs and Jackson, 2007, 40-41). For them, “it does not matter whether actors believe what they say, whether they are motivated by crass material interest or sincere commitment. What is important is that they can be rhetorically manoeuvred into a corner” (Krebs and Jackson, 2007, 42).

The concept of rhetorical action was not new. Seven years before, Thomas Risse had defined rhetorical action as a concept standing between arguing and bargaining behaviour; a type of statement in which a subject promoted a position in an argumentative way, attempting to persuade others, without being ready to be persuaded (Risse, 2000, 9). A definition of rhetorical action was also presented by Deitelhoff and Müller in their empirical study of arguing in international forums; rhetorical types of statement were described as situations where the subject’s selfish preferences were justified and promoted through the strategic and instrumental use of an ethical discourse relying on shared values, aiming to influence public perceptions of the debate (Deitelhoff and Müller, 2005, 170). However, Krebs’s and Jackson’s model draws most of its features from Frank Schimmelfennig’s attempt to adapt Erving Goffman’s theory of “dramaturgical action” to the context of IR. In his 2002 article, Schimmelfennig argued that, in a situation of shared norms between participants in a negotiation, an actor presents a definition of the issue and a “declaration of intent” that refers to a common set of norms. The actor does that in a purely instrumental way, with the only attempt to justify and legitimize their strategic action orientated towards the defence of their own interests and to influence public perceptions of the negotiation. Public perception is thus used as an instrument of pressure in order to coerce other forum participants (Schimmelfennig, 2002, 420).

Starting from Schimmelfennig’s premises, Krebs and Jackson elaborated a model in which a claimant C presents a claim – composed of a *framing* (rhetorical discourse legitimizing the claim) and of an *implication* (proposed policy change); this claim is presented in front of an opponent O and of a public P. Given this situation there are, according to them, four possible outcomes:



- O accepts both framing and implication, and changes its behaviour.
- O accepts the implication, but claims to have changed its behaviour for reasons other than the framing proposed by C.
- O accepts the framing but rejects the implication, proposing a different way to solve the same problem.
- O rejects both the framing and the implication.

Both C and O will attempt to convince the public by presenting competing frames, engaging in rhetorical behaviour (Krebs and Jackson, 2007, 43-44). In this model, arguing becomes a *rhetorical coercive technique*: actors do not use rational, ethical, normative and scientific discourse in order to convince each other; instead, they try to reach and convince a *public*.

In their article, Krebs and Jackson raised a fundamental point: it is impossible to study arguing as something that can only be identified by assessing actors' true, hidden dispositions. Their research tried to focus on what a researcher can control and clearly assess: the speech acts in the course of international negotiations. Their conclusions, however, were based on two basic assumptions: first, "scepticism" over the possibility of encountering genuine persuasion in politics (Krebs and Jackson, 2007, 39); second: that coercion and strategic, self-focused behaviour are the much more likely to be encountered in world politics than truth-seeking, deliberative attitudes (Krebs and Jackson, 2007, 42). These two assumptions are the main presuppositions behind their theory, and inevitably shape it; thus, although they claim that in their theory "neither the motives [read: the dispositions] nor the sincerity of the parties is particularly relevant" (Krebs and Jackson, 2007, 45), they call their model one of "rhetorical coercion" – where coercion means "the use of force to persuade someone to do something that they are unwilling to do"<sup>15</sup> – and they tend to describe negotiations as situations where arms are twisted by "twisting tongues" (Krebs and Jackson, 2007, 42). In other words, they end up to imagining a coercive method of interaction

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<sup>15</sup> <https://dictionary.cambridge.org/dictionary/english/coercion>

where an actor compels another through rhetoric, forgetting that their analytical framework, which looks exclusively at the act of speech, would also be able to identify acts of genuine persuasion.

Indeed, if a claimant C presents an argument to an opponent O, how can the researchers know whether C is trying to carry out a strategic act or if C is trying genuinely to persuade O? To know that, one needs to know C's true disposition. How can researchers know that C is trying to mobilize the P against O – as they argue (Krebs and Jackson, 2007, 44) – and not actually attempting to change O's mind? While Krebs and Jackson claim that they are not interested in actors' dispositions, their coercive model of rhetorical action pre-supposes that actors' dispositions are always (or almost always) self-focused and strategic ones.<sup>16</sup> Indeed, their explanation for a change of attitude resulting from a negotiation is that the subject behaving differently has been coerced and “manoeuvred into a corner” (Krebs and Jackson, 2007, 42). In doing so, however, they presuppose the true dispositions of both the subject displaying rhetorical behaviour and the subject that is influenced by it. Their conclusion seems even more contradictory since, in the beginning of their article, the authors claimed that “persuasion undoubtedly does occur” within international negotiations (Krebs and Jackson, 2007, 36), and this contradiction is further highlighted in a passage of their article, in which they describe the functioning of their model. In examining a situation where a claimant C displays a rhetorical argument to an opponent O, they write: “While C might ideally prefer to persuade O, it must design a political strategy that can attain its desired ends even if persuasion proves impossible” (Krebs and Jackson, 2007, 44). This means that, even in cases where efforts at persuasion fail, they are in theory possible, since actors might try to achieve it. Why, then, build a model of rhetorical coercion that seems to postulate the marginality or the

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<sup>16</sup> This is pointed out by Krebs and Jackson as well, which argue that, although they “make no strong assumptions regarding the *context* of the actors' motives, the model does rely on the thin, almost trivial, assumption that actors are fundamentally strategic – that they pursue policies that they believe will further their goals” (Krebs and Jackson, 2007, 59, note 13). This assumption is not necessarily “trivial”, because it entails a certain commitment to the rationalist ontology, according to which forum participants are self-focused and strategic actors pursuing exogenous and fixed preferences, and it is an assumption at the base of Krebs's and Jackson's scepticism over the possibility of true persuasion in international politics.

impossibility of persuasion, especially considering the methodological problems in recognising actors' true dispositions?

Krebs and Jackson sought both to challenge the current conceptualization and study of arguing and to present an alternative model. In doing so, they pointed out some key issues in the IR debate on social interactions, and highlighted the problems caused by the attempts to identify political phenomena by relying on unobservable features. This thesis endorses their argument, and participates in the attempt to build a theoretical framework aiming at studying international negotiations while focusing on what people "say" and not on what people "think" (Krebs and Jackson, 2007, 36). However, the model that Krebs and Jackson presented contained internal contradictions that prevented them from solving the methodological and theoretical conundrums in a fully satisfactory way.

### **1.10: Relying on the unobservable**

Krebs's and Jackson's work effectively pointed out one of the main reasons why attempts to isolate moments of arguing and bargaining while looking at international forums failed: the literature distinguished the two different types of behaviour on the basis of the "true dispositions" of actors taking part to an international forum. Bargaining statements are the strategic use of promises and threats, aiming at the maximization of selfish gains on the basis of certain fixed preferences; to make a bargaining statement, a subject needs to have a self-focused and strategic disposition while approaching to negotiations. Norm-driven behaviour is an action oriented towards the pursuit and/or the observance of pre-established and international norms; to engage in norm-driven behaviour, one has to have a norm-observant disposition. Arguing types of behaviour aim to build a shared understanding of reality through the exchange of truth-seeking, persuasive-oriented claims in a context in which participants are open-minded and ready to be persuaded by the better argument; to engage in arguing behaviour, both listener and speaker need to have a truth-seeking, open-minded

and persuasion-oriented disposition. This is problematic because, since “the mind is not accessible” (Deitelhoff and Müller, 2005, 171), true dispositions need to be considered as unobservable objects of international relations. The issue of unobservables is an often-debated topic within the philosophy of science, and it arose from the consideration that natural science has often been able to progress and to deliver valid theories able effectively to explain natural phenomena by relying on unobservable objects (Jackson, 2016, 88). For instance, the “Standard Model” of modern physics is based on the principle according to which subatomic particles are constituted by even smaller ones, defined as “quarks”; these particles, however, “never appear singly, only in combination, so they cannot ever be directly detected” (Jackson, 2016, 94). From these considerations it is then possible to conclude that the simple fact that a theory is relying on “unobservables” should not necessarily mean that it is a flawed theory.

However, the existence of unobservables has constituted a strong challenge against “phenomenalist” approaches, which rely on the assumption that valid research can only be based on the examination and the observation of empirically detectable data. As Patrick Jackson writes, “the problem, from a phenomenalist perspective, was that all of these evidently useful scientific theories contained terms that seemed to refer to things that could not be directly perceived, and therefore could not be known as directly as the objects of everyday experience” (Jackson, 2016, 89). Jackson, however, goes further in analysing the “unobservables”, and draws a distinction between detectable and undetectable ones. Detectable unobservables are defined as entities that cannot be perceived, but that produce effects that can be empirically detected; conversely, undetectable unobservables are entities that cannot be perceived and that do not leave empirically identifiable traces (Jackson, 2016, 97). Which of these two categories describes subjects’ “true dispositions”? Are they detectable or undetectable unobservables?

Research coming from both the rationalist and the constructivist spectrum of the debate have highlighted the difficulties of detecting subjects’ true dispositions, and most of them focused on the impossibility of accessing someone’s mind (Deitelhoff and Müller, 2005, 171). Yet, someone could

argue that such an impossibility would only mean that true dispositions are unobservable, not that they are undetectable, and there still could be empirically perceivable processes that would help detect them. The impossibility of detecting actors' true dispositions does not come from the inaccessibility of the mind, but rather from the problematic nature of any attempt indirectly to assess them through empirical investigation. Indeed, relying, as some have done, on private correspondence as a possible indicator of actors' true dispositions might be controversial, since there is no guarantee that private correspondence should reflect the real attitudes and feelings of a subject (Krebs and Jackson, 2007, 40). Using interviews as a way to address the question might not be a satisfactory course of action as well, since those interviewed might have their own agenda, might be interested in omitting particular events and details, or might be consciously or unconsciously biased in narrating events (Berry, 2002, 679-680; Morrissey, 2006, 93-99). Even most recent attempts to explain negotiation outputs by the presence of true persuasion cannot overcome the fundamental methodological obstacle that alternative explanations cannot be excluded (Saretzki, 2009, 174).

The fact that subjects' true dispositions have to be considered empirically undetectable, however, does not mean that they are insignificant in determining the output of international negotiations; indeed, it would be ludicrous to claim that actors' dispositions while approaching to negotiations is irrelevant in influencing the results of a forum. At the same time, it would be wrong to assume that theories relying on undetectable unobservables are necessarily erroneous or methodologically flawed: undetectable unobservables can be used instrumentally as theoretical constructs, ideal-types through which to examine and to explain empirical phenomena, and an approach of this sort can deliver perfectly acceptable interpretive conclusions, as it already has done (Risse, 2000; Müller, 2004). However, this research starts from the conviction that building a model able empirically to isolate types of statement in forums, and systematically distinguish one from the other, could bring significant contributions to the literature and provide a better understanding of the dynamics regulating international forums and international relations in general. Given this, it is

safe to claim that this research needs to get away from a definition of forum types of statement relying on actors' true dispositions, and to find other concepts on which to base its classification of forum types of behaviour. This attempt of re-defining forum types of statement follows the consideration that if, on the one hand, "limiting oneself to observables and detectables does not guarantee the avoidance of error", on the other "it might be a more risk-averse strategy" (Jackson, 2016, 101), especially when empirical detectability is the key issue the research project wants to address. There were many authors that, driven by similar considerations, have started in recent years a process of re-definition of arguing and bargaining, looking for ways to distinguish them on empirically detectable bases.

### **1.11: Arguing as an act of speech**

While Krebs and Jackson tried to challenge the very concept of arguing and to propose a model of rhetorical coercion, other authors have tried to elaborate an alternative distinction between arguing and bargaining statements able to produce empirically reliable results. Often, these attempts started from the two fundamental findings that Deitelhoff's and Müller's empirical investigation outlined. The first is the extreme difficulty, if not impossibility, of assessing the "true dispositions" of negotiating actors (Deitelhoff and Müller, 2005, 171). The second is that arguing seemed to be almost "omnipresent" within international negotiations, and very difficult to isolate: they indeed claimed that "arguing could not be isolated empirically from bargaining"; at the same time, however, they also argued that their research "resulted in an unexpected finding: we found that arguing was ubiquitous in international relations. Pure bargaining was the exception". (Deitelhoff and Müller, 2005, 171).

This last consideration led Cornelia Ulbert and Thomas Risse to the conclusion that “arguing and reasoning are all-pervasive during all phases of international negotiations”,<sup>17</sup> and that “pure arguing and pure bargaining represent opposite ends of a continuum whereby most of the actual communicative processes takes place somewhere in between” (Ulbert and Risse, 2005, 352). These two authors tried to draw a more precise distinction between arguing and bargaining, and their research identified four different areas in which the two types of statement differ (Ulbert and Risse, 2005, 353):

- *Modal Differences*
  - Arguing consists in empirical and normative statements that claim to be valid; empirical argumentations are supported by evidence, while normative ones are validated by providing proof of consistency and impartiality of the speaker.
  - Bargaining, on the other hand, consists in “pragmatic demands with credibility claims”, and it uniquely relies on the credibility of the speaker.
  - Hence, if arguing is based on the validity of the “better argument”, bargaining relies on the speaker’s credibility and capabilities.
- *Procedural differences*
  - Arguing is a reflexive interaction, since “it does not take place in distinct sequences”, and “the process [...] is rather characterized by an exchange of arguments that is based on a

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<sup>17</sup> Here, the term “reasoning” refers to the display of mechanisms of validation related to arguing. It therefore means that empirical statements are validated by providing evidence of their truth, ethical claims are validated by providing evidence of the speaker’s impartiality, and arguments are in general validated by providing evidence of the speaker’s coherence and sincerity (Ulbert and Risse, 2005, 353).

common frame of reference that is adjusted in the course of communication” (Ulbert and Risse, 2005, 353).

- Bargaining, instead, is “sequential”, since to a promise or a threat immediately follows the reaction of the recipient, and no “exchange of arguments” within a shared conceptual framework takes place.
- *Possible observable outcomes*
  - Arguing would often result in “reasoned consensus”, where subjects would submit to the “better argument”.
  - Bargaining, instead, would likely result in a compromise that would not imply changes in actors’ existing preferences.
- *Structural differences*
  - Arguing’s structure is triadic: speaker and listener assess the validity of claims by referring “to some kind of external authority”.
  - Bargaining’s structure is dyadic, since “only mutual assessment counts” (Ulbert and Risse, 2005, 353).

By presenting these four differences between arguing and bargaining, Ulbert and Risse tried to elaborate a theory that would be able to distinguish between the two modes of interaction without having to assess the “true dispositions” of the speaker. In doing so, they did something quite similar to what Thomas Saretzki did in 1996 (Saretzki, 2009, 165), when he argued that authors should not try to distinguish between different types of interaction by “the purposes of communication”, since they are so difficult to assess, and advocated instead a focus “on the mode [...] of communication” – namely, on the mere characteristics of the different speech acts (Saretzki, 2009, 162).



However, Saretzki criticized Ulbert's and Risse's definition of arguing and bargaining as "end points of a continuum", rather than "as distinct modes of communication", since this would lead to methodological and conceptual confusion. In fact, according to Saretzki, if researchers choose to consider "the model of a continuum between two poles", where arguing and bargaining are only opposite ideal-typical poles, they "have to ask [...] [themselves] according to which criteria [...] [they] should determine the turning point between the two poles. This point would then (by definition) serve as reference to decide whether to speak about arguing or bargaining" (Saretzki, 2009, 166). In other words, the conception of arguing and bargaining as the two opposite sides of a "continuum" is incompatible with any attempt empirically and clearly to distinguish one type of statement from the other. Any attempt of the sort, in fact, would end by drawing a line which would in fact interrupt such a continuum.

Moreover, Saretzki argues that speaking of a "continuum" between arguing and bargaining, while at the same time relying on four different criteria of distinction between the two, is also problematic, since "if we have to conceptualize arguing and bargaining with reference to the four characteristics presented [...], the question arises whether we end up handling one continuum or four" (Saretzki, 2009, 166). Finally, he looks with greater attention at the four criteria identified by Ulbert and Risse, and criticizes their choice to rely on "empirical observable outcomes" in order to distinguish between arguing and bargaining. In fact, "there is no guarantee that processes of arguing or bargaining will lead to a specific outcome that we can previously determine" (Saretzki, 2009, 166) – in other words, researchers relying on empirically observable outcomes as indicators, for instance, of arguing, may end up overlooking all those arguing statements that do not achieve persuasion.

For this reason, Saretzki tries to build an even simpler distinction between arguing and bargaining, by considering only the "modal" and "structural" differences between them (Saretzki, 2009, 163). Modally, Saretzki defines arguing behaviour as a set of empirical and normative statements that "are made with the claim of being valid", while bargaining statements are empirical

demands that “claim to be credible”. Structurally, arguing is “triadic” because actors rely on a mutually accepted external authority, while bargaining statements are characterized by a dyadic structure (Saretzki, 2009, 162). It is difficult, however, to understand how this type of distinction between arguing and bargaining could resolve the problems encountered by Deitelhoff and Müller, since it was exactly the perceived “omnipresence”, within international forums, of mechanisms of reason-giving used as empirical and/or ethical validation which constituted the main obstacle for empirical distinction between the two types of interaction (Deitelhoff and Müller, 2005, 171).<sup>18</sup> From here, it is possible to draw two conclusions: either almost every type of statement uttered during the international forums Deitelhoff and Müller studied was an example of arguing behaviour or the current ways to distinguish arguing from bargaining are ineffective. If the former is true, then detecting arguing behaviour is useless, because everything in a forum can be considered as such; if the latter is true, then researchers need to find new ways to define arguing.

Saretzki, Deitelhoff, Müller, Risse and Klein shared the view that it was necessary to elaborate a new conception of arguing and bargaining, according to which arguing relies on empirical and ethical validation and bargaining relies on the credibility of the speaker. Furthermore, they claimed that arguing must rely on a triadic structure, since two interlocutors have to appeal to an “external authority” in order to assess the validity of their claims, while bargaining follows a dyadic structure, since the credibility of the promises and threats made during the interaction is only assessed by the receiver (Saretzki, 2009, 163). These developments in the literature showed a significant change in the conceptualization of arguing, and a gradual detachment of it from its ideal and normative Habermasian roots. In fact, rather than depicting arguing as a type of statement that

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<sup>18</sup> In his article, Saretzki contested Deitelhoff’s and Müller’s conclusion that arguing was “omnipresent” within international negotiations, claiming that it is impossible to define a type of behaviour as omnipresent while admitting at the same time the inability to clearly detect its presence empirically (Saretzki, 2009, 168). However, the broader implications of Deitelhoff’s and Müller’s work are not challenged by Saretzki’s observation: for the two authors, in fact, arguing is equated with a type of reason-giving which relies on empirical and ethical mechanisms of validation, and that is characterized by a triadic nature in which authors legitimize their statements by appealing to a mutually accepted external authority (Deitelhoff and Müller, 2005, 176-177). When they defined arguing as “omnipresent”, they meant that validation mechanisms and appeals to external authority were almost omnipresent in international negotiations. In turn, this means that the very characteristics that Saretzki identifies as distinctive of arguing seem to be omnipresent within international forums.

has to rely on a generalized desire amongst forum participants to tell the truth, to disregard power hierarchies and to be open-minded, these authors have started to elaborate definitions focusing only on the characters of the speech act. As already shown, however, these attempts were not able to deliver shared definitions of arguing and bargaining and shared methods through which to clearly distinguish one from another at an empirical level. Because of the obstacles found in clearly detecting arguing behaviour, some authors decided to stop looking for unproblematic and shared definitions, and started focusing on identifying the structural conditions that incentivize the recourse to arguing interactions and that increase their effectiveness (Fearon and Wendt, 2002, 53).

### **1.12: When and where to find arguing**

Already in the year 2000, Risse identified certain conditions under which a researcher could claim, despite the existence of a hierarchy of power, that arguing is (or is not) taking place, to a certain extent, in international politics (Risse, 2000, 18-19):

- Speech situations in which a state is pointing out its power, its status, or its rank in the international order, are not arguing actions, since arguing presupposes disregard of power hierarchy.
- Since arguing requires consistency, actors that change their positions depending on the audience are most likely not engaging in arguing behaviour, but will instead probably be displaying rhetorical actions.
- Within negotiations, situations where weaker actors are empowered at the expense of more powerful actors are likely to have certain elements of arguing, since arguing causes power relations to recede.

- Situations where the selfish interests of actors are challenged are the ideal ground of which to search for arguing, especially if these situations cause actors to change their minds.
- Moments in which the consistency of actors is challenged are very important in order to test whether or not we are in presence of arguing: if actors disregard or dismiss criticism, one is probably not witnessing arguing, while if actors start justifying their actions or apologizing for them, it is likely that one is.
- High levels of international institutionalization within the concerned issue-area or, in case of low institutionalization, clear efforts in pre-negotiations stages to build a “common lifeworld”, promote arguing.
- “Uncertainty of interests and/or lack of knowledge” should encourage arguing because it makes actors’ preferences subject to change in case new information appears.

Risse’s remarks about international institutions were further elaborated in later studies, highlighting how “the more the institutional norms and procedures privilege authority based on expertise and/or moral competence, the more arguing is likely to lead to persuasion”, and “the more institutional norms and procedures require neutral chairs of negotiations, the more leadership is conducive to arguing leading to persuasion” (Risse and Klein, 2010, 714).

According to Katarina Coleman, arguing and persuasion are encouraged by small forums and by negotiations where the decision-making process is bounded by a consensus rule (Coleman, 2013, 169-170); Deitelhoff and Müller claim that arguing seems to be promoted by the presence and participation, within the forum, of public opinion and NGOs, since these two factors could help overcome, at least partially, the asymmetry between negotiating actors (Deitelhoff and Müller, 2005, 173-174). Some authors, instead, have argued that surprising and unexpected outcomes of

negotiations, unexpectedly fast negotiations, agreements reached very early and/or the surprising influence of weak actors within negotiations, subverting power dynamics, may suggest the presence of arguing (Risse and Klein, 2010, 712). It is generally accepted that contexts where actors are uncertain about their “role identities” lead to a widespread uncertainty about their preferences, since different roles and identities within the forum lead to different preferences, providing the ideal conditions for arguing effectiveness (Risse and Klein, 2010, 713).

To sum up, these authors seem to have renounced the attempt to develop an empirically detectable definition of arguing, and started looking for moments within international forums in which arguing type of statements would occur without defining the hallmarks of this particular type of statement. Though this new tendency may seem an interesting and promising development, it is problematic that the literature has still been unable to elaborate a definition of “arguing” that could clearly isolate arguing statements while empirically and effectively distinguishing them from bargaining ones; indeed, as Saretzki says: “it is clear that if we want to distinguish different types or forms of action or communication, we need at least some kind of definition that allows us to identify what we are looking for ‘in the real world’” (Saretzki, 2009, 154). In the absence of a theory that would allow clear detection of arguing on an empirical level, any attempt to look for factors encouraging arguing or increasing its effectiveness faces serious theoretical and methodological problems. How, in fact, can researchers understand what triggers arguing or what makes it effective? How can they claim that arguing is preferable, if they do not exactly know what arguing is, how it works and how it can be detected empirically?

### **1.13: The need for a new approach to the problem**

When authors tried to analyse “real world” international negotiations through the lens of their theoretical approaches, in order to isolate and distinguish arguing and bargaining types of behaviour, they encountered serious, seemingly insurmountable methodological obstacles. This led

to different and parallel developments within the literature. Krebs and Jackson highlighted how attempts to isolate arguing empirically were trying to assess an unobservable characteristic of international negotiations, actors' "true dispositions"; their reaction was to define arguing as methodologically intractable and to propose a new conception of rhetorical coercion. However, while their work has been fundamental in pointing out key methodological problems, it was not as effective in solving them. The model they proposed, in fact, was based on the fundamental assumption that actors were mainly driven by self-focused and strategic logics; by doing that, they postulated a certain interpretation of actors' "true dispositions" in the negotiations, even though they had previously defined them as an invisible trait of international forums.

Rather than deeming arguing "intractable", other authors tried to redefine it, abandoning any assessment of actors' "true dispositions" and instead focusing on the mere nature of the speech act. However, they did not elaborate shared definitions of arguing and bargaining, and were not able to produce empirically valid and reliable findings. Finally, other researchers no longer attempted to build a comprehensive model of social interactions within international forums, but instead tried to identify the structural conditions that promoted arguing or the events in a forum that suggested arguing's presence; however, the lack of a model able clearly to define and empirically to detect arguing made their findings problematic.

A new model of international social interactions should be able to:

- Elaborate a theory in which arguing and bargaining can coexist in the same forum, together with other types of statement.
- Produce a model that is empirically testable, in a reliable and valid way, in order to overcome the serious methodological challenges that previous authors have encountered.
- Find a way to distinguish between arguing and rhetoric without incurring conceptual contradictions or methodological problems. In

case this is not possible, it should conceive a type of social interaction that could include both arguing and rhetorical types of statement.

This new model of forum social interactions must be able to elaborate a systematic, replicable and reliable categorization of forum statements, so that future researchers could use it as a methodological tool to determine what are the conditions influencing the way in which delegates interact with each other, and to better grasp the dynamics regulating international negotiations. This research tries to present a model of international forums' social interactions able to address all the points stated above.

## **Chapter Two – A new model of social interactions within international forums**

As outlined in the previous chapter, the literature examining social interactions within international forums was characterized by the clash between rationalist and constructivist theories. This meant that authors envisioned forum participants either as rational actors approaching to negotiations in a self-focused and strategic disposition, or as subjects influenced by their historically-shaped identity, with a norm-observant disposition. This entailed that, when authors tried to provide a list of all the types of behaviour that subjects could display within a forum, the types of behaviour they conceived were the necessary consequence of the philosophical premises they started from. Rationalist theorists built models in which subjects would engage in strategic bargaining exactly because they had a strategic, selfish disposition. On the other hand, constructivist scholars envisioned subjects which interacted through norm-orientated actions or arguing exactly because they had a norm-observant or a truth-seeking disposition. This situation did not change once the literature developed further and researchers attempted to build theoretical bridges between the two strains of the debate: rationalist and constructivist authors tried to integrate some elements of the opposite theories, but they never departed from their philosophical premises.

The problem arising from this situation was that the types of behaviour identified by the literature were defined on the basis of the true dispositions of forum participants. Actors engaged in bargaining, it was said, because they approached to negotiations in a selfish and strategic disposition. They engaged in norm-orientated actions because they had a norm-observing disposition. Or they engaged in arguing because they had a truth-seeking and open-minded disposition.<sup>1</sup> This meant that the only way clearly to isolate and distinguish one interaction from the

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<sup>1</sup> One could claim that instead than talking about “dispositions”, one should talk about “motives”. However, according to this dissertation, motives and dispositions are something distinct. While motives represent *what an actor wants to obtain*, dispositions represent *the frame of mind* by which a subjects engages in negotiations. For example, a negotiating state A could say: “All of us participants of the forum F must do X”. A’s *motive* for making that statement (if A is sincere) is that A *wants X to be done*. However, A could advocate X while having different dispositions. A could



other while studying real-world negotiations was to assess which were the true dispositions of negotiating actors. Deitelhoff and Müller were able to show the limitations of this approach by highlighting how true dispositions dwell in actors' minds, and their minds are not accessible.

After Deitelhoff's and Müller's article, many researchers attempted to distinguish one type of forum behaviour from the other by looking at the formal characteristics of the acts of speech delivered during negotiations. While this development in the literature looked promising, authors were still not able clearly to distinguish one type of behaviour from the other while applying their models empirically. The main problem was that authors did not start their attempts by *re-defining* the types of forum behaviour one could encounter while looking at international forums: while they changed focus from actors' true dispositions, the types of behaviour they were looking for were still those of previous theories, and were still defined on the basis of the "true dispositions" driving forum participants. This thesis attempts to overcome the problems faced by previous theories, and it does so by starting from a process of *re-definition* of the types of statement that can be made in forums.

This chapter outlines the dissertation's theoretical framework. To do so, it first examines in greater depth the current definitions of arguing and bargaining, and the differences between these two types of behaviour, in order to highlight the problems and the contradictions within the current literature, and to further explain the need for a new approach to the study of inter-state negotiations. Next it engages once again with the debate between rationalist and constructivist authors, and it provides a way to circumvent the ontological questions of the discipline in order to avoid excessive abstraction and to focus more on the reality of international negotiations. Furthermore, it argues that a revised version of Jennifer Mitzen's theory of collective intention could provide the conceptual basis on which to build the theoretical framework and, after examining the structural characteristics

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advocate X while having a norm-observant disposition, and therefore A could believe that X is the best thing to do because it would mean to *observe a pre-established and internalized norms*. On the other hand, A could advocate X while having a strategic, selfish disposition, and therefore A could believe that *X is the best thing for himself/herself*. In other words, the same motive can be pursued by two people having different dispositions, and vice versa.

of international forums, it claims that “intentions” can be classified as detectable unobservables of negotiations.

Once all the ontological and epistemological premises have been stated, the chapter elaborates a new definition of arguing and bargaining centred on the type of intention these two modes of communication aim to express. Finally, it claims that both arguing and bargaining are only subcategories of broader types of behaviour – respectively, collectivism and particularism; these two, together with proceduralism, are at the base of this research’s model of social interactions within international forums. Finally, the last section of the chapter examines the implications of the theoretical model. More specifically, it tries to formulate the hypothesis that higher frequencies of collectivism during negotiations are correlated with a higher level of legitimacy of the forum’s outcome.

### **2.1: Mechanisms of validations and external authority in arguing and bargaining**

Recent contributions in the IR literature indicate that any model of social interactions within international forums has to start from two premises. First, different types of behaviour can coexist within the same round of negotiation. Second, if a theory aims at distinguishing arguing from bargaining on an empirical level, it must be based on concepts which are at least indirectly detectable while looking at the real world. Recent studies attempting to re-define arguing and bargaining have started from these premises, but their efforts have not resulted in a theoretical model able clearly to isolate and categorize different types of behaviour during inter-state negotiations. The following two sections try to understand the reasons behind their failure, and they do so by analysing in greater depth how arguing and bargaining are currently defined and differentiated.

Despite their differences, attempts to redefine arguing and bargaining seem to agree that they are distinguished by some “modal differences”, and that arguing consists in a set of empirical and

normative assertions that “are made with the claim of being valid” (Saretzki, 2009, 162). If empirical assertions rely on evidence, normative ones claim to be valid by appealing to the impartiality and the consistency of the speaker (Ulbert and Risse, 2005, 353). The “modal” characteristics of arguing were already identified by previous works: Harald Müller claims something similar when writing that arguing claims base their validity on their morality and/or truth (Müller, 2004, 397), and a similar reasoning is displayed in some of the early research of Alastair Johnston, who envisioned persuasion (successful arguing) as the result of the reception of new, reliable information or compelling ethical arguments (Johnston, 2001, 496-498).

First and foremost, then, arguing is described by the literature as a type of behaviour that, in order to validate itself, needs to be backed by some reliable, previously-established knowledge – like, for instance, scientific evidence (Ulbert and Risse, 2005, 361). If there are doubts concerning the truthfulness of the statement, “the validity of empirical-theoretical assertions is to be examined according to the criteria of consistency and empirical proof” (Saretzki, 2009, 167). Furthermore, the discipline has also pointed out how arguing actors may seek to establish the validity of their assertions by demonstrating that they are ethical (Müller, 2004, 397). Saretzki backs this assumption by stating that arguing’s validity may also rely on normative assumptions, and that the morality of these assumptions can be assessed on the basis of the speaker’s coherence and impartiality (Saretzki, 2009, 167). Finally, the last source of arguing’s validity is generally identified in the credibility of the speaker: subjects that have proven to be both competent and truthful have more chances to deliver an effective arguing statement, because they will be considered trustworthy (Ulbert and Risse, 2005, 359-360). From this brief overview of the literature, it can be agreed that, in spite of the different conceptualizations of arguing, arguing is conceived as a type of interaction that, in order to be effective, needs to rely on three pillars of validity: a material, an ethical and a consistency one. This is the “modal characteristic” of arguing.

Indeed, forum participants who provide reliable knowledge in order to prove or disprove the truthfulness of an assertion are doing so in order to show that a certain policy would be more

effective or advantageous. Similarly, subjects using, for instance, scientific information to disprove a policy proposal aim to demonstrate that the claim that a certain proposal is the most advantageous to take does not rely on sound foundations. Whether actors are assessing the truth of their claims (Risse, 2000, 9-10; Müller, 2004, 397), or basing their claims on “reliable information” (Johnston, 2001, 498), they are relying on *material validity* and telling the listener, through empirical assertions backed by evidence, that a certain course of action is the most advantageous to take. On the other hand, actors promoting a certain policy because it is the most ethical thing to do (Risse, 2000, 9-10; Müller, 2004, 397), or who base the validity of their claims on “normative assumptions” (Saretzki, 2009, 162), are saying that forum participants have the moral responsibility to act in a certain way; arguing, therefore, relies on *ethical validity* too. Finally, the validity of arguing statements is assessed also by examining actors’ true intentions (Risse, 2009, 9-10), the coherence of a proposed policy (Saretzki, 2009, 162) or the credibility of the actor (Johnston, 2001, 498). Subjects performing arguing during an international forum, therefore, could promote a certain policy on the ground that it is the most coherent thing to do, and could use their past behaviour as evidence of their trustworthiness, appealing to *consistency validity*. The need to validate arguing on empirical truthfulness, ethical impartiality and the speaker’s trustworthiness also implies the existence of some “structural characteristics” proper to arguing: in order to be validated, arguing actors need to appeal “to a mutually-accepted external authority” – an external authority which can be “agreed-upon treaties, universally held norms, scientific evidence and other forms of consensual knowledge” (Ulbert and Risse, 2005, 353).<sup>2</sup>

To sum up, then, arguing subjects validate their statements on the basis that a certain line of action is the most advantageous for all (material validity), and/or the most ethical way to act (ethical validity) and/or the most coherent thing to do (consistency validity).<sup>3</sup> These validities are assessed

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<sup>2</sup> Saretzki agrees with this observation, claiming that “arguing requires a triadic structure, which allows actors to relate to some intelligible system of reference” (Saretzki, 2009, 163).

<sup>3</sup> The material, ethical and consistency validities of arguing interactions are not considered, within this model, as mutually exclusive or mutually-inclusive. The theory, instead, argues that an interaction relying on one or more of the

by relying on a certain type of external authority, accepted by all forum participants, that operates as a point of reference, a mutually accepted source that can be used to assess the truthfulness, morality and coherence of a statement. By contrast, researchers have often claimed that “the truthfulness of the speaker, the truth of empirical assertions, or the rightfulness of normative claims [...] are irrelevant in a bargaining situation” (Ulbert and Risse, 2005, 353). Indeed, while arguing has usually been depicted as a type of statement containing “claims of factual truth and normative validity” (Müller, 2004, 397), bargaining has been defined as a type of statement that contains threats and promises and that it “aims to change behaviour” (Müller, 2004, 397). Bargaining’s “modal” characteristics are those of a type of statement which legitimizes itself by relying uniquely on the credibility of the promises and threats it contains (Ulbert and Risse, 2005, 353). Since, according to the literature, bargaining is a type of interaction that does not rely on mechanisms of material, ethical and consistency validation, it does not appeal to a mutually accepted external authority, but it is instead characterized by a “dyadic” structural hallmark (Saretzki, 2009, 163), in which only the “mutual assessment” of the two actors involved in the bargaining interaction determines its validity (Ulbert and Risse, 2005, 353).

Before looking at bargaining in greater depth, it is important to highlight that there are two different types of bargaining statement: those based on promises and those based on threats. Indeed, at first glance, promising and threatening look, in the context of international relations, like very different things. John Odell echoes this feeling while he describes the definition of bargaining in the IR literature as problematic, since it merges coercive elements such as threats and reason-giving elements such as promises (Odell, 2010, 628). This thesis first examines the promise-based type of bargaining, and it later looks at the threat-based type.

Promise-based bargaining can be depicted by the following, ideal-typical statement:

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arguing’s validities should be classified as arguing. The same reasoning applies to every other type of interaction hereby displayed.

Subject A tells B: “If you do X, I promise I will do Y for you”

For this offer to be well-received by B, the promise made needs to be a credible one (Saretzki, 2009, 162), and A needs to show that Y is likely to take place in the future (Saretzki, 2009, 158). Credibility, however, is not the only attribute that the promise A makes to B needs to have in order to be effective. A is promising something to B in order to change B’s behaviour; however, B’s behaviour can only be changed if A is able to demonstrate that Y in exchange for X would be an advantageous deal for B. This consideration, however, challenges both the modal and the structural distinctions between arguing and bargaining.

First of all, A needs to show B that the proposed deal is advantageous, and A can only do that by providing “reliable information”, enacting something very similar to arguing’s mechanism of material validation. Furthermore, the literature insists that the truthfulness of an arguing claim can only be assessed by relying on a “mutually accepted external authority” (Ulbert and Risse, 2005, 353), which can also be science, international treaties or widely accepted knowledge, whereas bargaining does not need to refer to anything external to the two speakers (Saretzki, 2009, 163). However, in a bargaining situation A can convince B of the convenience of the displayed promise only by appealing to sources that both actors recognize as valid; otherwise, the promise would not be convincing, B would not change behaviour and the bargaining statement would not be effective. What if A uses scientific, reliable knowledge in order to show that Y in exchange for X would be advantageous for B? The fact that neither A nor B change their preferences during this interaction<sup>4</sup> indicate that this is an example of bargaining, but A’s promise needs to rely on some form of mutually accepted knowledge demonstrating that doing X for Y is in B’s interest. The conclusion is

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<sup>4</sup> Scientific knowledge proving that doing X for Y is advantageous for B may convince B to do X – changing, in this way, B’s attitude towards X. However, B does not change his/her overall preferences as a result of effective persuasion. If this type of interaction is successful, in fact, B does not decide that the intention X is more important than the intention Y; B simply realizes that doing X would be the best way to pursue the preference Y, which he/she was already previously pursuing. In other words, this change in B’s behaviour does not entail a change in B’s preferences, but simply a change in B’s strategy, aimed at pursuing the same preferences as before.

that bargaining statements, in order to be effective, need just as do arguing ones, to rely on a form of material validity, which is assessed through reference to a commonly accepted external authority.

There is also another important consideration to make. Earlier sections have shown how the literature generally assumes that arguing statements rely on ethical validity by appealing to certain moral principles, in order to claim that a certain action is the “right” one to take. However, empirical studies have shown that, during international forums, actors who blatantly admit to acting in order to maximize their own gains are most likely to be isolated and marginalized (Deitelhoff and Müller, 2005, 171). This is mostly due to the public nature of the forum: in situations where actors debate issues publicly, claims need to be explained and rationalized, presented in a form that could be accepted by all forum participants – or, at least by a large majority of them (Mitzen, 2013, 51-52).<sup>5</sup> Starting from this reasoning, this thesis claims that bargaining statements have to rely to some kind of ethical validity as well, which usually coincides with the *defence of national interest*.

Indeed, actors participating in an international forum are states’ representatives, with the mandate of defending and protecting their own government and their people (Frédéric, 1999, 100). In democracies, the government or the administration is legitimized by national elections, and the first duty of institutions is to represent and defend national and popular sovereignty – in Müller’s words, diplomats in democratic countries have “to implement the dutiful role of defending the will of the people of their countries” (Müller, 2004, 415). This is true even when they are taking part in forums regarding global concerns (Okereke and Charlesworth, 2014, 49). The discourse is not very different in the case of authoritarian states: the Chinese Communist Party, for instance, legitimizes its power and authority by claiming it is the promoter of China’s wealth and prosperity, and the defender of the country’s unity and independence (Yongnian, 2004, 51-56). While some might argue that considering the defence of national interest a base for ethical validity might be

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<sup>5</sup> It is important to reiterate that this research only looks at interactions that happen publicly, in front of all the forum participants. Thus, an interaction where one subject offers a bribe to another negotiator would not be considered or even contemplated in this model. The reason is that while these types of interaction may take place in private and informal meetings, they are highly unlikely to happen in front of all of the forum’s participants, due to the significant loss of diplomatic status such interactions would entail if enacted publicly.

problematic, actors participating in a forum could respond that the protection of national security and of the people of their state is an ethical, objective and absolute duty that must be observed by all forum participants. To quote Müller once again: “Diplomats are expected by their peers and their superiors to represent the interests of their country. Representing faithfully and loyally views and interests is the very diplomatic identity [...]. There is nothing sinister about this” (Müller, 2004, 415).

The previously examined, ideal-typical bargaining statement was the following:

Subject A tells B: “If you do X, I promise I will do Y for you”

In promising Y, A attempts to show that Y is advantageous to B by appealing to some type of material validity, and it does so by referring to some mutually accepted external authority. By providing reliable evidence that would confirm the advantageousness of Y, A is also trying to convince B that sealing this deal would be in B’s national interest. Bargaining interactions, therefore, equate the morality of a certain policy with its conformity with the national interest. Starting from this assumption, it is possible to claim that bargaining interactions rely on a certain type of ethical validity.<sup>6</sup>

Finally, it has previously been shown that subjects displaying arguing statements will attempt to validate their claims on the basis of consistency, by showing how their proposals are consistent with their past behaviour and with the mandate of the forum, in order to appear trustworthy and coherent in front of all forum participants. Similarly, this chapter has already explained how, for a bargaining claim to be accepted, the promises made in the course of negotiations need to be credible and likely to take place in the future. Therefore, when A promises Y to B in exchange for X, A not

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<sup>6</sup> When claiming that bargaining statements rely on ethical validity, this dissertation does not maintain that actors engaging in bargaining types of statement need necessarily to claim they are acting ethically. It only intends that the speaker making a bargaining statement is trying to convince a listener that the latter has an ethical duty to act in a certain way, independently from whether the speaker is acting ethically or not.



only has to prove that Y is advantageous for B (material validity), and that doing X for Y would promote B's national interest (ethical validity), but also that Y is a credible promise (consistency validity).

Promise-based bargaining, similarly to arguing, needs to rely on material, ethical and consistency validities in order to be effective, and it needs to rely on a mutually-accepted external authority. Is it possible to claim that threat-based bargaining follows a similar dynamic? Threat-based bargaining could be described by the following, ideal-typical statement:

A tells B: "If you do not do X, I threaten that I will do Y to you"

A is using a threat in order to change B's behaviour. A's threat does not aim to convince B that X would lead to a situation preferable to the status quo; it is not an interaction focused on finding common gains, but an attempt to coerce B to do something against B's will. On a closer look, however, it is possible to see that, even when performing a threat, A is taking into account B's preference, and performing an interaction relying on material, ethical and consistency validities.

Indeed, for the threat to be effective, A must convince B that Y is against B's interests, and that it is therefore materially advantageous for B to do X, avoiding the damage that Y represents (material validity). Furthermore, A can only show that to B by providing reliable evidence and using some kind of external authority as a common point of reference: while threatening B, A could use, for instance, scientific knowledge – or any other form of mutually accepted knowledge – to prove why the threat is so ominous for B. Similarly, B needs to be convinced that doing X in order to avoid Y is in B's national interest, and that, consequently, B's moral duty is to do X (ethical validity).<sup>7</sup> Finally, A's threat is effective only if clear evidence that the threat will be enacted if

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<sup>7</sup> When claiming that threatening statements rely on ethical validity, this dissertation does not argue that people threatening others are acting ethically, nor it does argue that a speaker A threatening a listener B necessarily needs to think or claim that his actions are ethical. The argument of this dissertation is that the subject A threatening B is presenting a non-ideal situation to B; in this non-ideal situation, A is trying to convince B that the only way B has to

necessary is provided (consistency validity). Threat-based bargaining, then, is also an interaction that relies on material, ethical and consistency validities. This last conclusion can be supported by looking at one of the best-known examples of threats in the literature of international relations: the dialogue between Melians and Athenians.

In this text, Thucydides describes a situation where the Athenians ask the Melians to surrender and to pledge allegiance to Athens; the Athenian delegation threatens that if Melos refuses to surrender it will face total annihilation. During the negotiation, the Melians ask the Athenian delegation the following question: “And how could we benefit from being slaves as you would from being masters?”. To this, the Athenians respond: “Because submission would save you from suffering the most terrible fate, while we would profit from not destroying you” (Thucydides, 2013, 380). The Athenians based their threat on material validity, trying to show it was advantageous for the Melians to surrender, because the consequences of their resistance would be extremely disadvantageous. The Athenians relied on ethical validity as well. They not only argued that acting in such a repressive way against the Melians was in the interest of Athens’ empire, and that the duty of those who represented Athens was to pursue the interest of the *polis*; they also claimed that it was in the interest of the Melian delegation to surrender, that they had the moral duty to surrender in order to save their own people’s lives. Indeed, Athenians answered the Melian invocation of fairness and rightfulness in the following way: “what we will demonstrate is that we are here for the benefit of our own empire and that what we have to say is also for the safety of your state. We want to rule you without any trouble to ourselves and we want your safety to benefit us both” (Thucydides, 2013, 380). Finally, the Athenian delegation was also concerned to show the Melians that their threat was consistent with their past behaviour, and that it was likely to be carried out if necessary: “You should be aware”, they said, “that never once the Athenians abandoned any siege through fear of a third party” (Thucydides, 2013, 383).

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fulfil B’s ethical duty is to act in a certain way. Thus, a threat-based bargaining statement appeals to the ethical duty of the targeted audience, independently from whether the speaker is acting ethically or not.

The Athenians made threats which relied on material, ethical and consistency validities, and did so by appealing to a mutually accepted external authority. As it has been pointed out in section 11, the external authority constituting the third corner of the “triad” characterizing a type of interaction relying on validation mechanisms can also be represented by a *shared conviction* or *established knowledge*, whatever “allows actors to relate to some intelligible system of reference” (Saretzki, 2009, 163) – this can include, for instance, commonly accepted scientific information or previously established treaties. In the case of the dialogue between the Melians and Athenians, this intelligible system of reference was based on the shared understanding that the ongoing negotiation concerned the very survival of the people inhabiting Melos. This is acknowledged by the Melians too, who agree that the meeting between the two delegations is “indeed about the question of survival” (Thucydides, 2013, 379).

The Athenians’ threats always refer to that commonly established principle, and imply that, given the mutual understanding that the discussion is about the survival of the Melians, the Melian delegation should do what is best to ensure their own survival; thus, as already being noted, the Athenians argue that submission will spare the Melians “from suffering a most terrible fate” (Thucydides, 2013, 380). That the issue at stake is the Melians’ survival is often highlighted by the Athenians, for instance, when they advise that “the question you must consider is rather one of self-preservation – that is, not resisting those who are far stronger than you” (Thucydides, 2013, 381). The mutually accepted principle at the base of the discussion is that the Melians are debating about their own survival, and every attempt of the Athenians to convince the Melians to submit without fighting refers to that mutually accepted principle, and implies that the survival of the Melians can best be ensured by submission.

Although the Athenians’ threat to the Melians did not occur within an international forum, it is an ideal-typical example of how threats would work in the context of international negotiations. This particular display of threat-based bargaining did not convince the Melians, who were exterminated (Thucydides, 2013, 385-386), but it is a good example of how threat-based bargaining

needs to rely on material, ethical and consistency validities, and needs to appeal to some type of external authority, similarly to arguing and promise-based bargaining.

## **2.2: Bargaining as a “reflexive” type of behaviour and the issue of the “better argument”**

This chapter has so far questioned the assumption, shared by most of the literature, that arguing and bargaining can be differentiated on the basis of modal and structural differences. This is because bargaining, exactly like arguing, relies on mechanisms of material, ethical and consistency validation, and is characterized by a triadic structure in which claims are referred to an intelligible system of reference. Other attempts to differentiate arguing from bargaining have claimed that these two types of behaviour could be distinguished on the basis of “procedural differences”: while arguing is a “process [...] characterized by an exchange of arguments that is based on a common frame of reference that is adjusted in the course of communication”, bargaining is described as a “sequential” type of communication, in which there are no “exchange of arguments” (Ulbert and Risse, 2005, 353). If, however, one accepts that bargaining is a speech act which relies on mechanisms of validation and that can be validated by appealing to a mutually accepted external authority, there is no reason why actors engaging in bargaining cannot exchange arguments “based on a common frame of reference that is adjusted in the course of communication” (Ulbert and Risse, 2005, 353). Actors can endlessly debate about whether a certain deal is in their national interest, while – as in the case of the Athenians and the Melians – delegations can argue about what is the best course of action to ensure their own survival. It therefore seems that even the “procedural differences” between arguing and bargaining should be dismissed.

Ulbert and Risse identified another possible way to distinguish between arguing and bargaining, focusing on “possible observable outcomes”: arguing was seen as a type of behaviour which would most likely result in “reasoned consensus” – in which participants would submit to the “better argument” – while bargaining was portrayed as an interaction often leading to a compromise

in which actors' preferences remained unchanged (Ulbert and Risse, 2005, 353). As said in the previous chapter, Saretzki criticized this way of separating arguing and bargaining by claiming that "there is no guarantee that processes of arguing or bargaining will lead to a specific outcome that we can previously determine" (Saretzki, 2009, 166). That, however, is not the only issue with this type of distinction, which is also invalidated by the "problem of the better argument".

Tine Hanrieder is one of the authors that highlighted the contradictions behind the assumption of a "better argument" on which arguing statements supposedly rely. She claims that to admit the existence of a "better argument", and to represent arguing's persuasive process as a gradual "approximation of truth" leads one to conceive of a negotiating debate no longer as an "open-ended process", but as a process leading to the internalization of pre-established norms (Hanrieder, 2011, 392). In fact, if there already is a "better argument", persuasive arguing would lead participants to accept it in an almost deterministic way. She also points out how "the solution to base claims about the better argument on the seemingly neutral indicator of universality at best camouflages [...] moral standpoints" (Hanrieder, 2011, 403), since researchers who analyse international negotiations are often in danger of identifying "the better argument" on the basis of their own beliefs (Hanrieder, 2011, 402-403). The concept of the better argument is not only problematic because "genuine persuasion and universal truth are neither intelligible nor observable" (Hanrieder, 2011, 404). Instead of elaborating definitions of arguing relying on the concept of "the better argument", which is "both methodologically and ontologically tenuous" and an instrument often used "to reify particular norms as universal, instead of opening space for deliberation" (Hanrieder, 2011, 408), Hanrieder advocates a "pragmatic abstention" from normative claims and from any attempt to identify universal truth (Hanrieder, 2011, 409-410). To sum up, looking for moments where forum participants reached mutual consensus on the basis of the "better argument" is a problematic method of investigation, based on questionable assumptions, which could lead to the equation of the researcher's personal beliefs with an abstract and absolute good. Thus, distinguishing between

arguing and bargaining on the basis of observable outcomes seems unfeasible as well, especially once all other types of distinction have been discarded.

This dissertation argues that both arguing and bargaining are characterized by mechanisms of material, ethical and consistency validation, and that they are both characterized by a triadic structure and a reflexive procedure. Furthermore, it argues that it is impossible to distinguish between these two types of behaviour on the basis of observable outcomes, because this would create a viciously circular reasoning based on the existence of “a better argument”. At this point, it is not difficult to understand why some authors have written that “[a]rguing, understood as reasoning, is all-pervasive in international politics” (Risse and Klein, 2010, 708). The present distinction between arguing and bargaining is based on the presence or absence of reasoning, understood as the presence or absence of mechanisms of material and/or ethical and/or consistency validations; however, both these types of statement rely on material, ethical and consistency validities. The many difficulties encountered while trying to separate arguing from bargaining, then, originate in a problematic distinction between the two types of statement, and a new theoretical framework must be built, providing new, more effective definitions of the types of statement which can be made during international forums. This theoretical framework, however, has to circumvent the ontological dispute between rationalism and constructivism, in order to avoid excessive abstraction, and its procedure of categorization of different types of forum statements has to be based on empirically detectable features of international forums, in order to allow valid and reliable hypothesis testing.

### **2.3: Outflanking the ontological debate**

The previous chapter has stressed how the debate revolving around rationalism and constructivism has reached a point in which the two approaches have integrated elements of the other. On the one hand, both rationalists and constructivists claim that an actor is constrained by the forum's

structural features and by the existing international norms constituting the context in which actors negotiate; on the other, both claim that a subject chooses what kind of interaction to seek by rationally assessing the context. The only difference between the two approaches is the following: rationalism claims that what drives such rational assessment of the forum's context and the consequent choice of which statement to make is the question "Which type of statement is most advantageous to me?"; constructivists, instead, argue that this process of analysis and choice is driven by the question "Which type of statement is most appropriate in this situation?".

This chapter does not try to intervene in the rationalist/constructivist debate, nor does it attempt to reconcile the two; its objective, in fact, is not to assess whether the "logic of consequence" and the "logic of appropriateness" is preeminent. The reason for circumventing the ontological debate is the following: even if, within a forum, interacting subjects are always driven by a clear, unchanging type of logic while choosing which kind of interaction to seek, defined as X, the only possible conclusion is that, currently, the discipline has not yet been able to find it. X is similar to what Kant would describe as a *noumenon*, an object impossible to be clearly identified and described.

Leaving the noumenon X unidentified, however, is not excessively detrimental to the study of social interactions empirically occurring in international negotiations. In fact, it has already been shown how the differences between "sophisticated rational choice" or "moderate social constructivism" are nowadays minimal, and that the most recent explanations provided by the two conflicting theoretical strains have presented many approximations to X – all of them describing very similar processes. Thus, if X still cannot be clearly identified, research could start from the assumption that the current literature has been able to provide a certain approximation to X – in mathematical language,  $\lceil X \rceil$ . While it is impossible to know with absolute certainty whether subjects are pre-eminently driven by strategic thinking or by the logic of appropriateness, one can assume that both rational considerations and the structural context of the forum are fundamental in making those choices, and that, somewhere between the thin line separating constructivism and

rationalism, reality stands. To sum up, rather than attempting to identify a clear answer to the rationalist-constructivist debate, this research simply states that participants in a forum choose which interaction to seek by taking their social context into account, and that they analyse that context through rational calculations.

#### **2.4: Defining “intentions”**

This research intends to build a plausible and empirically verifiable model of social interactions within international forums. In order to do so, it chooses to follow a methodologically “risk-averse strategy” (Jackson, 2016, 101). This means that it has to rely on variables that, if not completely observable, are at least detectable, even if only indirectly. A revisited version of Jennifer Mitzen’s theory of collective intention might provide such conceptual foundations. The next sections examine the concept of “intention”, and discuss the existence of “collective intentions”; furthermore, they examine Jennifer Mitzen’s work, which applied the concept of collective intention to the study of international forums, and they try to address some theoretical questions that her research left unanswered.

According to most of the literature, intentions are what drives a subject towards the achievement of a desired future (Anscombe, 2016, 61). They, however, are not mere inclinations and hopes for a particular future, but clear commitments that, in order to be fulfilled, need constant and regular application through time, and that are therefore likely to influence subjects’ behaviour (Anscombe, 2016, 120-124 and 135; Mitzen, 2013, 35-36).<sup>8</sup> Once an intention is formed, it resists reconsideration, and it retains a certain inertia: it is revocable given new information or new

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<sup>8</sup> This thesis does not aim to provide a detailed and in-depth exploration of the concept of intention and its implications. A more articulate study of the topic can be found in the works of Elizabeth Anscombe (2016), Jennifer Mitzen (2013), John Searle (1995, 2003) and Michael Bratman (1999, 2003), while James Allen (2003) provides an interesting overview of some of the main approaches to the concept of intention.



circumstances, but in case things do not change, it does remain the “default option” of an individual (Bratman, 1999, 16-17).<sup>9</sup>

Intentions can be very different: one can have the intention of opening a window to get some fresh air, or one can have the intention of forming a family. The first intention is a quite simple one, while the second implies many other sub-intentions building towards it (marrying or finding a companion, having children, raising them etc.); it is therefore necessary to make a distinction between simple intentions and plans. Michael Bratman effectively highlights these differences, writing that “Intentions are the building blocks of larger plans”, and that: “Plans [...] are intentions writ large [that] share the properties of intentions recently noted: they resist reconsideration, and in that sense have inertia; they are conduct controllers [...]; and they provide crucial inputs for further practical reasoning and planning” (Bratman, 1999, 32).

By following this reasoning, it is possible to say that plans are particularly “complex intentions” (Bratman, 2003, 24), that do not need to be very specific, but can instead be quite general, such as, for instance, planning to pursue an academic career or raise a family (Bratman, 1999, 30)<sup>10</sup>. Complex intentions (or plans)<sup>11</sup> have, however, other characteristics that add further

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<sup>9</sup> Before examining the concept of intention in detail, it is necessary to briefly explain the difference between “intentions” and “motives”. There have been many authors examining the difference between these two concepts (Anscombe, 2016, 57), and the aim of this dissertation is not to examine this subject extensively. It will be sufficient to say that this thesis adopts Elizabeth Anscombe’s distinction between intentions and motives. Anscombe argues that to give a motive is to a certain extent to *explains* an action, to give a reason for which that action was made, and to give a certain meaning to that action. For her, to give a motivation means to explain someone’s action with a description that indicates the reason why it happened (Anscombe, 2016, 61). According to Anscombe, the notion of “motive” is a very broad one, and the notion of intention is included in the one of motives. In fact, while according to Anscombe all intentions are motives, not all motives are intentions. Intentions are *motives that are orientated towards the future* (Anscombe, 2016, 61).

<sup>10</sup> A very good description of how intentions can be composed by a certain number of sub-intentions is provided by Anscombe (2016, 93-94).

<sup>11</sup> The reason why this research equates plans with complex intentions is the following: the term “plan” can have a dual meaning. On the one hand, a plan is a *mental state* “involving an appropriate sort of commitment to action” (Bratman, 2003, 19), while on the other it can be defined as a set of *detailed instructions* divided into sequential steps, with the final goal of achieving something (Allen, 2003, 72). This research does not intend to examine in detail the philosophical dispute revolving around the definition of plans; a very interesting analysis of it can be found in the work of Martha Pollack (2003). It is sufficient to say that the term “plan” can indicate either a mental state or a set of detailed instructions, and only the concept of “plan as a mental state” is useful for the development of this thesis’s theoretical framework. Since intentions are something that lead actors to commit themselves to constant effort in order to achieve a desired output, and plans as mental states imply commitment to an action composed by different intentions, this thesis argues that plans can be considered as a complex intention composed of many sub-intentions. This conclusion is supported by the fact that plans retain many of the properties attributed to intentions (Bratman,

differences between them and simple intentions. First, plans are partial (Bratman, 2003, 19): people do not plan every single action that leads to their fulfilment; they instead follow certain main guidelines, and organize in-detail behaviour step by step, adjusting their main plan to the circumstances and the situation. Secondly, plans have a hierarchical structure, in which general intentions are considered to be the priority, and more specific ones spread from them (Bratman, 1999, 29). If, for instance, a subject A has the general intention of going to watch a movie, he/she also has to decide which cinema to go to. If A finds out that the nearest cinema is closed, it does not mean that A's intention of watching a movie is nullified: A is simply going to go to another cinema.

Complex intentions encounter certain consistency constraints (Bratman, 2003, 19). First, they have to be “internally consistent”: one cannot plan to stay home all day and to go to the cinema at the same time. Second, they require “means-end coherence” – namely, plans need to be filled out with minor plans concerning their practical implementation. Therefore, if A plans to go to the cinema, he/she has to think about how to arrive there and take preliminary actions and planning in order to fulfil that intention (for instance, checking the bus schedule). A fully-formed and coherent plan does not lead to inconsistent behaviour and internal conflict.

As previously discussed, the commitment produced by an intention has a dual nature: on the one hand, there is a volitional characteristic of commitment: an intention is a pro-attitude towards a certain action, similarly to a normal desire; however, in contrast to a simple desire, an intention is a conduct-controlling pro-attitude (Anscombe, 2016, 120-124; Bratman, 1999, 15-16). There are different theories aiming to understand how an intention exactly controls the behaviour, but this work does not mean to answer these questions, and it adopts the probabilistic account of Jennifer MITZEN. For her an intention does not influence behaviour in a deterministic way, but in a probabilistic one: given the existence of an intention, a person will probably act in order to fulfill it,

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1999, 32). By redefining plans as complex intentions, this thesis aims at considering only one characteristic, one dimension of plans, that of “mental states”, without implying that such dimension is the only meaning the term “plan” can have. Thus, equating plans to complex intentions is not an attempt to solve the debate revolving around the exact nature of plans; it is a purely functional choice for the purpose of answering the dissertation's research question.

but he/she may also not do so (Mitzen, 2013, 36). This approach towards the intention's ability of influencing behavior takes into account what Richard Holton calls "the weakness of will" – namely, people's inability to "act on their own intentions" (Holton, 1999, 241).<sup>12</sup>

This probabilistic account can be better explained by taking once again the example of a subject A that has the intention of pursuing an academic career. The intention of becoming a professor does not necessary mean that A will be able to become one: A might be too lazy, not good enough or not sufficiently committed; he/she might study too little, or his/her networking skills might be ineffective and not sufficiently developed. The only thing that the intention<sup>13</sup> implies is that, since A intends to be a professor in the future, A will probably consistently work in order to become one.

### **2.5: Collective intentions**

While examining the concept of intention, John Searle argued that

It seems obvious that there really is collective intentional behaviour as distinct from individual behaviour. You can see this by watching a football team executing a pass play or hear it by listening to an orchestra. Better still, you can experience it by actually engaging in some group activity in which your own actions are a part of a group action (Searle, 2003, 401).

This led researchers to envision theories according to which it was not possible to examine collective intentional behaviour with the concepts used to analyse individual behaviour, because the former is driven by a "collective intention" which is "somehow not reducible to a conjunction of

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<sup>12</sup> Such a probabilistic account on how an intention can influence one person's behaviour is supported by Anscombe as well (2016, 39).

<sup>13</sup> From now on, the term "intention" indicates both simple and complex intentions.

singular intentions” (Searle, 2003, 402). Many researchers started therefore to formulate the following question: can intentions be collective? This question can only be addressed by first answering a previous one: is an intention something that only lingers in individuals’ minds? If the answer to the latter is “yes”, the existence of a collective intention would presuppose the existence of a collective mind, and that is problematic (Bratman, 1993, 99; Searle, 1993, 406; Gilbert, 2006, 4-5).<sup>14</sup> David Velleman tries to solve this problem by claiming that intentions can dwell in other places other than the mind. His argument can be explained by imagining the following situation: a subject A has the intention of going for a walk, and he/she decides to send the following text message to a friend: “I am going for a walk right now”. In this situation, the message A sent to his/her friend becomes a “token intention”: an empirical manifestation, external to A’s mind, in which A’s intention resides:

If I can commit myself to a course of action by speaking or writing, then there would seem to be a sense in which I am thereby making an oral or written decision; and if I can make a decision by speaking or writing, then there would seem to be a sense in which I can frame an oral or written intention (Velleman, 1997, 37).

Not only that: according to Velleman “lethargy may prevent his [i.e., subject A] initial motives from setting his legs in motion, but it won’t prevent them from setting his mouth in motion so as to bring additional motives to bear on his leg” (Velleman, 1997, 40). Thus, besides introducing the concept of “token intention” and contesting the assumption according to which intentions can only be present in people’s minds, he also argues that, when an intention is uttered or written down, the commitment to fulfil that intention is reinforced. To sum up, a verbal or written intention is the public expression of an intention that increases its probability of being pursued.

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<sup>14</sup> An interesting analysis of this problem is given by Ben Laurence (2011).

Starting from this reasoning, it is possible to envision a situation where an intention is expressed through an utterance or writing, and that such an oral or written declaration is shared by more than an individual. However, is this enough to talk about a “collective” intention? The fact that an oral or written declaration is shared by more than one subject indicates only that some people have the same individual intention – which does not necessarily imply that the intention is collectively held. In this case, perhaps, it is better to talk about a “shared” intention, rather than a collective one. In Searle’s words:

The mere presence of I-intentions to achieve a goal that happens to be believed to be the same goal as that of other members of a group does not entail the presence of an intention to cooperate to achieve that goal. One can have a goal in the knowledge that others also have the same goal, and one can have beliefs and even mutual beliefs about the goal that is shared by the members of a group, without there being necessary any cooperation among the members or any intention to cooperate among the members (Searle, 2003, 406).

For an intention to be collective, then, other conditions must be fulfilled. One of these is outlined by Margaret Gilbert, who argues that collective intentions are constituted when “each person expresses a form of [...] commitment such that [...] only when everyone has done [something] similarly is anyone committed” (Gilbert, 1990, 7). In other words, a necessary condition for a collective intention to exist is that of a *joint commitment*,<sup>15</sup> based on the affirmation “I’m willing if you’re willing” (Velleman, 1997, 39).

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<sup>15</sup> A more detailed explanation of how joint commitments between two or more subjects work can be found in the work of Margaret Gilbert (2006)

The second necessary condition for collective intention to take place is also identified by Gilbert (1990), and it is the existence of a *plural subject*. Her concept is very effectively described by Jennifer Mitzen, one of the authors who has examined in greater detail the characteristics of collective intentions and who has applied this concept to the field of International Relations. According to her:

The fact that [forum] participants commit explicitly to do something together [...] for the purpose of executing the intention, takes us out of the realm of strictly individual intentions. As such [...] we could say that these are intentions by a plural subject. [...] A plural subject [...] is separate from the actors who create it and cannot be reduced or disaggregated to their preferences and/or their interactions. At the same time, it does not subsume the intentionality of the individual actors (Mitzen, 2013, 37).

She compares the concept of a collective intention with the effort of five basketball team players to win a match. The players are individual actors, while the team is a plural subject; single players make individual choices, but all of them are bound by the same intention, which is collectively shared and which needs a concerted action of all five players to be fulfilled: to win the game (Mitzen, 2013, 6). The intention of a plural subject has three characteristics (Mitzen, 2013, 39):

- Every participant expresses the same shared intention;
- Since the intention is collective and it needs the concerted action of every group member to be fulfilled, each subject feels committed to contribute towards its realization;

- A subject is responsible towards others only as far as fulfilment of the collective intention is concerned.

To sum up, these authors have identified three main characteristics for an intention to be collective. First, the intention has to reside outside the subjects' mind – it has therefore to be uttered or written down, and to become a “token intention”. Second, such a “token intention” has to be shared by a group of individuals, bound by each other to the statement: “I am willing if you are willing”. Third, this group of individuals has to comprise a “plural subject”, which cannot be reduced to the individuals who are part of it.

### **2.6: Collective and particularistic intentions in international forums**

A forum is, for Mitzen, a public debate in which different actors aim to cooperate in order to realize a common goal (Mitzen, 2013, 50). Such a common goal is what Mitzen calls the collective intention of the forum, and it has three fundamental characteristics (Mitzen, 2013, 39):

- It is shared by all participants in the forum;
- It can only be fulfilled if enough actors work together;
- It holds every single actor responsible towards other forum participants, as far as the fulfillment of the collective action is concerned.

It is possible to envision how, in international relations, the forum itself can be considered the plural subject, held together by a collective intention that makes all participating actors no longer separate subjects, but members of a collective body.<sup>16</sup>

Starting from this definition of “collective intention”, Mitzen begins to analyze the nature and dynamics of international forums. In Mitzen’s theoretical model, interacting subjects in a forum are not seen as just a group of single units in the same arena: when they gather in an assembly specifically held in order to fulfill a certain mandate, they become part of a plural subject, a net of interdependent actors that agree on a coordinated strategy in order to achieve a common objective. Furthermore, once the common objective is established, “the individual intentionality that each person has is derived from the collective intentionality that they share” (Mitzen, 2013, 5). What she tries to present is a “visible hand” approach to global governance, in which international policies are the product of the collective action of units focused on promoting not just their own singular preferences, but – above all – the interest of the group they constitute (Mitzen, 2013, 13-18).

Mitzen explains her theory in detail in her work *Power in Concert: The Nineteenth-Century Origins of Global Governance*. In this book, she applies her theory to the European Concert system, and tries to explain the dynamics and the outputs of this diplomatic framework with the existence of a collective intention amongst states and of a forum system of public discussion aiming to fulfill that intention. More specifically, she studies how the European Concert acted during the Greek crises of the 1820s (Mitzen, 2013, 105; 125-126). Her main point can be summarized as follows: the European Concert represents a clear example of a forum where different actors shared a collective intention: to avoid or at least bracket conflict in Europe (Mitzen, 2013, 86-102).

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<sup>16</sup> When examining how states participating to an international forum constitute a plural subject, one needs to consider that there are two levels of aggregation involved. First, the aggregation in which individuals working for the state merge into the state itself, considered in this thesis both as a corporate actor and as a person driven by unitary preferences. Second, the aggregation in which these corporate actors constitute the collective body of the forum. These two types of aggregation are considered to be different. On the one hand, the state-level aggregation is a corporate type of aggregation, in which the collective body’s intentions and preferences “are possessed by groups with a centralized authority structure capable of imposing binding decisions on its members”. On the other hand, the forum-level aggregation is a plural subject type of aggregation, in which “people [i.e., states] see themselves as part of a group in pursuit of a shared goal, but make collective choices in a decentralised fashion, so that their intentionality is plural rather than unitary” (Wendt, 2004, 297).



Furthermore, she claims that actors were able to solve the Greek crises in a relatively pacific way thanks to the existence of such a collective intention (Mitzen, 2013, 104-105; 120; 122; 129-177). A forum such as the one described by Mitzen is therefore portrayed as a clear example of “visible hand” in global governance (Mitzen, 2013, 50).

In this impressive work, Mitzen elaborates a refined and coherent theory that examines the way actors take decisions within a forum, without trying to assess whether the rationalist or the constructivist logics are preeminent in the process of intention-formation. For this reason, Mitzen’s concept of collective intention is a good foundation on which to build a study of international forums’ social interactions and, at the same time, to circumvent the constructivist/rationalist debate. Indeed, without attempting to map the rationalities of negotiating authors, it would be sufficient to say that all of them are driven by intentions, and that they gather in an international forum because they all share a collective intention – which is the forum’s mandate – that requires the cooperation of all forum participants in order to be fulfilled. However, there are, in her work, some theoretical problems and unanswered questions, that immediately reveal themselves when the case study that Mitzen chose in order to apply her hypothesis is examined in detail.

The main problem is the following: Mitzen argues that subjects interact within a forum driven by their shared collective intention. However, while she portrays and tracks the European Concert negotiation processes during the Greek crises, she cannot help showing how actors negotiated and debated by mostly defending their selfish interests and what they perceived as their national security (Mitzen, 2013, 111-114; 117-119; 125-126), often neglecting the collective intention of maintaining European peace and instead using it as a mere rhetorical façade that hid their more selfish and prosaic objectives (Mitzen, 2013, 109).<sup>17</sup> Why, if actors’ selfish preferences in a forum are derived from the collective intention (Mitzen, 2013, 5), do we encounter so many obstacles in the collective

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<sup>17</sup> For a more detailed analysis on the subject, see Matthew Rendall’s review of Mitzen’s book, available at <https://issforum.org/ISSF/PDF/ISSF-Roundtable-7-11.pdf>

action's fulfillment? Does this mean that actors have selfish, particularistic intentions<sup>18</sup> that do not derive from the collective one, but that instead are parallel to it and that often conflict with the forum's mandate? In any case, despite the existence of some open questions, Mitzen's concept of "intention" is an original and theoretically stimulating attempt to build a theory of international negotiations and, at the same time, offers the conceptual possibility of avoiding the rationalist/constructivist ontological debate. For these reasons, this research starts from Mitzen's theory and tries to revise it in order to address its problematic features.

As previously explained, Mitzen identifies a plural subject as something similar to a basketball team, and a collective intention with the intention, shared by all team players, of winning the match. However, this may not be the whole story: each player, together with this collective intention, may have many other particularistic ones. For instance, player A may not like the coach, and it may be in A's interest to lose the game and try to get the coach sacked; player B may be against player A, and therefore decide not to pass the ball to A, even if this hampers the chances of winning; player C may be too focused on achieving personal "glory" on the court, and therefore overlook the "big picture" in order to try to score some spectacular points, and so on. Only if players decide to prioritize the collective intention over their particularistic ones can the game be won and there be a chance of accomplishing the goal of the whole team.<sup>19</sup> It is therefore necessary to envision particularistic intentions that coexist with the collective one, and that sometimes conflict with it: each player has different intentions, but they all have a collective one in common. This

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<sup>18</sup> In Mitzen's work, it is clearly specified how the existence of a collective agency "does not subsume the agency of individual participants", since "it is a larger, 'macro' purposiveness that does not necessarily coalesce into unitary actorhood" (Mitzen, 2013, 5). But while her work accepts the existence of particularistic intentions, the relationship between them and the collective intention is not fully explored, and Mitzen's theoretical framework considers particularistic intentions to be hierarchically subordinated to the collective one (Mitzen, 2013, 6-7).

<sup>19</sup> While considering the example of the basketball team in relations to the collective intention, Mitzen contemplates the possibility that players might be moved by individualist reasons. In her view, "if [...] a basketball player chooses to take a risky shot rather than pass to an open teammate in an effort to boost his individual statistics, his teammates have the standing to criticize him for undermining their agency, and he owes them an explanation" (Mitzen, 2013, 7). This example illustrates very vividly the collective commitment generated by the existence of a plural subject sharing a collective intention and by the "forum effect", triggered by public discussion. However, while it is true that a subject pursuing individualist goals within the plural subject is vulnerable to criticism, it is also true that such pursuit of particularistic intentions by members of the plural subject is clearly a possibility, and that therefore particularistic intentions can coexist with the collective one without being hierarchically subordinated to the latter.

interpretation would then suggest that particularistic intentions are not “filtered through” the collective one (Mitzen, 2013, 57), but coexist with it; instead of a “*vertical*”, hierarchical relationship between collective and particularistic intentions, therefore, this perspective would assume a *horizontal* dualism between them. As far as the context of the European Concert is concerned, Mitzen focuses too much on the group identity, describing states as melting into a unique body. Instead, this alternative conceptualization of her theory treats the group participants as individual actors, completely independent of one another, that are however bounded by a common intention and by a forum in which certain norms and agreements have been established. This does not mean that the particularistic intentions of individual actors disappear or always become subordinate to the collective intention, but that they simply exist simultaneously with a collective one.

If the assumption of a horizontal coexistence of collective and particularistic intentions is accepted, then the fact that on certain occasions actors taking part in the European Concert acted by pursuing their own selfish goals is no longer contradictory. Simply, those forum participants were, in that moment, pursuing their particularistic intentions, while still sharing the collective intention of bracketing conflict in Europe with all other forum participants. Furthermore, while it is true that the pursuit of particularistic intentions might somehow clash with the realization of the collective intention, this does not constitute a theoretical paradox. Indeed, both the collective and the particularistic intentions have to be considered “complex” ones, long-term plans. Complex plans can coexist and be pursued at the same time, despite a certain degree of tension. For instance, a state A might have the intention of keeping peace in Europe and, at the same time, to increase its presence in the Mediterranean. These two efforts might create tension, but the two plans are not necessarily contradictory, and A can try to fulfil them both in the same negotiation process.<sup>20</sup>

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<sup>20</sup> This consideration is drawn from Michael Bratman’s claim that there can be “quite general plans – for example, to pursue an academic career, to raise a family, to work for social justice” (Bratman, 1999, 30). As in the example of state A, which is aiming at bracketing conflict in Europe and increase its presence in the Mediterranean, pursuing an academic career and raise a family are not incompatible plans, and they can be pursued at the same time. Yet,

## 2.7: Intentions as detectable unobservables

The previous section has claimed that international forums are characterized by the following situation:

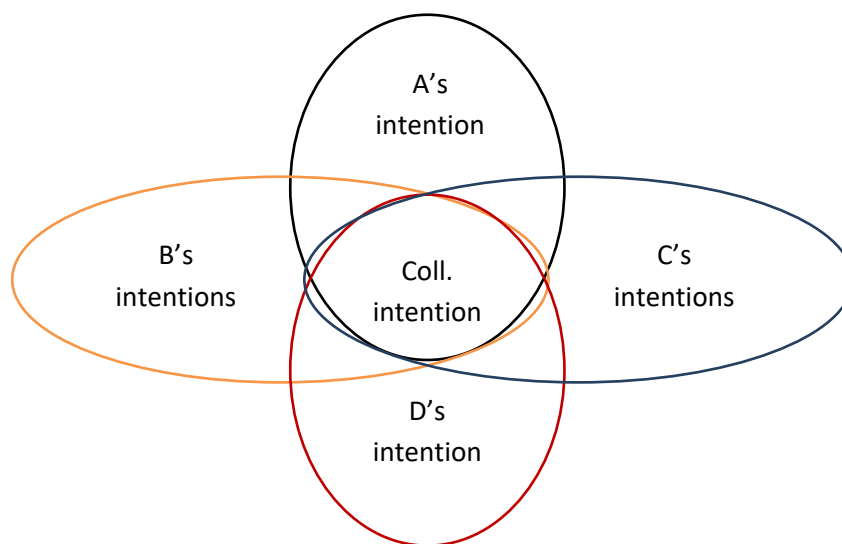


Figure 3: Particularistic and collective intentions

A, B, C and D are forum actors that are driven by some particularistic intentions. While some intentions might be shared by two or three forum participants at the same time, only the intentions shared by all four can be considered the collective intentions at the base of the forum.<sup>21</sup> Furthermore, in the course of negotiations, each actor can pursue both the collective intention and any of their particularistic ones. Both collective and particularistic intentions have to be considered unobservable objects within international forums: on the one hand, they indicate something within actors' minds and influence subjects' behaviour; on the other, they may also describe oral or written

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possible tension between the two purposes might emerge: for instance, one might have to live apart from one's partner because it is the only possibility of finding a job in academia; or having a child might represent an obstacle (although not an insurmountable one) to the planning of six-months' fieldwork on another continent. It is then possible to conclude that a subject can pursue more than one complex plan – or complex intention – at the same time, and that possible tensions between the different pursued plans might emerge.

<sup>21</sup> As previously said, the fact that the intention is shared by all forum participants is only one of the many preconditions allowing a collective intention to exist. The existence of an agreement amongst forum participants based on the proposition "I am willing if you are willing" and the presence of a plural subject which is based on the pursuit of the collective intention are two other characteristics of a collective intention.

commitments to follow a certain path. There are some features, however, that make “intentions” – or at least some intentions – empirically detectable observables.

As it has been previously said, earlier theories of social interactions in forums regarded subjects’ “true dispositions” as the main feature to consider in order to distinguish and categorize different types of forum statements. For instance, delegates engaging in arguing needed to have a persuasion-oriented, truth-seeking and open-minded disposition (Risse, 2000, 10-12), despite power hierarchies between the forum participants (Risse, 2000, 7). In order to assess actors’ true dispositions, however, researchers needed to know their attitudes, feelings, beliefs, the way they reasoned. One can see how hard it is to identify empirical phenomena that allow indirect detection of empathy, truthfulness and openness, and it is not surprising that many of the attempts to do so led to problematic conclusions (Krebs and Jackson, 2007, 40; Saretzki, 2009, 174).

Intentions, on the other hand, are defined in the present study as conduct-controlling pro-attitudes towards a desired outcome in the future (Mitzen, 2013, 34-36). Differently than actors’ true dispositions, intentions are not necessarily something that lives only within the actors’ minds, since, when an intention is expressed (verbally or in a written form), a “token intention”, existing outside someone’s mind, is generated (Velleman, 1997, 37). Furthermore, while actors’ dispositions are only the “frame of mind” with which a certain action is carried on, the intentions of a subject are inextricably connected with that same subjects’ actions (Anscombe, 2016, 81-86). Since intentions are conduct-controlling pro-attitudes that aim at a certain desired – and achievable (Anscombe, 2016, 120-121) – future outcome, they translate into empirical acts that contribute to define a subject’s behaviour. Since intentions translate into, and are inextricably connected with, actions that take place in the empirical world, it is possible to say that by looking at the actions made by subjects we can indirectly detect the intentions that they have; intentions are therefore detectable.<sup>22</sup>

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<sup>22</sup> While the term “detectable unobservable” is usually associated with natural sciences, there are authors, for instance, Patrick Jackson, who apply that label to objects of social science as well. The only difference between natural and “social” detectables is that “the equipment necessary to detect [...] [the latter] is not necessarily a physical piece of equipment, but can also be a conceptual one” (Jackson, 2016, 87)

During a forum, for instance, the utterance of something during an official speech can be considered a change in the behaviour of an actor, conditioned by the existence of a certain intention.

An example can better show the difference between intentions and dispositions, and explain why, according to this dissertation, the former are detectable unobservables and the latter undetectable ones. A forum F is driven by the collective intention X. In such a context, delegate A, who is committed to the collective intention like all other forum participants, utters the following sentence S: “We must do X because it is morally right to do so”. In this example, A’s intention X leads him/her to utter the sentence S.<sup>23</sup> This means that the intention X leads A to say S during the forum, and that the intention X is, therefore, inextricably connected with the action S, in a similar way than the intention of going to the cinema is connected with the action of buying a but ticket that will drive towards the nearest movie theatre. An external observer could examine A’s behaviour in the empirical world and, by looking at S, could indirectly detect A’s intention X.

But a person A, committed to the collective intention X, and uttering the sentence S, could do that while having different dispositions. A might say: “We must do X because it is morally right to do so” while having a truth-seeking, open-minded, persuasion-oriented disposition. In this case, A sincerely thinks that X is the right thing to do, and is genuinely trying to persuade other forum participants. But A might also say S while having a self-focused, strategic disposition. In this case, A might be trying to use the concept of morality as a rhetorical instrument by which to force other participants to do X. An external observer looking at S might be able to detect A’s intentions because they directly translate in A’s behaviour; but he/she will not be able to detect the disposition with which A is doing S.

The conclusion that can be drawn by this example is that intentions are connected to subjects’ empirical actions in a way that dispositions are not, and that therefore the former should be considered empirically detectable objects, while the latter are empirically undetectable ones. This

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<sup>23</sup> Once again, this does not mean that S is only committed to the collective intention X. A might also be driven by particularistic intentions, and he/she could pursue them in other statements uttered during the same forum.

conclusion, however, leads to another question: how to detect subjects' intentions while looking at real-world international forums?

In his book *The Conduct of Inquiry in International Relations*, Patrick Jackson describes how many efforts that researchers have undertaken in order to solve the problem of unobservables have relied on abductive inference. In contrast to inductive inference (which examines particular cases in order to elaborate a general theory) and deductive inference (which starts from a general theory and attempts to explain particular cases), abductive inference “is a way of reasoning from some puzzling set of observations to a likely explanation of those observations” (Jackson, 2016, 94). On a first look, one might think that this description of abductive inference is very similar to the process of inductive inference, since the latter attempts to explain general phenomena by starting from particular observations as well. However, the difference between the two is revealed when Jackson highlights how the goal of abductive inference is to deliver “likely explanations”. While both deductive and inductive inferences aim at establishing reliable conclusions, abductive inference attempts to present plausible conjectures that explain a phenomenon, in absence of clear enough evidence able to support or to even test such explanation. A similar account of abductive inference is given by Klaus Krippendorff, who defined it as a method proceeding “across logically distinct domains, from particulars of one kind to particulars of another kind [...]. Of course, one can make such inferences only with a certain probability [...]” (Krippendorff, 2013, 42).

Jackson explains how abductive inference can be extremely useful in integrating detectable unobservables within a theory (or even observables that have yet not been observed), by describing the research process that led towards the discovery of Neptune:

The orbits of the planets were calculated, and some discrepancies in the orbit of Uranus were observed; astronomers seeking to explain those discrepancies hypothesized the existence of a planet beyond Uranus, and calculated its mass and orbit based on Newton's laws of motion; telescopes

trained on the appropriate area of the sky detected a new planet – subsequently named Neptune – right where it was supposed to be (Jackson, 2016, 94).

Although Neptune was not a detectable unobservable, but rather a not yet discovered observable, the principle is the same: astronomers detected empirical evidence indicating that something not yet observed existed and, through abductive inference, elaborated a theory trying to explain it. The result was the “conceptualization” of Neptune before that planet was discovered.

However, in order to claim that expressed intentions are detectable unobservables that influence the dynamics of international forums, it is first necessary to explain how these intentions are translated into the empirical realm. To do that, one needs to examine international forums and analyse their structural characteristics.

### **2.8: Defining international forums**

As previously said, an international forum can be seen as a gathering of states’ representatives discussing an issue that interests them all. States may undertake negotiations for different reasons: for instance, to react to a recent crisis, to face a common threat or to seize an opportunity (Stein, 1989, 243). Whatever the reason, states gather in negotiations because they want to cooperate in order to solve a problem. This thesis distinguishes between three different stages most international negotiations go through: pre-negotiations, negotiations and post-negotiations. Such a distinction has already been made by other authors: Olav Stokke and Davor Vidas, for instance, claim that every negotiation must go through the phases of initiative, negotiation and adoption (Stokke and Vidas, 1996, 26).<sup>24</sup> These three negotiation stages are radically different from each other, are regulated by

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<sup>24</sup> This distinction of the negotiating process in three stages is to a certain extent supported by Levy, Oran and Young: when examining the process of regime formation, they divide it in three steps: “agenda formation, institutional choice and operationalization” (Levy, Oran and Young, 1995, 282).



different dynamics and procedures and consequently, according to many authors, must be studied as separate and distinct processes (Stein, 1989, 248-249; Odell, 2010, 623).

The pre-negotiation is the moment where actors gather in order to discuss the possibility of starting a negotiation; the only necessary condition for a pre-negotiation to take place is that some actors must consider it advantageous to cooperate (Stein, 1989, 243). During pre-negotiations, actors decide which commitments they would consider taking in an effective negotiation, when and where negotiations would take place, which legal status an eventual agreement would retain, which actors may participate, and which transitory mechanisms could be adopted in order to facilitate short-term agreements (Zartman, 1989, 8-14). Aside from these “administrative” matters, pre-negotiations are also fundamental in assessing the goodwill and reliability of certain actors, the support that a certain policy would obtain within public opinion, and the possibility of building common definitions or coalitions of interests in order to facilitate the negotiating process (Stein, 1989, 252-261). Pre-negotiations thus do not aim to solve an issue, but instead to establish the rules and the principles that will regulate the dynamics of the negotiation (Stein, 1989, 252). This phase ends when actors agree on the main guidelines that will determine future negotiations, or when they agree on the impossibility of cooperating over a certain matter (Zartman, 1989, 2-4).

While pre-negotiations take place first, post-negotiations happen last. This negotiation stage includes all meetings following the stipulation, ratification and implementation of an agreement, a treaty or a protocol. In this phase, actors monitor the development of their common strategy, test the effectiveness of the governance mechanisms or the level of implementation of agreed measures, discuss controversies between parties, deal with particular and practical questions, and admonish (and, sometimes, punish) transgressors. Post-negotiations are focused on the administration of the international regime born from the negotiation process, and they follow dynamics that are different from pre-negotiations and negotiations (Odell, 2010, 623).

Finally, the negotiation stage happens in between the two previously described ones, and it is the moment where actors effectively gather in order to find a solution or a shared plan of action as

far as a particular issue is concerned. The present study focuses uniquely on the phase of negotiation and does not examine neither pre-negotiation nor post-negotiation stages. Thus, from now on, whenever using the word “forum”, it will refer to a gathering where state representatives publicly debate a common issue. This type of forum is not just a way to elaborate a shared strategy as far as a certain topic is concerned; it is also a means to legitimate and justify that policy in front of the whole international community – or at least, in front of a majority of it (Mitzen, 2005, 401). Although negotiations can differ in many possible ways, they have certain features in common that are analyzed in the following paragraphs.

Katharina Coleman claims that a negotiation is based on two distinct components: the mandate and the output. The mandate establishes why the forum has been summoned, while the output determines the nature, the legal status and the institutional features of the conclusions resulting from the debate (Coleman, 2013, 168). Jennifer Mitzen says something very similar in her description of international negotiations: actors that share a collective intention link that commitment to a particular forum, where they elaborate and establish strategies and methods in order to fulfill it (Mitzen, 2013, 21). Mitzen’s definition of a negotiation forum, however, is more specific, since she argues that the negotiation must be held publicly, in front of all of the forum participants, and the same goes for the commitments taken (Mitzen, 2013, 50). In such a context, a subject may make claims that are focused on defending his/her own interests, but these claims will be articulated, within the forum, in the most rational, general and abstract way possible, in order to make that claim more likely to be accepted and recognized by other participating actors, creating what Mitzen calls “the forum effect” (Mitzen, 2005, 411). Together with the mandate and the outcome, then, one also has to consider the forum’s fundamental component of publicity.

The very fact that negotiation forums take place after pre-negotiations have been held shows that there are some overarching norms and agreements that influence actors’ behaviour: negotiations do not take place in a void, but instead follow certain rules disciplining the debate; they are legitimized by already-existing treaties or statements; they may refer to an already existing

diplomatic framework; and outcomes are reached by following pre-determined decision-making procedures, which may extensively differ and influence actors' behaviour (Johnston, 2001, 509-510). Together with the components of mandate, output and publicity, then, the fundamental component of pre-established norms has to be taken into consideration.

There is, however, another factor that is able to influence the dynamics of public negotiations, that in this research is defined as "incidental issues". State representatives' claims, statements and actions do not always refer to the forum's mandate, and, during the negotiations, states raise other issues, often unrelated to the purpose of the forum. During negotiations actors may mention things that do not necessarily concern the forum's mandate, and these incidental issues should be considered another factor that can influence the course of negotiations.

An example of how the existence of "incidental issues" can influence the course of the forum is the following: the negotiations that led to the elaboration of the Kyoto Protocol were driven by the mandate to reduce greenhouse gas emissions and to provide mechanisms of mitigation and adaptation in order to tackle the issue of climate change. During the debate, many developing countries argued that, given their social and economic conditions, it was unfair to expect from them the same effort in emissions reduction as the global North (Jamieson, 2014, 45). Their claims influenced the outputs of negotiations, and the Kyoto Protocol established mechanisms for reducing carbon emissions that provided a differentiated treatment for developing countries (Baron and Colombier, 2005, 153). On the other hand, the United States, during climate negotiations, often raised issues that were unrelated to the purpose of tackling climate change, and were instead related to its desire to protect industrial and corporate interests (Brenton, 1994, 170-171). Washington's focus on economic interests other than the forum's mandate of climate negotiations is exactly what led the country to consider the Kyoto Protocol a threat to its sovereignty and economic growth, and to reject the protocol decisively under the presidency of George W. Bush (Jamieson, 2014, 46-47). In this example, both developing countries and the United States raised issues that were not specifically related to the forum's mandate (reducing the greenhouse gas emissions and tackling

climate change), and both of them were able to influence the Kyoto Protocol negotiations and the output they produced.

### 2.9: Detecting intentions through “abductive conjectures”

The structure of an international forum can now be sketched in the following way:

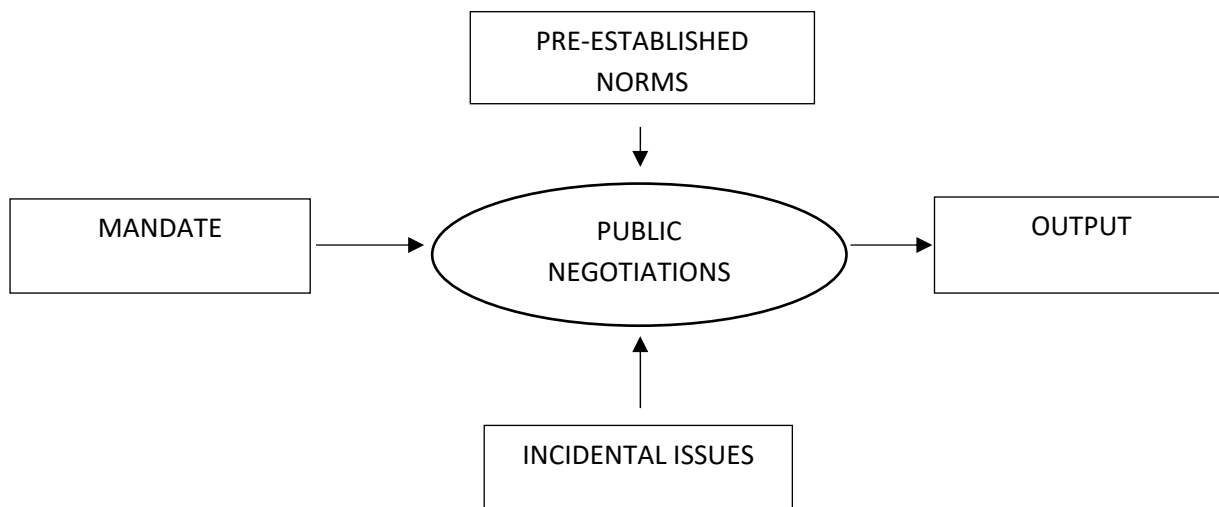


Figure 4: structure of international forums

The scheme above shows how international negotiations are *public*, and that they are influenced by three factors: their *mandate* (which is the goal that forum participants need to realize), the presence of *pre-established norms* (disciplining the debate and the decision-making procedures) and the existence of *incidental issues* (unrelated to the mandate and raised by states during the negotiation process). Finally, it is possible to see how negotiations end up generating an *output*, which is always an attempt to realize the forum’s mandate, whether successful or unsuccessful.

By starting from these considerations, it is possible to argue that the mandate of the forum is an empirical, observable object that allows researchers indirectly to detect the presence of the collective intention shared by all the participants in the negotiation. This conclusion is reinforced by Mitzen’s claim that “epistemically, in order to be a collective intention, a joint commitment must be

common knowledge” (Mitzen, 2013, 44-46). The forum’s mandate is officially established during pre-negotiations, and it is often expressed in written form, which makes it “common knowledge” for all subjects participating in the debate and for the public witnessing it. While it is not possible to conclude with absolute certainty that the forum’s mandate is identical to the collective intention,<sup>25</sup> it is possible to conjecture that without a collective intention there would not be a forum mandate, and that the forum’s mandate is the indirect, empirical consequence of that collective intention. Similarly, the “incidental issues” raised by forum participants that do not explicitly concern the forum’s mandate can be considered empirical phenomena indicating the presence of expressed particularistic intentions.

Considering once again the example of the Kyoto Protocol negotiations, one can argue that the collective intention of reducing greenhouse gas emissions and of tackling the negative effects of climate change was what led to the elaboration of the mandate of the Kyoto Protocol forums. On the other hand, issues raised by certain actors – such as the American desire to defend US sovereignty and industry, or the developing countries’ request for preferential treatment – can be considered the particularistic intentions of one country or of a group of countries within the forum.

To sum up, collective and particularistic intentions must be considered, like “actors’ true dispositions”, unobservable objects of international negotiations. However, in contrast to the latter, both types of intention can be detected by the presence of empirically observable, structural features of international forums: the forum’s mandate, which indicates the existence of a collective intention, and the incidental issues raised during the negotiations, which reveal particularistic intentions, parallel to the collective one, amongst forum participants.

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<sup>25</sup> The reason for this lack of certainty is the following: when looking at one forum there is always the possibility (although often prevented in the pre-negotiation phase) that one or more actors will take part in the negotiations only for selfish and instrumental reasons, while not being interested in fulfilling the forum’s mandate. That this cannot be ruled out means that it is impossible for a researcher to equate with absolute certainty the forum mandate with the forum collective intention. What it is possible to do, however, is to formulate, through abductive inference, a conjecture stating that, since there is a clear forum mandate, it is plausible to conclude that every actor participating in the forum shares the collective intention of fulfilling the forum mandate. If this conjecture is accepted, then the official forum mandate can be seen as an empirical indicator of the forum’s collective intention. Similarly, it is impossible to claim with absolute certainty that, if a forum delegate A says: “My country wants to do X”, A’s country is driven by the intention X; the claim, however, can be considered a plausible conjecture.

### **2.10: An instrumentalist approach to the concept of intention**

Previous sections have analysed the structural characteristics of international negotiations, and claimed that the forum mandate can be considered as the empirical indicator that allows the researcher to detect the presence of a collective intention, while the incidental issues raised during the debate can be seen as evidence of the particularistic intentions of forum participants. These considerations originated from a process of abduction – namely, from the formulation of a plausible conjecture. Abductive processes, however, can only be used to elaborate conjectures aiming at explaining a particular phenomenon (Jackson, 2016, 95), and cannot be used in order to establish whether a conjecture is true or false (Chernoff, 2005, 82). Furthermore, the claim that collective and particularistic intentions are detectable unobservables is not yet supported by “a set of more or less well-defined data-collection and data-analysis procedures” (Jackson, 2016, 87), which could empirically verify the existence of intentions and their correlation with features of international forums.

Because of this, it is impossible to claim that there currently are mechanisms ensuring “reliable detection” of intentions, and the claim that intentions are detectable objects is only *provisional*, a starting point from which researchers can try to gather additional evidence and strengthen their grasp on the studied phenomenon. The questions arising from the nature of abductive inference and from the realization that the concept of “intention” is, at the moment, an inference relying uniquely on abductive conjectures are, then, two: do intentions really exist? And is their existence important for the purpose of this research? Since there are not yet clear procedures through which to test whether intentions actually exist, we should be agnostic as to their existence. At the same time, the theoretical construct of intention can be useful in building a model able to categorize the different types of forum behaviour in a systematic, reliable and valid way, independently of the actual existence of intentions. In doing so, this thesis adopts an instrumentalist

approach.<sup>26</sup> Explaining the characteristics of instrumentalist approaches is the objective of the remainder of this section.

The process that led this paper to identify intentions as the base on which to start formulating its theory is similar to the one described by Fred Chernoff as the fundamental process of instrumentalist scientific investigation. Chernoff, in fact, argues that “observations about the world” show certain phenomena and behaviours that constitute the “pre-scientific ontology” of the researchers. Amongst these phenomena could be included the observable objects that, according to common sense, are deemed to be real (Chernoff, 2009, 372-373) – examples of these phenomena could be, as far as this research is concerned, the forum’s mandate and the incidental issues raised in the course of the negotiations. According to Chernoff, observation of these phenomena leads the researcher to elaborate a theory aiming at explaining them – a theory that bases its explanation on the existence of postulated “further entities” (Chernoff, 2009, 372-373). In a similar fashion, this paper attempts to use the concepts of collective and particularistic intentions to explain the existence of the forum’s mandate and of the forum’s incidental issues, and it provides a conceptual framework linking theoretical constructs with empirical phenomena. Chernoff continues by arguing that “these latter entities are knowable only by reference to the explanations and theories of which they form a part. There is no other way of judging which, if any, exist. For this reason the entities cannot be specified prior to theorizing” (Chernoff, 2009, 373). Again, Chernoff’s reasoning seems to apply to the method of theory-building adopted by this research, since the decision to use and

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<sup>26</sup> It could be argued that the choice to abductively infer the existence of intentions as detectable unobservables of international life, without being able to empirically demonstrate their existence, is incompatible with the claim made in the introduction that this research is following a neopositivist, phenomenalist approach limiting knowledge to features that can be empirically experienced and observed. The use of abductive conjectures, however, is considered to be “entirely compatible with the kind of philosophical-ontological assumptions made by neopositivists” (Jackson, 2016, 88). Indeed, by adopting an instrumentalist approach, a researcher can use abductively inferred theoretical constructs to explain empirical phenomena without having to necessarily claim that they do exist beyond doubt, and instead adopting an agnostic take on the matter. Starting from an agnostic position does not prevent researchers from assessing the existence of an entity (in this case, of intentions) further, thus putting “an end to the necessity of continuing to abduct its existence” (Jackson, 2016, 87), but the lack of such further evidence does not influence the usefulness of the theoretical framework, which should instead be assessed only on its capability to provide valid and reliable conclusions (Chernoff, 2009, 374-376).

define the concept of “intentions” originated from the need to find reliable constructs on which to build a theory able to detect and categorize empirical phenomena occurring in international forums.

According to Daniel Hausman, the first principle of instrumentalism is that “the ultimate goals of science are and should be exclusively practical”, and that “scientific theories are tools that should serve these goals” (Hausman, 1998, 189). In other words, an instrumentalist approach considers useful those researches that have practical utility and that are able to control and predict empirical phenomena. Instrumentalism has often been challenged by scientific realists, according to whom “science aims to discover the truth about its subject [...] as well as to assist human practices” (Hausman, 1998, 191), and therefore science’s cognitive goals – i.e., its attempts to “discover the truth about its subject” (Hausman, 1998, 187) – are as important as the production of practical and useful knowledge.

An important advocate for scientific realism in International Relations is Colin Wight, who counters instrumentalist assumptions by arguing that the effort of “getting things right is a practical, a political, and an ethical imperative, and although achieving it may be impossible, or knowing when we have achieved is extremely difficult”, the effort should never be abandoned by researchers (Wight, 2007, 381). Thus, according to Wight, scientific realist researchers have to assume that the entities they postulated in their theories are real (Wight, 2007, 382), since “the object of the theory is attempting to grasp” has to exist “independent of the theory” (Wight, 2007, 384). In his article “A Manifesto for Scientific Realism in IR”, Wight does not entirely reject instrumentalist methods of theory building: in fact, he argues that situations in which there is no or too little possibility of asserting the existence of a theoretical postulate, or in case such a theory is new and at the earliest stages of validation, instrumentalism could be the best way to proceed (Wight, 2007, 383). However, he points out that the decision to follow an instrumentalist path must go along with the awareness that further research is needed, in order to confirm or disprove the existence of the theoretical postulate at the base of the theory (Wight, 2007, 383).



The choice between an instrumentalist or a scientific realist (SR) approach plays an important role in defining the way one approaches unobservables in research. While, in fact, scientific realists argue that “the claims theories make, including the claims involving unobservables, are true or false and should be true” (Hausman, 1998, 191), instrumentalists “welcome theory, no matter how outrageous its theoretical postulates, provided that it has some practical payoff” (Hausman, 1998, 190). This is because, for instrumentalists, theoretical constructs are abstractions that should be assessed only on their usefulness in building theories that allow a researcher to formulate reliable and valid conclusions (Jackson, 2004, 284), while “it is inappropriate to assess the truth or falsity of theoretical claims at all” (Hausman, 1998, 193).

As explained by Chernoff, “scientific realists claim that if we accept a theory as the best available, then we must accept the entities postulated by it into our ontology” (Chernoff, 2009, 388). If this research followed an SR approach, it would need to consider intentions as “real” objects in international life. Furthermore, from a scientific realist perspective, the fact that this research has adopted abductive inference and instrumentalist reasoning in order to postulate the existence of intentions is not a problem in itself; however, the research should clearly state that the instrumentalist conclusion reached is only provisional, and this study should be followed by research projects aiming at assessing the empirical existence of both particularistic and collective intentions. In other words:

SR does not deny that instrumentalism may be an appropriate tactic to employ at certain moments [...]. What SR argues is that [...] [instrumentalist] explanations are incomplete and that to understand science, and hence practice better science fully, we need to incorporate them into a broader realist framework (Wight, 2007, 392)

While scientific realism considers instrumentalist procedures to be useful only in the formulation of provisional and transitory explanations that in the future one must confirm or disprove, Chernoff argues that “the conventional element never ‘drops out’ as scientific progress advances” (Chernoff, 2009, 382), because there are theoretical conventions that simply cannot be proven, but which are, however, useful for the purpose of scientific investigation. He gives as an example the convention used in physics according to which measuring rods do not experience changes in their length while moved into space; although there is no possible way to prove such a claim, it has been a proposition allowing physics to progress and to produce reliable theories for over a century (Chernoff, 2009, 382). This dissertation supports Chernoff’s stance, and it therefore decides to treat the theoretical construct of intention “as if” it exists, while acknowledging that, in reality, it may not. It does so because it believes that the theoretical construct of intention can be very useful in building a model allowing researchers to categorize different types of statement made during a forum, and in doing so it adopts – unless and until the effective existence of intentions is confirmed by further studies – a position described by many authors as “agnosticism” (Chernoff, 2009, 384; Hausman, 1998, 189).<sup>27</sup> This choice is in accordance with the principles of constructive empiricism, according to which “the history of science is one of continual theoretical change and improvement” (Chernoff, 2009, 375): a process of investigation in which even the most recognized and commonly accepted theories should not be considered dogmas, but explanations that could always, in the future, be disproven (Chakravartty, 2007, 28-29).

At last, it is possible to identify the whole set of premises that constitute the base of this research’s attempt to study social interactions occurring in international forums. In order to

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<sup>27</sup> In his “Manifesto” in defence of scientific realism, Wight dismisses the agnostic position by treating it as an incoherent one. He argues that “much as in the theological domain, an agnostic who goes to church (tests posits for their reality) is probably really a believer, while one who does not is probably an atheist (does not bother to test).” (Wight, 2007, 394, note 57). Chernoff counters this claim by highlighting how suspending judgement on certain questions is a constant feature both in ordinary life and in scientific investigation. He also stresses how researchers often need to suspend any type of judgement about the existence or non-existence of theoretical entities in case of “inadequate evidence” or “on matters that current theories [...] cannot answer” (Chernoff, 2009, 384). Thus, he concludes, “there is simply no reason to accept the assertion that people cannot suspend judgement on important and unimportant questions, and there are good reasons to believe that they are indeed capable of doing so” (Chernoff, 2009, 385).

circumvent the ontological debate between constructivism and rationalism, and in order to base its theorizing on reliable foundations, this chapter has identified in collective and particularistic intentions the detectable observables indirectly generating the forum's mandate and the forum's incidental issues raised by actors during negotiations. Furthermore, this section has highlighted how the reasoning that led to conceive intentions as the chosen conceptual lens through which to examine international forums has been an instrumentalist one. Having established these first, fundamental points, it is necessary to look in greater depth at the definitions of arguing and bargaining interactions that the literature has hitherto provided, with a focus on the differences between them.

### **2.11: New definitions of arguing and bargaining**

This chapter has outlined how previous attempts to elaborate theoretical models aiming at distinguishing arguing from bargaining types of behaviour in international forums considered arguing a type of interaction relying on ethical and material mechanisms of validation, while bargaining interactions were considered as types of statement relying exclusively on the credibility of the speaker. While reviewing the existing literature, this chapter has also pointed out that arguing is generally considered to be characterized by a triadic structure, because the interlocutors appeal to an external authority in order to assess the morality or truthfulness of the claims made, while bargaining it thought to follow a dyadic structure, since the credibility of the speaker is only assessed by the listener (Saretzki, 2009, 165). The chapter then claimed that both arguing and bargaining are types of behaviour characterized by mechanisms of validation and by a triadic structure, and that is the reason why recent theoretical models were not able to elaborate a systematic, valid and reliable procedure on which to categorize different types of forum statement while looking at real-world negotiations. Starting from these considerations, this section proposes a different distinction between arguing and bargaining. Instead of differentiating them on the basis of

the presence or absence of mechanisms of validation, it analyses how these statements rely on different types of material, ethical and consistency validities.

Indeed, this research has already established that a forum is a gathering where different subjects interact; each of them has some particularistic intentions, and sometimes the particularistic intentions of an actor conflict with those of another. However, all forum participants share the collective intention, which is at the base of the forum’s mandate, the only justification for the forum to exist and the only reason why independent and differentiated subjects have an interest in cooperating and negotiating. Given these preconditions, actors participating in a forum can make different types of statement, including arguing and bargaining. In an arguing situation, A will try to convince B that X is the best choice to make, while in a bargaining situation A will promise Y to B or threaten to do Y to B in order to convince B to do X. The material, ethical and consistency validities of arguing and bargaining types of reasoning are the following:

	<b>ARGUING</b>	<b>BARGAINING</b>
<i>Material Validity</i>	X is the best possible choice for you and for all	Given Y, doing X is advantageous for us both
<i>Ethical Validity</i>	X is the most ethical choice for everyone	X is in your (given Y) and my national interest
<i>Consistency Validity</i>	X is coherent with the fulfilment of the forum's mandate	Y is a credible promise/threat, and it is likely to be carried out

Figure 5: arguing’s and bargaining’s validation mechanisms

It can be seen that, by making an arguing statement, A tries to convince B that X is the best possible outcome in absolute terms, the most ethical decision to take and the most coherent one. No compromise, no deal is proposed: B has to realize that implementing X would be the right thing to do. The only way for A to argue that X is the best possible thing to do in terms of advantageousness and/or morality and/or consistency is to argue that X is an action directed towards the fulfilment of the collective intention shared by all forum participants. Thus, we can see why A would tell B that

X is the best possible choice: X is presented as the best way to fulfil the forum's mandate, the best course of action in order to realize the collective intention. Similarly, X would be the most ethical choice because, by fulfilling the collective intention, it would provide the best possible outcome for every forum participant. Finally, X would be the most coherent thing to do because, by fulfilling the collective intention, it would effectively address the main reason actors are gathered in a forum. This does not imply that there is only one way to fulfil the forum's mandate, nor that there is a "better argument" that could fulfil it in the best possible way; it only means that actors would justify their proposals by *claiming* that they are the most advantageous, ethical and coherent ways to fulfil the collective intention they all share.

In a bargaining statement, instead, A tries to convince B that doing X in exchange for (or in order to avoid) Y is advantageous for B, that it is in B's national interest to accept, and that the promise or the threat made is credible. Bargaining actors do not appeal to the collective intention shared by all the forum's participants; on the contrary, they try to demonstrate that the proposed deal could realize B's particularistic intentions. It is then possible to conclude that, while both arguing and bargaining are based on a type of reasoning relying on material, ethical and consistency validities, their claims proceed in different directions. Arguing statements are directed towards the realization of the collective intention shared by every forum participant,<sup>28</sup> while bargaining interactions are directed towards the fulfilment of the particularistic intentions of one or some of the forum participants, and they aim to seal a compromise reconciling the conflicting particularistic intentions of negotiating actors. Thus, the variable differentiating arguing and bargaining is not the presence or absence of mechanisms of validation, but the type of intention that the two types of statement are addressing.

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<sup>28</sup> It has previously been highlighted how arguing, according to the literature, can exist only in presence of a "public sphere", an audience witnessing to the negotiations in front of which delegates are accountable (Risse, 2000, 22). However, this thesis's theoretical framework considers international negotiations which happen publicly, in front of all other forum participants, and it supports Jennifer Mitzen's theory, according to which the public nature of international forums implies that the very fact that states engaging in multilateral diplomacy can be considered "a dimension of global public sphere legitimation" (Mitzen, 2005, 402). This is because, due to the "forum effect", forum participants listening to each other's speeches become the audience, the public sphere to which delegates are accountable (Mitzen, 2005, 411-412).

## **2.12: Collectivism and particularism**

The last section presented a new definition of arguing, describing it as a type of statement relying on material, ethical and consistency validities and directed towards the fulfilment of the forum's collective intention. This particular definition, however, is problematic, mainly because it immediately leads to a question: if this is arguing, how is it distinguishable from rhetorical action?

Rhetorical action has so far been defined by the literature as the strategic pursuit of an objective, justified through references to commonly accepted values (Schimmelfennig, 2002, 420), and a type of statement with which an actor tries to persuade another without in turn being ready to be persuaded (Risse, 2000, 9). Starting from this definition, it is possible to imagine situations where subjects would address the collective intention, aiming to convince other actors to back their proposal, but would do so without being ready to be convinced by other participants' positions. In this case, the only possible way to distinguish between arguing and rhetoric is assessing the "true dispositions" of speakers; this conclusion leads back to the problem identified by Krebs and Jackson, since actors' true dispositions are undetectable unobservables. Since the distinction between rhetoric and arguing lies in the speaker's true dispositions, and the same act of speech could be classified either way depending on the speaker's attitude, these concepts are not exactly types of statement, but "states of mind" of subjects engaging in negotiations.

This reasoning leads to two considerations. First, if one does not focus on the hidden dispositions that drive a subject to interact in a certain way, and instead concentrates on the mere inherent characteristics of the different acts of speech, it is impossible to distinguish rhetorical speech from arguing behaviour. Second, actors making statements relying on material, ethical and consistency validities and addressing the collective intention could do that either because they are arguing or because they are engaging in rhetoric. If these conclusions are accepted, it is possible to

claim that arguing and rhetorical actions aiming to fulfil the forum's collective intention are subcategories of a wider type of statement: *collectivism*.

Similarly, this chapter has defined bargaining as a type of statement relying on material, ethical and consistency validities and directed towards the fulfilment of a particularistic intention. Bargaining behaviour, however, is not the only type of forum statement aiming to fulfil particularistic intentions. We can see this through by the following, ideal-typical example:

In a forum F, subjects A, B and C are sharing the collective intention X; at the same time, however, C is also trying to pursue the particularistic intention Y. Starting from these premises, A tells B: "We need to help C realize Y, because it is the right thing to do".

This type of statement is focused towards the realization of the particularistic intention Y, and, consequently, cannot be considered as an example of collectivism; however, A is not promising nor threatening B, and A is not trying to demonstrate that doing X would be advantageous for B. This statement cannot be classified as bargaining either: A is acting as a champion of C's interests in front of B, displaying what could be defined as an *advocacy* type of statement.

Advocacy types of statement were particularly frequent in Swedish foreign policy during the last years of Tage Erlander's premiership and during the government of Olof Palme (Ekengren, 2011). During those years, Stockholm defended North Vietnam against American aggression, was an advocate for Czechoslovakia during the Prague Spring, promoted African national liberation fronts and, in general, acted as a champion of other countries' interests within international forums. In doing so, Stockholm generally justified its advocacy on the basis of the following reasoning: since certain countries were wronged by others, it was right to defend their interests and to champion them (Brysk, 2001, 43-45). From this consideration, it is possible to see that advocacy

statements rely both on ethical and consistency validities, tightly connected to each other: Sweden was in fact claiming that, since some countries had suffered wrongs in the past, helping them to pursue their particularistic intentions was both the most ethical and coherent thing to do. Furthermore, advocacy statements also imply that helping a certain country X to pursue its particularistic intentions is advantageous for X; consequently, advocacy statements are not only retaining ethical and consistency validities, but on material validity as well.

Advocacy relies on different mechanisms of validation than bargaining, but, similarly to the latter, it is a type of statement directed towards the fulfilment of particularistic intentions, relying on material, ethical and consistency validities. Both bargaining and advocacy are statements that, in a forum driven by a collective intention, try to pursue parallel, particularistic intentions, and should therefore be considered two subcategories within the same type of statement, that this paper calls *particularism*.

### **2.13: Proceduralism**

So far, this discussion has focused on arguing and bargaining types of statement, examining their characteristics and the differences between them. Furthermore, it has claimed that these two types of statement need to be considered subcategories of broader types of statement: collectivism and particularism. Both types of statement rely on material, ethical and consistency validities, but while collectivism aims to fulfil the forum's collective intention, particularism is directed towards the realization of one or more of the forum's particularistic intentions. These, however, are not the only two types of statement that subjects can make during international negotiations. Many authors, in fact, have highlighted how certain forum statements are simply aimed at the fulfilment of already-accepted norms and previously-established procedures (Risse, 2000, 3).

An example is the following:



In a forum F, subject A tells B: “You have to do X because doing X means complying with the already-established and agreed-upon norm N”.

In this example, A is engaging in what constructivists would call norm-orientated action, and he/she is behaving as the defender of an objective rule that needs to be implemented and that must guide actors’ decisions. Earlier in this chapter, international forums were defined as gatherings of state representatives driven by a mandate, entitled to produce a certain outcome and bound by certain pre-established norms regulating the debate, the decision-making mechanisms, et cetera. This type of statement is not directed towards the fulfilment of the forum’s collective intention, nor does it try to realize particularistic intentions: it is an action that is directed towards the observance of the forum’s pre-established norms.

In a situation where A tells B: “You have to do X because you have to comply with N”, N could be many different things: a certain official document establishing rules by which negotiating parties need to abide; the rulebook disciplining the decision-making procedures; international treaties that all parties have previously agreed on, et cetera. In all these cases, A is claiming that, since a norm N has been established in the past, B needs to do X. This type of statement is based on ethical validity, since it relies on the following reasoning: “given that all forum participants, including you, previously agreed to N, you should do N, because commitments should not be broken”. Similarly, it is a type of statement that relies on consistency validity: since B previously accepted N, complying with it by doing X is the most coherent thing to do. However, in this ideal-typical statement, A is not trying to convince B that doing X would be convenient for somebody: A is simply telling B to do X because N has already established that X is the action that needs to be taken. This type of statement is therefore devoid of material validity, and it only relies on ethical and consistency validities. Hereby, it is defined with the term “proceduralism”.

### 2.14: Mixed types of statement

This chapter argues that the three main types of statement occurring in international forums are collectivism, particularism and proceduralism. These, however, have to be regarded as ideal concepts, rarely encountered in their purest form, and the behaviour of forum participants is usually more complex. However, while any statement encountered during international forums usually consists of a combination of two or more of the ideal-types hitherto identified, it can be argued that most of the time there is a predominant component in such a combination (Risse, 2000, 3). For instance, a certain statement can contain both elements of collectivism and proceduralism, but there is usually a predominant element that makes the claim mainly an example of collectivism or mainly a statement classifiable as proceduralism. This section looks at possible, theoretical examples of statements that are different from the previously outlined ideal-types, and that here will be called “mixed statements”.

The following situation provides an example of mixed statement:

In a forum F, participants A and B share the collective intention X, but A is also pursuing the particularistic intention Y, while B is trying to realize the particularistic intention Z. Given this context, A tells B: “If you do X, I promise I will help you do Z”.

A is asking B to fulfil the forum’s collective intention X; at the same time, A is trying to convince B by promising to help B’s pursuit of particularistic intention Z. In order to classify this statement, it is necessary to examine the validities on which it relies on:

- A is not defining X as the most advantageous thing to do in absolute terms. Instead, A is trying to convince B that X is the most

advantageous thing for B, since it will most likely lead towards the realization of B's particularistic intention Z. This statement therefore relies on particularism's material validity.

- A is not defining X as a morally righteous choice to take for the whole forum. On the contrary, A is saying that doing X is in B's national interest, since it will lead towards the realization of Z. Consequently, the statement relies on particularism's ethical validity.
- A is promising that, if B does X, A will help B to do Z. This promise, like any other, needs to be credible in order to be convincing, and it has therefore to be likely to take place in the future. The statement is therefore relying on particularism's consistency validity.

These considerations lead towards the following conclusion: although this type of mixed statement does not fit the ideal definition of particularism, it still has to be considered as such, since it relies on particularism's three validities.

Another example of a mixed statement could be the following:

In a forum F, participants A and B share the collective intention X. Given this context, A tells B: "You must do X because you have to comply with the pre-established norm N".

A is aiming at the realization of the collective intention X, but is telling that it needs to be fulfilled given the existence of a previous treaty, or previously agreed upon resolutions. In this case:

- A is not trying to convince B that doing X would be advantageous; instead, A is saying that X must be done no matter what, because it would mean observance of the pre-established rule N. This type of statement is therefore devoid of material validity.
- A is not claiming that B should do X because it is the most ethical thing to do for the whole forum. Nor is A claiming that X is in B's or anyone else's national interest. On the contrary, A is saying that X is the right thing to do because not doing it would break the previous commitment sanctioned by N, and previous commitments have to be respected. This statement is therefore relying on the ethical validity of proceduralism.
- A is not making promises that need to be credible. A is saying that, since B already agreed to N, doing X is the most coherent thing to do. This statement is therefore relying on proceduralism's consistency validity.

The conclusion drawn from these observations is the following: such a statement should be classified as an example of proceduralism.

Finally, there could also be the following case:

In a forum F, participants A and B share the collective intention X; at the same time, A is also trying to pursue the particularistic intention Y. Given these premises, A tells B: "If you do Y for me, I promise that I will do X".

In this case, A is promising to contribute to the realization of the collective intention X in exchange for some help in pursuing A's particularistic intention Y. An examination of this statement's validity leads to the following conclusions:

- A is trying to convince B that the best way to realize X is helping A to realize Y. A is claiming that the realization of A's particularistic intention is the advantageous thing to do for everyone in the forum, since it would help fulfilling the forum's collective intention. The statement is therefore relying on collectivism's material validity.
- A is claiming that B's help in realizing Y would lead to higher chances of fulfilling the collective intention X. A is therefore trying to convince B that the realization of A's particularistic intention Y is the most ethical thing to do for the whole forum, since it would lead A to pursue the collective intention. The statement relies on arguing's ethical validity.
- A is making a promise, which has to be credible and likely to take place in the future. This statement, then, relies on the consistency validity of particularism.

This third and last statement can effectively be considered a mixed type, since it is relying on collectivism's material and ethical validities, but it is also appealing to particularism's consistency validity. It is then possible to conclude that this theoretical model cannot provide a univocal and uncontroversial way to always distinguish and categorize forum types of statement, because there can be some types of mixed ones. However, it is also possible to argue that a theory that looks at the mechanisms of material, ethical and consistency validation, and that examines which intention the

statements made during the forum are addressing, would significantly reduce the amount of uncertainty, relegating it only to very particular and marginal types of interaction.

### **2.15: Implications of the model**

This thesis has elaborated a new model of social interactions within international forums, which is based on the following premises:

- Intentions are conduct-controlling pro-attitudes that can drive a subject to act in a certain way within the empirical world, and the actions provoked by a certain intention should be considered as steps directed towards the fulfilment of the intention itself.
- International forums are public gathering of states representatives. All forum participants share a collective intention, which constitutes the very reason they gather to negotiate. At the same time, each participant has some particularistic intentions, and during negotiations each participant pursues the collective intention shared with other forum participants in parallel with his/her particularistic ones.
- The forum mandate is the empirical manifestation of the forum collective intention, while the emergence, during negotiations, of issues unrelated with the forum mandate are the empirical manifestation of forum participants' particularistic intentions.

Starting from these premises, the dissertation argues that it is possible to classify forum statements on the basis of the type of intention they pursue, and it identifies three main types of statements that can occur during negotiations:

- Collectivism: Statements relying on material, ethical and consistency validities directed towards the fulfilment of the forum collective intention.
- Particularism: Statements relying on material, ethical and consistency validities directed towards the fulfilment of one or more particularistic intentions of some forum participants.
- Proceduralism: Statements relying on ethical and consistency validities directed towards the observance of pre-established norms.

Thus, given that forum participants have certain intentions, and that these intentions influence their behaviour during negotiations, this thesis claims that the statements made by diplomatic delegates during official forum sessions would *most of the times* address some of the intentions they want to fulfil. If this assumption is true, a forum in which parties mostly interact by engaging in collectivist statements should be more likely to be correlated with an output with a higher degree of fulfilment of the forum collective intention. Consequently, since the forum's mandate could be considered the empirical manifestation of the collective intention, a higher frequency of collectivism should be correlated with a forum output with a higher realization of the forum's mandate.<sup>29</sup> *Such a greater fulfilment of the forum's mandate would then be correlated with a*

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<sup>29</sup> The thesis argues that a higher frequency of collectivism is *correlated* with greater fulfilment of the forum collective intention; it does not argue that greater frequency of collectivism *causes* greater fulfilment of the forum collective intention. This is because it is not possible – given the theoretical premises outlined – to claim that presence of collectivism would *lead to* greater realization of the collective intention *per se*. Furthermore, even if this last claim was true, the fact that forum participants engage more in collectivist statements could just be the empirical consequence of another, still non-identified variable. Further research should explore the relation between frequency of collectivism and fulfilment of the forum collective intention in greater depth.

*greater level of legitimacy of the forum's output.* This last sentence introduces the concept of legitimacy, which is a controversial and contested concept in international relations (Hurrelmann, Schneider and Steffek, 2007). Before continuing with the formulation of the hypothesis drawn from this thesis's theoretical model, it is therefore necessary to clearly explain the precise meaning this dissertation will give to the word "legitimacy", and why exactly the legitimacy of the forum's output should be considered as something correlated with the degree of fulfilment of the forum's mandate.

### **2.16: Defining legitimacy of the forum's output**

Legitimacy in international relations can be defined and examined in different ways; Steffek, among others, observes that legitimacy can be analysed both on a normative and on a sociological perspective. The former uses legitimacy as a way to normatively evaluate "existing or imaginary political regimes", while the latter treats legitimacy as "an empirical fact that scholars can investigate and report" (Steffek, 2015, 265). This thesis, as already explained in the introduction, belongs to the neo-positivist spectrum of the research, and its objective is not to normatively assess the existing international system, but to try to provide a description of some of its features in a way that can to a certain extent be supported by empirical evidence. Because of this, the concept of legitimacy is here examined on a sociological basis, and not on a normative one.<sup>30</sup> There are three main types of legitimacy that have been identified by the discipline: input legitimacy, throughput legitimacy and output legitimacy.

The input legitimacy "addresses the question of who is entitled to make decisions and who is represented in the decisionmaking process" (Take, 2012, 501). To assess the level of input legitimacy of an international regime,<sup>31</sup> it is necessary to have a certain normative commitment to

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<sup>30</sup> For an analysis of international legitimacy on normative basis, see for instance the work of Jaye Ellis (2002).

<sup>31</sup> When speaking of international regimes, this research uses Stephen Krasner's definition of international regimes as "sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given area of international relations" (Krasner, 1982, 186). Furthermore, international regimes are



the fairness and the rightfulness of democratic and representative decision-making. This is maintained for instance by Ingo Take, who writes that “the *underlying normative assumption* is that the equal and active participation in deliberative processes of decisionmaking by all stakeholders is a prerequisite for effectively transporting the demands and preferences of the rule addressees (Take, 2012, 501; my emphasis). Once again, since this research belongs to the neo-positivist spectrum of the debate, and since the concept of input legitimacy is based on an “underlying normative assumption”, such a legitimacy type is not considered in this research as a criterion by which to measure the legitimacy of a forum’s output.

The throughput legitimacy measures to what extent decision-making is transparent and to what extent decision-makers are accountable to those affected by their decisions (Ingi, 2017, 459-460). This type of legitimacy is, similarly to input legitimacy, based on a certain normative assumption and on a certain commitment to democratic values – i.e., “that decisionmakers will only act according to stakeholder preferences when they can be held accountable” (Take, 2012, 501). The fact that throughput legitimacy is based on normative stances and on a certain commitment to democratic values seems to be confirmed by one of the authors that contributed the most to the elaboration of this concept: in one of her articles, Vivien Schmidt defines throughput legitimacy as a “normative criterion” that should be used to assess the democratic legitimacy of the European Union (Schmidt, 2013, 2). Since this type of legitimacy is tied with normative assumption, this thesis does not consider it as a principle by which to assess whether a forum output is legitimate.

Finally, the concept of output legitimacy is mostly used in the literature to assess the legitimacy of an international regime on sociological, empirical and analytical bases, and not on normative ones (Steffek, 2015, 267).<sup>32</sup> If viewed by taking an empirical-analytical and strictly non-normative approach, output legitimacy can be defined either on an acceptance-based criterion or on

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equated with the forum’s output because it is argued that the former are the result of the negotiations occurring during forums, and should therefore be considered consequences of forum negotiations. Further information on international regimes can be found in the work of Marc Levy, Oran Young and Michael Zürn (1995).

<sup>32</sup> For an interesting analysis of output legitimacy on normative bases, see Jens Steffek (2015).

an effectiveness-based one. The acceptance-based criterion considers “empirical data on stakeholders’ acceptance of a global governance arrangement [...] an indicator of output legitimacy” (Take, 2012, 501) – basically, according to this definition an international regime is legitimate when stakeholders claim that it is so and abide to the regime’s norms. On the other hand, according to the effectiveness-based criterion, output legitimacy should be assessed by examining the effectiveness with which an international regime is able to address the issues it is set to address (Lindgren and Persson, 2010, 451) – in other words, effective performance is seen as a source of legitimacy.

The effectiveness-based definition of output legitimacy is probably the most common within the literature (Steffek, 2015, 267); however, the concept of “effectiveness” of international regimes is another contested one (Andersen and Hey, 2005, 211-212), and the literature has not been able to elaborate a widely accepted definition of effectiveness-based output legitimacy. Because of this, and since this thesis does not want to excessively delve into the debate about the true meaning of “effectiveness”, the definition of “legitimacy” hereby adopted is a very limited and basic version of output legitimacy, not connected with “the fulfilment of targeted goals”, but with “the degree to which a governance arrangement is generating acceptance by its internal and external stakeholders” (Take, 2012, 503). In conceptualizing legitimacy of international regimes on such “minimalist” terms, this thesis does not want to argue that such a definition should be considered unproblematic or exhaustive; nor it does want to say that normative accounts of legitimacy should not be considered as valid ones. This research adopts this particular definition of legitimacy because it is considered to be the most adapt to its own purposes, while recognizing that other definitions may be more useful for other research purposes.

## **2.17: Formulating a hypothesis: correlation between frequency of collectivism and legitimacy of the forum's output**

The previous section has established that this thesis will adopt an acceptance-based conceptualization of output legitimacy as a way to assess whether the output of a forum – i.e., the international regime resulting from forum negotiations – is legitimate or not. The specific definition of legitimacy adopted by this thesis is the one provided by Olav Stokke and Davor Vidas. Starting from an acceptance-based definition of output legitimacy, the two authors argue that an international regime is perceived as legitimate when its members feel committed to its mandate provisions (internal legitimacy), and when the international community accepts and recognizes its existence and its authority (external legitimacy) (Stokke and Vidas, 1996, 20-23).<sup>33</sup>

Before examining the concept of legitimacy, this dissertation has argued that *if* statements made by diplomatic delegates during official forum sessions would most of the times address the intentions they want to fulfil, *then* greater presence of collectivism should be correlated with a greater fulfilment of the forum collective intention. Furthermore, since the forum mandate is considered in this research to be the empirical manifestation of the forum collective intention, greater frequency of collectivist statements within a forum should be correlated with a forum output with a higher level of fulfilment of the forum mandate. The extent to which the international regime is able to fulfil its own mandate is deeply related to the extent to which that very regime is accepted and considered legitimate by international actors.

As previously seen, Take, together with Stokke and Vidas, argue that the accepted-based output legitimacy of an international regime has an “internal” and an “external” component. For a regime to be *internally* legitimate, it needs to be considered as such by the members of that very regime (Take, 2012, 503; Stokke and Vidas, 1996, 20-23); for a regime to be *externally* legitimate,

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<sup>33</sup> The term “international community” is a complex and contested concept, and the purpose of this dissertation is not to engage in the debate addressing what exactly an international community is. Similarly than with the concept of legitimacy, this dissertation will adopt a “minimalist” definition of international community, and the term will mainly indicate state actors.

it needs to be considered as such by “its [...] external stakeholders” (Take, 2012, 503) – namely, by those who are affected by the regime’s provisions without being a part of it. Starting from these premises, it is possible to argue that states that are members of an international forum are committed to the realization of the forum mandate, and that therefore they will be more likely to accept an output that presents a greater fulfilment of it. Furthermore, there are certain types of international regimes in which the fulfilment of the forum mandate can be an important variable in determining its levels of external legitimacy as well. It is the case, for instance, of global commons international forums, which aim to protect and preserve resources that benefits all of humankind and the whole international community (Joyner, 1998, 30). The provisions of regimes administering global commons affect everyone, even those states that are not part of the regime. Therefore, a regime able to fulfil its mandate of protecting the common will be more likely to be accepted by non-members as well; this means the regime would enjoy a greater degree of external legitimacy.<sup>34</sup>

It is therefore finally possible to enunciate the hypothesis drawn from the premises of this theoretical model: *greater frequency of collectivist statements within a forum is likely to be correlated with a higher level of legitimacy of that forum’s output.*

A critique that could be made to this hypothesis is that the first steps of its development rely on a tautological type of reasoning. One could in fact argue that, if a higher frequency of collectivist statements is equated with delegates’ greater commitment to the forum collective intention, it is indeed tautological to assume that greater commitment to the collective intention is correlated with greater fulfilment of it. However, this dissertation does *not* argue anything of the sort.

Indeed, collectivism is an *act of speech* relying on material, ethical and consistency validities directed towards the fulfilment of the collective intention. This in no way entails that an actor engaging in collectivist statements must *necessarily* be more committed to the realization of the collective intention than actors making, for instance, particularistic statements. In this dissertation,

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<sup>34</sup> For a more detailed analysis of how the fulfilment of the forum mandate is correlated with the legitimacy of an international regime, see the work of Olav Stokke and Davor Vidas (1996, 23-25).

the presence of collectivism is *not* evidence of the presence of or commitment to a collective intention; evidence of the latter is the existence of a forum mandate. In fact, as long as there is a forum with a certain mandate, it is plausible to assume that forum participants will all be committed to the fulfilment of the collective intention which empirically manifests itself in that mandate. Even the extremely unlikely example of a forum in which there are no collectivist statements whatsoever will be considered, in this dissertation, to be driven by a collective intention which empirically translates in the forum's mandate.

This thesis also argues that forum participants making collectivist statements might do so for different reasons. One could consider, for instance, the following example: in a forum F, actors A and B share the collective intention X; at the same time, however, A is also driven by the particularistic intention Y, and B is driven by the particularistic intention Z, and the particularistic intentions Y and Z are mutually exclusive. In this context, A wants to stop B from pursuing Z, because in this way A could better pursue Y; because of this, A says during the negotiations: "We must not do Z, because it goes against the collective intention X and it is therefore unethical". A is engaging in collectivism, because he/she is saying that *not doing Z* would promote the collective intention X, and therefore not doing Z is the most ethical thing to do (collectivist material validity). *At the same time, A is engaging in collectivism while pursuing the particularistic intention Y.* The fact that A's sentence relies on ethical validity directed towards the fulfilment of the collective intention does not necessarily represent an evidence of A's commitment to the collective intention while saying that sentence. The fact that collectivism encompasses both arguing and rhetorical behaviour – as argued in section twelve – is already an evidence of that. Another evidence that the thesis follows this reasoning can be found in section fourteen, in which the problem of "mixed types of statement" is addressed. This particular section of the thesis, in fact, claims that a delegate participating in the forum could pursue the fulfilment of the collective intention even by, sometimes, making statements that rely on mechanisms of validation directed towards the fulfilment of the particularistic intentions of the listener.

Furthermore, this thesis claims that forum participants are driven both by a collective and by particularistic intentions, and during international forums they can deliver statements addressing either of them. This thesis does not argue that an actor A choosing to make more collectivist statements than particularistic ones is more committed to the collective intention than to its particularistic ones. It simply argues that A *chose* to address the forum collective intention more often than his/her own particularistic ones. The reasons behind this choice, which may be various, are not examined in this dissertation, and this is the reason why this thesis does not argue that greater frequency of collectivism *causes* greater legitimacy of the forum output. This dissertation only hypothesizes that there is a correlation between the frequency to which forum participants address the collective intention and the degree of legitimacy of the forum's output.

In other words, collectivism and collective intention are not the same thing, and greater presence of collectivism cannot be evidence of greater commitment to the collective intention. The first step of this thesis's hypothesis is based on the claims that

- *If* forum participants publicly delivering their statements will *most of the times* (not *all the times*) express some of the intentions they want to fulfil; and
- *If* what delegates say during official negotiations plays a role in shaping the output of an international forum (i.e., the international regime born from that forum);
- *Then* an international forum with greater frequency of collectivist statements is likely to be correlated with greater fulfilment of the forum mandate.

This entails that what delegates said during official forum sessions has an effect on the forum's output. And this is not a tautological, nor an obvious claim.

Then, the hypothesis takes a further step, and it claims that since the fulfilment of the forum mandate is a component of acceptance-based output legitimacy of the forum output, greater frequency of collectivism is likely to be correlated with a forum output having a higher level of legitimacy. If the hypothesis will be supported by empirical evidence, it will mean that the types of statements made during negotiations could be correlated with the degree by which the output of those negotiations is accepted as legitimate. All this would lead to the consideration that sentences uttered during forum plenary sessions are much more than empty words and the display of diplomatic etiquette. It would mean that a systematic analysis of public interactions within international forums could be helpful to understand some important dynamics of inter-state negotiations.

In other words, this thesis argues that there is a certain correlation between intentions (which dwell in the minds of forum participants) and statements (which are the acts of speeches made by forum participants). It also argues that there is a certain correlation between statements uttered during forums and the legitimacy of the forum output (which is an international regime). To try to falsify this hypothesis, one should analyse two forums similar in all but the frequency of collectivism and the legitimacy of the international regimes they produced. In case the forum having greater frequency of collectivist statements will lead to the least legitimate forum, the hypothesis should be considered falsified.

### **2.18: A summary of what has been argued insofar**

Now that the theoretical premises, the theoretical model and its implications have been laid out, it is possible to provide a brief summary of this chapter's content. This thesis attempts to build a new approach looking at social interactions within international forums. More specifically, it tries to elaborate a theoretical model able to empirically distinguish between the different modes of interactions that can be observed in the course of negotiations. This new approach cannot be built around the theoretical construct of forum actors' "true dispositions", which should be considered

undetectable unobservable features in international forums. A revised version of Jennifer Mitzen's theory of collective intention provides more reliable conceptual foundations. While collective and particularistic intentions can be regarded as unobservable features of international forums, they can be empirically – although indirectly – detected respectively by the presence of a forum mandate and by the existence of incidental issues raised during the negotiations. These empirically detectable features of international forums are linked with the theoretical constructs of collective and particularistic intentions by a process of abductive inference, driven by instrumentalist logic and aiming at formulating plausible conjectures explaining empirical phenomena.

Having established these premises, this chapter examined how the current literature treats social interactions within international forums. Existing accounts differentiate between arguing and bargaining types of statement, according to which the former relies on mechanisms of validation, and the latter on the credibility of promises or threats. This chapter instead claimed that arguing and bargaining should be considered as types of statement relying on the same types of validities: empirical, ethical and consistency ones. The current distinction between the two types of statement should be discarded, and a new one formulated. Furthermore, the chapter has presented new definitions of arguing and bargaining, portraying arguing as a type of statement relying on material, ethical and consistency validities and aiming at the fulfilment of the forum's collective intention, while bargaining is a type of statement relying on the same validities but attempting to fulfil one or more particularistic intentions of actors participating in the forum.

This new distinction between arguing and bargaining implies that these two are sub-categories of broader types of statement: arguing falls, together with rhetorical action, under the category of "collectivism", while bargaining belongs, together with the type of statement described as advocacy, to the category of "particularism". This new theoretical approach also led to a new definition of norm-orientated types of statement, classified as "proceduralism", and defined as types of statement relying on ethical and consistency validities and aiming at ensuring the observance of pre-established rules within the forum. In the end, this chapter formulated the hypothesis that



forums presenting a higher frequency of collectivist types of statement should be more likely to be correlated with greater legitimacy of the forum's output.

### **Chapter Three – Outline of the case study**

The previous chapter outlined a new model of social interactions within international forums. The model distinguishes three different types of statement that can be made during negotiations: collectivism, particularism and proceduralism. The first type indicates statements relying on material, ethical and consistency validities aiming at the fulfilment of the forum's collective intention. The second describes statements relying on material, ethical and consistency validities aiming at the fulfilment of one or more particularistic intentions. Finally, the third refers to an interaction relying on ethical and consistency validities aiming at the observance of already-established norms and procedures. The hypothesis deriving from the theoretical model is the following: an international forum with greater frequency of collectivist statements is more likely to be correlated with an output with a greater level of legitimacy.

However, the output of an international forum is determined by more than a lower or higher frequency of collectivist statements: *structural factors* such as, for instance, decision-making procedures, the number of forum participants, the historical context in which the forum takes place, and the distribution of power amongst forum participants are just some of the variables that can affect whether an international negotiation fulfils the forum's mandate and, consequently, whether an output is accepted as legitimate. This multiplicity of factors can be described in the following way:

$$y = a + b + c + \dots + n + x$$

In this formula, y is the legitimacy of the forum's output, x is the frequency of collectivist statements within the negotiations, and the remaining elements are all other factors which play a role in determining y.

In a model where  $y$  is the dependent variable and  $x$  is the independent variable, all other factors can be considered intervening variables, gathered under  $k$ , defined in the following way:

$$y = x + k$$

$$k = y - x$$

Starting from these considerations, it is possible to envision a situation in which two different forums are attended by the same forum participants, are regulated by the same membership and decision-making procedures, are organized during the same historical period and are very similar in all features included in  $k$ , but produce two outputs with a different level of legitimacy  $y$ . The only explanation is that the difference in  $y$  depends on  $x$  – namely, on a different frequency of collectivist statements in the two forums:

$$y_1 \neq y_2$$

$$y_1 = k_1 + x_1$$

$$y_2 = k_2 + x_2$$

$$k_1 = k_2$$

$$x_1 \neq x_2$$

Furthermore, the theoretical model outlined in the previous chapter hypothesizes that the forum with greater legitimacy of its output should be correlated with greater frequency of collectivist statements:

$$y_1 > y_2$$

$$y_1 = k_1 + x_1$$

$$y_2 = k_2 + x_2$$

$$k_1=k_2$$

$$x_1>x_2$$

To test this hypothesis, it is necessary to find two international forums sharing the same mandate, attended by the same participating actors, driven by the same decision-making and membership procedures, located in the same historical context, which delivered very different outputs as far as their legitimacy is concerned. Statements made during these two forums should be examined and systematically categorized, in order to identify the frequency of collectivism in both of them. If the forum which produces a more legitimate output is found to have more collectivist statements, then the hypothesis should be considered *plausible*, and to a certain extent confirmed. This type of case study is therefore a most-similar one, and the aim of this case study is to conduct a plausibility probe. According to Jack Levy

A plausibility probe is comparable to a pilot study in experimental or survey research. It allows the researcher to sharpen a hypothesis or theory, to refine the operationalization or measurement of key variables, or *to explore the suitability of a particular case as a vehicle for testing a theory before engaging in a costly and time-consuming research effort*, whether that effort involves a major quantitative data collection project, extensive fieldwork, a large survey, or detailed archive work (Levy, 2008 6, emphasis added).<sup>1</sup>

As long as the plausibility probe procedure is “applied in a methodologically self-conscious way”, it can play an important role in the development of a theoretical framework – especially in case such theoretical framework needs to be developed through a multi-stage research project (Levy

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<sup>1</sup> A detailed treatment of methodology on plausibility probe is provided by Harry Eckstein (1975). The work of Parker et al. (2020), on the other hand, provides an example of when a plausibility probe is empirically applied.

2008, 7). This is exactly the case of the theory presented in this dissertation. If, at the end of the empirical analysis of the two selected cases, the hypothesis here presented will be deemed as plausible, its validity and its inference potential will be further tested by more costly and time-consuming research.

To sum up, this research intends to test its hypothesis on a most-similar case study, and it does so in order to pursue two aims, a theoretical and a methodological one. Theoretically, it wants to test whether the distinction between collective, particularistic and procedural types of statement is *plausible*, and whether the implications drawn from the model's premises are borne out. Methodologically, it wants to assess whether the theoretical model can generate a reliable and valid way to isolate, distinguish and categorize forum statements. Thus, the purpose of this case study is not to examine the effective inference potential of the thesis's theoretical model, but to test the internal coherence and plausibility of its assumptions and implications, and its ability to be applied in the study of real-world negotiations.

To select the two forums at the base of the most-similar case study, one needs to consider that there are different types of international forums, driven by different mandates, and that the nature of the mandate can influence the characteristics of the forums. Similarly, forums take place in a certain diplomatic framework, regulated by specific norms and procedures. Finally, there can also be forums held in the same diplomatic framework and sharing the same mandate which are different in other structural features – for instance, the number of forum participants or the historical context. To sum up, it is necessary to choose two forums sharing the same mandate, held in the same diplomatic framework and sharing as many similarities as possible as far as their structural features are concerned.

### 3.1: Natural global commons international forums

The majority of authors define “natural global commons” as natural resources that are outside states’ jurisdiction, which generate public goods that benefit the majority – if not the whole – of humankind. The public goods produced by the commons are non-rival and non-excludable (Joyner, 1998, 26-27), since nobody can be excluded from their enjoyment, and there is no competition for access to greater quantities (Kaul, Grundberg and Stern, 1999, 2-3). John Vogler presents a list of some of the most important natural global commons: oceans, deep seabed, outer space, Antarctica and the atmosphere (the last one including both the ozone layer and climate) (Vogler, 1992, 5).

Vogler argues that the initial condition of natural global commons – their state of nature – is the condition of *res nullius*: nobody owns them, nobody administers them, and the first actor exercising control over them can claim sovereignty (Vogler, 1995, 17). Christopher Joyner has questioned this definition, since the main feature of global commons is the impossibility of their enclosure (Joyner, 1998, 31). Hence, Joyner claims that global commons are, in their “state of nature”, *res communis*: the commons belong to the community, and the public goods they produce are at everyone’s disposal. According to this – more precise – definition, actors cannot claim sovereignty over the commons, but they can freely exploit them as they wish (Joyner, 1998, 32). In this initial stage, the public goods provided by the commons seem endless; however, the development of more intensive and advanced techniques of exploitation rapidly shows their limits and their vulnerability (Joyner, 1998, 29). This often leads states to organize forums aiming at establishing a regulated use of the commons, and to establish norms ensuring its protection and preservation (Vogler, 1995, 17). The mandate of international forums governing global commons is thus always the following: to protect the existence of the commons and their public goods.

Many obstacles hamper the fulfilment of this mandate, almost all caused by states’ focus on the protection and the promotion of their national interests. They consequently find it difficult to cooperate on global and collective issues, especially since the international community is anarchic

(Kaul, Grundberg and Stern, 1999, 15). These considerations are not new in the discipline of international politics (Hardin, 1968, 1244), which often has examined the main problems occurring within forums concerning global commons: “free riding” and the “prisoner’s dilemma”.

Free-riding can be summarized as follows: an actor does not commit to the protection and the rational use of global commons because he/she prefers freely to benefit from their public goods, leaving to others the burden of keeping the commons intact (Kaul, Grundberg and Stern, 1999; Death, 2014a, 74; Joyner, 1998, 29). The “prisoner’s dilemma”, on the other hand, involves a reciprocal mistrust amongst forum participants, or a situation where actors are unwilling to cooperate for mutual gain (Kaul, Grundberg and Stern, 1999, 7). Scientific uncertainty, corporate interests, costs of implementing the agreed measures and clashes between developed and developing countries are other significant issues that can be encountered in this type of international forum (Elliott, 2004, 79).

Non-state actors such as the scientific community or NGOs can be helpful in overcoming or mitigating these obstacles: they can provide reliable knowledge with which to tackle scientific uncertainty, raise awareness and mobilize public opinion towards a certain goal, or even monitor the effectiveness of negotiations and of their outcomes (Martin, 1999, 60). Problems in the distributions of costs and gains, on the other hand, can be solved by institutional arrangements and governance mechanisms – although, sometimes, these arrangements can be difficult to implement (Keohane, 1996, 5-7). In any case, the fulfilment of the mandate of forums governing the global commons is constantly endangered by particularistic interests, uncertainties, mistrust and misunderstanding.

The reason for choosing negotiations in international forums governing global commons to test this thesis’s hypothesis is that this type of forum presents a clearer differentiation between the collective intention at the base of the forum mandate and the particularistic intentions of negotiating actors, for three main reasons. First, states that gather in global commons international forums do so driven by the shared understanding that “if global commons are to remain economically productive they must remain environmentally solvent” (Joyner, 1998, 30) – thus, there is a common

understanding of the issue at the base of the forum mandate. Second, the mandate of these forums is always the protection of the commons and its public goods – hence, the forum mandate is clear and constant, and so is the collective intention generating it. Third, the existence of such a clear and well-defined collective intention makes it possible to isolate the particularistic intentions arising during the debate: any issue raised by states representatives that does not concern the forum mandate shall be considered as a reference to or a promotion of the particularistic intentions of one or more forum participants.

To sum up, global commons international forums are negotiations in which participants are driven by the collective intention of preserving the commons and by particularistic intentions which often conflict with the collective one. The two global commons international negotiations that are examined in this research as most-similar cases are two forums which took place within the diplomatic framework of the Antarctic Treaty System (ATS).

### **3.2: The Antarctic global common**

Antarctica does not entirely fit the “ideal-type” of global commons, mainly due to its exclusive nature: the legal regime administering the continent, in fact, does not include the whole international community. Even more importantly, only some of the member states of the ATS are Antarctic Consultative Parties (ACPs) and are therefore able to have a say in Antarctic affairs (Vidas, 1996, 45-46). Currently, of the 52 members of the ATS, only 29 countries are Consultative Parties,<sup>2</sup> while 23 of them are Contracting Parties, without any decision-making power.<sup>3</sup> Article 13 of the Antarctic Treaty – also known as the Washington Treaty – establishes that any member of the United Nations can have access to the Antarctic legal framework as a contracting party (Joyner,

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<sup>2</sup> Argentina, Australia, Belgium, Brazil, Bulgaria, Chile, China, the Czech Republic, Ecuador, Finland, France, Germany, India, Italy, Japan, Netherlands, New Zealand, Norway, Peru, Poland, Russia, South Africa, South Korea, Spain, Sweden, Ukraine, the United Kingdom, the United States and Uruguay.

<sup>3</sup> Austria, Belarus, Canada, Colombia, Cuba, Denmark, Estonia, Greece, Guatemala, Hungary, Iceland, Kazakhstan, Malaysia, Monaco, Mongolia, North Korea, Pakistan, Papua New Guinea, Portugal, Romania, Slovakia, Slovenia, Switzerland, Turkey and Venezuela.



1998, 48), while there are two ways to gain the status of ACP: to be one of the original seven claimant states<sup>4</sup> or to display constant employment of resources and personnel in the field of scientific research in Antarctica (Joyner, 1998, 61).

The exclusivity of the ATS and the existence of sovereignty claims over portions of the Antarctic territory are the reasons why Antarctica is often considered a “special kind of common”, a “disputed common” or an “impure common” (Joyner, 1998, 44-45). However, Antarctica can (and must) be considered a global common: while it is true that seven states presented sovereignty claims over certain areas of the continent, it is also true that they never exercised effective and continuous control over the claimed territory, due to the extremely difficult environmental conditions; furthermore, those sovereignty claims are, without exception, controversial, and not fully recognized by all ACPs (Joyner, 1998, 46). For this reason, Antarctica should be considered a region of the world which is outside of any national jurisdiction (Joyner, 1998, 45), and this is one of the main characteristics of natural global commons.

Moreover, Antarctica produces public goods that benefit the whole of humankind, and that are endangered by unrestricted human activities (Joyner, 1998, 44-45). These public goods are various. First of all, the pristine nature of the Antarctic continent, together with the absence of human activities over much of its territory, makes it a unique field for the study of meteorites, and a fundamental source of information for the scientific fields of geology and palaeontology. The continent also allows the uninterrupted observation of solar activity during summer, when the sun is visible 24 hours a day (Suter, 1992, 2-3). The scientific community considers Antarctica a sort of climate thermometer, a vital resource through which to measure and assess the effects and the progress of climate change (Suter, 1992, 3): the air captured within the continental ice sheet allows researchers to monitor the variations of greenhouse gas concentrations in the atmosphere and of temperature, and to establish to what extent human activities have accelerated and enhanced climate change (Cousteau and Charrier, 1992, 6). Because of this, Antarctica is recognized to be of

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<sup>4</sup> Argentina, Australia, Chile, France, New Zealand, Norway and the United Kingdom.

inestimable scientific value, which must to be considered a public good produced by the southern continent.

Antarctica, however, is not just a fundamental asset for many fields of scientific research. Antarctic ice amounts to 65% of Earth's clear water reserves (Suter, 1992, 4), and the continent plays a fundamental role in preserving Earth's climate stability (Summerson, 2012, 106): the ice sheet shields the planet from overheating by reflecting 80% of the sun's rays, and the difference between polar and equatorial temperatures allows the continuity and regularity of the marine and atmospheric currents (Cousteau and Charrier, 1992, 6). Together with its scientific value, then, Antarctica also has considerable environmental value, and the sum of the two amounts to the public goods produced.

Finally, and similarly to other natural global commons, Antarctica is threatened by the consequences of the current, unsustainable system of industrial production and consumption, and its degradation will probably enhance global environmental degradation. As Joyner said:

[...] to the degree that the ice sheet is melting, global warming might be enhanced by the loss of [...] Antarctic reflecting power. Antarctica, given its sensitivity to environmental change, serves as a global early warning system for climatic change. Detection of the ozone hole above Antarctica, therefore, might be a harbinger of more serious problems for the rest of the planet (Joyner, 1998, 50).

### **3.3: The Antarctic Treaty System**

In 1908, the United Kingdom presented the first territorial claim over a portion of the Antarctic continent. After that New Zealand (1923), France (1924), Norway (1929 and 1939), Australia (1933), Chile (1940) and Argentina (1942) presented similar claims, with three of them (the British,

the Chilean and the Argentinean) overlapping each other. Each country justified its claims on different – and, therefore, not universally recognized – juridical bases (Beck, 1986, 29-39), and that is why before the Antarctic Treaty the continent was the source of “disputes during the 1940s among the United Kingdom, Argentina, and Chile over their overlapping sovereignty claims to the Antarctic Peninsula” (Joyner, 1998, 54). After the Second World War Antarctica was caught up in the Cold War, and the international community started fearing that the continent would become theatre of nuclear experiments (Beck, 1986, 21-22). The long and troubled negotiations that led to the Washington Treaty of 1959 were not, according to some authors, generated by potential advantages of international cooperation in Antarctica, but by the fear that the continent could become the theater of international conflicts and tensions (Elliott, 1994, 31). The Treaty was the result of compromises between parties, and negotiations were held in a general climate of secrecy, organized as closed gatherings of a few interested actors (Elliott, 1994, 34-35).

The three main principles regulating the Washington Treaty are peace, freedom of science and Antarctic extraterritoriality. The “peaceful nature” of the Antarctic continent is established in Article 1, which bans any type of military activities in the continent – except those exclusively for logistic and pacific support to scientific expeditions – and forbids the test of any kind of weapon in Antarctica; these resolutions are further strengthened by Article 5, which outlaws nuclear explosions and the storage of radioactive waste in the continent. Freedom of science is promoted by Article 2, which claims that scientific research in Antarctica must remain free, and that Antarctic parties should freely share information resulting from their expeditions. Article 3 goes further, encouraging parties to exchange “to the greatest extent feasible and practicable” not just research results, but also research plans, equipment and personnel. Sovereignty issues are dealt in Article 4, which, while recognizing the existence of sovereignty claims, suspends their validity and forbids the assertion of any new claim for the whole time the Treaty will be in force. The “extraterritoriality” of Antarctica is developed in Article 8, which establishes that people in the continent are “subject to the jurisdiction of the Contracting Party of which they are nationals in

respect of all acts and omissions occurring while they are in Antarctica for the purpose of exercising their functions”. All provisions are strengthened by Article 7, establishing that “in order to promote the objectives and ensure the observance of the provisions of the [...] treaty”, every party has the right to perform inspections, not necessarily announced, in all areas of the continent, at any time.

Article 9 establishes that ACPs have periodically to participate in Antarctic Treaty Consultative Meetings (ATCMs), in order to exchange information, to resolve controversies and to discuss the elaboration and implementation of new measures. Consultative Meetings often lead to the elaboration of “Recommendations”, that become official and effective only when approved by all Consultative Parties – thus, the Antarctic Treaty System mostly deliberates by following the consensus rule. From 1961 to 1995, Recommendations resulting from ATCMs were always treated as legal acts of a binding nature; there were, however, doubts regarding their legal nature, especially concerning the retroactivity for the new states that joined the Treaty. These problems were overcome during the XIX Consultative Meeting in Seoul (1995), that distinguished among three types of acts deriving from Consultative Meetings: legally binding “Measures”, non-legally binding “Resolutions” (which have the status of authoritative recommendations) and administrative “Decisions” (regarding administrative and organizational problems) (Joyner, 1998, 62-63).

The Treaty, as Article 12 provides, can be changed at any moment, but proposed amendments need to be agreed by all Antarctic Consultative Parties. The same article also contemplates the possibility, thirty years after the coming into force of the Treaty, of calling a review conference including all parties; on that occasion, changes proposed would become effective only if approved by the majority of all ACPs. In case one or more actors disagree with the approved changes, it is possible for them to withdraw from the Treaty by not ratifying those amendments and by giving notice of their intention to withdraw, which will come into force two years after its receipt.

The Antarctic Treaty of 1959 was fundamental in shaping further development of the Antarctic international regime. This is clearly shown in Article 9, which establishes that Recommendations coming from Antarctic Treaty Consultative Meetings (ATCMs) must concern

“use of Antarctica for peaceful purposes only; facilitation of scientific research; facilitation of scientific cooperation; facilitation of the exercise of rights of inspections; questions related to the exercise of jurisdiction; preservation and conservation of living resources”. Article 9 is important because it influences every diplomatic forum juridically related to the Antarctic Treaty System which took place afterwards. It established, in fact, that all Antarctic international negotiations taking place under the Antarctic diplomatic framework must be driven by the mandate of preserving peace, promoting scientific research and preserving living resources in the continent.

As far as the last point is concerned, the Treaty did not contemplate measures safeguarding the Antarctic environment. However, soon after its coming into force, ACPs started to elaborate new documents and conventions which protected nature and wilderness in the continent. These agreements were the Agreed Measures for the Conservation of Antarctic Fauna and Flora (1964), the Seals Convention (1972), the Antarctic Marine Living Resources Convention (1982) and, most recently, the Protocol on Environmental Protection to the Antarctic Treaty (1998). The integration of these agreements, appendices, conventions and protocols led academics and politicians to talk about an Antarctic Treaty System (ATS), where the term “system” indicates an internally coherent *corpus* of documents, closely interrelated and regulating the whole range of human activities in the continent (Vidas, 1996, 37-40).

This thesis has chosen to focus on Antarctic forums, amongst many other global commons international forums, for the following reasons. First, while it is true that this type of forum is legitimized and justified by the mandate of preserving the commons and their public goods, not all global commons international forums state their mandates so clearly as Antarctic ones: article 9 clearly establishes the mandate of every Antarctic negotiation, which is based on the three pillars of peace, freedom of science and environmental protection (Joyner, 1998, 57-64). These three pillars are the empirical expression of the general mandate of preserving the Antarctic common and to safeguard the public goods produced by the southern continent.

The second section of this chapter explained how Antarctica can provide fundamental, vital information for scientific research in various fields, and how its scientific value can definitely be considered an Antarctic public good; the principle of freedom of science is an attempt to promote, defend and maximize this public good. Furthermore, it has been shown how the continent plays a vital role in stabilizing the Earth's climate, and it is fundamental for the maintenance of life on our planet. The principle of environmental protection represents the attempt to protect Antarctic ecosystem and wilderness, and therefore to safeguard the vital role played by Antarctica in the stability of the planet's climate. The principle of Antarctica as a continent of peace is an attempt to prevent conflicts among states from affecting the administration of the continent, which must be considered beyond states' jurisdiction and as a land that belongs to humankind. It is therefore possible to claim that the three main principles of the ATS are just an empirical manifestation of the main principle at the base of every global commons international forum: the preservation of the common and of their public goods. Together with these three pillars of the Antarctic regime there is the principle of extraterritoriality. This last principle is not considered to be a guideline for future treaties,<sup>5</sup> but the necessary precondition for the existence of an Antarctic Treaty and for the existence of the Antarctic's status as a global common, since it leads the continent to be considered a land where territorial sovereignty is *de facto* non-existent. The very idea of a continent devoted to peace, where research is free and where human activities must be limited for the sake of the Antarctic ecosystem is possible only if the principle of extraterritoriality is established.

The Antarctic Treaty System is the diplomatic framework in which all international negotiations concerning Antarctica take place. The two Antarctic Meetings compared in this

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<sup>5</sup> The reason why the principle of Antarctic extraterritoriality is not considered part of the mandate of Antarctic forums is the following: the principles of peace, science and environmental protection are guidelines that shape the main characteristics of every agreement related to Antarctic politics; on the contrary, extraterritoriality cannot be considered a guideline: it is an established juridical status which regulates relationships between Antarctic parties. An agreement on Antarctic policy consequent to and related with the 1959 Washington Treaty can be driven by the desire of restoring peace, fostering scientific research or safeguarding the environment, but it cannot encourage or maintain extraterritoriality, because the latter is an already-established principle – guaranteed by the very existence of the Antarctic Treaty – which cannot be further developed. In absence of Antarctic extraterritoriality, the whole Antarctic Treaty would not exist.

research are the fourth and the eleventh Special Antarctic Consultative Meetings (SATCMs); the former led to the elaboration of the Convention for the Regulation of Antarctic Mineral Resources Activities (CRAMRA), while the latter resulted in the Protocol on Environmental Protection to the Antarctic Treaty (better known as the Madrid Protocol). In both forums, mineral exploitation in Antarctica was at centre stage in the debate.

### **3.4: Mineral exploitation in Antarctica**

There are, in Eastern Antarctica, large deposits of iron, and there are deposits of copper in the Transantarctic Mountains. Both also have deposits of coal, while veins of silver and gold have been found in the Antarctic Peninsula and in Adélie Land (Sahurie, 1992, 352-361). Although the existence of these mineral resources was already known, it was only after natural gas deposits were detected in the Ross Sea (1971-1972) and the oil crisis of 1973-1974 destabilized Western economies that ACPs started contemplating the possibility of conducting mineral activities in the continent (Joyner, 1996, 154).

The issue of Antarctic mining was examined and contemplated to such a great extent during the 1970s and the 1980s that some authors thought that the mineral issue would transform Antarctica into one of the main sources of tension in international politics (Beck, 1983, 3). In fact, although there was no certainty on the effective extent and significance of Antarctic mineral resources, and although mining would have been extremely expensive given the prohibitive environmental conditions (Sahurie, 1992, 352-353), many countries previously alien to Antarctic politics started joining the Treaty, attracted by the possibility of access to the mineral resources of the southern continent (Beck, 1986, 4). As in the Arctic, claims about the indeterminate extent of the continent's mineral resources and the costliness of their eventual extraction did not induce parties to give up on the idea of mining (Suter, 1992, 3).

The perspective of negotiations on mining in Antarctica foreshadowed problems and conflicts amongst ACPs from the beginning. The USSR, for instance, was keen to develop fishing in the continent, but was hostile on mining, given its technological inferiority to the US and the existence of an already developed mining sector in its national territory. The United States, on the other hand, was divided between the desire for mineral exploitation and the need to appeal to the environmentalist sectors of public opinion, an important source of electoral support. In South America, Chile desired to use its territorial claim in order to obtain an advantageous position in Antarctic mineral negotiations, but was also concerned by the possible consequences of unregulated mining, given that its whole fishing industry depended on the health of the Antarctic ecosystem. Nevertheless, the increase of diplomatic tensions led to the decision that an agreement on mineral exploitation was better than no agreement (Elliott, 1994, 107-109), and ACPs started to meet and to establish the guidelines for a treaty regulating mining in the continent. From the beginning, the parties agreed that deliberations must follow the consensus rule, in line with the tradition of Antarctic diplomatic forums (Joyner, 196, 152).

The ACPs' negotiations on mining saw increasing participation by non-state actors, which argued that the ATS had the moral and ethical obligation to protect the Antarctic environment, the last pristine wilderness of the world, and claimed that Antarctic nature had an intrinsic value, independent of human utilitarian interests (Suter, 1992, 1-2). Before the 1970s, the only NGO that had a certain influence on Antarctic negotiations was SCAR (Special Committee on Antarctic Research). SCAR, however, has been described by some as a "quasi-governmental" organization (Herr, 1996, 96-98), since it is the most important source of scientific information within the ATS framework, and since its finances are entirely dependent on ACPs; this led some to doubt its independence from the influence of national governments' influence (Sahurie, 1992, 77-78). Once the debate over mineral exploitation gained momentum, other NGOs, predominantly environmentalist ones, became interested in Antarctic issues. They operated mainly as conveyors of information, instruments focused on raising public awareness and advocates of the environmentalist



cause. Some NGOs questioned SCAR's impartiality (Herr, 1996, 98), contested the agendas of ACPs and presented an alternative plan that would transform Antarctica in a global natural reserve. At the same time, they lobbied some of the countries involved in the negotiating process (Herr, 1996, 106-107).

### **3.5: CRAMRA negotiations**

In 1975, when the debate on mineral activities in Antarctica had just started, New Zealand proposed a permanent moratorium on mining, and the transformation of the continent into a world park (Elliott, 1994, 114-115). Nobody supported the proposal, and the forum that led to the elaboration of CRAMRA started from the assumption that mineral activities in Antarctica were something to be allowed and regulated through an international agreement (Elliott, 1994, 121). ACPs started negotiations in 1981 and reached an agreement in June 1988; in November 1988 the agreement was opened for signature in Wellington (Joyner, 1998, 73). Negotiations were not characterized by a dominant coalition of actors (Elliott, 1994, 122): there were divisions between claimants and non-claimants, pro-development and environmentalist countries, mining and non-mining states (with the latter more interested in Antarctic mining opportunities),<sup>6</sup> and all these divisions overlapped, leading to a fluid and confused scenario (Elliott, 1994, 123).

At any rate, the mandate of the forum, the main justification for the negotiations that led to CRAMRA, was exactly the same as any other Antarctic forum, and it was articulated in three main principles: maintenance of peace, promotion of free scientific research, and protection of the environment. This was clear from the beginning: the Antarctic Treaty Consultative Meeting (ATCM) of 1981, which elaborated Recommendation XI-1 (Joyner, 1996, 154), established that:

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<sup>6</sup> Non-mining states, in fact, saw in Antarctica the possibility to establish their own mining industrial sector, and to access to mineral resources that were not available in their territory. Mining states, on the other hand, were not especially interested in starting activities in the Southern continent. Instead, some of them were afraid of the possible consequences of an increase of availability of certain mineral resources as a result of Antarctic exploitation (Elliott, 1994, 123).

- ACPs must play a key role in deciding the extent and the regulation of mining.
- The Antarctic Treaty had to be considered in its entirety as the main guideline inspiring the upcoming treaty.
- The protection of the Antarctic environment and of all dependent and associated ecosystems must be an issue of primary importance.
- Mineral exploitation by ATS members should not harm the wider interests of mankind.
- Mineral activities should not have to be a cause of international controversies.

Peace, science and environmental protection were therefore the principles inspiring the Convention (the mandate of the forum). Furthermore, Antarctica was clearly recognized as a global common, and priority was not given to the particularistic interests of ACPs, but to the general and collective interest of humankind.

Nevertheless, CRAMRA negotiations were characterized by a series of overlapping divisions generated by conflicting political and economic interests amongst ACPs (Elliott, 1994, 124-125). To obtain an agreement based on consensus, negotiations were mostly held in long rounds of closed sessions, characterized by secrecy and informality (Elliott, 1994, 125-126). Another interesting feature of CRAMRA negotiations was the marginalization of NGOs and of the scientific community. Many members of the latter were hostile to mining, while NGOs criticized the excessive secrecy of negotiations, contested the efficacy of the proposed mechanisms of environmental protection and asserted the international community's ethical responsibility to protect Antarctic wilderness and to ban mineral activities (Elliott, 1994, 127-128). However, almost no scientist external to SCAR was considered as a reliable source of information during the forum

(Elliott, 1994, 127). The result of twelve long and difficult negotiating sessions was the Convention for the Regulation of Antarctic Mineral Resources Activities (CRAMRA), described by Joyner as a complex agreement “broadly arranged to protect the interests of all state parties” (Joyner, 1996, 160-161), and by Lorraine Elliott as a complicated balancing act between the interests of claimant and non-claimant states (Elliott, 1994, 135).

### **3.6: The Mineral Convention and its demise**

CRAMRA provided for the creation of four institutions:

- The Antarctic Mineral Resources Commission, composed of all Antarctic Consultative Parties.
- The Special Meeting of State Parties, composed of all members of CRAMRA and having a merely symbolic role.
- The Scientific, Technical and Environmental Advisory Committee, devoid of any decision-making power.
- Regulatory Committees, formed for specific areas where mineral activities were to have taken place, and composed of four claimants (including the State that held a claim for that particular area) and six non-claimants, including the USA and the USSR.

Mineral activities were divided into three types, governed according to different rules:

- Prospecting actions, aiming at identifying potential mining areas, which were completely unrestricted.

- Exploratory actions, involving drilling and excavation activities aiming at identifying the potential of the deposit, which had to be approved by all members of Antarctic Mineral Resources Commissions, and later by the two-third majority of the Regulatory Committee specifically formed for that particular area.
- Development actions, indicating the effective exploitation of the deposit, which had to be approved by a two-thirds majority of the Regulatory Committee.

It is important to remember that the mandate of CRAMRA negotiations was not to elaborate an efficient way to organize mining in Antarctica. It was, instead, to make sure that mining activities would comply with the three main ATS pillars: maintenance of peace, promotion of free scientific research and protection of the environment. This is clearly shown in Article 2 of the Convention, which notes the peaceful nature of Antarctica, the need to preserve the Antarctic environment and the duty to promote the interest of mankind. Article 2 also establishes that any authorization of mining activities had to consider issues of environmental impact, and the third paragraph stressed the “special responsibility of the Consultative Parties for the protection of the environment”. It also affirmed that the Convention was “an integral part of the Antarctic Treaty System”, and that contracting parties had to guarantee that mining activities would be “consistent with all the components of the Antarctic Treaty System and the obligations following therefrom”. Article 10 reiterated that mining activities had to be consistent with the Antarctic Treaty, the Seals Convention, the CCAMLR and “the measure[s] effected pursuant to those agreements”. From this evidence we can conclude that the main purpose of the Convention – and the mandate which drove CRAMRA negotiations – was not to allow mineral activities, but to protect the continent’s environmental and scientific values from those activities. Article 10, in fact, establishes the main objectives of contracting parties:

To protect the Antarctic environment and its dependent and associated ecosystems; to respect Antarctica's significance for its impact upon the earth's environment; to respect other lawful uses of the Antarctic; to respect Antarctica's scientific worth and aesthetic and wilderness values; to ensure safe operations in Antarctica; to promote opportunities for fair and effective participation by all parties; to take into account the interests of the international community.

This extract shows how CRAMRA negotiations were expected to fulfil the three main principles enunciated in the Antarctic Treaty.

The agreement was opened for signature in Wellington, New Zealand, on June 1988 (Verhoeven, 1992, 11). However, in May 1989 the Australian government – representing the country with the largest territorial claim – refused to sign the Convention, claiming that it did not provide sufficient protection of the environment and proposing a ban of any mineral activity in the continent. This action promptly blocked CRAMRA from coming into force, since Article 62 established that the Convention could be effective only if ratified by all claimant states (Joyner, 1996, 162-163). In June 1989, France supported Canberra's decision, and the two countries presented a joint proposal for an environmental Protocol to the Antarctic Treaty that would ban mining (Joyner, 1996, 164). Paris and Canberra made their final rejection of the Convention official in August 1989 (Verhoeven, 1992, 12), and as a consequence CRAMRA was relegated to juridical limbo, with the suspension of all ratification procedures (Joyner, 1996, 152).

### 3.7: New negotiations, towards the Madrid Protocol

Australian and French refusal to sign the Mineral Convention violated, for the first time in the history of the ATS, the unspoken rule according to which consensus, once reached during negotiations, could not be broken (Elliott, 1994, 166). This generated a heated debate regarding mining in Antarctica, involving states, NGOs, scientists and the academic community. In this delicate situation, some ACPs recognized, during the Consultative meeting of October 1989, that the ATS lacked comprehensiveness and internal coherence as far as environmental protection was concerned. During the same meeting, they established, through Recommendation XV-1, the need to elaborate an environmental protocol to the Antarctic treaty, in order to make sure that “human activity does not have adverse impacts on the Antarctic environment or its dependent or associated ecosystems or compromise the scientific, aesthetic or wilderness values of Antarctica” (Joyner, 1996, 165).

During this new round of negotiations, the scientific community external to SCAR kept supporting a mining ban (Elliott, 1994, 183), while NGOs adopted a double-edged strategy: on the one hand, they mobilized public opinion in favour of the French-Australian proposal (Elliott, 1994, 182); on the other, they provided scientific information in support of a mining ban and attempted to lobby the delegations which were participating in the forum (Herr, 1996, 92). As negotiations went on, an increasing number of countries started supporting Canberra’s and Paris’s proposal: Belgium, Italy, Sweden, Denmark, Greece and South Korea (Vicuña, 1996, 290) – together with the two key developing countries of India and China (Joyner, 1996, 164-165) – withdrew their support from the Convention. The effective turn, however, took place in February 1990, when New Zealand’s Prime Minister Geoffrey Palmer withdrew his support from CRAMRA and advocated a legally-binding moratorium on mineral activities (Elliott 1994, 184). From this moment, three of the most important actors of the ATS were actively against CRAMRA, while only two countries kept insisting on allowing mineral activities: the United Kingdom and the United States (Elliott, 1994, 175). Further

negotiations took place in the 11<sup>th</sup> Special Consultative Meeting in Viña del Mar, Chile, between November and December 1990. Here, ACPs established the need to develop binding mechanisms of environmental protection and elaborated a first draft of a protocol to the Antarctic Treaty. The draft was later reviewed and modified in Madrid, between April and June 1991 (Joyner, 1996, 166). Opposition from the UK or the USA could still impede the adoption of the Protocol (Elliott, 1994, 192), but the new, overwhelming consensus in favour of the mining ban isolated the two countries, which were eventually forced to capitulate (Elliott, 1994, 193-194). The Protocol was opened for signature in the October 1991 (Joyner, 1996, 166), and came into force the 14<sup>th</sup> of January 1998 (Vidas, 2000, 1).

### **3.8: The Madrid Protocol**

Many of the terms and formulations of the Madrid Protocol are similar those of CRAMRA, but measures of environmental protection are no longer exclusively applied to mining activities, but to every human activity in Antarctica. This is what led Davor Vidas to claim that the Protocol did not represent a moment of discontinuity from CRAMRA (Vidas, 2000, 6). Other authors, however, have highlighted how, in contrast to other Antarctic documents regulating access and exploitation of Antarctic resources (such as, for instance, CCAMLR and CRAMRA) the Protocol did not provide a normative framework for sustainable exploitation, but for preservation of the whole continental environment (Vicuña, 1006, 289). The Protocol's importance and innovative potential is clearly visible in Article 3:

The protection of the Antarctic environment and dependent associated ecosystem and the intrinsic value of Antarctica, including its wilderness and aesthetic values and its value as an area for the conduct of scientific research, in particular research essential to understanding the global

environment, shall be fundamental considerations in the planning and conduct of all human activities in the Antarctic Treaty area.

There is a remarkable similarity to CRAMRA's formulations, but clearly a greater commitment to the forum mandate: an intrinsic value is attributed to the Antarctic environment, while limitations to human activities are not confined to mining but to every human activity in the continent. Article 3 also clarifies that planning of human activities in Antarctica will have to be carried on in order to avoid negative effects on:

- Climate or "weather patterns".
- Air or water quality.
- Atmospheric, terrestrial, glacial or maritime environments.
- The distribution, the quantity and the productivity of some species of flora and fauna in Antarctica.
- Already endangered species.
- Areas of particular scientific, wilderness, aesthetic or historical importance.

Article 7 bans mining in Antarctica, by establishing that "any activity relating to mineral resources, other than scientific research, shall be prohibited". The Treaty also created the Committee for Environmental Protection, with the duty to monitor compliance with the protocol; the Committee, however, is devoid of any sanctioning power, and compliance is effectively in the hands of contracting parties. Finally, five Annexes were added at the end of the document, regulating procedures for environmental impact and assessment, conservation of Antarctic fauna



and updates to the agreed measures, waste disposal and management, prevention of marine pollution and expansion of protected areas in the continent (Joyner, 1998, 79-80).

The Protocol established the possibility of organizing a conference for its revision, 50 years after its coming into force, to discuss whether to lift the ban on mining. Every amendment, however, has to be approved by the majority of all Antarctic Treaty members, and by three-quarters of Consultative Parties, including all the states that were Consultative Parties when the Protocol was approved. Furthermore, even if an amendment is approved, the previous norms of the Protocol remain legally binding until they are replaced by another binding legal treaty regulating mining. The new legal regime should:

- Clarify whether mineral activities will be allowed or not.
- Establish how mineral activities, if allowed, would take place.
- Protect the principle of Antarctic extraterritoriality and prevent conflicts over sovereignty from arising.

If the new mining regime did not come into force within three years from its opening to signatures, every contracting party could withdraw from the Protocol, and be free to act unilaterally as far as mining was concerned. Although Article 7 did not establish a permanent ban on mining, many authors have highlighted how such a ban had been established in practice, considering how difficult it will be to lift it given the extremely restrictive amendment procedures (Vicuña, 1996, 292).

The Protocol represents a consistent strengthening of the ATS legal framework, since it provides a comprehensive system of environmental protection in Antarctica, it is legally binding and it gave birth to the first Antarctic international institution entirely concerned with the environment (Vidas, 2000, 9). The Protocol's success is even more clear if one considers how it reinforces the principle of environmental protection as a core value of the ATS (Joyner, 1998, 163).

It is remarkable that negotiations generating the Madrid Protocol were conducted at an unusually quick pace (Joyner, 1996, 165), and some argued that parties were able to reach an agreement so soon due to the legitimacy crisis in the ATS. According to Vidas, in fact, the French-Australian withdrawal from CRAMRA aggravated conflicts between ACPs and led many politicians, jurists and academics to even question the legitimacy of the ATS (Vidas, 2000, 3). As Joyner said:

The fatal flaw with CRAMRA came not to rest on its inability to regulate Antarctic mineral resource activities. Rather, it turned on CRAMRA's perceived lack of efficacy and a widespread belief that the regime could not effectively prevent environmental degradation of the pristine Antarctic (Joyner, 1996<sup>a</sup>, 167).

### **3.9: Comparing the CRAMRA and the Madrid Protocol forums**

Both the CRAMRA and the Madrid Protocol negotiations were driven by the same mandate, the same collective intention, articulated in three main principles: peace, freedom of science and environmental protection. The mandate is not the only similarity that these two Antarctic negotiations shared: they took place very close in time (CRAMRA negotiations ended in 1988, while those that led to the Madrid Protocol began immediately after, and were concluded in the beginning of 1990s), and the international actors participating in the negotiations were almost the same. Furthermore, both rounds of negotiations took place within the diplomatic framework of the Antarctic Treaty System, and the binding nature of agreements, the method of deliberation, the norms regulating the debate and the institutional structure of the forums were therefore identical. Even the topics debated were very similar, since the issue of mineral exploitation in Antarctica was at the centre of both forum debates.

The outputs of these two rounds of negotiations, however, could not be more different. The Mineral Convention went through heavy criticism as far as its legitimacy was concerned: many claimed that it did not sufficiently respect the ATS main principles, while others claimed that the Convention's governance mechanisms were too difficult to implement or ineffective in achieving the main goals of the treaty. These contestations later led some key actors to withdraw from the Convention, relegating it to a sort of "juridical limbo". On the other hand, the Madrid Protocol, despite its limitations, was hailed by many as an effective and legitimate agreement, able to foster the main principles of the Antarctic Treaty System. It was ratified rather quickly, and since then it has been effectively implemented and it has shown juridical strength and a clear capacity to achieve its main goals. Thus, two rounds of negotiations, attended by almost the same participating actors, driven by the same mandate, taking place in a very similar historical period, debating very similar issues while being located within the same diplomatic framework, delivered radically different outputs, as far as their legitimacy was concerned.

The previous chapter identified the legitimacy of the forum's output as its level of acceptance, both amongst forum members (internal legitimacy) and the international community as a whole (external legitimacy). The Mineral Convention lacked both: internally, some of the most important ATS members refused to sign it, describing it as unable to fulfil its own mandate; externally, CRAMRA led an increasing number of authors, politicians, NGOs and international organizations to question the legitimacy and the effectiveness of the whole Antarctic diplomatic framework. Some authors argued that CRAMRA was the final evidence that ACPs supported mining on the continent, betraying their mandate of protecting the Antarctic environment (Hussain, 1992, 90), while a number of developing countries started to ask, in the UN General Assembly, for radical changes to the ATS legal framework (Vidas, 2000, 3). This shows how CRAMRA's perceived lack of legitimacy led not only to the agreement's demise, but also to a legitimacy crisis that endangered the whole Antarctic international regime. The Madrid Protocol, on the other hand, was perceived as legitimate both internally and externally: internally, it was swiftly accepted and ratified by all

ACPs, and it is still one of the pillars of the Antarctic Treaty System; externally, its coming into force led most criticisms of the ATS to die down, restoring the international community's trust in the Antarctic system of governance.

Governments, scientists, NGOs, politicians and the public opinion perceived this difference of legitimacy by considering the ability of the two agreements to fulfil the ATS mandate of peace, science and environmental protection. Countries who opposed the Convention, both inside and outside the ATS, persistently argued that CRAMRA was neglecting its very mandate. Many pointed out how mineral exploitation could lead to disputes between countries (Verhoeven, 1992, 13-14), while others stressed that allowing mineral activities could endanger scientific freedom: indeed, economic competition could discourage ATS countries from sharing certain discoveries, aiming to maintain advantages in mining (Joyner, 1996, 170). Others attempted to show how just the fact that the Convention allowed mineral activities made mining more likely to take place, thus endangering the Antarctic environment (Bush, 1992, 71). Opponents constantly questioned some of the main provisions of the Convention, claiming that they were not sufficiently coherent with the mandate and the core values of the ATS. Some criticized the fact that prospecting activities were unrestricted (Vicuña, 1996, 275); others questioned the part of the treaty stating that mining must pose a risk for “significant” alterations in the “distribution, abundance or productivity of populations of species of flora and fauna” in order to be forbidden, without providing any precise definition of the term “significant” (Bush, 1992, 75). The Advisory Committee and the Regulatory Committees, two of the institutions created by CRAMRA, were heavily criticized, the first because it lacked any decision-making power (Joyner, 1996, 169) and the second because the principle of assessing environmental impact uniquely on the area in which mining would take place did not consider the potential consequences for all Antarctic ecosystems (Vicuña, 1996, 276). The general narrative of those opposing CRAMRA was that states' exclusive responsibility for implementing the agreement generated a conflict of interests, since governments that could benefit from mining activities had, in theory, the duty to restrict them (Vicuña, 1996, 275).

The Madrid Protocol did not escape criticism either: some argued that too stringent environmental protection mechanisms would endanger the freedom of research, by excessively limiting scientific activities in the continent. Others claimed that, while the Protocol was valid only from the 60<sup>th</sup> Parallel to the south, Antarctic ecosystems extended beyond that line and some sub-Antarctic islands were excluded from the agreement (Joyner, 1998, 165). Finally, some pointed out the absence of any instrument of coercion or punishment in case of rules infraction, and that thus states remained the only actors with the power to implement the Protocol's provisions (Joyner, 1998, 166). While, however, critiques of CRAMRA were structural, addressing the whole Convention and challenging its ability to fulfil the Antarctic mandate, criticisms of the Protocol focused on technical, procedural questions, relating to implementation of the treaty, not the treaty itself.

It is therefore possible to see how two very similar international forums delivered very different outputs as far as legitimacy was concerned. This research claims that the reason for that difference was a different distribution of types of statement within these two forums. The Madrid Protocol negotiations registered a higher frequency of collectivist statements, and thus their output was more legitimate.<sup>7</sup>

One could at this point argue that CRAMRA negotiations – and their failure – played an important role in shaping the output of Madrid Protocol's negotiations. If, indeed, it is true that the output of CRAMRA negotiations was not able to fulfil the ATS mandate, and that this led the ATS to endure a serious legitimacy crisis, why not to argue that the Madrid Protocol negotiations were more successful than CRAMRA ones exactly because ACPs wanted to avoid another diplomatic failure and to address the criticisms that were directed against them? If this claim is endorsed, is it still possible to consider CRAMRA and the Madrid Protocol as two distinct cases that share many

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<sup>7</sup> When addressing the legitimacy of the Madrid Protocol, this thesis does not necessarily claim that this international regime enjoyed a very high level of legitimacy; it only argues that the legitimacy of the Madrid Protocol was higher than the legitimacy of the Mineral Convention.

structural similarities? Or should they be considered as two sequential stages of the same negotiating process?

These are important questions to ask, but it is important to remark that the 4<sup>th</sup> and the 11<sup>th</sup> SATCMs should not be considered as parts of the same negotiating process. In fact, while both forums were driven by the same, overall mandate of peace, science, and environmental protection, such mandate was articulated differently in the two forums. CRAMRA negotiations aimed at establishing an international regime that would protect Antarctica from the negative environmental consequences of mining activities. The Madrid Protocol negotiations wanted to unite all previous Antarctic environmental agreements into a coherent whole. Furthermore, the two forums were organized in different SATCMs, and are considered by the very ATS as two different rounds of negotiations.<sup>8</sup> Therefore, CRAMRA and Madrid Protocol negotiations should be considered as two distinct forums. The hypothesis that the output of CRAMRA negotiations may have played a role in the output of Madrid Protocol negotiations is an interesting one, but to test such a hypothesis is not the purpose of this dissertation.

### **3.10: Limitations of the case study**

The main limitation of this case selection lies in the research inference potential: it might be argued that since Antarctic negotiations take place outside the United Nations international framework, are driven by peculiar and perhaps unique dynamics, are influenced by a particular history and by particular conventions, they are not comparable to other international forums. At the same time, it is impossible to overlook the many similarities between the Antarctic negotiations and other global commons ones: tensions between developing and developed countries; the necessity of a clear evaluation of the environmental impact of human actions; particularistic intentions hampering the fulfilment of the collective one; the importance of scientific knowledge; the indirect influence of

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<sup>8</sup> They are listed as such, for instance, in the official Antarctic meetings database within the Antarctic Treaty Secretariat online archive (<https://www.ats.aq/devAS/Meetings?lang=e>).

NGOs and the scientific community; and problems regarding national sovereignty – all are typical traits of every global commons international forum (Elliott, 1994, 120-128). Finally, despite the uniqueness of Antarctica in international politics, the continent has often been regarded by politicians and authors as a “political laboratory”, which provided mechanisms later used as models in other contexts; the de-nuclearization of the continent, established in the 1959 Washington Treaty, for instance, later inspired many similar international resolutions involving South America, Africa and the South Pacific Ocean (Suter, 1992, 7).

Of course, it would be very difficult to argue that any conclusions reached through the study of two very similar Antarctic forums could be irrefutably applied to all global commons international forums. This, however, is not the purpose of this thesis. Its two main objectives are instead the following: to build a conceptual and methodological framework by which to isolate and categorize different types of statement made during international negotiations and to take preliminary steps in assessing whether the model can deliver plausible and empirically testable hypotheses. If the model emerges from these empirical tests as consistent, plausible and effective, it will be possible to apply it to other international forums, and to assess its explanatory power further.

## **Chapter Four – Setting the Methodology: Qualitative Content Analysis of Forum Interactions**

While outlining its theoretical model in the second chapter, this thesis identified three types of statement that can be made during international forums: collectivist, particularistic and procedural. It has also hypothesized that higher frequencies of collectivism during negotiations are likely to lead to greater legitimacy of the forum's output. The third chapter has described the selected empirical cases – the CRAMRA and the Madrid Protocol Antarctic negotiations – and provided an explanation of the logic behind the case selection process. In order to test the hypothesis deriving from the theoretical model, the research looks at the two Antarctic forums in order to assess the frequency with which each type of statement recurs. Furthermore, it aims to assess whether the forum which resulted in a more legitimate output (the Madrid Protocol) presented a higher frequency of collectivism, than the Mineral Convention.

For this empirical analysis, a method by which to measure the frequencies of different types of forum statements must be identified. This chapter selects the type of empirical data to analyse. Furthermore, it picks a sample amongst the available data while explaining why such a sample can be considered representative. Finally, it chooses the method of analysis.

### **4.1: Selecting the data to consider**

Four different sources of information can be used to analyse the dynamics and the characteristics of international forums:



- Internal official documents:<sup>1</sup> Minutes, statements, papers, declarations and any other form of official documents presented by forum participants during the negotiation rounds.
- External official documents: Public statements, press releases, parliamentary and governmental debates concerning the topics discussed within the forum.
- Unofficial documents: Private correspondence between diplomatic delegations and their national governments, or informal communications between two or more forum participants.
- Interviews: Interviews with diplomatic personnel and other individuals who took part in the forum negotiations or that witnessed them.

This thesis does not consider external official documents, for two main reasons. First, the theoretical model focuses on social interactions that take place within the forum, during negotiating rounds, between participating actors. Thus, any interaction between forum participants and other subjects external to the forum – be it ministers, MPs, journalists, party members, the public et cetera – should not be considered. Second, although these types of data might be useful in order to understand the agenda and the priorities of certain actors before and during the negotiations, obtaining this information is not the purpose of the thesis. This dissertation, in fact, aims clearly to isolate and categorize the different types of statement that can be made during international

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<sup>1</sup> Official documents are categorized as “internal” and “external” according to the following criteria: internal ones include all the official documents that are a summary of activities and negotiations that took place within the forum, in front of all the forum participants; external ones include official documents that reflect events which did not take place within the forum and during the negotiation rounds. Therefore, an opening speech during a forum’s meeting is considered to be an internal official document, because it is presented during the forum session and in the presence of forum participants; a press-release from a member of a certain diplomatic delegation, on the other hand, is an external official document, because it does not occur during the forum or in the presence of all other participants.

forums.<sup>2</sup> For the same reason, unofficial documents are not considered either: first because they often involve interactions between members of the forum and a party external to it (i.e. letters from a certain diplomatic delegation to their Ministry of Foreign Affairs); second because, even in case of unofficial documents which describe an interaction between forum participants, they describe informal interactions that do not take place in front of all forum participants, and they therefore are not useful for the purposes of this research.

Interviews, on the other hand, could be useful in order to understand forum dynamics with greater depth. Basing the hypothesis-testing on elite interviews, however, might be problematic, mostly because clearly to distinguish the frequencies of collectivism, particularism and proceduralism within two forums one needs to examine the highest possible number of statements made by forum participants, with particular attention to the act of speech in itself rather than to the actors' inner dispositions. This is difficult to do through interviews, where a researcher relies on the memories of the interviewed; this difficulty is even greater in cases, like the two Antarctic forums, that took place three decades ago. Furthermore, risks connected with elite interviews – especially the bias of the interviewed – have already been examined in previous chapters.

Finally, interviews are what Klaus Krippendorff identified as an obtrusive method of analysis. According to him, obtrusive methods are “acts of measurement [that] interfere with the phenomena being assessed and [that] create contaminated observations; the greater the observer probes, the greater the severity of contamination” (Krippendorff, 2013, 45). Krippendorff meant that testing a hypothesis through “controlled experiments, interviews, focus groups, surveys and projective tests” would lead subjects to be aware that they are being observed and tested; thus their reactions, their answers and the information they provide could be influenced by this awareness, undermining the objectivity of the research (Krippendorff, 2013, 45). Of course, this research does not claim that conducting elite interviews is a flawed approach in itself; it just argues that it is not the type of

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<sup>2</sup> The objective of this thesis is also, as already stated, to begin to assess whether the theoretical model it elaborates is able to build plausible and empirically testable hypotheses.

method that should be implemented when looking at international forums in order to systematically distinguish between different types of statement and to measure the frequency of each type. While this research does not use interviews as an instrument of hypothesis-testing, it resorts to elite interviews as a way of confirming the validity of methodological procedures: members of the diplomatic personnel have been interviewed in order to assess whether certain methodological choices reflected the nature and the characteristics of “real world” international forums.

Internal official documents, on the other hand, are the record of actors’ behaviour during negotiations, and are data that can be examined also when the forum took place many years in the past. Furthermore, as textual analysis is an unobtrusive method (Krippendorff, 2013, 45), most risks of “contaminated observations” can be avoided. That is why the empirical analysis considers only this type of source.

#### **4.2: Types of internal official documents**

The empirical analysis looks at two Antarctic forums: the 4<sup>th</sup> SATCM and the 11<sup>th</sup> SATCM. A researcher approaching these two forums encounters a great number of documents of very different types: treaty drafts, meeting reports, formal statements, working papers, speeches and so on. Examining all these documents might be problematic, for three main reasons. First, analysing all the available data would be extremely time-consuming, especially since the research relies on the work of just one coder. Second, it is necessary to examine documents that can provide information on how subjects interacted within a forum, and many of the forum documents are not useful for this purpose: there are administrative reports, proposed amendments to an existing draft, and papers discussing procedural or legal issues, that are devoid of any reference to the actors’ forum interactions. Finally, the research relies on available documents, and it is impossible to access every paper ever written in the course of the two examined Antarctic meetings. Thus, using all available

documents might over-represent certain actors, simply because there would be more documents available from a certain state.

These considerations suggest that this paper should examine a sample of documents which is:

- *Limited*: There cannot be an excessive number of documents, in order to allow a single coder to carry on the analysis within a reasonable period of time.
- *Pertinent*: The sampled documents must be useful for understanding how forum participants interacted with each other; procedural and administrative material must be excluded, along with all other irrelevant data.
- *Representative*: Within the chosen sample, no country should be over-represented.

For these three reasons, this research focuses on countries' statements, speeches and declarations.<sup>3</sup> These are surely pertinent, since they offer a clear portrait of the actors' main positions and attitudes within a forum. The assumption that countries' diplomatic speeches and statements are relevant for understanding countries' positions has been confirmed by interviewing a former member of a diplomatic mission to the UN.<sup>4</sup> During the interview, he said that the official statement of a country reflects its position in the forum, and

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<sup>3</sup> The diplomatic speeches and statements delivered by diplomatic delegations during the 4<sup>th</sup> and the 11<sup>th</sup> SATCMs are available at the Antarctic Secretariat online archive: <https://www.ats.aq/devAS/Meetings?lang=e>. Further information on access to those documents is provided at the end of the dissertation, under the voice "List of archival sources used in this research".

<sup>4</sup> The person interviewed in this dissertation has been a member of a UN diplomatic mission for three years, and has taken part to different UN commissions, taking part in the negotiations and often drafting speeches and declarations. Given his experience, he has been considered a reliable source to interview.

It reflects what it [the country] wants to obtain; obviously, like in every negotiation [...] some countries might start from a very “strong” position and later on de-escalate their requests. This means that things said in a diplomatic statement are not “red lines” – things that states would never compromise on – but that they reflect what is their overall position in the negotiation.

Thus, diplomatic speeches are proper diplomatic statements, acts of speech that can also be considered representative of the general behaviour of participating actors.<sup>5</sup> The topics outlined in these documents, and the way those topics were expressed, can provide a portrait of the types of statement made by each forum participant. These documents are also a representative type of source, since, during an international forum, usually every country wishing actively to participate in negotiations delivers one. Thus, the set of statements and speeches delivered during a forum can be considered a pertinent and representative portrait of actors’ behaviour in the course of negotiations.

#### **4.3: Sampling available data**

This study’s empirical analysis looks at the Fourth and the Eleventh Special Antarctic Consultative Meetings (SATCMs), which led to the creation respectively of CRAMRA and the Madrid Protocol. These two forums, however, extended across different rounds: the fourth SATCM was spread across twelve rounds of negotiations, and the eleventh SATCM across four. Delegations did not

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<sup>5</sup> This last claim does not intend to say that official diplomatic speeches and statements are representative of *everything* that it is uttered during a forum. Nor the intention of this sentence is to imply that, by examining this type of documents, a researcher would gather all the necessary information about the forum he/she is analysing. However, this thesis claims that a systematic analysis of official diplomatic statements made during plenary sessions can reveal *some important information* about the examined forums, because it provides a good summary of which were the official positions of negotiating parties when they interacted publicly.

provide diplomatic statements each time they met.<sup>6</sup> It is therefore necessary to select a sample of data that would allow a limited, pertinent and representative comparison of the two forums. This research analyses the last sessions of both the fourth and the eleventh Special Antarctic Consultative Meetings.<sup>7</sup> The main justification for this sampling selection is the following: this paper's empirical analysis is structured as a most-similar case study, and these rounds of negotiations share many similarities as far as their structural characteristics are concerned.<sup>8</sup>

First, the IV-12 and the XI-4 SATCMs were attended by almost the same actors: the former saw the participation of 33 delegations, the latter of 41, and 32 countries sat in both meetings. The similarities are even greater between the groups of Antarctic Consultative Parties (ACPs) that participated in the meetings, which are the only delegations whose statements this research considers.<sup>9</sup> The IV-12 SATCM saw the participation of 20 ACPs, and the XI-4 of 26; 95% of Consultative Parties delegations that sat in the IV-12 SATCM participated in the XI-4 SATCM as well, while 73% of the ACPs that sat in the XI-4 SATCM had already participated in the IV-12 SATCM.<sup>10</sup>

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<sup>6</sup> For the 4th SATCM, opening and closing statements were delivered respectively in the SATCM IV-1 and in the SATCM IV-12, both in Wellington, New Zealand. In the Eleventh SATCM delegations presented their declarations and statements during SATCM XI-1 in Viña del Mar and SATCM XI-4 in Madrid.

<sup>7</sup> Thus, the two meetings that are studied are the IV-12 SATCM (that took place in Wellington, New Zealand, the 2<sup>nd</sup> of June 1988) and the XI-4 SATCM (that took place in Madrid, Spain, the 3<sup>rd</sup> and the 4<sup>th</sup> of October 1991). As previously explained, only the first and the last sessions of both forums had speeches and statements delivered by all negotiating parties, and this study chose to examine the last sessions. Another choice could have been to select the two opening forums of the two Antarctic meetings, and examine the opening speeches of each country. This has not been done for two reasons: first, the two forums took place in very different time periods (the IV-1 SATCM took place in 1982, the XI-1 SATCM in 1990), and this could have been a problem since the case study is structured to be a most-similar one; second, there are no available documents of the VI-1 SATCM in English, since the only version provided in the Antarctic Treaty database is the Russian one.

<sup>8</sup> The comparison of the 4<sup>th</sup> and the 12<sup>th</sup> SATCMs follows the logic of a most-similar case study. Thus, choosing a sample of the two forum implies that the two selected forum sessions should follow the logic of the most-similar case study, and be as similar as possible. The IV-12 and XI-4 SATCMs are considered to be forum sessions that differ the least amongst all the considered sessions.

<sup>9</sup> The reason why this research considers statements and declarations only of the Antarctic Consultative Parties is that they were the only delegations that had any decision-making power. Other members of the Antarctic Treaty participated as mere observers, and had no significant influence over the forum's output.

<sup>10</sup> The only country that participated in the IV-12 SATCM and not in the XI-4 SATCM was East Germany, because the country had ceased to exist. On the other hand, the XI-4 SATCM saw the participation of seven delegations that, in 1988, were not yet ACPs (Ecuador, Finland, Netherlands, Peru, South Korea, Spain, Sweden).

The two forum sessions are also very similar as far as the time span is concerned: the IV-12 SATCM took place in the spring of 1988, while the XI-4 SATCM was held in the Autumn of 1991; only two years and four months separate them. Moreover, the two forum sessions are also similar if one looks at the issues which were debated within them: in both forum sessions ACPs elaborated the final draft of an international agreement concerning the environmental protection of Antarctica, and delivered speeches and statements presenting each country's position in the negotiation. Finally, both forum sections were held within the diplomatic framework and the membership, debate and decision-making procedures of the Antarctic Treaty System.

However, it might be argued that the differences between the two negotiation rounds may be in the internal political structure of participants. Between the end of the 1980s and the beginning of the 1990s, the world was shaken by significant political changes. South America went through a process of political transition that saw the end of military dictatorships and the birth of new democratic regimes; South Africa initiated a process of democratization; and the communist governments of the Eastern Bloc unravelled. These changes also affected some of the ACPs. Can, therefore, the IV-12 and the XI-4 SATCMs still be considered most-similar cases?

As far as South America is concerned, only one ACP underwent significant political changes due to a process of democratic transition: Chile. Five South American Consultative Parties changed presidents between the two forums, but these changes were due to democratic elections, and did not imply significant constitutional ruptures. Furthermore, it is also very difficult to define a clear electoral trend: while in Argentina, Peru and Uruguay a right-wing administration replaced a left-wing one, Ecuador witnessed an opposite change, while Brazil saw an alternation in the Presidency between a centrist party and a right-wing one. Finally, while it is true that Peru went through significant constitutional changes at the beginning of the 1990s, it is also true that President Alberto Fujimori dissolved the Congress only in 1992, and that he must still be considered a constitutionally democratic President while the XI-4 SATCM was taking place.

COUNTRY	IV-12 SATCM	XI-4 SATCM
Argentina	*	*
Australia	*	*
Belgium	*	*
Brazil	*	*
Chile	*	*
China	*	*
East Germany	*	
Ecuador		*
Finland		*
France	*	*
India	*	*
Italy	*	*
Japan	*	*
Netherlands		*
New Zealand	*	*
Norway	*	*
Peru		*
Poland	*	*
South Africa	*	*
South Korea		*
Soviet Union	*	*
Spain		*
Sweden		*
United Kingdom	*	*
United States	*	*
Uruguay	*	*
West Germany <sup>11</sup>	*	*

Figure 6: Countries participating in the IV-12 and XI-4 Special Antarctic Treaty Consultative Meetings

In South Africa, the National Party was in charge both in the spring of 1988 and in the autumn of 1991, and the transition from apartheid to a democratic government was still at its earliest stages. The greatest political changes amongst ACPs occurred in the Eastern Bloc. Four countries that sat as communist regimes during the IV-12 SATCM participated as democratic governments in the XI-1 SATCM.<sup>12</sup> However, only one was a Consultative Party (Poland), while

<sup>11</sup> The delegation that in 1988 was the Federal Republic of Germany is equated with the delegation that in 1991 represented the newly-unified Germany. The reason is that the government representing the two countries was the same.

<sup>12</sup> Czechoslovakia, Hungary, Poland and Romania.



the Soviet Union – the leading country of the Eastern Bloc and key ATS actor – was still ruled by the Communist Party during the XI-4 SATCM, and Gorbachev was still its head of state.<sup>13</sup>

#### **4.4: Method of analysis**

After selecting and sampling the set of data with which to conduct the empirical analysis, it is necessary to decide how to analyse those data. There are many different ways to approach official forum documents, and this section only considers some of the main methods.

One of them is narrative event analysis, described by Larry Griffith and Robert Korstad as an approach aiming to “unpack an event, [...] breaking it into its constituent parts and analytically reconstructing it as a causal interpretation of what happened and why it happened as it did” (Griffin and Korstad, 1998, 145). This approach would be ideal for a researcher aiming to understand why a certain forum delivered a specific output, or why certain forums were characterized by a higher frequency of collectivist statements than others. This thesis, however, attempts to measure the frequency of the three main types of forum statements within the two selected samples, without answering causal questions.

Similar reasoning should be applied when considering process-tracing, described as a way to “explore the chain of events or decision-making by which initial case conditions are translated into case outcomes” (Van Evera, 1997, 64). The objective of the present research is not to track the evolution of an international regime through the analysis of its decision-making mechanisms, nor it is to understand why a certain decision was taken during negotiations; process-tracing can be

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<sup>13</sup> Another issue arising from this sampling might be the following: this research considers only one session out of four of the 11<sup>th</sup> SATCM, and only one session out of twelve of the IV SATCM. However, things discussed, for instance, in the 12<sup>th</sup> session of the IV SATCM might be entirely different from those examined in previous sessions, and the same could be for actors’ interactions. What if these sessions do not represent the dynamics of their forums? This possible criticism is tackled in the next chapter. After analysing the IV-12 and the XI-4 SATCM sessions, it will explain why these two sessions could be considered representative of the two forums encompassing them. It does so by providing clear empirical evidence that shows that issues debated in the two selected rounds of negotiations were very similar to those of other rounds of the respective forums.

extremely useful for these purposes, but it is not suited to examining the frequency of specific types of statement within a forum.

Discourse analysis is, on the other hand, a very broad term encompassing a number of methods (Potter, 2008, 217). Nevertheless, all these approaches share certain hallmarks: they attempt to study the discourse, the way events are contextualized in a certain representation of reality, and the way such contextualization attributes a particular meaning and interpretation to those events (Holzscheiter, 2013, 144). In other words, discourse analysis attempts to study conceptual frameworks, and to examine how they shape the understanding of reality amongst political actors (Schreier, 2012, 46-47). The evolution of discourse as far as a particular issue is concerned is a long and complex phenomenon, and it is influenced by a great number of actors and contingencies – many of them external to a diplomatic forum. This research, however, does not aim to study how changes in the discourse may influence the frequency of types of statement within negotiations; nor it does try to assess how the recurrence of certain types of statement may change the discourse revolving around the forum's mandate. Instead, it considers the forum's mandate as an exogenous *datum*, and discourse analysis is therefore not fit for the purpose of this case study.

Finally, “Content analysis is a research technique for making replicable and valid inferences from texts (or other meaningful matter) to the contexts of their use” (Krippendorff, 2013, 24; emphasis suppressed). It is a method that, by analysing a body of text through the lens of an analytical construct (a coding scheme), aims to provide an answer to a research question (Krippendorff, 2013, 35-36). This type of analysis, then, tries to elaborate replicable techniques of text analysis, and to produce valid results, “in the sense that the research effort is open to careful scrutiny and the resulting claims can be upheld in the face of independently available evidence” (Krippendorff, 2013, 24-25). It is a particularly appropriate method in the examination of textual material (Krippendorff, 2013, 24-26), it has often been used for hypothesis testing (Krippendorff, 2013, 91-92) and it tries to “categorize textual data into clusters of similar entities, or conceptual categories, to identify consistent patterns and relationships between variables of themes” (Julien,

2008, 217). This thesis's aims to build a model able systematically to examine the statements made by forum participants; to classify them in specific categories (collectivism, particularism and proceduralism) in a reliable and valid way; and to elaborate plausible and empirically-testable hypotheses. Thus, content analysis seems to be the right approach to take. There are some issues as far as the inference potential of content analysis is concerned, but these are addressed in the next section.

#### **4.5: Qualitative or quantitative content analysis**

Usually, content analysis has been associated with quantitative research. Many authors, however, have highlighted how “qualitative approaches to text interpretation are not incompatible with content analysis” (Krippendorff, 2013, 89). According to Margit Schreier, the most significant difference between qualitative and quantitative content analysis is the following: qualitative content analysis focuses on “*latent* meaning, meaning that is not immediately obvious”, while “quantitative content analysis focuses on manifest, literal meaning” (Schreier, 2012, 15). She also claims that qualitative content analysis is considered to be the best choice to take when “the meaning of [...] [the analysed text] is less obvious, when interpretation is needed” (Schreier, 2012, 29). In this research, every statement made in the two forums has to be analysed in order to answer the following question: which intention is this statement aiming to fulfil? Answering this question requires a high degree of interpretation, and the coding scheme needs to be shaped according to the characteristics and the particularities of the examined forum.<sup>14</sup> For these reasons, the method to be followed is that of qualitative content analysis.

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<sup>14</sup> Indeed, the forum's mandate is considered to be the empirical translation of the collective intention, and forum statements have to be examined in order to understand whether they are referring to the forum's mandate or to other incidental issues. However, since different forums have different mandates, the coding scheme needs to consider the particular characteristic of each forum, and each forum's specific mandate. This implies that, in order to build the coding scheme, mechanisms which are typical of qualitative content analysis (Schreier, 2012, 115-116) have to be implemented.

Qualitative content analysis has not often been used for hypothesis testing: qualitative studies, in fact, usually rely on a smaller body of data, and this can hinder the achievement of satisfactory standards of reliability and of statistical inference. However, the aim of this research is not to confirm or disconfirm the inference potential of the theoretical model,<sup>15</sup> but to test its plausibility; this more modest type of hypothesis testing mitigates the objections to the use of qualitative content analysis. Further justification for the use of qualitative content analysis in order to build a plausibility probe for the research theoretical model is the following: qualitative content analysis is indeed a qualitative method, and it takes specific context of the case study into account; however, it does so much less extensively than other qualitative methods, allowing a higher level of generalization of findings (Schreier, 2012, 31). Finally, qualitative content analysis involves subjective interpretation of the latent meaning of available text, and it is therefore undoubtedly a subjective, reflexive approach.<sup>16</sup> However, it is also true that “the goal [of qualitative content analysis] is to arrive at a socially shared, consensual understanding” and that “this socially shared understanding should transcend [...] individual background and assumptions” (Schreier, 2013, 31).

To sum up, qualitative content analysis is a good fit for this research for two main reasons. First, its qualitative nature allows a better study of data which require a higher degree of interpretation. Second, its stress on reliability and validity, its being “systematic” (Schreier, 2012, 5), and its process of reducing and generalizing findings in more abstract terms (Schreier, 2012, 7) allow a higher degree of generalization of its findings, and it is therefore a satisfactory type of analysis for building a plausibility probe of a hypothesis.

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<sup>15</sup> This has been established in Chapter 2, when explaining how the presented theory relies on “abductive inference”, and it only aims to present conjectures and to test their plausibility.

<sup>16</sup> Reflexivity is shown in qualitative content analysis in the sense that the researcher has to acknowledge the extent to which he/she co-produces his/her own data. As Schreier says: “One might even say that reflexivity in this sense is a rationale underlying the method: QCA [i.e., qualitative content analysis] is important because researchers inevitably bring their own background and their own assumptions to any act of understanding. In the process of doing QCA, this reflexivity is acknowledged in creating a coding frame” (Schreier, 2013, 31-32).

#### **4.6: Context and unitization**

The steps that Schreier identified in order to implement a qualitative content analysis are the following (Schreier, 2012, 6):

- Decide on a research question.
- Select the material (the data) to analyze.
- Build a coding scheme through which to analyse those data.
- Divide the data into units of coding.
- Conduct preliminary tests to the coding frame, in order to assess its reliability.
- Apply the coding scheme to the whole body of text.
- Interpret and present the findings.

As previously established, the question that the research wants to answer is the following: “How can one measure the frequency of the different types of statement made during international forums?”, while the analysed data are diplomatic statements and declarations of the IV-12 and the XI-4 Special Antarctic Treaty Consultative Meetings. These two basic points having been established, it is necessary to start building a coding scheme to serve as a basis for the qualitative content analysis. Before doing that, however, one needs to provide a context on which to build the coding frame, and to unitize the text.

Krippendorff has stressed how a coding scheme has to be built around a context “within which to make sense of the body of text” (Krippendorff, 2013, 35), i.e., the conceptual framework that shapes the structure of the coding scheme. In this research, the context is provided by the theoretical model of forum social interactions outlined in the second chapter, that distinguishes

between collectivist, particularistic and proceduralist types of forum statements. The coding scheme, therefore, has to operationalize this context.

After identifying the context at the base of the coding scheme, another preliminary step needs to be taken: the unitization of data. As Krippendorff said, “unitizing draws systematic distinctions within a continuum of otherwise undifferentiated text [...] that are of interest to an analysis” (Krippendorff, 2013, 84). How, in fact, is the content analysis applied to the available data? Should every diplomatic speech be considered a single unit, to be classified as an example of collectivism, particularism or proceduralism? This choice might be problematic, since diplomatic speeches are complex documents, that represent a summary of the behaviour displayed by subjects participating in the forum. It is very unlikely that actors would display a single type of behaviour during negotiations (Kotzian, 2007, 86), and a single opening speech should therefore be considered a complex document, composed by different types of statement assembled into a single strategy. Speeches must, then, be divided into smaller units, the “bricks”, the atoms of the content analysis – the indivisible textual sections that will be categorized (Krippendorff, 2013, 98).

There are different ways to divide opening speeches into smaller units. One way could be to identify, in each of the selected documents, specific moments in which the speaker changes a topic and starts considering another issue. While this “thematic” criterion (Schreier, 2012, 143) might offer a more insightful look at each document, it could lead to weaknesses of the coding scheme’s reliability: choosing a unitizing system as subjective as the “thematic criterion”, in fact, might lead to a situation where different coders would divide the text into different units, hampering the replicability of the analysis – especially in contexts such as that of qualitative content analysis, where a higher degree of subjective interpretation is already involved.

A “formal” criterion of unitization (Schreier, 2012, 143), on the other hand, means to divide the text by following clear indicators: data could be segmented in words, quasi-sentences, sentences, paragraphs or pages. This approach might be a less insightful one, but, on the other hand, it delivers higher levels of replicability, since every coder should divide the text in the same way.

Choosing a formal criterion of segmentation also requires the investigator to identify the way to divide data into sections that is most suited for the purpose of the study. The qualitative nature of the analysis makes the text division into words unsuitable; on the other hand, dividing the text in units that are too wide, such as paragraphs or pages, might lead to problems as well, since opening speeches contain different types of statement, and units that are too big might not be able to effectively separate them. Because of this, the thesis divides the data into sentences, since it considers this type of unitization broad enough to allow interpretation of actors' behaviour and narrow enough to isolate single types of interaction.

#### **4.7: Categories of the coding scheme**

To build a coding scheme means to bridge “the gap between texts and someone’s reading of them”, in order to deliver “durable and analysable records of otherwise transient phenomena” and to “transform unedited texts [...] into analysable representations” (Krippendorff, 2013, 85). It means, in this research, to elaborate a systematic way to assess each sentence of the examined body of text. It has been already pointed out how the analysed text needs to be divided into sentences, and that each of these sentences are examined through the lens of a coding scheme, in order to determine whether they belong to the categories of collectivism, particularism or proceduralism. This process is described as “categorical distinction”, since units are classified according to “their membership in a class or category” (Krippendorff, 2013, 106).

In a coding scheme, categories should be (Schreier, 2012, 75-77):

- *Mutually exclusive*: a sentence can only belong to one category.
- *Exhaustive*: every sentence has to be classifiable into one of the existing categories.
- *Saturated*: every category should include at least one sentence.

The first three categories of this coding scheme are the following:

- *Proceduralism*: type of statement relying on ethical and consistency validities advocating the observance of pre-established norms.
- *Collectivism*: type of statement relying on material, ethical and consistency validities focused on the fulfilment of the collective intention.
- *Particularism*: type of statement relying on material, ethical and consistency validities trying to achieve one or more particularistic intentions.

During the analysis, however, one could encounter sentences that do not belong to any of these three categories, and are only an example of the many formalities enacted during international negotiations – such as, for instance, the thanking of the forum’s chairperson. In order to fulfil the principle of saturation, then, another category is included in the coding scheme, designated as “other”, encompassing all those sentences that do not fit the previous three categories and that are therefore irrelevant for the study. This procedure has already been extensively applied in works relying on qualitative content analysis (Schreier, 2012, 82).

The coding scheme, therefore, has four categories: three of them are significant ones, and represent the different types of forum statements, while the fourth one includes all the irrelevant material. However, these categories are theoretical ideal-types, and, in order to be able to empirically categorize each unit of text in a clear and precise fashion, one needs a more solid empirical base. Usually, this is achieved by taking the relevant categories and further dividing them into sub-categories, which would include all the possible empirical manifestations of the three types of ideal statements; these sub-categories should also follow the principles of mutual exclusivity,



exhaustiveness and saturation (Schreier, 2012, 59-60). In this research, a similar approach to the analysis of empirical data could be implemented as follows: each relevant category could be divided into sub-categories that referred to one of the particular validities of the type of statement. For instance, collectivism is a category that includes all sentences relying on material, ethical and consistency validities aiming to fulfil the collective intention; collectivism could then be divided into three sub-categories, each of them referring to a particular type of validity.

The problem with this approach, however, is the following: the theoretical model presented in the second chapter does not claim that collectivism can rely on anyone of these three validities, nor does it argue that, for a statement to be considered an example of collectivism, it has to rely on all the three validities of collectivism. Indeed, collectivism is presented as a type of statement that addresses the collective intention while relying on material validity and/or ethical validity and/or consistency validity; the same reasoning goes for the other two types of statement. Given the characteristics that the theoretical model attributes to forum statements, then, the division of each category into subcategories according to their validities would not work, because the same sentence could be put into more than one subcategory, and this would mean not respecting the principle of mutual exclusivity. The coding scheme at the base of this content analysis, then, does not rely on subcategories, and employs only the distinction between the aforementioned categories of collectivism, particularism, proceduralism and other.

Most qualitative content analysis relies on coding schemes that are built by both concept-driven and data-driven procedures:

A typical “mix” would be to come up with important topics based on what you already know and to turn these into main categories; this first step would be the concept-driven part of the procedure. In a second step, you specify what is said about these topics by creating subcategories based on

your material; this is the data-driven part of this strategy (Schreier, 2012, 89).

However, since this coding scheme is not relying on subcategories, it follows a slightly different approach. The creation of the four different categories is concept-driven, since it is shaped by the concepts provided by the theoretical framework. On the other hand, choice of the empirical indicators that assess where amongst the four categories a sentence should be classified is data-driven, following the method of *subsumption* (Schreier, 2012, 115). Applying the process of subsumption means that there needs to be a synthesis between the theory-driven definitions of forum types of statement and the empirical reality of forum negotiations. One needs to examine the empirical data to see whether there are terms, expressions, formulations that are pertinent to one of the theory's main categories; the terms, expressions and formulations pertinent to a category are then considered to be the empirical indicators of that category (Schreier, 2012, 115-116). This process of subsumption has been applied while examining all diplomatic speeches of the IV-12 and the XI-4 SATCMs, and it led to a list of empirical indicators for each of the three types of statement contemplated by the theoretical model. The result is the following:

- *Empirical indicators of collectivism*
  - It has already been pointed out how statements characterized as collectivism aim at the fulfilment of the forum's collective intention and justify themselves by relying on material, ethical and consistency validities. The second chapter argued that the forum's mandate should be considered the empirical manifestation of the forum's collective intention. Finally, when describing collectivism's mechanisms of validation, this paper has stipulated that the material validity of a claim,

in case of this form of interaction, depends on whether it can be demonstrated that a certain choice or a certain policy is the one that has more chances to fulfil the forum's mandate.

- Starting from this, every sentence that advocates the fulfilment of the forum's mandate, that mentions the importance of the issues at the base of the forum's mandate, or that simply refers to them, should be considered as an example of collectivism. In the specific case of Antarctic policy, the mandate at the base of every forum is threefold: protection of the Antarctic environment, promotion of freedom of scientific research within the Southern Continent, and use of Antarctica exclusively for peaceful purposes. Thus, any sentence specifically advocating these objectives, or simply referring to them, should be considered an empirical indicator of collectivism.
- Furthermore, the standard of ethical validity invoked by collectivist statements is whether a certain policy is the best and the most moral thing to do for everyone involved. In international forums involving the administration of a global common (as it is the case for the Antarctic forum), the whole of humanity is involved; in the Antarctic context, then collectivist arguments for the ethical validity of a decision rely on the claim that a certain choice is best for humankind. Any reference to humanity or humankind, to the need for protecting it or to act on its behalf should be considered an

example of collective reasoning invoking considerations that give that kind of argument ethical validity.

- Finally, the consistency validity of collectivist statements depends on demonstrating that acting to fulfil the forum's mandate is the most coherent thing to do, since the forum's mandate is the only reason forum participants gather in the first place. Hence, any sentence in which actors are asked to focus on their "common interests" rather than on their respective differences should be considered as an empirical manifestation of collectivism.
- *Empirical indicators of particularism*
  - This paper has defined particularism as a type of statement relying on material, ethical and consistency validities, aiming at the fulfilment of one or more particularistic intentions within the forum. Previous chapters have also explained why incidental issues raised during the forum should be considered the empirical manifestation of particularistic intentions.
  - Forum participants engaging in particularism are not promoting the forum's mandate, and are not talking as members of the plural subject. Instead, they are talking as members of a certain state, or as spokespeople for a particular group of countries within the forum. Thus, cases in which one representative from a certain country (for instance, Italy) does not refer to himself/herself as a member of the "Italian delegation", but instead as the spokesperson of

“Italy”, of the “Italian people”, “Italian government” and so on, should be considered empirical manifestations of particularism. The subject, in fact, is not speaking as a delegate, a member of a collective body bound by a certain mandate, but as the advocate for the interests of a single country.<sup>17</sup>

- The same reasoning applies when forum participants mention or speak on behalf of a particular group of countries (for instance, developing countries, European countries, et cetera). In all these cases the speaker is referring to sub-groups within the forum, and he/she is not portraying the forum as a plural subject, but instead as a meeting in which different groups holding different particularistic intentions discuss them. These cases should then be considered an empirical indicator of particularism.
- The previous point highlighted how actors engaging in particularism do not rely on the forum’s mandate, and do not consider the forum a plural subject; a forum, in a particularistic view, is a gathering where different subjects driven by different interests have to find a compromise between conflicting positions. Hence, any mention of the need to “conciliate divergent positions”, “find a middle

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<sup>17</sup> This claim is supported by an interview with a member of a diplomatic mission to the UN who said that, “although it is not always the case, and there are other factors that need to be considered”, there are many cases in which, when the speech uses “terms like ‘the government of [...] [Country X]’ it is possible to assume that the position expressed in the speech comes directly from the capital and the government”, while “the term ‘my delegation’ could be used, in a colloquial way, to describe decisions that have been taken during the negotiations” – meaning, between forum participants.

ground between conflicting interests” and so on should be considered as an indicator of particularism.

- Finally, it has previously been highlighted how particularistic assertions of an action’s ethical validity rely on the argument that forum participants have the duty to defend and promote their national interests. Thus, any mention of national interest or of the necessity to promote it should be considered an empirical indicator of particularism.

- *Empirical indicators of proceduralism*

- Proceduralism has been defined earlier in this research a type of statement in which ethical and consistency validities depend on the observance of pre-established norms.
- Forum participants engaging in proceduralism argue that a certain policy should be pursued because of previous commitments to do so; furthermore, they appeal to specific and previous agreements in order to justify and legitimize their claims. Thus, every reference to previously established agreements between forum participants, including international treaties or resolutions, should be considered an empirical indicator of proceduralism.

While looking at this list of empirical indicators, one might raise the following issue: the theoretical model has often argued that the different mechanisms of validation are the key element distinguishing different types of forum statements; however, the empirical indicators at the base of

the coding scheme do not provide clear evidence of those mechanisms of validation. For instance, the fact that a forum participant uses the term “developing countries” does not provide unequivocal proof that a statement is relying on particularism’s material, ethical or consistency validities. Similarly, a delegate mentioning “scientific research in Antarctica” does not provide clear evidence that the statements he/she is making relies on collectivism’s mechanisms of validation. All of this is true, but it should be remembered that content analysis is a method relying on abductive inference. As Krippendorff points out:

Abductive inferences proceed across logically distinct domains, from particulars of one kind to particulars of another kind [...]. Consider linguistic competence and age. Logically, neither implies the other. However, if one has practical experience with infants’ language acquisition, one might be able to infer children’s ages from the sounds they make or from the vocabulary they use. Of course, one can make such inferences only with a certain probability (Krippendorff, 2013, 42).

Content analysis, therefore, is an attempt to connect a body of data (text) with a hypothesis (the coding scheme) that attempts to provide the most plausible interpretation of the data (Krippendorff, 2013, 42-43). Starting from these premises, it is possible to understand why the empirical indicators of the coding scheme do not explicitly refer to the theoretical framework’s main concepts, and why, at the same time, they should be considered as connected to them through abductive inference.

#### 4.8: The structure of the coding scheme

It is now possible to see how the coding scheme of this paper's content analysis is structured.

Whenever looking at a unit of the analysed text, the following questions should be asked:

- Q1: Does the sentence mention specific<sup>18</sup> articles of a treaty (for example: “Article 17 of the UN Charter says that...”)?
  - If YES to Q1, classify the sentence under the category of Proceduralism. If NO, then proceed to Q2.
- Q2: Does the sentence refer to specific, previously taken Recommendations (for example: “Recommendation X-1 says that...”; or: “I’d like to recall Recommendation X-1...”)?
  - If YES to Q2, classify the sentence under the category of Proceduralism. If NO, then proceed to Q3.
- Q3: Does the sentence mention terms like: “protection of the Antarctic environment”, “concern for the Antarctic environment”, “importance of the Antarctic environment”, “need to preserve the Antarctic environment”, or something similar?
  - If YES to Q3, classify the sentence under the category of Collectivism. If NO, then proceed to Q4.
- Q4: Does the sentence express the need to protect the Antarctic environment from human activities?

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<sup>18</sup> The word “specific” in Question 1 and Question 2 indicates that only clear reference to specific articles of a Treaty or specific Recommendations should be considered as empirical indicators of proceduralism. The reason behind this choice is to avoid as much as possible that incidental references to international agreements would lead to an over-representation of the category of proceduralism. For instance, a sentence such as: “We, the members of the Antarctic Treaty should do X” should not be classified as proceduralism, because the mentioning of the Antarctic Treaty is incidental. On the other hand, a sentence such as: “We, the members of the Antarctic Treaty should do X because Article Y of the Treaty says so” could be seen as an example of proceduralism, because the statement is clearly justified on the basis of Article Y.



- If YES to Q4, classify the sentence under the category of Collectivism. If NO, then proceed to Q5.
- Q5: Does the sentence make any mention of the Antarctic environment or nature in the Antarctic in general?
  - If YES to Q5, then:
    - Q5.1: Is the only reference to the environment in the sentence a mention of the treaty's title (for instance: "we have signed the Protocol on Environmental Protection to the Antarctic Treaty")?<sup>19</sup>
    - If YES to Q5.1, then proceed to Q6. If NO, classify the sentence under the category of Collectivism.
- Q6: Does the sentence mention terms like: "freedom of science", "importance of science in Antarctica", "science in Antarctica" or something similar?
  - If YES to Q6, classify the sentence under the category of Collectivism. If NO, then proceed to Q7.
- Q7: Does the sentence refer to Antarctica as a "continent of peace"?
  - If YES to Q7, classify the sentence under the category of Collectivism. If NO, then proceed to Q8.
- Q8: Does the sentence refer to "the importance of peace in Antarctica", the need to use Antarctica "for peaceful purposes only", or something similar?
  - If YES to Q8, classify the sentence under the category of Collectivism. If NO, then proceed to Q9.
- Q9: Does the sentence refer to Antarctica as a de-militarized and/or de-nuclearized area?

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<sup>19</sup> This question is formulated in order to avoid an over-representation of the category of Collectivism. In fact, one of the examined Antarctic agreements is called "Protocol on Environmental Protection to the Antarctic Treaty"; subjects only mentioning the title of the agreement they are discussing in the forum should not be considered advocates of Antarctic environmental protection, since they are not expressing a position, but simply mentioning the agreement that is the object of discussion.

- If YES to Q9, classify the sentence under the category of Collectivism. If NO, then proceed to Q10.
- Q10: Does the sentence mention the need to “act on behalf” or “in the interest” or “for the benefit” or “the protection” of humankind or something similar?
  - If YES to Q10, classify the sentence under the category of Collectivism. If NO, then proceed to Q11.
- Q11: Does the sentence mention mankind in general?
  - If YES to Q11, classify the sentence under the category of Collectivism. If NO, then proceed to Q12.
- Q12: Does the sentence mention the need to “look at the common interest”, to “focus on the common ground” or something similar?
  - If YES to Q12, classify the sentence under the category of Collectivism. If NO, then proceed to Q13.
- Q13: Does the sentence express the need to put the interest of Antarctica above selfish interests?
  - If YES to Q13, classify the sentence under the category of Collectivism. If NO, then proceed to Q14.
- Q14: Does the sentence use terms like: “my government”, “my country”, “my people”, or does it refer to a specific government, a specific country or a specific people?
  - If YES to Q14, then:
    - Q14.1: Is the only mention to a specific country or people or government in the sentence inserted in an expression of gratitude or of congratulations?<sup>20</sup>

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<sup>20</sup> This question is formulated in order to avoid an over-representation of Particularism. Indeed, most of forum speeches start thanking the government that is hosting the meeting, or congratulate the member of a certain delegation for being elected as chairman. These sentences do not express the intentions of forum participants, since they are mere formalities, and should therefore not be classified as examples of particularism.

- If YES to Q14.1, then proceed to Q15. If NO, classify the sentence under the category of Particularism.
- Q15: Does the sentence mention a particular group of countries within the forum (for instance: “developing countries”, “claimant states”, “non-claimant states”, “African countries”, or something similar)?
  - If YES to Q15, classify the sentence under the category of Particularism. If NO, then proceed to Q16.
- Q16: Does the sentence mention a series of countries that act jointly or that hold a similar position (for instance: “Italy, Germany, France and New Zealand have submitted a request”, or “Italy and Australia think X”)?
  - If YES to Q16, classify the sentence under the category of Particularism. If NO, then proceed to Q17.
- Q17: Does the sentence mention national interest?
  - If YES to Q17, then:
    - Q17.1: Does the sentence advocate discarding national interest in the name of the common good, to set aside narrow, selfish interests in the name of the common interest or something like that?
      - If YES to Q17.1, classify the sentence under the category of Collectivism. If NO, classify the sentence under the category of Particularism.
  - If NO to Q17, then proceed to Q18.
- Q18: Does the sentence mention the need to “conciliate conflicting interests”, “find a middle ground between different objectives”, “find a balance between opposite fronts”, or something similar?
  - If YES to Q18, classify the sentence under the category of Particularism.

- If NO to Q18, then discard the sentence as irrelevant and classify it under the category of Other.

A feature that could stand out from this coding scheme is that it follows a certain order: it first tries to isolate all proceduralist statements, then it looks for examples of collectivism and, lastly, for empirical indicators of particularism. This procedure aims at reducing the risks of wrongful coding and of overlapping categories.

The coding scheme looks first at proceduralism because this thesis argues that, whenever there is reference to a specific article of an international treaty, it is possible to assume that the interaction is most likely relying on the legitimacy provided by procedural reasoning. This is because whatever is argued in that sentence is most likely legitimized by the reference to that particular article. Two examples could perhaps better clarify the reasoning just outlined. One could imagine two different interactions occurring during an Antarctic forum:

- Sentence 1: Subject A tells subject B: “We, the members of the Antarctic Treaty, are required to protect the Antarctic environment, as commanded by article X”.
- Sentence 2: Subject A tells subject B: “We, the members of the Antarctic Treaty, are required to take into consideration the territorial claims of claimant states, as provided by recommendation Y”.

It is possible to see that the first sentence is mentioning the collective intention of environmental protection, while the second sentence is mentioning a particular group of countries within the forum – in this case, claimant states. One could, therefore, think that these sentences should be classified respectively as examples of collectivism and particularism, according to the previously outlined

coding scheme. However, both these sentences are legitimizing their claims by referring to a precise article of an international treaty, or a specific recommendation elaborated during an Antarctic meeting. Because of this, the two hypothetical sentences are arguing that certain actions should be taken because there are previously agreed norms that establish the obligation of enacting them. Consequently, they are relying on the ethical and consistency validities of proceduralism, and should be classified as proceduralist statements. From these two examples, it should be possible to understand why the coding scheme considers every statement of this sort as an example of proceduralism, and why the coding looks at proceduralism first: in order to avoid wrongful categorization, it skims through all sentences referring to specific articles or recommendations, and it then starts to look for examples of collectivism and particularism.

One could argue that a coding scheme of this sort may run the risk of over-representing proceduralism. However, it is possible to answer that such a risk is avoided by the fact that there are very strict conditions required in order to classify a sentence under such category. As specified in the questions Q1 and Q2 of the coding scheme, for a sentence to be considered proceduralist there needs to be at least one clear reference to specific articles of international treaties or previously agreed-upon recommendations. This choice was taken in order to avoid having incidental references to international treaties lead to an over-representation of this category. Thus, a sentence of this sort:

Subject A tells subject B: “We, the members of the Antarctic Treaty, are required to protect the environment”

would not be categorized as proceduralism, since it does not mention specific articles or Recommendations and the reference to the Antarctic Treaty might be an incidental one. Furthermore, while there could be incidental mentions of treaties and international agreements, this thesis argues that it would be less likely that references to a specific article of a treaty would be incidental. By following this reasoning, this dissertation argues that the choice to look first at

examples of proceduralism helps to avoid false coding, while the imposition of such strict requirements for the categorization of a sentence as an example of this type of interaction is useful in reducing the risk of proceduralism's over-representation.

Once the coding scheme rules out the possibility that a certain sentence can be categorized as a proceduralist statement, it starts assessing whether it can be considered as a collectivist one; only once the coding has excluded this second eventuality does it examine whether the sentence can be categorized under the label of particularism. The choice to look for collectivism's indicators before particularistic ones comes from the consideration that, as previously outlined in this chapter, the process of identification of empirical indicators of different social interactions has been a data-driven one, which followed the process of subsumption. While this is a normal and recommended procedure in qualitative content analysis (Schreier, 2012, 89), it can lead towards a situation where the empirical indicators used to identify a certain social interaction may not be the same type as those used to identify another.

For instance, in this research's coding scheme collectivism is often identified by indicators that refer to the *content* of the sentence, such as references to the Antarctic environment, freedom of science or peace; this is because these three subjects are part of the mandate of Antarctic forums, and mentions of them most likely indicate that the sentence is aiming at the realization of the forum's collective intention. On the other hand, some empirical indicators of particularism – more specifically, those indicated in Question Q14 of the coding scheme – mostly focus on how speakers are *referring to themselves* while making a statement. Indeed, as previously outlined, when encountering sentences that have terms like “my government”, “my country”, or “my people”, this study considers those terms to be indicators that the speakers are acting as spokespeople for their own governments, not as members of the collective body represented by the forum – a judgement supported by interviews with diplomatic personnel. Hence, they are treated as expressing an intention that belongs only to that particular country, and that is not necessarily shared by the rest of the forum's participants.

However, since the empirical indicators of collectivism and particularism are not the same, one might encounter, while examining Antarctic documents, sentences like:

“My government thinks that the protection of the Antarctic environment is in the interest of humankind.”

In this case, the speaker is speaking as a representative of his/her own government, and is expressing the intention of a single nation; however, the nation’s intention expressed by the sentence is the collective intention of protecting the environment. This is not contradictory, since this paper’s theoretical model argues that each forum participant has different intentions but that they all share a collective one. It is therefore perfectly possible that, when a state representative expresses an intention of his/her own government, he/she might express one that is shared by all other forum participants and that it is thus collective. However, this would mean that the speaker would make a statement aiming at the fulfilment of the collective intention which is at the base of the forum mandate, and that such interaction should therefore be considered as an example of collectivism. Starting from these considerations, the coding scheme tries to avoid wrong coding originated by these situations and it looks at empirical indicators of proceduralism first, then of collectivism and, in the end, of particularism.

#### **4.9: Reliability**

One of the most important features of content analysis is its degree of reliability – namely, the researcher needs to show that “data are obtained independent of the measuring event, instrument or person” (Kaplan and Goldsen, 1965, 83-84). Applying a reliable coding frame to the same set of data should lead to similar results, independently of the researcher conducting the analysis or when the study takes place. Reliability is the main reason why content analysis is considered to be a

“systematic” approach, able to provide “consensual, shared understanding” (Schreier, 2013, 31), and every coding scheme, both in quantitative and qualitative content analysis, needs to be a reliable one. For a coding scheme to be reliable, it must be replicable.<sup>21</sup> In content analysis, the concept of replicability can be defined as “the degree to which a process can be reproduced by different analysts, working under varying conditions, at different locations, or using different but functionally equivalent measuring instruments” (Krippendorff, 2013, 271). The lesser the variations of results between different coders, the higher the replicability.

In order to test the replicability of the coding scheme, this research conducted a pilot study. Two researchers who had played no role in elaborating the theoretical model or the coding scheme were asked to examine, together with the author, the same documents. The coding of this pilot study was a “blind” one (Schreier, 2012, 146), since every coder had examined the data separately, without sharing or discussing their results for the whole duration of the analysis. In this pilot study, the three coders (the two independent ones and the author) looked at a sample of the data that were later examined in the main analysis. While this procedure is often discouraged in quantitative content analysis, it is considered perfectly legitimate in qualitative content analysis (Schreier, 2012, 148). An equal number of speeches belonging to the IV-12 and the XI-4 SATCMs were included in the pilot test, in order to allow a satisfactory level of “variability” to the study (Schreier, 2012m 149), and the selected material included units that, in a preliminary coding session, were able to fill every one of the four categories, in order to “cover the full range of options that can be found across [...] [the] material” (Schreier, 2012, 150). Finally, following the main guidelines for pilot studies (Schreier, 2012, 151), this research included 20% of all the research data in the trial coding.

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<sup>21</sup> Replicability is not the only type of factor used to measure the reliability of the coding scheme. The concept of stability, for instance, measures “the degree to which a process is unchanging over time” (Krippendorff, 2013, 271). The method used to assess the stability of a coding scheme is to conduct the same coding twice, once a reasonable amount of time has passed, in order to measure the differences between the two tests. However, stability is characterized by Krippendorff as “the weakest form of reliability”, and as a factor “insufficient as the sole criterion for accepting data as reliable” (Krippendorff, 2013, 271). For this reason, the research also enacts procedures aimed at assessing the coding scheme’s replicability.



Once all three coders had examined the data, their results were compared, and the reliability of the coding scheme was assessed through the calculation of Krippendorff  $\alpha$  coefficient of inter-coder reliability (Krippendorff, 2013, 301-324). Following Klaus Krippendorff's guidelines, a result above 0.800 has been considered reliable; a result with an Alpha between 0.667 and 0.800 has been considered as valid for tentative conclusions; finally, results below 0.667 have been considered unreliable (Krippendorff, 2013, 325). After the pilot study, the main analysis was conducted, and the whole set of data was passed through the lens of the coding scheme. It is finally possible to see all the steps that composed the qualitative content analysis:

1. All data were examined through a process of preliminary coding, in order to identify a sample of data to submit to trial coding.
2. 20% of the available data were examined through a blind pilot study, conducted by the author and two independent researchers.
3. Once the reliability of the coding scheme had been tested, the main analysis, where all data were examined, was conducted.

#### **4.10: Validity of data**

A coding scheme must be not only reliable, but valid as well (Krippendorff, 2013, 329). Eduard Carmines and Richard Zeller argued that one should assess three different types of validity in research: content, criterion and construct validities (Carmines and Zeller, 1979). In order to examine the content validity of research, one needs to assess whether the chosen analytical approach is appropriate to the research question – meaning in this case, whether qualitative content analysis is the right methodology to apply in order to conduct the case study required for empirical testing. This has already been established in Sections 4.4 and 4.5 of this chapter, which explained why this method is the best approach to test the thesis's theoretical model.

The criterion validity of research is “the requirement that [...] [a] coding frame captures what set[s] out to capture” (Schreier, 2012, 35). For instance, “one ‘validates’ a written driver’s test by showing that it accurately predicts how well some group of persons can operate an automobile” (Carmines and Zeller, 1979, 17). Criterion validity is usually measured by comparing the results of the coding with a procedure that is considered valid and correct.<sup>22</sup> Such comparisons are difficult to carry out in this research, since no other attempt to distinguish between forum interactions has been uncontroversial, and therefore there are no “correct procedures” to be used as reference points. In the absence of a consensus on the correct procedures, the results of the analysis were validated through secondary literature: the works of authors who have extensively written about the 4th and the 11th SATCMs were examined, in order to assess whether their findings were in line with the conclusions drawn from the content analysis. Finally, in order to satisfy the criterion of construct validity, the analysis should provide results that are not counter-intuitive and that do not contradict the main, general assumptions of the theoretical framework. To test the construct validity, this thesis relied once more on secondary literature, and assessed whether the conclusions drawn from this dissertation’s empirical analysis are similar to those of previous authors.

#### **4.11: Summary of the research’s methodology**

This chapter has outlined the fundamental methodological choices that shaped the empirical analysis aiming to assess the plausibility of this research’s theoretical model. First, it explained that the type of data examined are official documents which summarize activities and interactions that took place during the two examined international forums – specifically, speeches and diplomatic statements formulated by Antarctic Consultative Parties during the 4<sup>th</sup> and the IX Special Antarctic Consultative Meetings (SATCMs). Secondly, it explained the reasons behind the sampling of

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<sup>22</sup> The concept of “criterion validity” presented by Carmines and Zeller is very similar to what Krippendorff calls “accuracy”, which, however, he describes as a mechanism of reliability rather than a mechanism of validation (Krippendorff, 2013, 271).

empirical data, which includes speeches and statements from the IV-12 and the IX-4 sections of the two SATCMs.

Having established the dataset, the chapter set out the rationale for examining those data through the methodology of qualitative content analysis. Furthermore, it outlined the coding scheme's categories and the empirical indicators that were used to classify the different units of text. Finally, it described the structure of the coding scheme, and the procedures for testing the reliability and the validity of the findings. Having put this framework in place, it is possible to analyze the chosen data.

## **Chapter Five: Research Findings, Statistical Significance, Reliability and Validity**

Previous chapters have outlined how this research is analysing diplomatic speeches and statements that took place during two forum sessions: the IV-12 SATCM and the XI-4 SATM –the last sessions of the negotiations which led to the elaboration, respectively, of CRAMRA and of the Madrid Protocol. These documents are examined through the lens of a coding scheme aiming at categorizing single sentences in these documents into three groups, reflecting the three types of statement that, according to the theoretical framework outlined in chapter 2, can be made during international forums: collectivism, particularism and proceduralism.

Furthermore, while describing the CRAMRA and the Madrid Protocol negotiations in greater detail, this dissertation highlighted how the latter delivered an output which was considered more legitimate than the former. Indeed, CRAMRA's legitimacy was challenged both internally and externally: internally, some key ATS actors refused to ratify on the ground that it did not sufficiently fulfil the forum mandate (Bush, 1992, 71); externally, countries which were not parties to the ATS contested the agreement and started to advocate, within the UN General Assembly, a radical reform to Antarctic governance (Vidas, 2000, 3). The Madrid Protocol, on the other hand, was quickly accepted by all ATS members and by the wider international community; once the Protocol came into force, most calls for radical changes to the ATS faded away. This, according to the present research's hypothesis, was because the Madrid protocol provided higher fulfilment of the Antarctic forum mandate, which consists in the three pillars of peace, freedom of science and environmental protection.

This dissertation's theoretical framework has depicted collectivism as type of statement attempting to fulfil the forum's collective intention and particularism as a form of statement aiming at the realization of forum participants' particularistic intentions. The hypothesis derived from these definitions is that the forum with a higher realization of the collective intention (the 11th SATCM,

which led to the Madrid Protocol) is expected to have more frequent collectivist statements than the IV SATCM, which resulted in the Mineral Convention.

**5.1: Findings of the qualitative content analysis, their statistical significance and reliability**

The analysis of the two forums session led to the following results:

<b>IV-12 SATCM</b>			
<b>Interaction types</b>	<b>Units</b>	<b>% of total</b>	<b>% of relevant</b>
<i>Collectivism</i>	18	8.78	21.43
<i>Particularism</i>	34	16.59	40.48
<i>Proceduralism</i>	32	15.61	38.09
<i>Discard</i>	121	59.02	
<i>Relevant Units</i>	84	40.98	
<i>Total</i>	205	100	100

Figure 7: Results from the coding of the IV-12 SATCM

<b>XI-4 SATCM</b>			
	<b>Units</b>	<b>% of total</b>	<b>% of relevant</b>
<i>Collectivism</i>	67	22.48	56.78
<i>Particularism</i>	39	13.09	33.05
<i>Proceduralism</i>	12	4.03	10.17
<i>Discard</i>	180	60.40	
<i>Relevant Units</i>	118	39.60	
<i>Total</i>	298	100	100

Figure 8: Results from the coding of the XI-4 SATCM

As it is possible to see from the tables, a comparison between the IV-12 and the XI-4 SATCMs shows that the former has a significantly greater frequency of particularistic and proceduralist statements, while the latter register a greater frequency of collectivism.

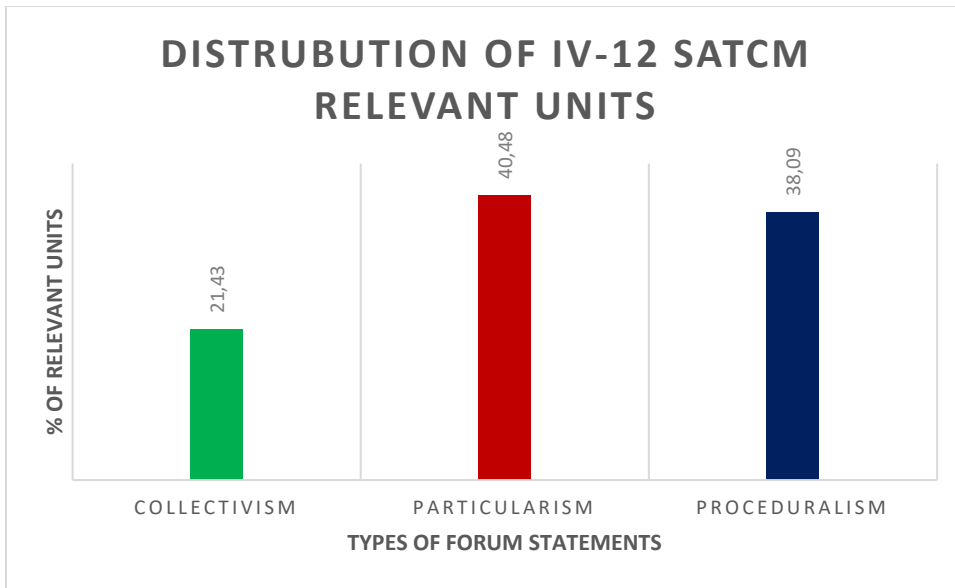


Figure 9: Distribution of IV-12 SATCM relevant units

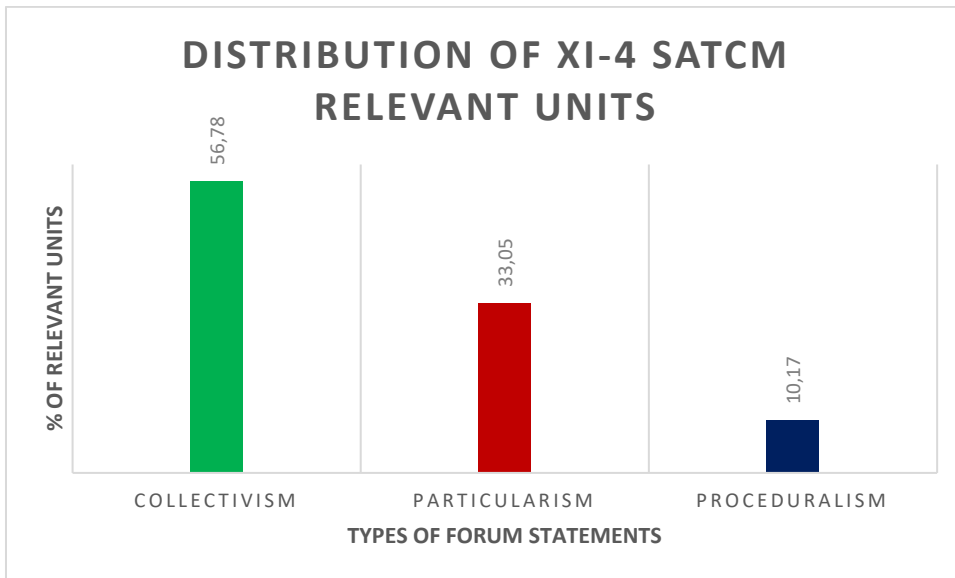


Figure 10: Distribution of XI-4 SATCM relevant units

Only 8.78% of all the IV-12 SATCM units were categorized as collectivist, against 22.48% of all XI-4 SATCM sentences. The difference is equally, if not more, striking if one examines the frequency of collectivism by taking into consideration the relevant units only – namely, all those units that were categorized as examples of either collectivism, particularism or proceduralism. A bit more than one-fifth of the IV-12 SATCM’s relevant units were categorized as collectivist statements (21.42%), against more than the half of all XI-4 SATCM’s relevant units (56.78%). A comparison between the two forum sessions shows that, if all units are taken into consideration, the

Madrid Protocol forum session has 13.70% more collectivist statements than the Mineral Convention's forum session; by only considering relevant units, the difference is 35.36% in favour of the Madrid Protocol forum session.

As far as other interactions are concerned, 16.58% of all the IV-12 SATCM units were coded as examples of particularism (40.48% of relevant units), while 15.61% of all units was classified as proceduralist statements (38.10% of relevant units). In the XI-4 SATCM, instead, the frequency of particularism amounts to 13.09% of all units (33.05% of relevant units), while only 4.03% of all units were classified as proceduralist statements (10.17% of relevant units). A comparison between the two forum sessions shows that, if all units are taken into consideration, the Mineral Convention forum session has 3,49% more particularistic statements and 11.58% more proceduralist statements than the Madrid Protocol's forum session. If we consider only relevant units, the IV-12 SATCM has 7.43% more particularism and 27.93% more proceduralism than the XI-4 SATCM.

It is clear from the findings that the 4<sup>th</sup> and the 11<sup>th</sup> SATCMs are characterized by different frequencies of collectivism, proceduralism and particularism; it is also clear that in the 11<sup>th</sup> SATCM collectivist statements were more frequent than in the 4<sup>th</sup> SATCM. Once this has been established, it is necessary to measure whether the differences in forum statements' frequency between the two Antarctic meetings is *statistically significant*. In other words, one must exclude that the differences in the way collectivism, particularism and proceduralism were distributed in the two forums were a product of chance and, therefore, marginal and not significant on a statistical level.

This issue was addressed by calculating the  $\chi^2$  test, which is a test measuring the statistical significance of research findings. This test provides a value between 1 and 0 – where 1 indicates that there are 100% probabilities that the different distributions of variables observed in the empirical analysis are accidental. To conduct the  $\chi^2$  test it is necessary to establish a threshold above which results should not be considered statistically significant. This dissertation chose the most stringent threshold adopted when calculating the  $\chi^2$  test, which is 0.01. This means that, if the

test would indicate that there is a 1% chance that the observed differences in frequency of forum statements between the 4<sup>th</sup> and the 11<sup>th</sup> SATCMs are accidental, then the findings should not be considered statistically significant.

The  $\chi^2$  test was calculated, and it led to a result of 0.00000111.<sup>1</sup> This means that there is only a 0.000111% probability that the observed differences in forum statements' frequency between the two Antarctic meetings is a product of chance. Since the result of the  $\chi^2$  test is below the 0.01 threshold, the differences in forum statements between the 4<sup>th</sup> and the 11<sup>th</sup> SATCM should be considered statistically significant and not accidental. Thus, the results of the qualitative content analysis confirm the assumptions drawn from this thesis's theoretical framework. Amongst the two forum sessions selected, the one which was part of the Madrid Protocol negotiations has a higher frequency of collectivism. However, before evaluating the research findings, it is necessary to assess two fundamental components of any content analysis research: the reliability and the validity of the coding scheme.

The reliability of the coding scheme was assessed through a pilot study before the main analysis of data. The pilot study, as explained in an earlier chapter, was performed blind with two other researchers that were not involved in the elaboration of the research framework or of the coding scheme.<sup>2</sup> The results<sup>3</sup> were then examined, through the R-Studio software, in order to assess the Krippendorff  $\alpha$  coefficient, which measures the inter-coder reliability of a coding scheme. As already outlined in the fourth chapter, a Krippendorff  $\alpha$  coefficient above 0.800 is usually interpreted as supporting evidence that the coding scheme adopted is a reliable one (Krippendorff, 2013, 325). The Krippendorff  $\alpha$  resulting from this research's pilot study was 0.912; thus, according to the guidelines provided by Krippendorff, the coding scheme adopted by this research is replicable and, therefore, reliable.

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<sup>1</sup> The complete results of the  $\chi^2$  test are available upon request.

<sup>2</sup> More detailed information on how the coding scheme was conducted is available on Chapter 4 of this paper (section 4.9).

<sup>3</sup> The whole result of the pilot study is available upon request.



To conclude, it can be claimed, with sufficient reliability, that the examined Madrid Protocol forum session had a higher frequency of collectivism than the examined Mineral Convention forum session.<sup>4</sup> However, this does not in itself confirm this dissertation's theoretical argument. Two further steps are needed. First, this qualitative content analysis was conducted on only two sections of two larger forums; it is therefore necessary to assess whether the internal dynamics of the IV-12 SATCM and the XI-4 SATCM can be considered representative samples of the broader forums. Second, one needs to examine the content, criterion and construct validities of the research findings.

### **5.2: The IV-12 SATCM as representative of all CRAMRA negotiations**

To assess whether the IV-12 SATCM can be considered a representative sample of the CRAMRA negotiations, it is necessary to examine the forum which led to the elaboration of the Mineral Convention in greater depth.

As previously outlined, the forum mandate for CRAMRA negotiation resembled the mandate of any other Antarctic Treaty Consultative Meeting, and was threefold: to maintain Antarctica as a de-militarized continent to be used for "peaceful purposes only"; to encourage free scientific

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<sup>4</sup> One could at this point argue that the difference in the frequency of collectivism in the two forums could be due to the fact that they were driven by different mandates. "After all," – one would argue – "the CRAMRA negotiations' main objective was the establishment of a mining regime in Antarctica, while the objective of Madrid Protocol's negotiation was the creation of a coherent and comprehensive Antarctic regime, able to effectively protect the environment of the Southern continent. Is it so strange that environmental protection was mentioned more times during the Madrid Protocol negotiations than in the CRAMRA ones?"

This is an important critique to examine. In fact, if this critique was true, and if the mandate of the CRAMRA negotiations was so different from the mandate of Madrid Protocol's negotiations, then it would not be possible to consider these two forums as most-similar case studies. Such a critique, however, is based on the erroneous assumption that CRAMRA negotiations' objective was the establishment of an Antarctic mining regime. On the contrary – and as already explained during this thesis's third chapter, by referring to official documents – the official mandate of CRAMRA negotiations was to build an international regime that would *protect the Antarctic environment from the consequences of mining*. So, it is true that the Madrid Protocol forum was about environmental protection, but so was the CRAMRA forum.

Thus, the two forums were driven by the ATS overall mandate of peace, science and environmentalism, and in both forums this mandate was empirically directed towards the establishment of international regimes aiming at protecting the Antarctic environment. However, CRAMRA's mandate of protecting the environment from the adverse consequences of mining is mentioned much less frequently than Madrid Protocol's mandate of creating a comprehensive agreement on environmental protection. The greater frequency of collectivism during Madrid Protocol negotiations cannot be explained by the fact that the two forums were driven by different mandates, and the two examined cases should therefore still be considered most-similar ones.

research on the continent; and to protect the Antarctic ecosystems. However, scholars have noted numerous debates in the CRAMRA negotiations over issues alien to the forum's mandate. Lorraine Elliott, for instance, highlights how "the major split" between parties in the CRAMRA negotiation "was between claimants and non-claimants" (Elliott, 1994, 122) – namely, between those states who had claims of territorial sovereignty over certain portions of the continent and those states who did not. Other authors have supported her view: Christopher Joyner, for instance, highlights the importance of the division between claimants and non-claimants in shaping the output of the negotiations (Joyner, 1996, 153).

During CRAMRA negotiations, claimants were worried that their power in Antarctica was declining, since more countries were joining the ATS and becoming Consultative Parties – thus reducing their numerical power during meetings – and, as far as the issue of mineral exploitation was concerned, they demanded "unilateral control over activities in their territory, including exploitation of resources" (Elliott, 1994, 122). Non-claimants, on the other hand, opposed granting any privileges to claimants (Elliott, 1994, 123). The clash between claimants and non-claimants, however, was not the only issue alien to the forum mandate that was extensively debated during CRAMRA negotiations. Developing countries became increasingly involved in the forum – especially after Brazil, China and India acquired the status of Consultative parties – and often acted as a united front. Their claims were mainly focused on obtaining preferential treatment as far as mining was concerned (Elliott, 1994, 123-124).

It follows that for the IV-12 SATCM to be representative of the CRAMRA negotiations as a whole, the issues of territorial sovereignty and of involvement of developing countries in mining activities should have occupied centre stage in the negotiations. To assess whether this is true, all speeches and diplomatic statements delivered during the IV-12 SATCM were again unitized into sentences, and each sentence was examined and categorized according to the topics it touched. The analysis looked for all those sentences addressing at least one topic related to the forum's mandate (peace, science and environmental protection) and for all those referring to issues of territorial

sovereignty in Antarctica and to the involvement of developing countries in mineral activities. The results of this analysis were the following:

<i><b>IV-12 SATCM</b></i>			
<i><b>TOPICS</b></i>	<i><b>Units</b></i>	<i><b>% of total</b></i>	<i><b>% of relevant</b></i>
<b>Issue of territorial sovereignty</b>	20	9.77	23.81
<b>Interests and rights of developing countries</b>	6	2.93	7.14
<b>Environmental protection</b>	11	5.36	13.09
<b>Science and Antarctica</b>	2	0.98	2.38
<b>Antarctica and peace</b>	4	1.95	4.76
<b>Units</b>	205	20.97	
<b>Relevant Units</b>	84		51.19

Figure 11: Distribution of examined topics in the IV-12 SATCM

From this analysis, it is possible to see that the issue of territorial sovereignty was the most mentioned topic amongst the five selected. It was mentioned in 9.76% of all the IV-12 SATCM units; if one only considers the relevant units, a bit under one-fourth of them referred to it (23.81%). Such a high number testifies to how the clashes between claimant and non-claimant states were central in the debate in this specific CRAMRA session. The other incidental issue, pertaining to the interests and the rights of developing countries in mining activities, was mentioned in 2.93% of all the IV-12 SATCM units (13.09% of relevant units). This seems to confirm that this topic occupied an important position amongst those debated, but not as important as territorial sovereignty. The same was true for CRAMRA negotiations in general, since the interests of developing countries were widely debated, but less than issues of territorial sovereignty (Elliott, 1994, 123-124). Even though the incidental issue of developing countries' rights in mining exploitation was less important than the issue of territorial sovereignty, it was still the third most-mentioned topic amongst the five selected, overtaken only by the topic of environmental protection (5.36% of all units, 13.09% of relevant ones) and by that of sovereignty.

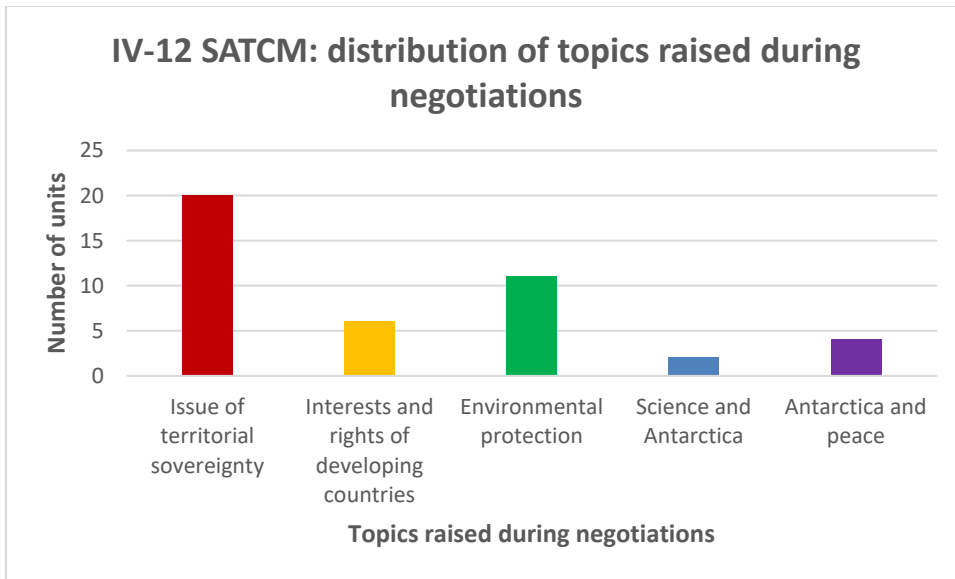


Figure 12: Graph on distribution of topics raised during the IV-12 SATCM

Furthermore, by adding up all the IV-SATCM units which mentioned at least one of the topics concerning the forum’s mandate – promotion of peace, scientific research and environmental protection – one finds that the CRAMRA forum’s mandate was referred to in 8.28% of all IV-12 SATCM units (20.23% of relevant units). What it is striking is that, during the 12<sup>th</sup> session of the CRAMRA negotiations, the forum’s mandate as a whole was less debated than the issue of territorial sovereignty. Indeed, a comparison between the times the issue of territorial sovereignty was mentioned and the times one or more of the three topics constituting the forum mandate was mentioned shows that, if all the IV-12 SATCM units are taken into consideration, the issue of territorial sovereignty has 1.48% more mentions than the forum’s mandate. If one considers only relevant units, territorial sovereignty has 3.58% more mentions than the forum’s mandate. Analysis of the IV-12 SATCM speeches and statements shows that the incidental issue of territorial sovereignty was the most debated topic during this forum session – even more than the issues at the base of the forum mandate. Moreover, the issue of the rights and interests of developing countries was often raised.

That sovereignty and developing countries’ interests and rights were amongst the most debated topics not only in the IV-12 SATCM, but during all CRAMRA negotiations, can be

confirmed by looking at CRAMRA negotiations session by session. In order to do that, this thesis resorts to two different sources. The first is Lorraine Elliott's *International Environmental Politics: Protecting the Antarctic* (1994), one of the most detailed analyses of both the CRAMRA and the Madrid Protocol negotiations. The second is archival sources from the British Antarctic Survey: more specifically, Memoranda by the Secretary of State for Foreign Commonwealth Affairs on Antarctic meetings and CRAMRA meeting reports by Sir Arthur Watts, Head of the British Delegation during the Fourth Special Antarctic Treaty Consultative Meeting.<sup>5</sup>

In her book, Elliott highlights how discussions during CRAMRA's first, second and third sessions were hampered by disagreements and clashes between claimants and non-claimants (Elliott, 1994, 129-132). This seems to be confirmed by archival sources, which stress how the main clashes in the early forum session were between East and West, and between claimants and non-claimants, while the issue of how to take into account the interests of developing countries started to arise during the third session.<sup>6</sup>

Elliott writes that during the fourth session clashes between claimants and non-claimants continued (Elliott, 1994, 132), and archival sources paint a very similar portrait of the fourth session of CRAMRA negotiations, since they highlight how claimants stood together "in promoting Claimant States interests",<sup>7</sup> and that the necessity of accommodating claimant interests was still one of the main issues in the negotiating process.<sup>8</sup> However, they also point out two other important issues which characterized this forum session: the East and West divide,<sup>9</sup> and the question of how to

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<sup>5</sup> The archival material of the British Antarctic Survey provided extensive summary of nine sessions of CRAMRA negotiations: the 3<sup>d</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup>. Reports from the third to the sixth sessions were provided as "Memorandum by the Secretary of State for Foreign and Commonwealth Affairs on the Antarctic Treaty Special Consultative Meeting on Antarctic Mineral Resources". Reports from the 7<sup>th</sup> session onwards, instead, were authored by Sir Arthur Watts, head of the British Delegation during CRAMRA negotiations.

<sup>6</sup> Memorandum by the Secretary of State for Foreign and Commonwealth Affairs on the Antarctic Treaty Special Consultative Meeting on Antarctic Mineral Resources, 28/03/1984, page 1.

<sup>7</sup> Memorandum by the Secretary of State for Foreign and Commonwealth Affairs on the Antarctic Treaty Special Consultative Meeting on Antarctic Mineral Resources, 28/03/1984, page 2.

<sup>8</sup> Memorandum by the Secretary of State for Foreign and Commonwealth Affairs on the Antarctic Treaty Special Consultative Meeting on Antarctic Mineral Resources, 02/01, 1985, page 2.

<sup>9</sup> Memorandum by the Secretary of State for Foreign and Commonwealth Affairs on the Antarctic Treaty Special Consultative Meeting on Antarctic Mineral Resources, 28/03/1984, page 1.

take into account the interests of developing countries as far as mineral exploitation was concerned.<sup>10</sup> Furthermore, archival sources from the British Antarctic Survey show that, contrasts between claimants and non-claimants, the East-West divide, and the interests of developing countries occupied a central stage during the fifth session as well.

Elliott argues that the sixth, seventh, eighth and ninth sessions were characterized by extremely slow progress, due to the constant need to accommodate the different requests advanced by claimants and non-claimants (Elliott, 1994, 132-133); her argument is supported by the consulted archival sources, which examine the above-mentioned sessions in greater detail. The UK delegation's report claimed that one of the "central issues" debated during the CRAMRA's sixth session was "the participation of developing countries which are parties to the regime in minerals activity" (Watts, 1985, 1),<sup>11</sup> while claimant states seemed to form a compact front and effectively to pursue their interests (Watts, 1985, 2).<sup>12</sup> In the seventh session negotiations saw "some sharpening of the underlying Claimant/non-Claimant differences over the way in which Claimant interests had to be met" (Watts, 1985, 1),<sup>13</sup> while "the developing countries amongst the Consultative Parties (Argentina, Brazil, China and India) gained ground as a special interest group with their own requirements" (Watts, 1985, 2).<sup>14</sup> In session eight, the UK Delegation reported that participation of developing countries in the mineral regime was one of the most debated issues (Watts, 1986, 1),<sup>15</sup> while "Claimant issues were not at the centre of the discussion, but where they were raised Claimant States, while continuing to press strongly their requirements, made no headway on major points" (Watts, 1986, 1).<sup>16</sup> This seems to be confirmed by the fact that "the USA was again in the

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<sup>10</sup> Memorandum by the Secretary of State for Foreign and Commonwealth Affairs on the Antarctic Treaty Special Consultative Meeting on Antarctic Mineral Resources, 28/03/1984, page 2.

<sup>11</sup> Report by Mr. A. D. Watts, Head of the UK Delegation, on the IV-6 Antarctic Treaty Special Consultative Meeting on Antarctic Mineral Resources, 26/02/1985-03/03/1985.

<sup>12</sup> Ibid.

<sup>13</sup> Report by Mr. A. D. Watts, Head of the UK Delegation, on the IV-7 Antarctic Treaty Special Consultative Meeting on Antarctic Mineral Resources, 23/09/1985-04/10/1985.

<sup>14</sup> Ibid.

<sup>15</sup> Report by Mr. A. D. Watts, Head of the UK Delegation, on the IV-8 Antarctic Treaty Special Consultative Meeting on Antarctic Mineral Resources, 14/04/1986-25/04/1986.

<sup>16</sup> Ibid.

forefront in firmly resisting claimant positions” (Watts, 1986, 1).<sup>17</sup> In the ninth session, the issues of “preferential treatment for developing countries” and “the positions of Claimant States” were once more considered to be crucial policy issues (Watts, 1986, 1).<sup>18</sup>

As far as CRAMRA’s tenth session is concerned, Watts points out how “on [...] important subjects discussed, positions remain[ed] a considerable distance apart on financial benefit for Claimant States” (Watts, 1987, 1),<sup>19</sup> how “non-Claimant developing countries acted as a compact interest group” (Watts, 1987, 2),<sup>20</sup> and how “Japan, with the FRG support”, defended the interests of “industrialized non-Claimant states” (Watts, 1987, 2-3).<sup>21</sup> Finally, archival sources describe the IV-11 SATCM as a session in which little progress was made on “major issues” such as “international participation by the Soviet Union and developing countries in mineral activities conducted by others, special economic benefit for Claimant States, decision-making and, for the FRG,<sup>22</sup> a series of issues which raised a number of legal and constitutional problems” (Watts, 1988, 1).<sup>23</sup>

Once all twelve sessions of CRAMRA negotiations are examined, it can be seen that the disagreement between claimants and non-claimants – and, therefore, over the issue of territorial sovereignty – was central in every session of the forum, while the debate regarding the interests and the rights of developing countries in mining activities was prominent in nine CRAMRA sessions out of twelve. It can thus be claimed that the IV-12 SATCM, which registers a very strong presence of the issue of territorial sovereignty and a significant presence of the issue of developing countries’ rights and interests, is a representative sample of CRAMRA negotiations in general.

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<sup>17</sup> Ibid.

<sup>18</sup> Report by Mr. A. D. Watts, Head of the UK Delegation, on the IV-9 Antarctic Treaty Special Consultative Meeting on Antarctic Mineral Resources, 27/10/1986-12/11/1986.

<sup>19</sup> Report by Mr. A. D. Watts, Head of the UK Delegation, on the IV-10 Antarctic Treaty Special Consultative Meeting on Antarctic Mineral Resources, 11/05/1987-20/05/1987.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> Meaning, the Federal Republic of Germany.

<sup>23</sup> Report by Mr. A. D. Watts, Head of the UK Delegation, on the IV-11 Antarctic Treaty Special Consultative Meeting on Antarctic Mineral Resources, 18/01/1988-29/01/1988.

### **5.3: The XI-4 SATCM as representative of all Madrid Protocol negotiations**

To decide whether the XI-4 SATCM was representative of the whole negotiation process that led to the Madrid Protocol, the dynamics of this particular forum must be examined in greater detail. Different authors have highlighted how, from the beginning, the Madrid Protocol negotiations were characterized by a stronger emphasis on the principle of environmental protection than the CRAMRA ones (Verhoeven, 1992, 12; Elliott, 1994, 179). Moreover, while the issue of territorial sovereignty was still considered to have a certain – although reduced – importance during the forum (Joyner, 1996, 164), the interests and rights of developing countries were almost never mentioned. To sum up, Madrid Protocol negotiations are said to have been characterized by frequent references to environmental protection and much less emphasis on territorial sovereignty and developing countries' rights.

To assess whether that was the case for the fourth session of the XI-4 SATCM, this study considered all speeches and diplomatic statements of that particular forum session and – as with the IV-12 SATCM – it unitized them into sentences. The analysis categorized these units by the topic they addressed, and it chose five categories: the three topics of science, peace and environmental protection related to the forum's mandate and the two most salient incidental issues raised in Antarctic forums – namely, the issues of territorial sovereignty and of developing countries' rights (Elliott, 1994, 193-195). The results were the following:

<b><i>XI-4 SATCM</i></b>			
<b><i>TOPICS</i></b>	<b><i>Units</i></b>	<b><i>% Of total</i></b>	<b><i>% Of relevant</i></b>
<b>Issue of territorial sovereignty</b>	1	0.34	0.85
<b>Interests and rights of developing countries</b>	0	0	0
<b>Environmental protection</b>	45	15.10	38.13
<b>Science and Antarctica</b>	15	5.03	12.71
<b>Antarctica and peace</b>	8	2.68	6.78
<b>Units</b>	298	23.15	
<b>Relevant Units</b>	118		58.47

Figure 13: distribution of examined topics in the XI-4 SATCM



The analysis highlights how frequent mention of the principle of environmental protection was during this particular round of negotiations. It was mentioned in the 15.10% of all the XI-4 SATCM units (38.13% of relevant units). The incidental issues of territorial sovereignty and interests and rights of developing countries, which were central during CRAMRA negotiations, were marginal or non-existent within the diplomatic speeches formulated in the XI-4 SATCM; this seems to confirm that collectivism played a far greater role in the Madrid Protocol negotiations than in CRAMRA ones. Finally, the fundamental importance accorded to environmental protection in the XI-4 SATCM is confirmed by the fact that, if we sum up all the sentences which mention any of the other four topics examined by this analysis (territorial sovereignty, developing countries, science in Antarctica, peace in Antarctica), one ends up with only 8.04% of all XI-4 SATCM units (20.34% of all relevant units). The issue of environmental protection was mentioned almost twice as often as all the other issues in the analysis together.

The analysis of the XI-4 SATCM confirms that the Madrid Protocol was dominated by interactions concerning environmental protection. However, to assess whether the XI-4 SATCM is representative of the Madrid Protocol forum, one must assess whether other forum sessions were similar. To do so, different sources must be used than for the CRAMRA negotiations. This is because diplomatic memoranda and reports summing up the outputs of Madrid Protocol negotiations are, in contrast to those regarding CRAMRA, still subject to the 30-year seal, and therefore not accessible. Instead, to assess the representativeness of the XI-4 SATCM, this dissertation considers the only other Madrid Protocol forum session at which participants delivered diplomatic speeches and statements – namely, XI-1 SATCM, the first session of Madrid Protocol negotiations. All speeches and diplomatic statements of this forum session were unitized into sentences; those sentences were then sorted into the five categories of peace, science, environmental

protection,<sup>24</sup> territorial sovereignty and developing countries' rights and interests. The results were the following:

<i>XI-1 SATCM</i>			
<i>TOPICS</i>	<i>Units</i>	<i>% Of total</i>	<i>% Of relevant</i>
<b>Issue of territorial sovereignty</b>	5	0.60	1.35
<b>Interests and rights of developing countries</b>	0	0	0
<b>Environmental protection</b>	169	20.19	45.80
<b>Science and Antarctica</b>	41	4.90	11.11
<b>Antarctica and peace</b>	9	1.07	2.44
<b>Units</b>	<b>837</b>	<b>26.76</b>	
<b>Relevant Units</b>	<b>369</b>		<b>60.70</b>

Figure 14: Distribution of examined topics in the XI-1 SATCM

The analysis confirms that the issue of environmental protection was the most salient in this diplomatic session as well: it was mentioned in 20.19% of all the XI-1 SATCM units (45.80% of relevant units). The two Madrid Protocol forum sessions examined share another characteristic: the marginality of the issue of territorial sovereignty and the lack of references to the interests and the rights of developing countries. If all XI-1 SATCM sentences which mention at least one of the four topics of territorial sovereignty, developing countries, science in Antarctica, and peace in Antarctica are summed, they amount to 6.57% of all XI-1 SATCM units (14.90% of all relevant units). On the other hand, sentences that included references to environmental protection were more than twice as common.

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<sup>24</sup> Every unit which specifically referred to the Antarctic environment and/or the need to protect it from human activities was included within the category of "environmental protection", with only one exception: all sentences in which the only reference to the Antarctic environment included the term "comprehensive protection of the Antarctic environment" were excluded. This was in order to avoid over-representation of the environmental issue within the analysis. The reason is the following: the term "comprehensive protection" associated with the issue of environmental protection has to be considered a formula and a direct quote from Recommendation XV-1, which defined as a priority objective of the 11<sup>th</sup> SATCM "the further elaboration, maintenance and effective implementation of a comprehensive system for the protection of the Antarctic environment". Thus, when encountering such term, this thesis did not consider it as a reference to environmental protection, but the mere statement of an official diplomatic resolution.

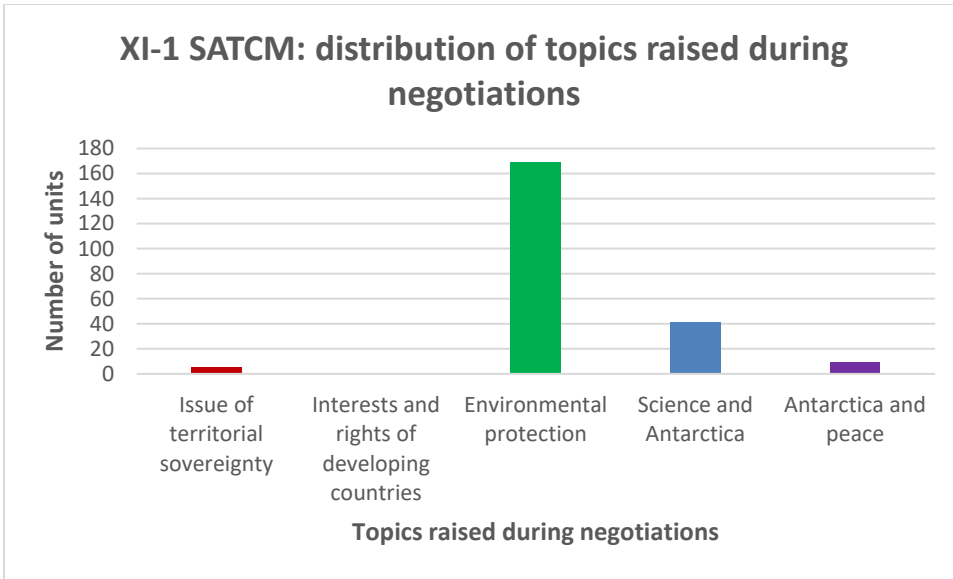


Figure 15: Graph on distribution of topics raised during the XI-1 SATCM

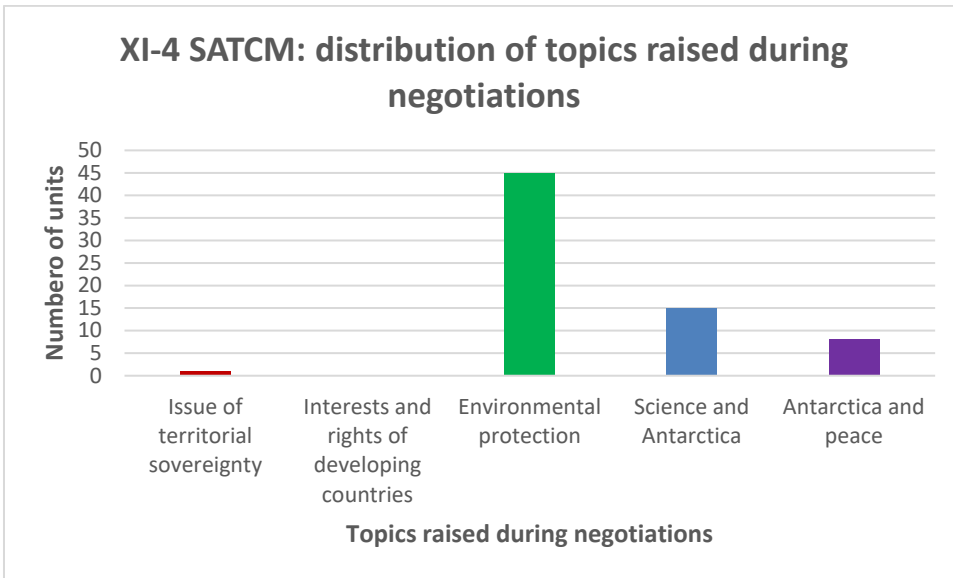


Figure 16: Graph on distribution of topics raised during the XI-4 SATCM

Evidence thus suggests that the fourth session of the Madrid Protocol negotiations was representative of the whole forum.<sup>25</sup> During this session, the protection of the environment was the most important issue amongst those discussed, and, as both empirical evidence and secondary literature (Elliott, 1994, 179) claim, this was true of the Madrid Protocol forum as a whole.

<sup>25</sup> The author acknowledges that the evidence provided is not able to support beyond any doubt that the IV-12 SATCM and the XI-4 SATCM are representative of the forums they were part of, and that further investigation might be necessary in order to fully assess this point. However, the evidence provided is considered sufficient for the purpose of this study, which is to provide an initial plausibility probe of the theoretical model here presented – and of the hypothesis formulated starting from the model’s theoretical premises.

Furthermore, as in other forum sessions – as shown by the comparison with the XI-1 SATCM – the incidental issues of territorial sovereignty and developing countries’ rights and principles were marginal.

#### **5.4: Evaluating the validity of the findings**

Previous sections have described the results of qualitative content analysis which examined two different rounds of negotiations of the two different Antarctic forums which were chosen as most-similar case studies: the IV-12 and the XI-4 SATCMs. The findings showed, with a high degree of inter-coder reliability, that the latter had a significantly higher frequency of collectivist interactions than the former. Further analysis indicated that the IV-12 and the XI-4 SATCMs were representative of the whole CRAMRA and Madrid Protocol forums respectively. Now that the analysis has been conducted, the reliability of the coding scheme has been established, and the representativeness of the chosen sampling of data has been assessed, it is necessary to address the question of validity.

As outlined in chapter four, there are three types of validities to consider: context, criterion and construct validities. The context validity is assessed by answering the question: “to what extent is the chosen methodology coherent with the research question?”. The fourth chapter has already explained why qualitative content analysis offers the best empirical test of the theoretical framework. Research findings resulting from content analysis possess a good level of criterion validity when “[the] coding frame captures what [...] set[s] out to capture” (Schreier, 2012, 35). Here the empirical analysis found that the Madrid Protocol negotiations were characterized by greater collectivism than CRAMRA negotiations. How can one establish whether the coding scheme underlying the empirical analysis accurately measured the levels of collectivism in each of the two forums and not something else? The best way to assess criterion validity is, according to the literature, to compare the research findings with the results of other procedures measuring the same

features which are generally taken to be correct. This, however, is not possible in this case, since there has not been another empirical model able to distinguish between different forum social interactions in a reliable and valid way. For this reason, this chapter evaluates the research findings' criterion validity on the basis of secondary literature. It examines earlier studies of the CRAMRA and Madrid Protocol negotiations to establish whether the latter was characterized by more interactions aimed at fulfilling the forum mandate than the former. Finally, after assessing the criterion validity of the research findings, the dissertation considers whether the results of the empirical analysis are counter-intuitive, and in so doing, addresses the issue of construct validity.

### **5.5: Criterion and construct validities**

The secondary literature often portrays CRAMRA as a forum where “environmental protection mechanisms were weakened in the search for agreement on political and legal issues” (Elliott, 1994, 153), and in which divergent economic and political interests led to “a clear need for policy compromise and diplomatic accommodation” (Joyner, 1996, 160). Many argued that the Mineral Convention was “as much as could be agreed given conflicting interests and concerns” within the forum (Hendry, 1992, 67). This is because CRAMRA negotiations were, from the beginning, characterized by a peculiar trait: the fulfilment of the forum mandate was never the priority of negotiating actors. Indeed, the question that was at the centre of the arena, from the beginning to the end of the negotiation, was the issue of territorial sovereignty over certain portions of Antarctica (Joyner, 1996, 153). This seems to be confirmed by the fact that, during the 4th SATCM, environmental matters were discussed much less than was the amount of decision-making power to be granted to claimant states within the Convention's institutional mechanisms (Elliott, 1994, 154).

Actors participating in CRAMRA negotiations split into sub-groups. As already outlined by previous sections, “the major split was between claimants and non-claimants” (Elliott, 1994, 122). However, divisions over sovereignty issues were not the only ones. This chapter has already pointed

out how developing countries acted as a compact interest group, pressing for preferential treatment as far as mineral activities were concerned (Elliott, 1994, 123-124). There were also divisions between countries which already had a fully developed mining industry and those which did not, with the former “concerned about competition with their own industries” and seeking “non-discriminatory access to mineral resources” (Elliott, 1994, 123). Finally, there were disagreements over how much to regulate mining. Chile, for example, feared potential damages to the maritime Antarctic ecosystem, since the Chilean fishing industry was dependent on the good health of Southern Ocean fisheries (Elliott, 1994, 107-109). These divisions often overlapped, generating a fluid and fragmented negotiating atmosphere.

In examining the divisions amongst parties during CRAMRA negotiations, it is interesting that almost all these splits involved conflicts centred on particularistic intentions. Indeed, territorial sovereignty over Antarctica, preferential access for developing countries, redistribution of economic gains from mining, competition amongst different mining industries or worries over fisheries and fishing industries were all unrelated or just barely related to the forum mandate of the fourth SATCM, which was the same as every other Antarctic forum, centred on peace, science and environmental protection. Since incidental issues were often at the centre of the debate, environmental matters were systematically subordinated to the political and economic interests of single countries:

Divisions among the parties arose on legal and political grounds – on sovereignty and jurisdiction – and economic grounds. It was those divisions, not environmental concerns, which gave rise to the key issues which remained unresolved until the end of the negotiations [...]. Environmental concerns, while not dismissed, were fitted into the solutions [sic] of political and economic concerns (Elliott, 1994, 124.)

As a result, environmental protection was often the feature most sacrificed in order to reach an agreement between different fronts (Elliott, 1994, 153).

Further evidence that CRAMRA involved compromises attempting to reconcile different particularistic intentions can be found in the institutional and the decision-making structures of the Mineral Convention. The architecture of CRAMRA was the result of a complex agreement which attempted to balance the wishes of claimant and non-claimant states (Elliott, 1994, 135; Joyner, 1996, 158-161). As Joyner argues:

[The] effectiveness of the minerals regime came to depend on accommodation of sovereign interests between claimants and non-claimants, as well as on an operational balance between CRAMRA's functional institutions. Upon its adoption, CRAMRA was seen as having successfully accommodated the sovereignty problem among the Consultative Parties, while furnishing an acceptable institutional equilibrium (Joyner, 1996, 161).

The composition of CRAMRA's Regulatory Committees and the rules shaping decision-making procedures offer a clear example of how CRAMRA negotiations aimed to reach a compromise between the two opposing fronts of claimant and non-claimant states. During the forum, pro-developmental and non-claimant states argued that decisions should not require consensus because they wanted to facilitate mining and weaken the position of claimant states. On the contrary, most claimant states staunchly supported consensus rule, because it allowed them to stop mineral activities that were taking place in their territory. Negotiations led to a compromise that saw the consensus rule applied to the Commission – which had the power to allow or to veto

exploratory mining actions – while the Regulatory Committees, which had to approve development, followed a two-thirds majority rule (Joyner, 1996, 160).<sup>26</sup>

This review of the existing secondary literature shows that countries participating in CRAMRA negotiations pursued mostly particularistic intentions, usually related to sovereignty and economic goals, while the collective intention of environmental protection was often obscured. This indicates that particularistic statements predominated during CRAMRA negotiations, consistent with this research findings, which identified particularism as the most recurrent interaction within the fourth SATCM. Further confirmation comes from archival sources, which, as previously pointed out, described divisions between claimants/non-claimants and clashes between developing and developed countries as crucial in almost every session of the forum.

The literature paints a very different picture of the negotiations which led to the elaboration of the Madrid Protocol. Many have highlighted how “the agenda was dominated by environmental issues” (Elliott, 1994, 179), from the pre-negotiations onwards (Elliott, 1994, 178). An effective way to establish the preponderance of collectivism within the eleventh SATCM is to examine the strategy of single countries which played a key role during the negotiations. Indeed, in contrast to CRAMRA negotiations (Elliott, 1994, 110-111), the forum which led to the elaboration of the Madrid Protocol was much less secretive (Elliott, 1994, 182-183), and authors were able to examine different countries’ negotiating strategies in detail.

As previously outlined, the Madrid Protocol negotiations started in a climate of fierce opposition between two different camps: those who believed mining activities should not be allowed in Antarctica and those who defended the countries’ rights to conduct mineral exploitation in the continent. The former group was led by Australia and France (Joyner, 1996, 162-164; Verhoeven, 1992, 12) and was later joined by many other developed and developing countries (Vicuña, 1996, 290; Joyner, 1996, 164-165; Elliott, 1994, 175), while the most vocal

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<sup>26</sup> A more detailed description of CRAMRA’s institutions and the decision-making mechanisms is available at Chapter 3 of this thesis.



representatives of the latter were the United States and the United Kingdom (Elliott, 1994, 175). Thus, before looking at Madrid Protocol negotiations in general, this dissertation looks at the strategy adopted by four key actors: Australia, France, the UK and the US. This is to assess whether the behaviour, both in and outside the forum, of these four key actors in the Madrid Protocol negotiations, confirms that the forum was characterized by a higher presence of collectivist interactions, focused on the fulfilment of the forum mandate. This review starts with the first country which refused to ratify CRAMRA: Australia.

Environmental concerns were central to the development of Canberra's discourse during the Madrid Protocol negotiations (Joyner, 1996, 163-164). This suggests that Australia negotiated making mainly statements aiming to fulfil the environmentalist pillar of the forum mandate – thus, making collectivist statements. Some authors have argued that these environmentalist concerns masked more prosaic, selfish interests, such as, for example, the desire to defend the integrity of the Australian territorial claim.<sup>27</sup> However, that Canberra relied mostly on collectivist overtures promoting environmental protection during the eleventh SATCM does not imply that Australia was not concerned with the integrity of its territorial claim. What it can be argued is that the Australian delegation interacted with other forum participants mostly through the display of collectivist statements, whatever Canberra's "true" objectives were. Furthermore, while other concerns may have played a role in the government's decision to reject CRAMRA, historically Australia has always been amongst the ACPs which were more mindful of environmental concerns (Elliott, 1994, 166-167), and even during CRAMRA meetings adopted a more environmentalist stance (Elliott, 1994, 169).

Australia's advocacy of a ban on mining in Antarctica was strongly supported by NGOs and the scientific community (Vidas, 1996, 57-57). NGOs welcomed the French-Australian proposal for

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<sup>27</sup> According to Joyner, the "establishment of a multinational minerals regime was perceived by some as undermining the legal validity of Australia's claim to sovereignty title to the continent. By agreeing that a treaty-based minerals arrangement on the continent was necessary and proper, Australia would be admitting that its claim to sovereignty was soft and compromisable [sic]" (Joyner, 1996b, 164)

a new, environmental agreement that would ban mineral activities, and they started to mobilize public opinion (Verhoeven, 1992, 12), while the scientific community noted the potential risks that mineral activities meant for the Antarctic environment (Joyner, 1996, 251). Canberra's government and the Australian delegation internalized some of the statements made by NGOs and activists. This can be seen by looking at a speech delivered by the Australian Prime Minister Bob Hawke who, in July 1989, soon after Canberra's rejection of CRAMRA, declared:

Antarctica is the world's last great wilderness. It provides a habitat for many living species. It also constitutes an extremely valuable scientific laboratory for measuring the extent and effects of global climate changes and the thickness of the ozone layer [...]. Australia does not expect to meet with unqualified success overnight, but [...] more and more governments will be persuaded that mining Antarctica is a risk that should not be countenanced. [...] The Australian government will continue to [...] promote a comprehensive environment protection convention and to establish an Antarctic Wilderness Reserve. [...] Protecting Antarctica is no longer just a matter of making part of the globe safer for scientists – it is now a matter of human self-interest. [...] Protecting Antarctica equals protecting ourselves (Hawke, quoted in Suter, 1992, 6).

We can see that Hawke in his declaration takes up many points raised by NGOs and scientists and makes them his own. First, he acknowledges the existence of an Antarctic global common, and he argues by relying on reliable, scientific knowledge that protecting the Antarctic environment is advantageous for all – thus referring to collectivism's material validity. Second, other than advocating environmental protection, he repeatedly refers to another main pillar of Antarctic forums' mandate: scientific freedom. This suggests a general commitment to the forum mandate

and, consequently, to the forum's collective intention. Finally, Hawke often refers to the need to protect Antarctica in the interest of all humankind, and this type of claim seems to rely on collectivism's ethical validity.

While Hawke's speech does not demonstrate that the Australian delegation taking part in the Madrid Protocol negotiations engaged mainly in collectivist statements, it shows that the leader of the Australian government justified his refusal to ratify CRAMRA on the grounds of the need for more stringent environmental protection mechanisms, and consequently, called for greater fulfilment of the collective intention. Furthermore, Hawke's speech, which is directed towards the fulfilment of the collective intention, relies on material and ethical validities which are often associated with collectivism. If this was the narrative adopted by the Australian Prime Minister, the eleventh SATCM Australian delegation must have adopted a negotiating strategy which was at least partly shaped by it. This conclusion is supported, as previously shown, by the secondary literature, which argues that Australia placed "environmental concerns before economic ones" (Elliott, 1994, 173). All this suggests that Australia approached the Protocol's negotiations by firmly advocating environmental protection – an approach driven by a strong commitment to the fulfilment of the collective intention of the forum. This, in turn, suggests that the Australian delegation frequently resorted to collectivist statements.

As far as France was concerned, Paris's refusal to sign CRAMRA was strongly influenced by Jacques Cousteau's petition against the Convention (Elliott, 1994, 170), which gained enormous support within French public opinion (Sun, 1992, 95-96). An example of the importance played by Cousteau's petition is that Michel Rocard, the Prime Minister who joined Australia in the call for a new environmental agreement for Antarctica, said that his government's decision was influenced by the petition, and that it was taken after long talks with Jacques Cousteau himself (Elliott, 1994, 289, note 11). Cousteau, together with his colleague Bertrand Charrier, argued that every mining activity, even the least invasive, would damage the Antarctic environment:

If the exploitation of mineral resources in the Antarctic is currently an economic absurdity and an ecological nonsense, why was time and effort spent developing a Convention to regulate the exploitation of non-exploitable mineral resources? One can only conclude that the whole process was a monumental waste of time, effort and money! (Cousteau and Charrier, 1992, 7).

The reasons why mining in the southern continent was economically absurd and ecologically “nonsensical” were many: to begin with, they argued, there were already enough fossil fuel deposits in other parts of the world, especially considering the already acknowledged need to reduce consumption of coal and oil (Cousteau and Charrier, 1992, 7). They also claimed that mineral exploitation would endanger the very delicate balance of the Antarctic, and seriously endanger Antarctic public goods which were fundamental for the existence of life on this planet (Cousteau and Charrier, 1992, 5-6). This was partly because the harsh climate conditions would make mineral exploitation very difficult, increasing the chance of serious and tragic industrial accidents (Cousteau and Charrier, 1992, 7). Finally, they advocated the protection of the Antarctic environment and the preservation of its current status as a “continent devoted to peace and science” (Cousteau and Charrier, 1992, 9). Their petition concluded that:

The extraordinary beauty of its ice is a constant reminder to explorers and to scientists of the extreme climatic conditions which prevail in the Continent at the end of the world. Our own observation revealed the great fragility of the Antarctic ecosystem, a fact confirmed by a large number of scientific researches taking place from all over the world. The important role of the Antarctic in the maintenance of the planet’s climatic equilibrium is now universally recognized. From where then comes this desire to sacrifice the

last virgin space on our planet in the name of economic growth? (Cousteau and Charrier, 1992, 10)

Almost all of the points raised by Cousteau and Charrier seem to rely on collectivism's mechanisms of validation. First, by advocating the protection of Antarctic environment from human activities and the preservation of the Antarctic's status of a "continent of peace and science", they are addressing the forum mandate – and, therefore, the fulfilment of the forum's collective intention. Furthermore, all their arguments attempting to justify why the ATS should implement stronger measures of environmental protection rely on empirical evidence and scientific knowledge describing the importance of Antarctica for all humankind and the dangers represented by human activities (Cousteau and Charrier, 1992, 5-6); their empirical assertions are therefore relying on a material validity aiming at the fulfilment of the collective intention of environmental protection. Moreover, their petition stresses the ethical imperative of protecting the Southern Continent ecosystem (Cousteau and Charrier, 1992, 10), thus relying on collectivism's ethical validity, since the pursuit of the forum's collective intention (environmental protection of Antarctica) is equated to the most ethical choice to take. Finally, Cousteau and Charrier stress the need to develop and respect the mandate of the Antarctic Treaty System, with this course of action depicted in their argument as the most coherent one (Cousteau and Charrier, 1992); in doing so, they are relying on collectivism's consistency validity.

Cousteau and Charrier were not members of the French delegation during the eleventh SATCM. It is, however, commonly accepted that their arguments played a fundamental role in France's decision to reject CRAMRA, and in shaping France's discourse during the negotiations which led to the birth of the Madrid Protocol (Joyner, 1996, 164). Thus, this should suggest that France's approach to negotiations was greatly relying on collectivist statements.

It is then possible to conclude that the French and the Australian delegation displayed, during the Madrid Protocol forum, a negotiating strategy heavily relying on collectivist statements. And

the fact that many other countries gradually came to agree with the Australian-French proposal is further evidence supporting the preponderance of collectivism during the eleventh SATCM. What is even more interesting, however, is that even those countries like the USA and UK, which were against a ban over mining activities in Antarctica, adopted a negotiating strategy emphasizing the need to protect the Antarctic environment and therefore fulfil the collective intention. London and Washington suggested that, since consensus on banning mineral activities was impossible, the best way to pursue the forum's collective intention was to allow mining while at the same time providing clear and stringent measures for environmental protection (Hendry, 1992, 63-64). This claim can be confirmed by looking, for instance, at a speech delivered by John Heap, leader of the British delegation, during the first session of the 11<sup>th</sup> SATCM. Heap defined the issue of mineral exploitation as "the toughest nut to crack" (Heap, 1990, 73), and, while addressing all other forum participants, he argued that:

We need the comprehensive system for the protection of Antarctica now. [...] My delegation is therefore strongly of the view that, for the sake of the Antarctic, if for no other reasons, we should concentrate first on the issue that brings us together rather than on the issue that divides us [...]. Time is not on our side. If we have agreed on a system for the protection of the Antarctic environment [...], but have not reached a consensus over the mineral question, we could be seen as having failed in the task we have set ourselves. [...] My Government continues to believe that the Minerals Convention, which already exists, provides the only mechanism on offer which has the capacity both to defuse an otherwise explosive political issue, and to regulate mining activity in a manner which would meet all reasonable environmental concerns. (Heap, 1990, 73-74).

Heap's speech clearly shows that the British delegation justified its opposition to a mineral ban by depicting it as the most rational and effective way to pursue the fulfilment of Antarctic environmental protection – and, consequently, the fulfilment of the forum's mandate. This conclusion confirms what the secondary literature suggested – namely, that even those actors who opposed Paris and Canberra adopted an approach to negotiations which mainly relied on collectivist statements.

Further validation of the assumption according to which Madrid Protocol negotiations were mostly characterized by collectivism can be found if one examines in greater depth the proposals which were presented in front of all forum participants. Indeed, forum participants split into different groups, arguing for different drafts of the Protocol (Joyner, 1996, 176). This might suggest that, like CRAMRA negotiations, Madrid Protocol ones were characterized by factionalism, by clashes of different groups openly pursuing particularistic intentions. However, while the drafts presented by these groups differed, all “shared the common purpose of elaborating a complete system of environmental protection, strengthening existing measures, and filling in the lacunae and additional necessities that could be detected” (Vicuña, 1996, 176).

Thus, while – as in the CRAMRA negotiations – participants in the eleventh SATCM split into groups, these groups – in contrast to those in CRAMRA – were not claiming to differ on the basis of particularistic intentions, but on the basis of disagreements about how to best pursue the collective intention of Antarctic environmental protection. All the drafts which were presented during the first session of the eleventh SATCM advocated a strengthening of environmental protection measures and, consequently, greater fulfilment of the forum's mandate. In contrast to CRAMRA negotiations, drafts were not backed by compact interest groups: each draft was supported by some developed countries jointly with developing ones, and by claimant states together with non-claimant ones, and each of these drafts claimed to aim at the best possible way to realize the collective intention (Vicuña, 1996, 176).

The research findings thus seem to confirm the conclusions of the secondary literature. Although this cannot be a definitive proof of a satisfactory level of criterion validity, it can be considered as circumstantial evidence indicating that, with a good level of probability, the coding scheme was able to capture the frequency of different types of statement in the two selected forum negotiations.

Once the criterion validity of the research has been examined, it is necessary to assess the level of construct validity retained by the findings. As already noted, research findings are considered to hold a satisfactory level of construct validity when they are plausible and not counter-intuitive. Empirical evidence presented in this chapter indicates that the Madrid Protocol negotiations were characterized by a higher level of collectivism than the CRAMRA ones. This, in turn, means that, during the former, actors made more statements aiming at fulfilling the forum mandate and, consequently, the forum's collective intention.

The third chapter of this dissertation outlined how the Madrid Protocol enjoyed greater legitimacy than CRAMRA, because it was thought to fulfil the forum mandate to a greater extent. This means that the forum with more collectivism resulted in an output with greater legitimacy, because it was thought to better fulfil the forum mandate. Not surprisingly, the forum which registered a higher frequency of statements aiming at the fulfilment of the forum mandate led to an output which was thought to meet that mandate, while the forum which registered lower levels of collectivism delivered a less legitimate output because it was not thought to be sufficiently committed to the realization of the forum's mandate. Since these findings are intuitively plausible, they enjoy a high level of construct validity.

### **5.6: Implications of the findings**

This chapter examined the results of the qualitative content analysis which unitized and coded all official speeches and statements delivered during the IV-12 and the XI-4 SATCMs, two sessions of



the forums which led to CRAMRA and the Madrid Protocol respectively. The analysis indicated that the Madrid Protocol forum session (XI-4 SATCM) was characterized by a higher frequency of collectivist statements than the CRAMRA forum session (IV-12 SATCM), and these results are supported by a good level of inter-coder reliability, with a Krippendorff  $\alpha$  coefficient of 0.912.

Furthermore, the chapter argued that the two forum sessions examined were representative of the two wider forums of which they were part. This claim was supported by secondary sources, archival material and by some more in-detail analysis of Antarctic forum sessions. It concluded that content analysis of two forum sessions shows, with a high level of reliability, that the 11<sup>th</sup> SATCM – which resulted in the Madrid Protocol – was characterized by a higher frequency of collectivist statements than the 4<sup>th</sup> SATCM – which led to the elaboration of the Mineral Convention.

Finally, this chapter addressed the issue of the validity of the research findings. Since the fourth chapter already answered the questions related to context validity, by explaining why the method of qualitative content analysis was most appropriate given the theoretical framework, it mainly examined the criterion and construct validities of the findings. In the absence of reliable methods for distinguishing and categorizing forum types of statement, it reviewed secondary sources, which confirmed that the Madrid Protocol was characterized by a greater number of statements orientated towards the fulfilment of the forum's mandate – and therefore, by a higher number of collectivist statements. Finally, the chapter has shown that the forum perceived to deliver a more legitimate output because it did more to fulfil the forum's mandate was characterized by a higher level of collectivism. This in turn meant that, of the two negotiations, the one with a greater number of statements advocating the realization of the forum mandate led to a greater realization of that mandate. These conclusions being intuitively plausible, the chapter also claims that the findings retain a satisfactory degree of construct validity.

All this leads to the conclusion that the theoretical model elaborated in this paper is able empirically to distinguish amongst the different types of forum statements with a good level of reliability and validity. The examination of official speeches delivered during a forum, through the

lens of qualitative content analysis driven by the categories elaborated of this paper's theoretical framework, is therefore able to answer the research question in a plausible and sufficiently reliable way.

## **Conclusions**

This thesis is based on one fundamental premise: a better understanding of the dynamics regulating international forums can lead to greater comprehension of international politics in general. Greater understanding of how inter-state negotiations work would not only be useful for the development of academic research, but for policymakers as well. Reaching agreements able to address global concerns in an unstable and anarchic world has always been a difficult task, but now, more than ever, it is also necessary. Climate change, desertification, the acidification of oceans and the dangers of mass extinction, together with new threats to global health such as the current COVID-19 pandemic and the risks presented by antibiotic resistance, are just some examples of new, unprecedented issues that the international community has to address, and that it can address only by concerted action and collective commitment. A wider knowledge of the different factors that help parties engaging in negotiations to reach an effective agreement could be fundamental for developing future strategies of global politics.

Some questions, however, can be addressed only if researchers are able systematically to compare inter-state negotiations. Do delegations act differently when deliberating on the basis of consensus than when they decide by majority? Does diplomats' demeanour change when they are granted more freedom of action by their governments? Do democracies generally tend to behave differently in diplomatic meetings than authoritarian states? These are all questions that need to be addressed if the discipline wants to understand the functioning of international forums, and the only way to address them is to compare different forums. The only way, for instance, to assess whether different decision-making mechanisms can change how states' representatives interact is to compare forums which reach decisions on the basis of consensus with others which decide by majority. Only by weighing situations where delegates are tightly controlled by their governments against others where they are freer can one understand whether this is a variable influencing how diplomats interact. Only by comparing how democratic and authoritarian countries acted while

attending the same forum can one test whether these two regime types tend to behave differently when engaging in inter-state negotiations.

Many works have tried to compare international forums, but they often have focused on the structural features of inter-state negotiations (Barrett, 2003, 300). Approaches of this sort try, for instance, to compare forums with different decision-making procedures, or with different mechanisms for implementing agreed measures, in order to assess which procedure is best (Keohane, 1996). This type of approach, however, neglects the contributions of agency to the output of international forums, and it is also unable to explain situations in which two structurally similar forums delivered radically different outputs, as in the case of the two Antarctic meetings examined in this thesis. These two forums were in fact regulated by the same membership, debate and decision-making procedures, were attended by almost the same participants, were driven by the same mandate and held under the same diplomatic framework, and delegations attending them discussed very similar issues. Yet they produced radically different outputs in terms of legitimacy: while the CRAMRA was rejected by key members of the Antarctic Treaty System (ATS) and led to a legitimacy crisis of the whole system of governance of the southern continent, the Madrid Protocol was quickly ratified and restored international confidence in the ATS.

To understand what happened during these two Antarctic meetings – and to better examine similar situations in international politics – it is not enough to compare forums only by their structure. We must examine features which are related to the agency of forum participants: in addition to examining differences in *the contexts in which delegates were negotiating*, researchers need to analyze *differences in what delegates did while negotiating*. One way to examine how different participants behaved is to examine what they said. To compare what delegates said in two different forums, however, it is first necessary to classify all the different statements used in forums into distinct categories, each describing a particular type of behaviour.

An example is Alastair Johnston's claim that forums with a restricted number of participants are more likely to involve *persuasive types of actions* (Johnston, 2001, 509-510). The only way to

test this hypothesis is to clearly define “persuasive type of interaction”, and to develop a method for examining everything said during a forum in order to recognize, isolate and categorize all the types of statement which correspond to the definition of “persuasive action”. Only by doing this could one measure the frequency with which persuasive interactions recurred during a forum. This would in turn allow researchers to compare forums attended by a great number of participants with meetings attended by a more restricted number of delegations, and to assess whether the latter are characterized by greater frequency of persuasive interactions than the former.

There have been previous works focusing on “what delegates say”, which tried to classify the statements made by diplomatic delegations into different types of forum behaviour (Krebs and Jackson, 2007; Ulbert and Risse, 2005; Saretzki, 2009). However, when researchers tried to test these models empirically, by examining real-world negotiations, they encountered many theoretical and methodological obstacles. This thesis has claimed that the way the literature has hitherto defined the different types of statement that can be made during international forums is flawed, and it cannot lead to the elaboration of empirically testable theories because it is based on false assumptions. The objective of this research was to provide new definitions of the different types of behaviour that can be displayed during inter-state negotiations, which would allow researchers examining real-world negotiations to categorize forum statements in a more systematic and reliable way. To do so, this thesis has built a theoretical model distinguishing international forum social interactions into collectivist, particularistic and procedural types of behaviour. The implication of this model is that a forum with a higher frequency of collectivist types of statement is likely to deliver a more legitimate output.

This hypothesis was tested by examining two Antarctic forums: the 4<sup>th</sup> and the 11<sup>th</sup> Special Antarctic Treaty Consultative Meetings (SATCMs), which led respectively to the Convention on the Regulation of Antarctic Mineral Resources Activities (CRAMRA) and the Protocol on Environmental Protection to the Antarctic Treaty (better known as the Madrid Protocol). As already explained, these two forums are structurally most-similar cases, but they produced two very

different outputs as far as their legitimacy was concerned, with the Madrid Protocol negotiations delivering a much more legitimate output than the CRAMRA one. These two meetings were analysed in order to assess whether the former had a higher frequency of collectivist types of statement than the latter.

Testing the dissertation's hypothesis on two structurally most-similar forums had two main objectives. First, to assess whether the theoretical model hereby provided could produce coherent and plausible hypotheses. Second, to examine whether the process of re-definition of the different types of forum statement in this model would allow one type of forum statement to be distinguished from another when applied to real-world negotiations. Empirical analysis showed that the Madrid Protocol negotiations involved more frequent collectivist statements than the CRAMRA ones, bearing out the dissertation's hypothesis. Furthermore, evidence has been given that the procedures through which the hypothesis-testing has been conducted were reliable and valid were provided. This highlights how the dissertation's hypothesis-testing procedures are replicable and provide a plausible portrait of reality, and from this it is possible to conclude that the model was able to provides a systematic categorization of forum statements while analysing real-world negotiations.

While the empirical analysis concluded that the Madrid Protocol negotiations were characterized to a greater extent by collectivist type of statements than the CRAMRA ones, no explanation of *why* this was the case has been provided: this was not the objective of the research. Lorraine Elliott attempts to explain the differences between the CRAMRA and the Madrid Protocol negotiations in her 1994 book *International Environmental Politics: Protecting the Antarctic*. A brief overview can help understand how this thesis's theoretical model can be useful for the study of international forums.

Elliott's hypothesis was that the Madrid Protocol was able to protect the Antarctic ecosystem better than the CRAMRA because, during negotiations before its adoption, environmentalist NGOs carried on a powerful public relations campaign, and managed to ally with some key members of the Antarctic Treaty System: Australia and France (Elliott, 1994, 163-164). Indeed, Elliott writes

that this alliance between non-governmental organizations and national governments, together with the public's warm reception of the environmentalist campaign launched by NGOs amongst the public opinion prompted the Australian and French delegations, soon followed by other parties, to justify their claims by referring to some of the NGO's main arguments. As a result, the Madrid Protocol negotiations were more centred on environmental matters than previous Antarctic forums (Elliott, 1994, 209-210).

Empirical tests conducted in this research seem to confirm Elliott's theory: the NGOs' environmentalist positions were echoed by states' delegations participating in the Madrid Protocol to a greater extent than in previous Antarctic meetings, and this translated into more frequent appeals for protection of the southern continent's environment.<sup>1</sup> In other words, NGOs which were active in Antarctica during both CRAMRA and the Madrid Protocol negotiations developed a discourse aiming at the protection of the Antarctic environment, one of the main pillars of the ATS's mandate. That, in the course of the Madrid Protocol negotiations, certain states used some of the NGOs' arguments to justify their positions meant that they delivered more statements advocating environmental protection – i.e., more statements focused on the fulfilment of the forum mandate and, consequently, of the forum's collective intention. Since it is plausible that more collectivism translates into greater legitimacy in the forum output, we can infer that greater involvement of NGOs resulted in a more legitimate agreement better addressing the forum's mandate.

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<sup>1</sup> At this point, some could argue that the fact that NGOs' discourses played a greater role in influencing delegations during the Madrid Protocol negotiations than in CRAMRA ones means that there were significant structural differences between the two forums, which should not, at this point, be considered as structurally most-similar. This claim, however, does not take into consideration that environmentalist NGOs were very active during the CRAMRA negotiations as well (Elliott, 1994, 127-128). NGOs were better represented during the Madrid Protocol negotiations, but not because there were different membership procedures allowing greater representation of non-state actors in Antarctic decision-making procedures. Instead, some national governments individually chose to endorse the NGOs' claims. This is further confirmed by the fact that only some delegations internalized NGOs claims, while others were strongly against them (Elliott, 1994, 192); as Elliott writes: "without the policy decisions made by Australia and France, that is without support of states [...] [the strategy followed by NGOs] could not be successful" (Elliott, 1994, 209). Thus, if NGOs played a more important role during the Madrid Protocol negotiations than during the CRAMRA ones, this is not due to structural differences, but to the different agency exercised by participants in the forum.

The model presented in this thesis is a useful instrument with which to test the plausibility of Elliott's theory – and of many other theories attempting to study the dynamics of inter-state negotiations. Moreover, while Elliott's work offers a possible explanation of how two structurally similar forums can deliver outputs of varying legitimacy, this theoretical model can further illuminate the causal logic of Elliott's theory, and to explain exactly how greater involvement of NGOs could influence the output of Antarctic forums. The model presented in this thesis could also be useful to explore under which conditions Elliott's claim that, in order to secure environmental protection within the realm of international negotiations, NGOs should be "more strongly incorporated into environmental decision making" (Elliott, 2004, 212) would *not* be justified. Indeed, during the CRAMRA and the Madrid Protocol negotiations, NGOs which were active in Antarctica were almost exclusively environmentalist ones (Herr, 1996, 98-100). Would greater involvement of NGOs lead to greater environmental protection even in the presence, together with environmentalist organizations, of others representing corporate, industrial and touristic interests? Would the use of NGOs' arguments by some delegates be effective even when directed at authoritarian countries, which might be expected to be less sensitive to efforts to mobilize public opinion? This last question is important to understand some recent developments of Antarctic politics as well. In autumn 2019, member states of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) met in Hobart, Australia, to discuss the possibility of creating a one-million square kilometre marine park in the Eastern Antarctic Ocean (Hayes, 2019). In contrast to the Madrid Protocol negotiations, where the USA and the UK – two democracies – opposed the mining ban (Elliott, 1994, 192), this time the countries opposing the establishment of the marine park were two authoritarian states: Russia and China (Hayes, 2019). These negotiations saw the significant involvement of environmentalist NGOs (Readfearn, 2019), which tried to pressure negotiating parties into approving the creation of the natural reserve; nevertheless, the result was a failure. Was NGOs' pressure ineffective because it was applied to authoritarian countries?



To address these questions, it would be necessary to compare international forums differing, for instance, in the types of NGOs involved in the negotiations, or in the regime type of forum participants, and see whether these variables influence the role played by NGOs during negotiations. It has previously been shown that establishing how, why and in which cases NGOs' involvement could influence the output of a forum is not the only task that could be tackled by a systematic comparison between different international forums, and Elliott's theory has been used in this chapter to show how the theoretical model developed in this thesis could be useful in testing theories about international forums, and to explore their causal mechanisms and possible limitations. As said at the beginning of the chapter, this research project has been undertaken because the literature examining international forums was not able clearly to distinguish and categorize the different types of behaviour that delegations displayed in inter-state negotiations. The following sections provide a more in-depth analysis of the difficulties encountered by previous authors in fulfilling the task, as well as saying more about the reasoning behind this thesis's theoretical model and empirical analysis. Finally, they also explain how this dissertation's theoretical model can help overcome such difficulties.

### **I: The unintelligibility of “true dispositions” and the “omnipresence of arguing”**

The literature has often tried to examine what delegates said and to assign statements in forums to clear categories, each of them describing one particular type of forum behaviour; however, it often did so by following interpretive processes. While there is nothing wrong with interpretive approaches in themselves, they are unsuitable for building a systematic process of cross-case comparison, following a method of analysis that can be replicated by other researchers. That is why, when interpretive researchers tried to produce theoretical models which could be tested empirically in a reliable and valid way, they encountered seemingly insuperable obstacles.

As already said, the most ambitious and articulate attempt of this sort was that of Nicole Deitelhoff and Harald Müller, who tried to isolate moments within inter-state negotiations in which arguing behaviour was clearly present. At first, they drew from major contributions to the literature, and tried to distinguish arguing from bargaining by identifying the “true dispositions” of forum participants, such as, for instance, their open-mindedness and their willingness to tell the truth. However, they soon found out that these “true dispositions” were impossible to assess while examining real-world negotiations (Deitelhoff and Müller, 2005, 170-171). Thus, they tried to distinguish arguing from bargaining by examining the formal characteristics of these two speech acts: arguing was defined as a type of interaction implying “reason giving, and the search for reasoned consensus”, while bargaining was described as a speech act involving “search for compromise based on the fixed preferences of the actors” (Deitelhoff and Müller, 2005, 172). In other words, they tried to shift from examining how and what delegates thought and felt during the forum to what delegates said, and how they said it. By following this approach, they found that arguing behaviour, intended as “search for reasoned consensus”, was omnipresent within international negotiations, and that most statements formulated by delegations had some characteristics belonging to the arguing ideal-type and others belonging to the bargaining one (Deitelhoff and Müller, 2005, 177).

Despite its inability clearly to isolate arguing moments within international forums, Deitelhoff’s and Müller’s article is fundamental for the development of this field of study, because it reveals how existing attempts to categorize forum types of behaviour are unsuitable to studying real-world negotiations. Furthermore, it highlights how the types of forum behaviour currently identified by the literature are often defined by the “true dispositions” of forum participants, which are unobservable objects of international life. Such an excessive reliance on unobservables stems from the fact that the literature studying forum social types of interaction was mostly shaped by the debate between constructivism and rationalism.

The centrality of this dispute within the literature led to theoretical models which postulated that forum participants *thought in a certain way*: while constructivists claimed that actors were driven by their historically shaped identities and by social norms, rationalists defined interacting subjects as selfish and strategic units. In other words, these models assumed that the behaviour displayed by subjects during negotiations was derived from a certain type of logic, and that the types of behaviour diplomatic delegations displayed were just the empirical manifestation of a particular way of thinking. Consequently, rationalists argued that forum participants mostly resorted to bargaining because the *true disposition* of those attending the forum was a self-focused, strategic one, and the best way to act while being in such a disposition was through the strategic display of promises and threats. Constructivists, on the other hand, claimed that diplomatic delegations mostly engaged in norm-orientated behaviour because their *true disposition* was a norm-abiding one. They also thought that, in the absence of clear and pre-established social norms, forum participants would engage in arguing, driven by the need to build a shared normative framework, with a truth-seeking and open-minded disposition.

The types of forum behaviour identified by the literature were thus considered to be the necessary consequence of how actors thought during international negotiations, and were defined on the basis on the subjects' true dispositions. To isolate clear examples of these types of behaviour while analysing real-world negotiations, one had to be able to detect the true dispositions driving forum participants. This, however, was not possible, because, as Deitelhoff and Müller argued, researchers have no access to the minds of delegates or way of knowing why they are behaving in a certain way (Deitelhoff and Müller, 2005, 171). Once Deitelhoff and Müller had shown the limitations which an excessive focus on subjects' true dispositions entailed, many researchers followed their examples and started examining what delegates said during forums, looking for ways to distinguish different types of behaviour on the basis of the intrinsic characteristics of the acts of speech uttered during negotiations (Ulbert and Risse, 2005, 353).

These attempts, however, were still unable to overcome the main problem encountered by Deitelhoff and Müller: the impossibility of clearly distinguishing arguing from bargaining while examining real-world negotiations. This was because researchers tried to change the focus from what delegates thought to what they said, but they did not start from a process of *redefining* forum types of behaviour. In other words, although researchers were no longer looking for actors' true dispositions, the types of forum behaviour they were trying to isolate were still those enumerated by previous theories. Hence, arguing was distinguished from bargaining on the assumption that the former took place when actors had a truth-seeking and open-minded disposition, while the latter stemmed from a situation where actors' disposition was a selfish one (Deitelhoff and Müller, 2005, 172). In other words, authors who tried to categorize forum statements on the basis of their formal characteristics still relied on definitions based on the "true dispositions" of forum participants. The inability to solve this theoretical contradiction led to the impossibility of clearly isolating one type of statement from another while examining real-world negotiations.

## **II: The need to redefine forum types of behaviour**

Currently, the literature distinguishes arguing and bargaining types of behaviour on the basis of certain modal, structural and procedural characteristics. Modal characteristics refer to the intrinsic properties of a particular speech act, structural ones describe the number and the features of the subjects involved in the speech act, and procedural hallmarks describe how the speech act is practised, the steps it has to follow in order to be carried out. *Modally*, arguing relies, according to the literature, on mechanisms of material, ethical and consistency validation: in an arguing situation, a speaker A will try to convince a listener B that a certain choice X is the most advantageous, ethical and coherent in absolute terms. This is possible only if A proves to B that X is the best possible thing to do by providing reliable evidence, and this in turn can be done only if A appeals to some kind of external authority accepted by both the speaker and the listener. This external

authority is identified, in international negotiations, as “agreed-upon treaties, universally held norms, scientific evidence, and other forms of consensual knowledge” (Ulbert and Risse, 2005, 353). Thus, arguing is a type of interaction that requires a speaker, a listener and a certain type of external authority, and that is why it is *structurally* a triadic type of behaviour. The shared external authority functions, in arguing, as a “common frame of reference” (Ulbert and Risse, 2005, 353) through which both speaker and listener try to assess whether the policy proposed by the speaker is the best possible choice. This means that arguing interactions are *procedurally* reflexive, since they are characterized by a constant exchange of arguments aiming at establishing the material, ethical and consistency validities of a claim.

Bargaining behaviour, on the other hand, is defined as the display of promises and threats. For this reason, it is seen by the current literature as a speech act that, *modally*, does not need to be validated materially, ethically or on the basis of its coherence; in other words, bargaining claims base their effectiveness uniquely on the credibility of the speaker and the likelihood that those promises and threats will be enacted in the future. Since bargaining speech acts do not rely on mechanisms of validation, they do not require the presence of a mutually accepted external authority through which to assess its validity; this means that bargaining is a *structurally* dyadic type of interaction, characterized only by a speaker and a listener. Finally, bargaining being a dyadic speech act, interlocutors lack the common frame of reference needed to exchange arguments establishing the validity of a claim; for this reason, bargaining is *procedurally* sequential, rather than reflexive (Ulbert and Risse, 2005, 353).

This way of distinguishing arguing from bargaining is deeply problematic. In fact, promises or threats made during a forum can only be convincing if the speaker is able to show that the promises made are advantageous to the listener, or if the threats displayed are ominous to him/her. This, however, can only be done by resorting to mechanisms of material, ethical and consistency validation, and this entails that bargaining is an act of speech *modally* characterized by such mechanisms, exactly like arguing. Validation, however, can only succeed if interlocutors appeal to

some type of mutually accepted external authority through which to assess the validity of their claims: in case of a bargaining speech act, the speaker A could try to convince B to accept the proposed deal by, for example, providing scientific knowledge in support of the claim that the promise made is a convenient and credible one. This means that arguing and bargaining are both *structurally* triadic. Finally, bargaining being a triadic speech act, it is possible to claim that it is a type of interaction in which actors exchange arguments aiming at establishing the attractiveness of a promise or the danger posed by a threat, by using a mutually accepted external authority as a common frame of reference; bargaining is, then, a *procedurally* reflexive type of interaction, as much as arguing is. That arguing and bargaining are modally, structurally and procedurally similar explains why, when authors tried to isolate the former from the latter, they found that arguing was “omnipresent”: the characteristics that were considered to be arguing’s hallmarks were also key features of bargaining, and, since it is impossible to distinguish one object from another by examining features they both have, the two acts of speech looked almost indistinguishable in the empirical realm.

This last passage leads to a critical juncture: either one argues that there is no significant difference between arguing and bargaining, and that it is therefore useless try to distinguish between them; or one maintains that a difference exists, but that the current way of defining the two speech acts is not effective. This thesis takes the latter path. It claims that statements arguing, for instance, that a certain strategy is in the common interest of humankind because it is the most ethical choice in absolute terms, is very different from a statement urging someone to give in to a threat for the sake of the national interest. It also argues that being able systematically to differentiate one type of statement from another would significantly help cross-case comparison, and thus would help address fundamental questions concerning international forums. The necessary conclusion is that, although arguing and bargaining differ, the way they have currently been defined and distinguished is problematic. Thus, if one wants to clearly distinguish one from another, it is necessary to undertake a *re-definition* of these two acts of speech.

### **III: Re-defining forum types of behaviour on the basis of the type of intention they address**

Previous sections have outlined how current classifications of forum speech acts are problematic and often based on unobservable features of international life, and how it is therefore necessary to build new definitions of the types of statement that actors can make during negotiations. At the same time, it has already been pointed out that this thesis wanted to build a theoretical model able clearly and systematically to categorize the different types of behaviour occurring in international forums, and that the empirical applicability of the model was therefore a priority. Hence, the re-definition of forum types of interaction needed to be based on features related, at least indirectly, to empirically observable phenomena. The concept of “intention” was the ideal foundation such a process of re-definition.

The term “intention” is generally used in the literature to indicate something influencing actors’ behaviour and implying commitment to clear objectives. These are objectives that, to be achieved, must be pursued consistently through time, and intentions are the motivational force driving subjects towards them (Mitzen, 2013, 35-36). This research started from a revised version of the work of Jennifer Mitzen, who uses the concept of intention to analyze the processes of global governance, and it envisioned international forums as situations in which interacting subjects are driven both by collective and particularistic types of intention. On the one hand, the collective intention is shared by all forum participants, it needs their concerted effort to be fulfilled and it commits them to its realization. On the other hand, particularistic intentions are held by one or more subjects amongst forum participants, but not by the whole forum. Furthermore, in contrast to the collective intention, actors are individually committed to particularistic intentions, and the pursuit of the latter can sometimes hinder the realization of the former.

In other words, the theoretical framework of this thesis argued that a diplomatic delegation can, within the same forum, pursue both the collective intention shared with all other delegations

and the particularistic intentions that it holds individually. Although intentions are, similarly to actors' "true dispositions", unobservable objects of international life, they also are, unlike the latter, detectable entities: they can in fact be indirectly detected by analysing some empirically observable features of inter-state negotiations. For this reason, they can be used to build an empirically testable model.

This last claim is justified by the definition of inter-state negotiations as meetings regulated by pre-established norms and characterized by a public type of debate, in which every delegation argues its point in front of all other participants. The forum is legitimized by the presence of a clear mandate which needs to be fulfilled during the debate, however much participants may also address incidental issues unrelated to the mandate. From these premises, it has been argued that the existence of a forum mandate is the consequence of the existence of a collective intention: indeed, delegations would gather in a meeting and establish an official mandate legitimizing its very existence only in the presence of a collective commitment. Similarly, particularistic intentions are the reason why incidental issues are raised during negotiations: only in the presence of other types of intentions differing from the collective one and not shared by all forum participants, would a delegation address topics unrelated to the forum mandate.

Collective and particularistic intentions were thus defined as unobservable objects which can be detected by examining the empirical phenomena to which they give rise – respectively, the forum mandate and the incidental issues addressed in the course of the negotiation. Since both types of intention are, at least indirectly, related to empirically observable phenomena, they are theoretical constructs which can produce a model that can be applied to the study of real-world negotiations. It is however important to note once again that this research adopted an agnostic and instrumentalist take on the concept of intentions, and it claimed that they are a useful concept through which to examine forum dynamics, independent of their objective existence in the "real world".

The theoretical construct of intention is not only a useful concept by which to formulate an empirically testable model; it is also fundamental in building a process of systematic categorization



of forum types of behaviour. While, in fact, both arguing and bargaining are reflexive and triadic acts of speech, both relying on material, ethical and consistency validations, bargaining is a type of behaviour directed towards the realization of one or more particularistic intentions, while arguing is an act of speech focused on the achievement of the collective intention shared by all forum participants. Indeed, an arguing type of statement can claim that a certain choice is the most convenient, the most ethical and the most coherent for all people involved only by claiming that such a choice is the best way to address the forum mandate. Similarly, a speaker engaging in bargaining can convince the listener to accept the proposed deal only by showing that the deal is a credible one, that it is advantageous for the listener to accept it and, consequently, that it is in the listener's national interest; this in turn can be done only if the speaker convinces the listener that the proposed deal is the best way to realize the latter's particularistic intentions.

To sum up, the theoretical model presented in this thesis claimed that arguing and bargaining can be distinguished by the types of intentions they pursue. By developing this process of redefinition even further, it is claimed that arguing and bargaining are not types of forum behaviour, but rather subtypes of broader categories. Arguing is a subtype of collectivism, which is a category indicating all statements characterized by material, ethical and consistency validities aiming at the realization of the collective intention, and which includes other type of statements like, for instance, rhetorical ones.<sup>2</sup> Bargaining is instead defined as a subtype of particularism, which is a category encompassing all statements relying on material, ethical and consistency validities pursuing one or more particularistic intentions, and that also includes, for example, advocacy types of statement.<sup>3</sup> These two categories – together with that of proceduralism, including all statements which advocate the observance of the forum pre-established norms – are the ideal-types at the base of this model's process of categorization of forum statements.

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<sup>2</sup> Rhetorical action was defined in this dissertation as a statement aiming at the "strategic pursuit of an objective, justified through reference to commonly accepted values" (page 107).

<sup>3</sup> The advocacy type of statement describes a situation in which a speaker A promotes the interests of a subject B in while speaking to a listener C.

#### **IV: Hypothesis drawn from the model and selection of a case for empirical testing**

A forum characterized by greater frequency of collectivist types of statement means that it is characterized by a greater number of statements focused on the achievement of the forum's collective intention. A greater presence of these statements should lead to an output which fulfils the forum's collective intention to a greater extent. This, in turn, translates into greater fulfilment of the forum mandate, since the latter is the empirical manifestation of the collective intention. Furthermore, the fulfilment of the forum mandate is generally considered a fundamental determinant of both the internal and external legitimacy of a forum output (Stokke and Vidas, 1996a, 20-25): an output which effectively fulfils the forum mandate is in fact more likely to be perceived as legitimate both by forum participants (internal legitimacy) and by the international community as a whole (external legitimacy). By following this reasoning, it is possible to formulate the hypothesis that a higher frequency of collectivist statements should lead towards greater legitimacy in the forum output.

Testing this hypothesis allows us to assess the plausibility of the theoretical model, and, since the main objective was to test whether there was a correlation between higher frequencies of collectivism and greater legitimacy in the forum output, it was necessary to find two forums which produced two very different outputs in terms of legitimacy. Once the cases were selected, it must be assessed whether the forum producing the most legitimate output was characterized by a higher frequency of collectivist statements. This, however, was not sufficient to test the hypothesis. Indeed, the model looked at what delegates said during the forum – i.e., at the acts of speech uttered during negotiations – which is an agency-related variable. There are, however, also structural factors that can increase or decrease the legitimacy of the forum output irrespective of what actors said while debating.

To better explain how the structure of a forum can influence the legitimacy of its output, one could consider a hypothetical case in which the Republic of San Marino, Vatican City and the Principalities of Andorra and Liechtenstein gather in a forum driven by the mandate of reducing the number of nuclear weapons in the world and in which, after some time, these countries deliver an output in the form of a Treaty on Universal Nuclear Disarmament. None of these four countries has nuclear weapons, nor do they have the authority to impose nuclear disarmament on other states; this means that the output of such a forum would have very few chances of fulfilling the forum mandate. Hence, it is highly unlikely that other states would accept such a treaty as the legitimate source of international law regulating how nuclear disarmament should be conducted.

In other words, this example shows how a structural feature of the forum – i.e., the countries participating in the negotiation – can result in a lack of external legitimacy of the forum output, independently from the agency participants exercised. That is why, for a plausibility probe of the research hypothesis, it was necessary to select cases which were most-similar as far as their structural features were concerned, and that were as different as possible in terms of the legitimacy of their outputs. These two forums were then analysed in order to test whether the forum characterized by higher frequency of collectivism delivered the most legitimate output. This would allow us to be confident that the hypothesis is a plausible one, supported by initial empirical findings.

To sum up, this thesis argued that, if collectivism is described as a type of statement relying on material, ethical and consistency validities and aiming at the fulfilment of the forum collective intention, negotiations characterized by a greater frequency of collectivist statements will have more chance of delivering an output with a higher degree of legitimacy. This is because greater collectivism will most likely lead to an output able to fulfil the forum mandate to a greater extent; in turn, being the fulfilment of the forum mandate fundamental in determining the legitimacy of the forum output, an increase of the former would lead to an increase of the latter. In order to test this hypothesis, cases were selected: the CRAMRA and the Madrid Protocol Antarctic diplomatic

meetings. These two forums were structurally most-similar, but the output of the Madrid Protocol negotiations was characterized by a significantly higher level of legitimacy than the CRAMRA one. The empirical analysis of this thesis aimed at assessing whether the former registered a higher frequency of collectivist types of statement than the latter.

### **V: The empirical analysis**

It is clear from the previous section that the logic behind the case selection is that of a most-similar case study. As already said, the cases selected were two Antarctic forums, the 4<sup>th</sup> and the 11<sup>th</sup> Special Antarctic Treaty Consultative Meetings (SATCMs), which generated respectively the Convention on the Regulation of Antarctic Mineral Resources Activities (CRAMRA) and the Protocol on Environmental Protection to the Antarctic Treaty (better known as the Madrid Protocol). The Mineral Convention never came into force, because France and Australia, later joined by other countries refused to sign it and ratify it. They justified their refusal by claiming that the treaty did not sufficiently preserve the Antarctic environment from the harmful consequences of mining, and that, consequently, it did not fulfil its mandate to a sufficient extent. The decision taken by Paris and Canberra, two key actors in Antarctic politics, indicates that CRAMRA lacked internal legitimacy, while the strong criticisms that the Convention endured from countries which were not members of the Antarctic Treaty System suggests that the treaty lacked external legitimacy as well. The Madrid Protocol, on the other hand, was ratified rather quickly by all parties, and it is still in force; the Protocol was perceived as legitimate also by external parties, since some of the most violent criticisms against the ATS dissolved after its coming into force. By comparing these two forums, so similar at a structural level and so different in terms of legitimacy in their outputs, the intention was to test whether they presented differences in the frequency with which collectivist statements were delivered during the negotiating process, and to assess whether the 11<sup>th</sup> SATCM,

which resulted in the most legitimate output, registered a higher frequency of collectivist types of statement.

It is now clear that the objective of this thesis's empirical analysis was to classify the statements made during the two Antarctic forums into the ideal-typical categories of collectivism, particularism and proceduralism. Since complete transcription of the two Antarctic negotiations were not available, it was necessary to look for documents that could provide a reliable summary of the types of interaction that took place within the two forums. This thesis did this by examining the diplomatic speeches and declarations delivered by the diplomatic delegations participating in the two forums. The empirical analysis of the 4<sup>th</sup> and the 11<sup>th</sup> SATCMs carried on in this research considered only one session of each forum – namely, the 12<sup>th</sup> session of the 4<sup>th</sup> SATCM and the 4<sup>th</sup> session of the 11<sup>th</sup> SATCM. One reason for this sampling was that the thesis could rely on the work of just one coder, and it was therefore necessary to select a limited range of speeches and statements to examine. Secondly, the two selected sessions presented many similarities on a structural level. Furthermore, the two selected forum sessions were amongst the few in which delegations made official statements. Finally, it was possible to consider these samples, after analysing both secondary sources and archival material, as representative of the forums they were part of.

Qualitative content analysis was judged the best methodology by which to unitize and systematically categorize statements formulated during the sampled forum sessions. The coding scheme's structure classified the units of examined diplomatic speeches into four categories: "collectivism", "particularism", "proceduralism" and "other". While the conceptualization of the four categories was theory-driven, the process for pinpointing the empirical indicators entailing that a unit belonged to a certain category was data-driven, and it followed the procedure of subsumption described by Margit Schreier (2012, 15). The content analysis showed that the 11<sup>th</sup> SATCM, resulting in the most legitimate output, registered a significantly higher frequency of collectivist statements than the 4<sup>th</sup> SATCM. This shows that the hypothesis that there is a direct correlation between frequency of collectivist statements and legitimacy of the forum output is plausible.

There were two main problems that could emerge from this method of hypothesis-testing, the first concerning the reliability of the analysis and the second related to its validity. The research's reliability was threatened by the fact that the analysis required a significant degree of interpretation, and this means that the coding would produce different results, depending on who the coder was. A worse risk was that the researcher could, even unconsciously, categorize units in a way that would support the model's hypothesis. For these reasons, the author, together with two other coders who did not play any role in elaborating the research model, examined a sample of the textual material through the lens of the coding scheme, following the procedure of a blind pilot study. To assess the extent to which the three coders delivered similar results, their work was compared, and the inter-coder reliability was measured by determining the Krippendorff  $\alpha$  coefficient. This amounted to 0.912, indicating that the findings could be considered reliable. Such a high level of reliability of the findings indicates not only that the coding had been crafted in a fashion that enabled replicability; it also meant that the thesis was able to produce a theoretical model whose hypotheses could be tested empirically in a reliable way. Furthermore, it also suggested that re-defining forum types of behaviour by assessing the type of intention they address could lead to a systematic categorization of forum statements, thus fulfilling the objective of this research.

As far as the validity of the analysis was concerned, it was clear that the categories representing the different types of forum statement, as well as the empirical indicators indicated for each of these categories, were the consequence of certain theoretical premises. Thus, there was the risk that the empirical testing of the model would produce a somewhat distorted portrait of reality, which would force empirical phenomena into the dissertation's theoretical cage. Such a risk was even greater in this case, since the frequency of forum types of behaviour had been measured indirectly, by examining only some official documents delivered during the last session of the two examined forums. To assess the validity of the findings, secondary sources which looked at the two Antarctic forums as case studies were examined. The review of existing literature suggested that results of the content analysis were in line with the findings of previous authors. This led to two

conclusions: first the choice to examine diplomatic speeches and declarations in order to measure the frequency of different types of statement within a forum was sensible; second, the empirical analysis generated by the theoretical model was able to produce a representation of reality in accordance with that of previous research, and it could therefore be considered valid.

The main conclusions of the study can finally be stated. First, the thesis's theoretical model has been able to produce a hypothesis shown to be plausible and coherent by early empirical findings. Second, the model delivered a systematic, replicable and reliable method of categorization of forum statements. Third, such systematic categorization produced findings which are in line with previous research, and that therefore can be considered a plausible portrait of reality.

#### **VI: The need for further testing and avenues for future research**

This thesis represents the first step towards a broader research project. The plausibility of the model's hypothesis and of the model's theoretical framework justifies the undertaking of further empirical testing. Current findings have in fact only supported the plausibility of the model, and this plausibility probe was conducted by examining two Antarctic forums: the 4<sup>th</sup> and the 11<sup>th</sup> SATCMs. In order to test the inference potential of the hypothesis of direct correlation between collectivism and legitimacy of the forum output, more structurally similar cases should be taken into consideration. Further empirical testing should assess not only the inference potential of the thesis's hypothesis, but also the scope of the theory. The following questions should therefore be asked: is the model applicable only to natural global commons international forums<sup>4</sup> or it can be used to study other types of inter-state negotiations? Is the model applicable only to international forums, or

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<sup>4</sup> As already pointed out during this thesis's third chapter, Antarctica cannot be considered an ideal-typical natural global common, because of the peculiar characteristics of the international regime administering it. It has been extensively argued in this thesis that the similarities between Antarctica and other natural global commons are greater than their differences, and that Antarctica should therefore be considered a global common. This conclusion was in line with much of the literature examining this subject (for example, among others, Joyner 1998 and Vogler 1995). It is however important to point out that Antarctica still remains "a special kind of common" (Joyner, 1998, 44-45), and therefore further research on the empirical applicability of this theoretical model on other natural global commons international forums are necessary.

it can be used to study different types of negotiation as well? Global commons international forums are not, in fact, the only place in which actors gather while being driven by collective and particularistic intentions. Further research should assess whether the model can be used to study, for instance, peace negotiations, forums related to inter-state security, or even negotiations between political parties forming a government coalition, and to assess whether reliable and valid findings can be produced in those contexts.

Another path that can be taken is to test the theoretical and philosophical premises of the thesis themselves. Indeed, the theoretical model hereby presented assumes that delegations participating in international forums pursue both collective and particularistic intentions. Furthermore, it also assumes that the collective intentions translate, in the empirical realm, into the forum mandate, while particularistic intentions are what trigger delegates to raise incidental issues during negotiations. Finally, it claims that, by analysing the official speeches delivered by delegations during diplomatic meetings, one can assess the intentions held by such delegations and the way they interacted in the course of the negotiations. To what extent can these premises be validated? To what extent it is possible to say that the mandate and the incidental issues raised in the forum are the empirical manifestation respectively of collective and particularistic intentions? To what extent does the existence of a mandate permit the inference that all delegations participating in a forum share a collective commitment? To what extent are the official speeches delivered in a forum representative of the intentions and priorities of a diplomatic delegation?

To address these types of question, one could examine negotiations which took place in the past, and test whether official statements delivered during the forum reflected the concern delegates expressed in private. Examining private correspondence between delegates participating in the same forum, or even letters exchanged between delegates and, for instance, their foreign ministers, could help to assess whether the existence of a mandate pre-supposes the fact that all delegations share a collective intention. By examining what diplomats said in private, one could further assess whether statements they made publicly during the official forum negotiations reflected the intentions of the



countries they represented. Obviously, private correspondence is not necessarily more reliable than public statements, as has already been discussed in previous chapters, and this type of study would not therefore provide conclusive answers to the questions listed above. However, this type of study would further test the validity of some key assumptions behind the research theoretical framework, and it would allow us to study in greater depth the nature of international forums and the link between intentions and actors' behaviour.

### **VII: Contributions to the literature**

The objective of this work was to build a theoretical model studying social interactions occurring within international forums; a model through which to formulate empirically-testable hypotheses and to classify the different statements uttered during negotiations in a systematic way. Early empirical tests, illustrated in this thesis, supported the hypothesis drawn from the model's theoretical premises and highlighted how the procedure of categorization adopted is replicable and, therefore, reliable and systematic. This research has been undertaken in the firm belief that it can bring significant contributions to the study of international forums. Although further, more stringent empirical testing is required, it is possible to say that the thesis has contributed to the existing literature on a conceptual, empirical and methodological level.

Conceptually, this thesis sheds light on the contradictions within the traditional distinction of forum types of behaviour – contradictions which often undermined attempts to isolate certain types of forum behaviour from others in empirical analyses. Furthermore, this research linked a revised version of Jennifer Mitzen's theory of collective intention with the literature examining inter-state negotiations, and by doing so it redefined forum social interactions. This process of redefinition of forum types of behaviour transcended the traditional dichotomy between arguing and bargaining, and led to a model that is able to include a broader spectrum of social interactions. The model was based on the theoretical construct of "intention", which is considered to be a detectable

unobservable of international forums, since the collective intention can be linked with the forum mandate, and particularistic ones can be identified by identifying the incidental issues raised during the negotiations. This link, although indirect, between the model's theoretical construct and the empirical world made it possible to formulate empirically testable hypotheses, in contrast to the works of previous authors. Another difference from earlier works is that the method of categorization of different types of forum statements is, in this research, systematic and replicable. By being able to produce empirically testable hypotheses, and by elaborating a systematic and reliable method of categorization of forum statements, this thesis provides the conceptual tools essential for a more effective and thorough comparison of different inter-state negotiations. This comparison is in turn necessary in order to answer fundamental questions concerning international forums.

Empirically, by comparing two most-similar Antarctic negotiations, this thesis demonstrates that there is a plausible correlation between the frequency of collectivist statements and the legitimacy of the forum output. Furthermore, the empirical analysis conducted on the two selected Antarctic forums seems to confirm that greater legitimacy of the forum output can translate into greater effectiveness of the regime it produced. This means that researchers could in the foreseeable future try to identify which are the variables encouraging collectivism in a forum, and at the same time helping researchers and policymakers in elaborating policies, strategies and decisions that could encourage the achievement of effective, concerted actions in vital matters of global governance. The hypothesis presented in this thesis must be tested further, but these findings can be considered additional evidence that the official, public debate that goes on during a forum is much more than a mere display of rhetoric and "empty words". Indeed, by examining what delegates say, a researcher can examine some fundamental features of inter-state negotiations, and grasp some of the main dynamics of international forums.

So far as methodology is concerned, this thesis measures the frequency of forum types of behaviour through the lens of qualitative content analysis, and it examines official speeches and

declarations released by delegates during a forum. The fact that empirical findings reveal patterns which are already accepted by the existing literature highlights how the analysis of forum official speeches can provide a reasonable portrait of the main forum dynamics, and a plausible assessment of the frequency with which types of behaviour were displayed during negotiations.<sup>5</sup>

This methodological innovation can significantly contribute to the study of international forums, and can help overcome the obstacles represented by the inaccessibility of forum transcripts and the impossibility of observing rounds of negotiations: fundamental information related to the agency of forum participants could be gathered by systematically analysing official speeches. The way this research approached the study of the CRAMRA and the Madrid Protocol negotiations can provide a model. Both these forums were characterized by a certain degree of secrecy (Elliott, 1994, 110-111), and by informal meetings in which interactions between diplomatic delegations were not recorded (Elliott, 1994, 120). While it was not possible to examine everything that delegates said, the analysis of the official diplomatic speeches has enabled this research to provide a reliable and valid summary of the types of behaviour states' representatives engaged in during the forum. If this method worked for Antarctic negotiations, it can also be applied to other forums in which researchers cannot be present to witness negotiations, whether in the distant past or in most recent times. Finally, the fact that this thesis's empirical findings show such a high degree of reliability demonstrates how qualitative content analysis can be a feasible method through which to attempt a process of categorization of different forum statements.

The hypothesis drawn from the dissertation's theoretical model was that greater presence of collectivism in international negotiations would be reflected in greater fulfilment of the forum mandate. While further research is necessary, the empirical analysis conducted in this dissertation has shown that this hypothesis is plausible, and that, at least in the case of the two examined

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<sup>5</sup> As already said, this claim does not imply that the systematic analysis of forum official statements can lead researchers to discover all the important information they need to know about international forums. However, the fact that the conclusions reached by examining forum official statements in this thesis were validated by secondary literature to a quite convincing extent supports the claim that such a method of analysis can lead to grasp some important information about the examined international forums. Obviously, more testing is required in order to validate this conclusion even further.

Antarctic negotiations, a higher frequency of collectivist statements is associated with more legitimate forum outputs and greater fulfilment of the collective mandate. However, the objective of this research was not to establish what causes actors to engage more frequently in collectivist statements, nor was it to understand what are the variables that lead forum participants to pursue the forum mandate as opposed to their particularistic goals. The goal of this dissertation was to develop a method for distinguishing collectivist statements from procedural and particularistic ones, so that future researchers could try to identify the variables encouraging certain types of behaviour in a forum.

Ultimately, this thesis argues that the mandates of international forums are more than mere bureaucratic and shallow formulations: they are elements that can deeply influence the way negotiations are conducted, that can determine the legitimacy of a forum output and, consequently, its effectiveness. It also argues that the statements and the declarations formulated by delegations are much more than “empty words”: they are the very fabric of international relations, and if analysed can lead to elaborate reliable and clear portraits of types of negotiating behaviour, and to greater understanding of the internal dynamics regulating international negotiations. The empirical analysis conducted in this research provides strong evidence that what people say at the negotiating table matters, that it can influence the way international actors address the issues in front of them, and that it is therefore necessary to study it, to analyse it, and to understand it.

## **List of archival sources used in this research**

### **Antarctic Treaty Secretariat Online Archive**

#### **Final Report of the Fourth Special Antarctic Treaty Consultative Meeting**

Official statements, speeches and declarations made by Antarctic Consultative Parties during the 4<sup>th</sup> Special Antarctic Treaty Consultative Meeting, 12<sup>th</sup> Session, available at:

[[https://documents.ats.aq/SATCM4\\_12/fr/SATCM4\\_12\\_fr001\\_e.pdf](https://documents.ats.aq/SATCM4_12/fr/SATCM4_12_fr001_e.pdf)]

#### **Interim Report of the Eleventh Antarctic Treaty Special Consultative Meeting**

Official statements, speeches and declarations made by Antarctic Consultative Parties during the 11<sup>th</sup> Special Antarctic Treaty Consultative Meeting, 1<sup>st</sup> Session, available at:

[[https://documents.ats.aq/SATCM11\\_1/fr/SATCM11\\_1\\_fr001\\_e.pdf](https://documents.ats.aq/SATCM11_1/fr/SATCM11_1_fr001_e.pdf)]

Opening Statement of the French Delegation at the 11<sup>th</sup> Special Antarctic Treaty Consultative Meeting, 1<sup>st</sup> Session, available at:

[[https://documents.ats.aq/SATCM11\\_1/ip/SATCM11\\_1\\_ip051\\_e.pdf](https://documents.ats.aq/SATCM11_1/ip/SATCM11_1_ip051_e.pdf)]

#### **Final Report of the Eleventh Antarctic Treaty Special Consultative Meeting**

Official statements, speeches and declarations made by Antarctic Consultative Parties during the 11<sup>th</sup> Special Antarctic Treaty Consultative Meeting, 4<sup>th</sup> Session, available at:

[[https://documents.ats.aq/SATCM11\\_4/fr/SATCM11\\_4\\_fr001\\_e.pdf](https://documents.ats.aq/SATCM11_4/fr/SATCM11_4_fr001_e.pdf)]

### **The British Antarctic Survey, Cambridge**

#### **Memoranda by the UK Secretary of State for Foreign and Commonwealth Affairs**

BAS: 7/41/251 (1, 2)

Reports by Arthur D. Watts, head of the UK Delegation during the 4<sup>th</sup> Antarctic Treaty Special Consultative Meeting

BAS: 7/41/251 (1, 3, 4, 5, 6)

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