

International Multilateral Agreement Negotiations

Michael J. Gilligan*
New York University

Nicole Simonelli**
Duke University

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Abstract: The negotiations of multilateral agreements are often long and laborious endeavors, but international relations scholars know very little about what occurs during the bargaining of such agreements, and systematic empirical work is seriously lacking. Little empirical work on how multilateral agreements are negotiated exists because data on the negotiations of a large number of agreements across multiple issue areas has not been collected. The purpose of this paper is to introduce a new database of facts related to the multilateral agreement making process. The dataset includes data on what occurred during the negotiations of 170 multilateral agreements, across several different issue areas. Research design and case selection are discussed, as well as the coding of three variables unique to the dataset: the length of negotiations, the first proposal maker, and the number of negotiating states. Descriptive statistics on these variables are also provided.

* Professor, Department of Politics, New York University, 726 Broadway 7th Floor, New York, NY 10002. Email: Michael.Gilligan@nyu.edu.

** Visiting Assistant Professor, Department of Political Science, Duke University, 326 Perkins Library, Box 90204, Durham, NC 27708. Email: nms234@nyu.edu.

I. Introduction

Many of the interactions among states are covered by multilateral agreements addressing problems that may arise. States do not always address problems through multilateral agreements; it is a state's choice whether or not to create, sign, and enter into formal commitments. And at times states cooperate with one another in the absence of international agreements. Yet multilateral agreements and treaties are formal arrangements established by states to codify this cooperation. There are hundreds of multilateral agreements that have been negotiated and are currently in force. These agreements cover issues all over the spectrum: from the protection of sea turtles to the treatment of prisoners of war, from the law of the sea to agreements covering the moon and outer space, from prohibiting weapons of mass destruction to promoting the consumption of cocoa, from international railways to the International Criminal Court. These are just a few examples of the vast number of issues that are dealt with by states through the use of multilateral agreements.

Fifty years of the study of international cooperation has led to various theories concerning both the causes and effects of international institutions. As Lisa Martin and Beth Simmons (1998) note: "institutions are simultaneously causes and effects; that is, institutions are both the objects of state choice and consequential" (743). In addition to examining the effects international institutions may or may not have on state behavior, the literature has looked at the choices states make in choosing such institutions. One such focus has been the "rational design" of these institutions (Mitchell 1994, Koremenos, Lipson, and Snidal 2001, Koremenos 2002 and 2005, Mitchell and Keilbach 2001, Morrow 2001, Rosendorff and Milner 2001). Recognizing the existence of a great

variety of international institutions, these scholars argue that differences in design “are the result of rational, purposive interactions among states and other international actors to solve specific problems” (Koremenos, Lipson and Snidal 2001, 762). Here, based on potential distributional problems, enforcement problems, the number of states involved, and uncertainty, states negotiate over the membership rules, scope, centralization, control, and flexibility of the institutions they are designing because these choices affect outcomes. Other major debates in the institutional design literature include whether a “broader-deeper tradeoff” exists. For example, Downs, Rocke and Barsoom (1998) argue that large multilateral agreements that start out with a small number of states are able to achieve deeper levels of cooperation than agreements that start out with a large number of states.

Beyond just institutional design, some scholars have begun to address the modeling of the bargaining that takes place during the negotiations of agreements. While earlier applications of game theory, particularly the use of the Prisoners’ Dilemma, addressed enforcement problems (Stein 1982, Snidal 1985a, Oye 1986), others recognized that enforcement is not the sole issue facing states during the negotiation phase of cooperation. Morrow (1994) looks at how distributional and informational problems make cooperation difficult; states may agree to cooperate, but because of distributional concerns, they may not be able to agree on how to cooperate. Fearon (1998) splits international cooperation problems into two types: bargaining problems and enforcement problems. States must bargain over a number of self-enforcing agreements that are preferable to no agreement, but they disagree over which of these self-enforcing agreements is preferred. Using a war of attrition bargaining model, Fearon shows that the

agreements that are expected to be the most enforceable may be the most difficult to negotiate, as states have an incentive to bargain harder. Gilligan (2004) applies a bargaining model to the multilateral agreement creation process.

However, these theories, as well as other theories concerning international institutions, have yet to be tested in a systematic way. Evidence found either in support of or against theoretical claims has often been anecdotal. Empirical work on how multilateral agreements are negotiated mostly consists of case study analysis of a few select agreements. For example, the “rational design” literature looks at specific cases, whether Robert Pahre (2001) providing support with a look at 19th century trade, Ronald Mitchell and Patricia Keilbach’s (2001) focus on a handful of environmental issues or James Morrow’s (2001) evidence from prisoner of war treaties. The existing bargaining models also have yet to be tested: Fearon (1998) discusses Cold War arms control, and Gilligan (2004) offers empirical implications yet to be tested. And when empirical analysis has been more systematic, it has been limited to a single issue area, such as international monetary affairs (Simmons 2000) or environmental agreements (Downs et al 1998).

The reason that little empirical work on how multilateral agreements are negotiated exists is that data on the negotiations of a large number of agreements across multiple issue areas has not been collected. The negotiations of multilateral agreements are often long and laborious endeavors. But we, as international relations scholars, actually know very little about what occurs during the bargaining of such agreements. Among the factors that little is known about are what countries propose and push for each agreement, who prepares the first draft proposal, how long negotiations take, how many

states are involved in negotiations, and what role non-state actors play in this process. While we know how some of the more famous agreements were created, we know very little about the process of creating multilateral agreements in general. To really have an understanding of cooperation between states, more needs to be known about the process of creating these agreements.

The goal of this project is to provide data on the process by which multilateral agreements are created in order to test hypotheses derived from theories of international cooperation and bargaining. Such data and empirical testing will allow us to answer questions that have not been answered yet in a general way. The systematic testing of hypotheses derived from a number of existing theories will allow those studying international cooperation to evaluate where existing theory has been deficient. Such insights into the process of how states cooperate with each other will allow us to develop improved theories and models of international bargaining and cooperation. Finally, this project will create a wealth of understanding of what actually occurs during multilateral negotiations. There are clearly a number of different international agreement-making processes, and the data collected allows for the identification of a number of common patterns or processes of multilateral negotiations.

The purpose of this paper is to introduce a dataset on international multilateral agreement negotiations. In the following section I introduce the dataset, discussing the research design of the project, including both case selection and the data collection process. Then in the following three sections, I describe the coding of the three variables unique to this project: the duration of negotiations, the first proposal maker, and the number of negotiating states. Details of how each of these variables was coded and

descriptive statistics are provided. The final section discusses the direction of continued research on this project.

II. Research Design: Case Selection and Data Collection

A single case is identified as a signed, multilateral agreement. A multilateral agreement is defined as a treaty, convention, agreement, or protocol that includes at least three states. These different terms are often used interchangeably and may vary depending the time period when agreement was drafted, on individual state use, or the specific region of the world where the agreement applies. According the United Nations Treaty Reference Guide¹, in general “agreements” tend to be less formal or deal with narrower subject matters (for example commodity agreements) than “treaties.” “Conventions” often involve large numbers of parties (or are open to a large number of states) or are negotiated under the auspices of an international organization. “Protocols” include optional protocols to a treaty (additional obligations to a treaty that are independent of the treaty), protocols based on framework or umbrella convention (common with some environmental treaties), or protocols which amend previous treaties². While all of these different terms exist, what is important here is that all refer to international, legally-binding instruments.

A signed agreement is an agreement where negotiations have been completed and the agreement was adopted and opened for signature. Cases where negotiations may have taken place, but no agreement was ever completed (failed negotiations) are not

¹ Available at <http://untreaty.un.org/English/guide.asp>.

² Agreements may also be “amended.” Many amendments deal with technical changes to the agreement, adjusting wording or references, or extending the duration of the agreement. These amendments are excluded from this study, while amendments that make more substantial changes are included.

included in the data, however, agreements that were signed but never entered into force are included. The exclusion of negotiations that ended without agreements does lead to a selection bias, which will be addressed later. This selection bias is unavoidable at this time, as identifying all the cases of failed negotiations would be extremely difficult, if not impossible.

Unfortunately, there is no single, comprehensive list of multilateral agreements in existence³. The United Nations Treaty Series includes a database of a large number of multilateral treaties, but excludes agreements prior to 1946, agreements that have not been registered with the UN, and agreements that never entered into force. The difficulty in identifying the populations of cases makes it difficult to draw a random sample. Therefore, this project took an alternative approach. Agreements were collected one issue area at a time from a number of sources, predominately, but not exclusively, from the following: the United Nations Treaty Series, United Nations Status of Multilateral Treaties Deposited with the Secretary-General Database, the Fletcher School of Law and Diplomacy Multilaterals Project, the Avalon Project at the Yale School of Law, the International Committee of the Red Cross International Humanitarian Law Treaty Database, and the IEA Database Project (Mitchell 2003). For each issue area, all the agreements pertaining to that issue area were collected from these sources, and any additional agreements related to that issue area that were discovered while researching agreements in that issue area were added to the analysis. Once this process was completed for an issue area, a fairly comprehensive list of agreements in that issue area existed.

³ There have been attempts to do so, but these have been criticized for excluding agreements.

The cases used for this analysis include the negotiations of 170 multilateral agreements related to arms control/limitation, the rules of war, terrorism, commodities, and the environment (specifically oceans). A list of the agreements used in this analysis can be found in the Appendix⁴. There are 37 arms control agreements, 33 rules of war agreements, 17 terrorism agreements, 45 commodity agreements, and 36 environmental agreements dealing with the oceans/high seas. The agreements included span from 1864 (when the first Geneva Convention for the Amelioration of the Condition of the Wounded in Armies in the Field was signed) through 2004.

Essentially a small case study was completed for each agreement in order to code the variables of interest. Information was collected on the history prior to the negotiations, proposals and counter-proposals that were made during the process, what states were heavily involved in the negotiations, the number of states involved in the negotiations, the forums in which the negotiations took place, whether working groups and drafting groups were established to draft the agreement, how long the negotiation process took, and how many states signed the agreement. This research was conducted using a variety of sources, including primary sources such as minutes and documentation from international conferences and international documents from the United Nations and other international organizations. Historical newspaper accounts, books, journal articles, and websites (especially of international organizations) were also used.

The research collected was then used to code the variables of interest. Among the variables most relevant to this project are: the duration of negotiations, who makes the first proposal, and the number of states involved in the negotiations. Since all three of

⁴ There are an additional approximately 90 agreements in the sample which are excluded from the analysis because of missing data.

these variables are unique to this project, the remainder of this chapter discusses the coding of each of these variables and provides descriptive statistics on each.

III. The Negotiation Process: The Duration of Negotiations

As mentioned in the introductory chapter, one of the questions concerning multilateral agreement negotiations that has yet to be answered is how long negotiations last. We actually know very little about what the length of negotiations of multilateral agreements are in general. It might be fairly well-known that the Uruguay Round of Multilateral Trade Negotiations lasted almost eight years or that it took close to two decades to negotiate the Chemical Weapons Convention. But exactly how representative are these two cases of the hundreds and thousands of international agreements? Do most negotiations last this long, and if not, what is more common? The 1972 Biological Weapons Convention took more than 10 years to negotiate. Efforts to draft the International Cocoa Agreement 1972 took close to 16 years (not including previous attempts to create an international commodity agreement for cocoa prior to and after World War I and after World War II). Attempts to negotiate the United Nations Convention on the Law of the Sea included meetings of the UN Seabed Committee from 1968 through 1970, meetings of a preparatory committee from 1970 through 1973, and finally the Third United Nations Conference on the Law of the Sea, which held 11 sessions (and inter-sessional meetings) from 1973 until the agreement was finalized in 1982. On the other hand, the 1937 Nyon Agreement was negotiated and agreed to in just four days, all 13 Hague Conventions of 1907 were negotiated in just under four months,

and the negotiations for the 1971 Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation lasted for a little less than a year.

This project will allow us to answer how long the negotiations over multilateral agreements are on average. The variable *length of negotiations* is measured as the number of days from the date of the first proposal until the date of signature. The date of the first proposal is defined as the date when the first *written* draft is proposed. The reasoning behind this is that it is not until an actual draft proposal has been presented that the negotiating parties have something over which to bargain. This is not to say that there may not have been previous discussions or even conferences concerning the issue at stake. But this “pre-negotiation bargaining” is often used for gaining information: the issues are reviewed, states attempt to learn the positions of the other states on the issue, and states posture for their position. The actual negotiations are where offers and counter-offers are made. This definition differentiates between talk and posturing over an issue and bargaining over what the agreement will actually say. The date of signature is the date that the agreement is adopted and opened for signature.

Summary statistics for the length of negotiations included in this analysis are presented in Table 1. For the whole sample, on average, the length of negotiations for the agreements included in this dataset took approximately 900 days (or 2.47 years). Of course, as can be noted from the standard deviation and from the examples given earlier, there is quite a large amount of variation here. Of the agreements included, the shortest duration was only four days while the longest was almost 7,600 days (almost 21 years). The mean durations are also provided by issue area. The arms limitation and environmental agreements take the longest on average with mean durations of over 1100

days (or over three years). The mean durations for the terrorism, commodity, and rules of war agreements are closer to 2 years (the mean duration for the negotiation of rules of war agreements being the shortest).

The large variation in the lengths of multilateral negotiations leads to the question of what accounts for this variation. Why do some multilateral agreements take so much longer to negotiate than others? Work that follows from this project discusses theoretical explanations for bargaining duration and then empirically tests these theoretical claims.

IV. The Negotiation Process: Who Makes the First Proposal

The second variable of interest is who makes the first proposal in the bargaining process. The question of who makes the first proposal is an important one. It can be argued that who submits the first proposal plays an important role in the negotiation process, as they are setting the agenda for the bargaining process. Counterproposals will be made in response to the initial proposal on the table. Who makes the first proposal may indicate a certain level of involvement and possibly influence over the negotiation process by that actor. In addition, it may be costly to invest time and energy into preparing the first proposal. So who chooses to bear this cost may be of interest. But outside of a few case studies and some anecdotal evidence, it is not clear who assumes this role during the negotiations of multilateral agreements. Are initial proposals made by a single state or jointly by a group of states? Are they made by major powers? Or are they made by non-state actors such as a non-governmental organization or the bureaucrats of inter-governmental organizations?

A common assumption is that states, especially powerful states, make the first proposal in the bargaining process. There is no major consensus in the cooperation literature as far as who the major actors in the agreement making process are. Traditionally states have been the central focus of international relations. When it comes to international negotiations, many would assume that it is states making most of the proposals, since it is states that have the voting power over which proposals are accepted, it is states that must sign and ratify the final agreement, and it is the behavior of states which the agreements will regulate.

To some scholars, it is not just any state that is the major actor in international relations, but the more powerful ones. Powerful states yield the most influence on international cooperation. According to hegemonic stability theory, the structure of the international system is hierarchical and the dominant state, or hegemon, determines the rules and norms and enforces them on the other states (Kindleberger 1973 and 1981, Keohane and Nye 1977, Gilpin 1981). Order is created by a single dominant power and since regimes constitute elements of the international order, a hegemon is necessary for the formation of international regimes (Keohane 1980). There are two different methods by which the hegemon can influence cooperation: a more benevolent version in which the hegemon shoulders the burden of establishing regimes (Kindleberger 1973 and 1981) or a more self-interested and coercive version in which the hegemon establishes the order it prefers by altering the payoffs of cooperation and non-cooperation (Krasner 1976, Gilpin 1981). The hegemon can be conducive to cooperation at the bargaining stage by imposing the agenda and coercing others to accept its agenda. However, as Keohane (1984) argues “there is little reason to believe that hegemony is either a necessary or a

sufficient condition for the emergence of cooperative relationships” (31). Keohane also argues that there is little empirical support for the presence of a hegemonic leader for the continuation of cooperation. Snidal (1985b) argues that hegemonic stability theory is limited to special conditions that are only present in some international issue areas.

The position of states as the only players in international relations is not as clear-cut as it once was. With the growth in the number of inter-governmental organizations (IGOs) and non-governmental organizations (NGOs) during the 20th century, the presence of and the possible influence of these non-state actors in international relations has been noted. Their presence is particularly noticeable in international cooperation and the agreement making process. As Koremenos et al (2001) note, “although in most arrangements negotiators are typically states, this is not part of our definition; it is an empirical observation that may vary across issues and over time. In fact non-state actors participate with increasing frequency in institutional design” (763).

Inter-governmental organizations have been noted in the literature as forums in which international bargaining takes place (Morrow 1994, Fearon 1998). Others have noted that IGOs can carry out much more than just supportive functions. Abbot and Snidal (1998) focus on some of the more active functions of these organizations that are made possible because of the specialized committees staffed by the secretariats. They note how IGOs can initiate work by convening member states to consider current problems, structuring the negotiation agendas, and advancing “specific proposals and suggesting linkages and tradeoffs” (Abbot and Snidal 1998, 17). To counter arguments that IGOs are just reflections of the preferences of member states, Barnett and Finnemore (1999) argue that because of the legitimacy of the “rational legal authority” they embody

and their control over technical expertise and information, which creates informational asymmetries between these organizations and states, these international organizations have “power independent of the states that created them...” (699). Therefore, IGOs should be treated as agents, not just structure. They note that while IGOs may be constrained by states, “the notion that they are passive mechanisms with no independent agenda of their own is not borne out by any detailed empirical study of an IO that we have found,” citing such examples as the European Union, the World Bank, and the UN High Commission for Refugees (Barnett and Finnemore 1999, 705). Rather Barnett and Finnemore find evidence of IGOs successfully promoting policies that were not necessarily promoted by strong states.

The role of NGOs in international relations has also been noted, although with little consensus as to just what this role is. At the extremes are, on one end former UN Secretary General Boutros Boutros-Ghali (1996) calling NGOs full participants on the international stage, and at the other those who claim that NGOs have no effect on the state-controlled nature of international negotiation. There are certainly empirical examples of NGO participation in negotiations and the number of NGOs taking part in international negotiations is large and growing. For example, Lisowski (2005) notes that over 10,000 NGOs attended the 1992 UN Conference on Environment and Development and have since played a significant role in an increasing number of multilateral environmental negotiations. NGOs may take part in agenda setting and participate directly in the formulation of international agreements, although their participation in the process “remains largely unofficial, ad hoc, or subject to their preferences of national governments” (Albin 1999, 371). But there are cases where “accredited NGOs are

welcome to distribute documents, meet face-to-face with negotiators, and attend most formal and informal negotiating sessions” (Lisowski 2005, 364). The extent to which NGOs have access to and influence over negotiations depends on such factors as the rules and procedures regarding participation, the nature of the issue to be negotiated, and the extent to which NGOs are perceived as able to effectively contribute to the discussion (Albin 1999). Albin notes that the participation of NGOs in international negotiations can range from assistance with the preparation of background documents to making oral presentations to formulating draft proposals and agreements.

As can be seen, there are rather divergent views concerning the roles that states and non-states actors play in international negotiations. On the empirical side, there are examples of the role that IGOs and NGOs have played in negotiations processes and of the influence that IGOs and NGOs have had during some international negotiations. But from these anecdotal examples it is not clear how prevalent the participation of these non-states actors actually is. By analyzing who makes the first proposal, we can begin to answer questions concerning the role played by these actors at one stage of the agreement making process. In general, who makes the first proposal in multilateral agreement making process across a large range of international negotiations?

We can answer this question by analyzing the data on who makes the first proposal in the negotiation processes for the 170 cases included in this study. The variable of interest here is who makes the first proposal in the bargaining process. The first proposal is defined as the very first *written* draft proposal submitted⁵. This is the same proposal that is used to mark the start of negotiations for the measure of the length

⁵ This does not mean that the proposal must be submitted to a formal negotiating conference. But it does mean that the draft must be presented to parties involved in the negotiations.

of negotiations. Who submits this first written draft makes the first proposal in the negotiation process. Drafts proposed in the negotiation process may be written by states, inter-governmental organizations, and/or non-governmental organizations. When the first proposal is made by an individual state, the variable *single state proposer* is coded as one and coded as zero otherwise. There is also the case that the first proposal may be made jointly by a group of states. In these cases where more than one country submits a single draft, the variable *joint state proposer* is coded as one and coded as zero otherwise⁶.

In order to determine whether or not it is major powers leading the way in negotiations, we are not only interested in whether a state makes the first proposal but also whether a major power was involved in proposing the first draft. Therefore, a separate variable *major power proposer* is coded as one when the first proposal is made by a major power and coded as zero otherwise. It is important to note that a *major power proposer* is coded as one both when a single major power makes the first proposal and when a major power is part of a joint state proposal. States are classified as major powers according to the Correlates of War Project (2003).

When the first draft is not proposed by an individual state or by a group of states, it was proposed by a non-state actor. Since there are multiple definitions and interpretations of what inter-governmental organizations and international non-governmental organizations are, clarification of their meanings is necessary before proceeding to an analysis of their roles. In general, inter-governmental organizations

⁶ In addition to the cases where more than one state makes the first proposal, cases where either NATO or Warsaw Pact countries made the first proposal are coded as joint proposals. When the EEC makes the first proposal, this is also coded as a joint proposal.

refer to institutions composed of the governments of member states. The *Yearbook of International Organizations* defines an inter-governmental organization according to three criteria: 1) being based on a formal international agreement between the governments of states, 2) including three or more states as parties to the agreement, and 3) possessing a permanent secretariat performing ongoing tasks (Union of International Organizations). The definition for non-governmental organizations is less straightforward as there is no generally accepted definition of NGOs or a general consensus as to what is included as an NGO. According to a UN Economic and Social Council resolution “any international organization which is not established by the intergovernmental agreement shall be considered as a non-governmental organization.”⁷ This definition does not distinguish between non-profit groups and profit corporations, although it may not be hard to imagine that many international cooperation scholars have the former and not the latter in mind.

If the first proposal is made by an inter-governmental organization (such as when the first draft is prepared by a UN working group), the variable *IGO proposer* is coded as one and coded as zero otherwise. Examples of IGOs that have made the first proposal in negotiations include the Inter-governmental Maritime Consultative Organization, the International Coffee Organization, and the UN International Law Commission, as well as working groups, groups of experts or drafting committees established by IGOs, such as the Inter-governmental Working Group on Marine Pollution or the Cocoa Study Group of the Food and Agricultural Organization.

⁷ UN Economic and Social Council Resolution 288 (X) of 27 February 1950.

If the first proposal is made by an NGO, the variable *NGO proposer* is coded as one and coded as zero otherwise. Examples of NGOs that have prepared and proposed the first draft in negotiations include such well-known ones as the International Committee of the Red Cross and Greenpeace International. *NGO proposer* is also coded as one in the rare case when the proposal is drafted by an individual person, since the individual often represents a group with a common interest, even if a formal NGO has not yet been established⁸. Finally, in a few cases, the first proposer is also coded as an NGO when the first draft was proposed by a group that would not ordinarily come to mind when thinking of NGOs, such as the Rubber Grower's Association, which represented the Anglo-Dutch rubber industry in the 1930's, not governments.

Finally, there is one case that has yet to be discussed – when more than one first proposal is made simultaneously. This is different than a joint state proposal in that more than one state is making the first proposal, each submitting its own draft proposal. The variable *multiple first proposals* is coded as one when more than one proposal is submitted for the first draft at the start of negotiations (on the same day) and coded as zero otherwise. In these cases, there is more than one draft on the table when negotiations begin. However, when there are multiple first proposals the proposer is still coded according to its type. That is, for each proposal, *single state proposer*, *joint state proposer*, *IGO proposer*, and *NGO proposer* are coded accordingly, and if one of the proposals came from a major power, this is also coded as such⁹.

⁸ An example of this in the sample is the 1935 Roerich Pact (the Treaty on the Protection of Artistic and Scientific Institutions and Historic Monuments), which recognizes historic monuments, museums, etc. as neutral and to be protected in time of war by belligerents. The initial proposal was written by Georges Chklaver of the Institut des Hautes Etudes Internationales of the University of Paris, but even this was done at the request of the Roerich Museum in New York.

⁹ For example, if simultaneous first proposals were made by two states presenting individual drafts and at least one of those states was a major power, then *single state proposer*, *major power proposer* and *multiple*

Descriptive statistics are presented in Table 2. As can be seen from the table, not all proposals are made by states. While 59% of the first proposals were made by states (45% by a single state and 14% in the form of a joint proposal), non-state actors have provided their own fair share of first drafts. IGOs and NGOs made the first proposal for 35% and 9% of the agreements, respectively. The first proposal was made by a major power in 36% of the cases, meaning that in approximately two-thirds of the cases where the first draft was proposed by a state or a group of states, a major power was involved. But what is most interesting is that the number of cases in which the first proposal was made by a major power is the same as the number of cases where the first proposal was made by an IGO.

One other interesting question is whether or not there is variation in who makes the first proposal across issue areas. Are IGOs and NGOs more likely to make the first proposal in some issue areas as compared to others? Are major powers more predominant in some certain issue areas than others? Descriptive statistics for first proposals according to issue area are presented in Table 3. There are a number of interesting findings concerning variation across issue area. First, within the category of arms agreements, a very large majority of the agreements (82%) had first proposals made by states, which were predominately major powers. In fact, 66% of the arms agreements had first drafts proposed by major powers. Likewise, for the rules of war agreements, states continued to play a large role in proposing the first drafts, with a large percentage of these proposals being made by major powers. However, the role of non-state actors is

first proposals are all coded as one, while the other variables are coded as zero. Or if an IGO and a major power simultaneously made the first proposal, then *IGO proposer*, *single states proposer*, *major power proposer*, and *multiple first proposals* are all coded as one, while the other variables are coded as zero.

also important here, as the number of drafts originating with IGOs and NGOs combined accounted for just as many first proposals as those originating with states. (Rules are war is also interesting as the number agreements where multiple first proposals occurred is largest in this category, with this occurring in close to a fifth of the cases).

As we move into the other categories, the increase in the number of agreements having first drafts proposed by IGOs is noticeable. Forty percent of the commodity agreements have first proposals drafted by an IGO. And within the environmental agreements, IGOs play a predominate role – making the first proposals for over 60% of the agreements, compared to only 37% for states. It is also important to note that while the number of agreements where the first proposal is drafted by a major power decreases as we move away from the arms and rules of war agreements, the proportion of the proposals by states that involve major powers still remains high. For example, while only 37% of the environmental agreements have first proposals made by states, 59% of these involve a major power.

As with the duration of negotiations, there is also quite a bit of variation in who submits the first proposal. This variation leads to the question of how who makes the first proposal may affect the negotiation process. Additional work analyzes how who makes the first proposal may have an effect on the length of negotiation and the final agreement that is obtained from negotiations.

V. The Negotiation Process: The Number of States

The third variable is the number of states that take part in negotiations. Collecting data on the number of states involved in the negotiation process can be complicated: in

many cases there are a number of different rounds of bargaining leading to an agreement, and the number of states can vary with each round. In addition, the bargaining that leads to an individual agreement can take place in various forums: consultations among a small group of states, ad hoc committees, small working or drafting groups, large-scale international conferences (and multiple sessions of an international conference). For these reasons, any one agreement can have multiple counts for the number of parties that took part in negotiations. For the purposes here, the variable *negotiating states* is coded as the maximum number of states that took part in negotiations at any one point. In other words, for a hypothetical agreement, if negotiations consisted of a working group of 9 countries, a preparatory meeting attended by representatives of 25 countries, and international conference of 48 countries, then *negotiating states* would be coded as 48. Such a coding mechanism is the most appropriate for purposes for which this variable will be used¹⁰.

Descriptive statistics for the number of negotiating states are presented in Table 4. The mean number of states that take part in the negotiations of the multilateral agreements included in this analysis is approximately 52 states. As with some of the other variables, there is variation here with the smallest number of states being 4 and the largest being 191. The differences in the number of negotiating states by issue area are not too drastic. The one big exception is the large number of states that take part in terrorism agreement negotiations: the mean number of states is almost 83. The number of states partaking in the negotiations of commodity and environmental agreements is

¹⁰ In most cases, we are interested in how the more states involved, the more complicated negotiations may be or the more difficult it will be to reach consensus. We are also interested in whether more the states involved in negotiations, the less likely parties will to create an agreement that requires deeper cooperative policies of states.

slightly smaller than the other issue areas. The maximum number of negotiating states is the smallest for commodity agreements at 124.

The implications of the number of states that take part in negotiations such as the effect on the length of negotiations and the depth of the final agreement are addressed in other work. One key point is that the number of parties taking part in negotiations is not exogenous: a select group of states can decide to bargain over a multilateral agreement among themselves, excluding most countries from the process. On the hand, negotiations may be open to anyone and everyone, but states still decide whether to take part in negotiations or not.

VI. Conclusions and Future Research

Using the above variables, we were able to answer some major questions about the negotiation process in general. Based on the agreements included in this analysis, we were able to answer how long the negotiations of these agreements lasted on average, whether a state or non-state actor submitted the first proposal, and how many states participated in these negotiations on average. The findings on who makes the first proposal offer more than just anecdotal evidence that non-state actors do indeed play this role during negotiations. IGOs and NGOs do participate directly in the formulation of international agreements, perhaps even setting the agenda for the negotiation process.

The data created as part of this research¹¹ has been used and will continue to be used to test empirical claims from the literature, many of which have not been subjected to rigorous systematic testing yet. First, explanations for the duration of the negotiations of international agreement are tested in order to answer why some agreements take just a few days or weeks to negotiate while others take years. Among the possible explanations analyzed are the number of negotiating parties, the involvement of IGOs and NGOs in the negotiation process, and the length of the shadow of the future. Second, the effect who makes the first proposal, thereby initiating negotiations, may have on the extent of cooperation obtained by the final agreement is examined. In particular, the focus is on how who makes the first proposal may affect both the breadth (membership) and depth of the agreement. Third, the data is also used to examine the existence of a broader-deeper tradeoff for the agreements included in the dataset.

This research has allowed for the identification of a number of different ways in which agreements are negotiated. Sometimes a small number of powerful states negotiate among themselves, in which case other states may then be invited to sign onto an already finished agreement. Sometimes an IGO will establish a working group of

¹¹ The dataset consists of a number of additional variables. Briefly, there are a number of variables collected from the agreement text. First, a brief list of what some of the major provisions included in the agreement was recorded. This was used to code whether the agreement contains multiple provisions (i.e. addresses more than one policy), whether the agreement sets a single policy level for all members or whether different policy levels are set for different members, and what the depth of cooperation required by the agreement is. In addition, whether the text of the agreement contains a duration limit for the agreement is coded. Finally, each agreement's requirements for entry into force are obtained from the treaty text. This includes the number of states required to ratify the agreement in order for the agreement to enter into force and whether or not the agreement requires specific states that must ratify the agreement in order for it to enter into force. Second, there are a number of variables in the dataset related to membership to the agreement. This includes the number of original signatories to the agreement, the number of current signatories and ratifications to the agreement, and which states may sign and/or accede to the agreement. Finally, the dataset includes if and when the agreement entered into force (from which the length of time that the agreement took to enter into force can be calculated) and whether the agreement is still in force or if it has expired or has been replaced by a new agreement.

experts that will meet to draft an agreement. Usually these working groups will be composed of representatives and experts from a number of interested governments. Sometimes the bureaucrats working within an IGO will introduce the first working draft. Sometimes a large international conference is convened to address a problem. These conferences may operate by consensus, or they may operate by majority rule. What is clear from this research is that there is no single process for negotiating multilateral agreements, but there are patterns in common among various negotiations. Classifying negotiations according to these patterns would capture more about what occurs during the negotiation process and lead to better analysis. In addition, the variation in negotiation processes leads to a number of interesting questions. All of the negotiations are meant to solve cooperation problems, yet states have different ways of going about this. Why do some negotiations follow one pattern and others proceed in another? For example, are certain types of cooperative problems better addressed one way over another? Also, there is obviously a great amount of variation concerning who makes the first proposal during negotiations. What accounts for this? What factors either encourage or discourage a state from doing so? What factors determine whether an IGO or NGO will take this initiative?

This project and the dataset are not without their problems. One of the biggest causes of concern is the selection bias faced because the data does not include agreements that were never created. This is problematic since the approach of this project is that multilateral agreements are endogenous. What occurs during the course of negotiations of agreements that never culminate in a completed agreement has just as much to say about the interactions and bargaining among states as the negotiations that do reach an

agreement. Ignoring these negotiations leaves one to wonder what caused their failure and what extent of cooperation could have been obtained had the negotiations reached agreement. As mentioned earlier, this selection bias is unavoidable at this time; identifying all of the cases of failed negotiations would be extremely difficult, if not impossible. The alternative would be to not analyze multilateral agreements and the negotiations of multilateral agreements at all. But this would ignore a great wealth of understanding concerning interactions and cooperation among states. Even with this selection bias, we can still learn much from the large amount of agreements that are negotiated and what factors may aid or impede this process. And with time, it may be possible to identify more and more cases of failed negotiations.

Appendix: List of Multilateral Agreements

Title	Signature Date	Entry Into Force
Arms Limitation and Rules of War Agreements		
Convention for the Amelioration of the Condition of the Wounded in Armies in the Field (1865)	22 Aug 1864	22 Jun 1865
Conference of Brussels of 1874	27 Aug 1874	-
Declaration Renouncing the Use, in time of War, of Certain Explosive Projectiles (St. Petersburg Conference)	11 Dec 1868	11 Dec 1868
Declaration I Concerning Launching of Projectiles and Explosives from Balloons	29 Jul 1899	4 Sep 1900
Declaration II Concerning Asphyxiating Gases	29 Jul 1899	4 Sep 1900
Declaration III Concerning Expanding Bullets	29 Jul 1899	4 Sep 1900
Convention I for the Pacific Settlement of International Disputes	29 Jul 1899	4 Sep 1900
Convention II with Respect to the Laws and Customs of War on Land	29 Jul 1899	4 Sep 1900
Convention III for the Adaptation to Maritime Warfare of the Principles of the Geneva Convention of August 22, 1864	29 Jul 1899	4 Sep 1900
Convention VIII Relative to the Laying of Automatic Submarine Contact Mines	18 Oct 1907	26 Jan 1910
Declaration Prohibiting the Discharge of Projectiles and Explosives from Balloons	18 Oct 1907	27 Nov 1909
Convention I for the Pacific Settlement of International Disputes	18 Oct 1907	26 Jan 1910
Convention II The Limitation of Employment of Force for Recovery of Contract Debts	18 Oct 1907	26 Jan 1910
Convention III Relative to the Opening of Hostilities	18 Oct 1907	26 Jan 1910
Convention IV Respecting the Laws and Customs of War on Land	18 Oct 1907	26 Jan 1910
Convention V Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land	18 Oct 1907	26 Jan 1910
Convention VI Relating to the Status of Enemy Merchant Ships at the Outbreak of Hostilities	18 Oct 1907	26 Jan 1910
Convention VII Relating to the Conversion of Merchant Ships into War-Ships	18 Oct 1907	26 Jan 1910
Convention IX Concerning Bombardment by Naval Forces in Time of War	18 Oct 1907	26 Jan 1910
Convention X for the Adaptation to Maritime War of the Principles of the Geneva Convention	18 Oct 1907	26 Jan 1910
Convention XI Relative to Certain Restrictions with Regard to the Exercise of the Right of Capture in Naval War	18 Oct 1907	26 Jan 1910
Convention XII Relative to the Creation of an International Prize Court	18 Oct 1907	-
Convention XIII Concerning the Rights and Duties of Neutral Powers in Naval War	18 Oct 1907	26 Jan 1910
Treaty Relating to the Use of Submarines and Noxious Gases in Warfare	6 Feb 1922	-
Washington Naval Limitations Treaty (Five Power Naval Treaty)	6 Feb 1922	17 Aug 1923
Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare	17 Jun 1925	8 Feb 1928
Treaty for the Limitation and Reduction of Naval Armaments (London Naval Treaty)	22 Apr 1930	31 Dec 1930

Treaty on the Protection of Artistic and Scientific Institutions and Historic Monuments (Roerich Pact)	15 Aug 1935	26 Aug 1935
Second London Naval Treaty	25 Mar 1936	29 Jul 1937
The Nyon Agreement	14 Sep 1937	14 Sep 1937
Agreement for the Prosecution and Punishment of the Major War Criminals of the European Axis, and Charter of the International Military Tribunal (The London Agreement)	8 Aug 1945	8 Aug 1945
Convention on the Prevention and Punishment of the Crime of Genocide	9 Dec 1948	12 Jan 1951
Geneva Convention I for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field	12 Aug 1949	21 Oct 1950
Geneva Convention II for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea	12 Aug 1949	21 Oct 1950
Geneva Convention III Relative to the Treatment of Prisoners of War	12 Aug 1949	21 Oct 1950
Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War	12 Aug 1949	21 Oct 1950
Convention and Protocol for the Protection of Cultural Property in the Event of Armed Conflict	14 May 1954	7 Aug 1956
The Antarctic Treaty	1 Dec 1959	23 Jun 1961
Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water (The Limited Test Ban Treaty)	5 Aug 1963	10 Oct 1963
Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (The Outer Space Treaty)	27 Jan 1967	10 Oct 1967
Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco)	14 Feb 1967	25 Apr 1969
Treaty on the Non-Proliferation of Nuclear Weapons (Nuclear Non-proliferation Treaty - NPT)	1 Jul 1968	5 Mar 1970
Treaty on the Prohibition of the Emplacement of Nuclear Weapons and other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof (SEABED Treaty)	11 Feb 1971	18 May 1972
Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (The Biological Weapons Convention)	10 Apr 1972	26 Mar 1975
Helsinki Final Act	1 Aug 1975	1 Aug 1975
Convention on the Prohibition of Military or any Other Hostile Use of Environmental Modification Techniques (ENMOD)	10 Dec 1976	5 Oct 1978
Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflict Geneva Conventions Protocol I	8 Jun 1977	7 Dec 1978
Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of non-international armed conflict	8 Jun 1977	7 Dec 1978
Convention of the OAU for the Elimination of Mercenarism in Africa	3 Jul 1977	22 Apr 1985
Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be excessively injurious or to have indiscriminate effects (CONVENTION ON CERTAIN CONVENTIONAL WEAPONS (CCCW))	10 Oct 1980	2 Dec 1983
Convention on Certain Conventional Weapons Protocol I on Non-Detectable Fragments	10 Oct 1980	2 Dec 1983

Convention on Certain Conventional Weapons Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices	10 Oct 1980	2 Dec 1983
Convention on Certain Conventional Weapons Protocol III on Prohibitions on the Use of Incendiary Weapons	10 Oct 1980	2 Dec 1983
South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga)	6 Aug 1985	11 Dec 1986
International Convention against the Recruitment, Use, Financing and Training of Mercenaries	4 Dec 1989	20 Oct 2001
Treaty on Conventional Armed Forces in Europe (CFE Treaty)	19 Nov 1990	9 Nov 1992
Treaty on Open Skies	24 Mar 1992	1 Jan 2002
Concluding Act of the Negotiations on Personnel Strength of Conventional Armed Forces in Europe (CFE 1A)	10 Jul 1992	9 Nov 1992
Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Chemical Weapons Convention - CWC)	13 Jan 1993	29 Apr 1997
Convention on Certain Conventional Weapons Protocol IV on Blinding Laser Weapons	13 Oct 1995	30 Jul 1998
Treaty on the Southeast Asia Nuclear-Weapon-Free Zone (SEANWFZ) (Bangkok Treaty)	15 Dec 1995	28 Mar 1997
The African Nuclear-Weapon -Free Zone Treaty (Treaty of Pelindaba)	11 Apr 1996	-
Convention on Certain Conventional Weapons Amended Protocol II	3 May 1996	3 Dec 1998
Comprehensive Nuclear Test Ban Treaty	10 Sep 1996	-
Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (Mine Ban Treaty)	18 Sep 1997	1 Mar 1999
Rome Statute of the International Criminal Court	17 Jul 1998	1 Jul 2002
Second Protocol to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict	26 Mar 1999	9 Mar 2004
Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe	19 Nov 1999	-
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	25 May 2000	12 Feb 2002
Agreement on Privileges and Immunities of the International Criminal Court	9 Sep 2002	22 Jul 2004
Commodity Agreements		
Agreement on the International Tin Control Scheme of 1931	28 Feb 1931	1 Mar 1931
London Silver Agreement	22 Jul 1933	24 Apr 1934
International Wheat Agreement of 1933	25 Aug 1933	25 Aug 1933
International Rubber Regulation Agreement of 1934	7 May 1934	1 Jun 1934
European Timber Exporters Convention	15 Nov 1935	1 Dec 1935
International Sugar Agreement, 1937 (Agreement Concerning the Regulation of Production and Marketing of Sugar)	6 May 1937	1 Sep 1937
Inter-American Coffee Agreement	28 Nov 1940	16 Apr 1941
Interim International Wheat Agreement	22 Apr 1942	27 Jun 1942
International Wheat Agreement of 1948	6 Mar 1948	-
International Wheat Agreement of 1949	23 Mar 1949	1 Jul 1949
International Sugar Agreement, 1953	1 Oct 1953	15 Dec 1953
International Tin Agreement (1954)	9 Dec 1953	1 Jul 1956

International Agreement on Olive Oil, 1956	17 Oct 1955	-
International Wheat Agreement of 1956	25 Apr 1956	1 Aug 1956
Mexico City Agreement (Agreement of Mexico)	18 Oct 1957	18 Oct 1957
Latin American Coffee Agreement (The Washington Agreement)	27 Sep 1958	1 Oct 1958
International Coffee Agreement, 1959	24 Sep 1959	1 Oct 1959
International Coffee Agreement, 1962	28 Sep 1962	1 Jul 1963
Third International Tin Agreement (1965)	1 Jun 1965	1 Jul 1966
International Grains Arrangement, 1967: (a) Wheat Trade Convention	15 Oct 1967	18 Jun 1968
International Grains Arrangement, 1967: (b) Food Aid Convention	15 Oct 1967	1 Jul 1968
International Coffee Agreement, 1968	18 Mar 1968	1 Oct 1968
International Sugar Agreement, 1968	3 Dec 1968	1 Jan 1969
International Cocoa Agreement, 1972	21 Oct 1972	30 Jun 1973
International Sugar Agreement, 1973	13 Oct 1973	1 Jan 1974
International Coffee Agreement, 1976	3 Dec 1975	1 Oct 1976
International Natural Rubber Agreement on Price Stabilisation	30 Nov 1976	29 Nov 1977
International Sugar Agreement, 1977	7 Oct 1977	1 Jan 1978
International Natural Rubber Agreement, 1979	6 Oct 1979	23 Oct 1980
Agreement establishing the Common Fund for Commodities	27 Jun 1980	19 Jun 1989
International Cocoa Agreement, 1980	19 Nov 1980	1 Aug 1981
International Coffee Agreement, 1983	25 Sep 1982	1 Oct 1983
International Agreement on jute and jute products, 1982	1 Oct 1982	9 Jan 1984
Agreement establishing the Association of Tin Producing Countries	29 Mar 1983	16 Aug 1983
International Tropical Timber Agreement, 1983	18 Nov 1983	1 Apr 1985
International Sugar Agreement, 1984	5 Jul 1984	1 Jan 1985
International Cocoa Agreement, 1986	25 Jul 1986	20 Jan 1987
International Natural Rubber Agreement, 1987	20 Mar 1987	29 Dec 1988
International Sugar Agreement, 1987	11 Sep 1987	24 Mar 1988
International Agreement on Jute and Jute Products, 1989	3 Nov 1989	12 Apr 1991
International Tropical Timber Agreement, 1994	26 Jan 1994	1 Jan 1997
International Coffee Agreement, 1994	30 Mar 1994	1 Oct 1994
International Natural Rubber Agreement, 1994	17 Feb 1995	14 Feb 1997
International Cocoa Agreement, 2001	2 Mar 2001	1 Oct 2003
Agreement establishing the Terms of Reference of the International Jute Study Group, 2001	13 Mar 2001	27 Apr 2002

Environmental Agreements

Convention between the United States, Great Britain, Russia and Japan for the Preservation and Protection of Fur Seals[i]	7 Jul 1911	15 Dec 1911
International Convention for the Prevention of Pollution of the Sea by Oil (OILPOL)	12 May 1954	26 July 1958
Convention on Fishing & Conservation of Living Resources of the High Seas	29 Apr 1958	20 Mar 1966
Convention on the Continental Shelf	29 Apr 1958	10 Jun 1964
Convention on the High Seas	29 Apr 1958	30 Sep 1962
Convention on the Territorial Sea & the Contiguous Zone	29 Apr 1958	10 Sep 1964
International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended in 1962	11 Apr 1962	18 May 1967
Convention for the International Council for the Exploration of the Sea	12 Sep 1964	22 Jul 1968

International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties (1969 Brussels Public Law Convention)	29 Nov 1969	6 May 1975
International Convention on Civil Liability for Oil Pollution Damage (1969 Private Law Convention)/ (Civil Liability Convention-CLC)	29 Nov 1969	19 Jun 1975
International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage	18 Dec 1971	16 Oct 1978
Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matters (London Dumping Convention/London Convention)	29 Dec 1972	30 Aug 1975
Protocol to the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties	2 Nov 1973	30 Mar 1983
International Convention for the Prevention of Pollution from Ships (MARPOL)	2 Nov 1973	2 Oct 1983
Convention on the Protection of the Marine Environment of the Baltic Sea Area (Helsinki Convention)	22 Mar 1974	3 May 1980
Convention for the Protection of the Mediterranean Sea Against Pollution and Protocols (Barcelona Convention)	16 Feb 1976	12 Feb 1978
Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, as Amended (MARPOL 73/78)	17 Feb 1978	2 Oct 1983
Kuwait Regional Convention for Co-Operation on the Protection of the Marine environment from Pollution and Protocol	24 Apr 1978	1 July 1979
Protocol for the Protection of the Mediterranean Sea Against Pollution from Land-Based Sources (LBS Protocol)	17 May 1980	17 Jun 1983
Convention on the Conservation of Antarctic Marine Living Resources	20 May 1980	7 Apr 1982
Regional Convention for the Conservation of the Red Sea and Gulf of Aden Environment and Protocol (Jeddah Convention)	14 Feb 1982	20 Aug 1985
Protocol Concerning Mediterranean Specially Protected Areas (SPA Protocol)	3 Apr 1982	23 Jun 1986
United Nations Convention on the Law of the Sea	10 Dec 1982	16 Nov 1994
Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region (Nairobi Convention)	21 Jun 1985	30 May 1996
International Convention on Oil Pollution Preparedness, Response and Co-Operation, 1990 (OPRC Convention)	30 Nov 1990	13 May 1995
Convention on the Protection of the Marine Environment of the Baltic Sea Area with Annexes	9 Apr 1992	17 Jan 2000
Protocol for the Protection of the Mediterranean Sea Against Pollution Resulting from the Exploration and Exploitations of the Continental Shelf and Seabed and its Subsoil (Offshore Protocol)	14 Oct 1994	-
Protocol Concerning Specially Protected Areas and Biological Diversity in the Mediterranean	10 Jun 1995	12 Dec 1999
Protocol on the Prevention of Pollution of the Mediterranean Sea by the Transboundary Movements of Hazardous Wastes and Their Disposal (Hazardous Waste Protocol)	1 Oct 1996	-
Protocol of 1997 to Amend the International Convention for the Prevention of Pollution from Ships, 1973, as Modified by the Protocol of 1978 Relating Thereto	26 Sep 1997	19 May 2005

Protocol on Preparedness, Response and Co-operation to pollution Incidents by Hazardous and Noxious Substances, 2000 (OPRC-HNS Protocol)	15 Mar 2000	-
Framework Agreement for the Conservation of the Living Marine Resources of the High Seas of the South Pacific (Galapagos Agreement)	14 Aug 2000	-
Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean	5 Sep 2000	19 Jun 2004
Convention on the Conservation and Management of Fishery Resources in the South East Atlantic Ocean	20 Apr 2001	30 Apr 2003
International Convention on the Control of Harmful Anti-Fouling Systems on Ships (AFS Convention)	5 Nov 2001	-
Protocol Concerning Cooperation in Preventing Pollution from Ships And, in Cases of Emergency, Combating Pollution of the Mediterranean Sea	25 Jan 2002	17 Mar 2004
Terrorism Agreements		
Convention of 1937 for the Prevention and Punishment of Terrorism	16 Nov 1937	-
Convention on Offenses and Certain Other Acts Committed on Board Aircraft (Tokyo Convention)	14 Sep 1963	4 Dec 1969
Convention for the Suppression of Unlawful Seizure of Aircraft (Hague Convention)	16 Dec 1970	14 Oct 1971
OAS Convention to Prevent and Punish the Acts of Terrorism taking the form of Crimes Against Persons and Related Extortion that are of International Significance	2 Feb 1971	16 Oct 1973
Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Montreal Convention)	23 Sep 1971	26 Jan 1973
Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents	14 Dec 1973	20 Feb 1977
European Convention on the Suppression of Terrorism (Extradition Act)	27 Jan 1977	4 Aug 1978
Convention on the Physical Protection of Nuclear Material (Nuclear Materials Convention)	26 Oct 1979	8 Feb 1987
International Convention Against the Taking of Hostages (Hostages Convention)	17 Dec 1979	3 June 1983
Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation	10 Mar 1988	1 Mar 1992
Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf	10 Mar 1988	1 Mar 1992
Convention on the Marking of Plastic Explosives for the Purpose of Identification	1 Mar 1991	21 Jun 1998
International Convention for the Suppression of Terrorist Bombings	15 Dec 1997	23 May 2001
International Convention for the Suppression of the Financing of Terrorism	9 Dec 1999	10 Apr 2002
Inter-American Convention Against Terrorism	3 Jun 2002	10 Jul 2003
Additional Protocol to the SAARC Convention on the Suppression of Terrorism	6 Jan 2004	12 Jan 2006
Convention on the Suppression of Acts of Nuclear Terrorism	13 Apr 2005	-

Table 1 Descriptive Statistics: Length of Negotiations

Issue Area	N	Mean	Std. Dev.	Min	Max
All Agreements	168	899.78	1057.41	4	7596
Arms Limitation	37	1120.22	1500.33	4	7596
Rules of War	33	666.45	802.56	14	3260
Terrorism	17	872.24	803.69	128	2997
Commodity	45	705.53	675.06	33	3314
Environmental	36	1142.92	1162.02	16	6269

Table 2 Descriptive Statistics: First Draft Proposal

No. of Observations	170	
Proposal Maker	Mean	Std. Dev.
Single State	0.45	0.50
Joint State	0.14	0.35
NGO	0.09	0.29
IGO	0.35	0.48
Major Power	0.36	0.48
Multiple First Proposals	0.09	0.28

Table 3 Descriptive Statistics: First Draft Proposal by Issue Area

	Arms Limitation/ restriction	Rules of War	Terrorism	Commodity	Environmental
No. of Observations	38	34	17	45	36
Single State	0.66	0.50	0.35	0.38	0.31
Joint State	0.16	0.03	0.24	0.24	0.06
NGO	0.11	0.26	0	0.02	0.06
IGO	0.08	0.26	0.41	0.40	0.61
Major Power	0.66	0.41	0.29	0.20	0.22
Multiple First Proposals	0.08	0.18	0	0.09	0.06

Table 4 Descriptive Statistics: Negotiating States

Issue Area	N	Mean	Std. Dev.	Min	Max
All Agreements	168	52.06	39.77	4	191
Arms Limitation	37	48.97	42.81	5	166
Rules of War	33	56.61	37.12	4	159
Terrorism	17	82.71	56.79	7	191
Commodity	45	46.62	27.96	5	124
Environmental	36	43.39	36.64	4	163

References

- Abbott, Kenneth W. and Duncan Snidal. 1998. "Why States Act through Formal International Negotiations." *Journal of Conflict Resolution* 42(1): 3-32.
- Albin, Cecelia. 1999. "Can NGOs Enhance the Effectiveness of International Negotiation?" *International Negotiation* 4: 371-387.
- "Avalon Project at Yale Law School: Documents in Law, History and Diplomacy." Available at: <http://www.yale.edu/lawweb/avalon/avalon.htm>.
- Barnett, Michael N. and Martha Finnemore. 1999. "The Politics, Power, and Pathologies of International Organizations." *International Organization* 53: 699-732.
- Boutros-Ghali, Boutros. 1996. "Foreword." In *NGOs, the UN, and Global Governance*, ed. T. Weiss and L. Gordenker. Boulder: Lynne Rienner Publishers.
- Correlates of War 2 Project. 2003. "State System Membership List, v2002.1." Online, <http://www.cow2.la.psu.edu>.
- Downs, George W., David M. Rocke, and Peter N. Barsoom. 1998. "Managing the Evolution of Multilateralism." *International Organization* 52: 397-419.
- Fearon, James D. 1998. "Bargaining, Enforcement, and International Cooperation." *International Organization* 52: 269-305.
- "Fletcher School of Law and Diplomacy Multilaterals Project." Available at: <http://fletcher.tufts.edu/multilaterals.html>.
- Gilligan, Michael J. 2004. "Is There a Broader-deeper Tradeoff in International Multilateral Agreements?" *International Organization* 58: 459-484.
- Gilpin, Robert. 1981. *War and Change in World Politics*. New York: Cambridge University Press.
- "International Humanitarian Law Treaty Database." International Committee of the Red Cross. Available at: <http://www.icrc.org/ihl>.
- Keohane, Robert O. 1980. "The Theory of Hegemonic Stability and Changes in International Economic Regimes, 1967-1977." In *Change in the International System*, ed. Ole Holsti, et al. Boulder: Westview Press. Pp. 131-162.
- Keohane, Robert O. 1984. *After Hegemony: Cooperation and Discord in the World Political Economy*. Princeton, NJ: Princeton University Press.

- Keohane, Robert O. and Joseph S. Nye. 1977. *Power and Interdependence: World Politics and Transition*. Boston: Little, Brown.
- Kilderberger, Charles P. 1973. *The World in Depression, 1929-1939*. Berkeley: University of California Press.
- Kilderberger, Charles P. 1981. "Dominance and Leadership in the International Economy: Exploitation, Public Goods, and Free Rides." *International Studies Quarterly* 25(3): 242-254.
- Koremenos, Barbara. 2002. "Can Cooperation Survive Changes in Bargaining Power? The Case of Coffee." *Journal of Legal Studies* 31: 259-283.
- Koremenos, Barbara. 2005. "Contracting around International Uncertainty." *American Political Science Review* 99(4): 549- 565.
- Koremenos, Barbara, Charles Lipson, and Duncan Snidal. 2001. "The Rational Design of International Institutions." *International Organization* 55: 761-799.
- Koremenos, Barbara, Charles Lipson, and Duncan Snidal. 2001. "Rational Design: Looking Back to Move Forward." *International Organization* 55: 1051-1082.
- Krasner, Stephen D. 1976. "State Power and the Structure of International Trade." *World Politics* 28(3): 317-347.
- Lisowski, Michael. 2005. "How NGOs Use their Facilitative Negotiating Power and Bargaining Assets to Affect International Environmental Negotiations." *Diplomacy and Statecraft* 16: 361-383.
- Martin, Lisa L. and Beth A. Simmons. 1998. "Theories and Empirical Studies of International Institutions." *International Organization* 52: 729-757.
- Mitchell, Ronald B. 1994. "Regime Design Matters: Intentional Oil Pollution and Treaty Compliance." *International Organization* 48(3): 425-458.
- Mitchell, Ronald B. (Data derived from) 2003. *International Environmental Agreements Website*. Available at: <http://www.uoregon.edu/~iea/> and described in Ronald B. Mitchell. 2003.
- Mitchell, Ronald B. and Patricia M. Kielbach. 2001. "Situation Structure and Rational Design: Reciprocity, Coercion, and Exchange." *International Organization* 55: 891-917.
- Morrow, James D. 1994. "Modeling the Forms of International Cooperation: Distribution Versus Information." *International Organization* 48: 387-423.

- Morrow, James D. 2001. "The Institutional Features of the Prisoners of War Treaties." *International Organization* 55: 971-991.
- "Multilateral Treaties Deposited with the Secretary General." Available at: <http://untreaty.un.org/ENGLISH/bible/englishinternetbible/bible.asp>.
- Oye, Kenneth, ed. 1986. *Cooperation Under Anarchy*. Princeton, N.J.: Princeton University Press.
- Pahre, Robert. 2001. "Most-Favored-Nation Clauses and Cluster Negotiations." *International Organization* 55: 859-890.
- Rosendorff, B. Peter and Helen V. Milner. 2001. "The Optimal Design of International Trade Institutions: Uncertainty and Escape." *International Organization* 55(4): 829-857.
- Simmons, Beth A. 2000. "International Law and State Behavior: Commitment and Compliance in International Monetary Affairs." *American Political Science Review* 94: 819-835.
- Snidal, Duncan. 1985a. "Coordination Versus Prisoner's Dilemma: Implications for International Cooperation and Regimes." *American Political Science Review* 79: 23-42.
- Snidal, Duncan. 1985b. "The Limits of Hegemonic Stability Theory." *International Organization* 39: 579-614.
- Stein, Arthur, 1982. "Coordination and Collaboration: Regimes in an Anarchic World." *International Organization* 36: 299-324.
- "Union of International Organizations: Conventional Categories." Available at: <http://www.uia.org/organizations/orgtypes/orgtypec.php>.
- "United Nations Treaty Reference Guide." Available at: <http://untreaty.un.org/English/guide.asp>.
- "United Nations Treaty Series." Available at: <http://untreaty.un.org/English/access.asp>.