

WRITING SKILLS & RESOLUTION DRAFTING

Kishan S Rana

Starting Points

The drafting of documents—whether it takes the form of a statement or a joint declaration between two countries, or a resolution at a multilateral conference—is a craft. It can be learnt through teaching and mentorship, and it improves with practice and experience. This craft presumes mastery over language, and an ability to find the correct word or phrase, appropriate to a particular situation. At different times, the goal of drafting may include one or more of the following objectives, some of which are mutually contradictory, or appropriate only in special situations:

- ❑ To express an idea or concept in the most clear way possible.
- ❑ To use a phrase or words making a bridge between different viewpoints, in effect either finding a way to harmonize or to cover up differences.
- ❑ To convey the core of one's own ideas in an indirect manner that is less objectionable to the other side than a bald or direct statement.
- ❑ To introduce vague or indirect language to weaken or circumvent a statement that is objectionable from one's own perspective.
- ❑ To deliberately use ambiguity either to cover a complex situation, or find a middle way between divergent perspectives.

A final text may undergo multiple revisions, by the author and by others who work with the author. A text that is reviewed by others, besides the author, it invariably improves, because the original author may not see its defects, or fully consider the ways it can be improved. Consequently, one should put aside ego in the process of redrafting or editing a text.

It was the 17th century French author and mathematician Blaise Pascal who coined the familiar phrase: 'I did not have time to write a short letter, so I wrote a long one'. Language that is flowery, or excessively complex is less powerful than simple, direct text. Standard drafting advice in the British Foreign Office is that one should first leave out all the adverbs, and then eliminate the adjectives; what is then left is a clean text!

Mughal Emperor Babar (1483-1530)

Emperor Babar (also called Babur, descendant of Genghis Khan), founder of the Mughal dynasty in the 15th century wrote the 'Babar-Nama', made accessible to us by the noted author Dilip Hiro (Penguin, 2006) in an abridged translation. Babar, one of the world's great conquerors and founder of a dynasty that ruled India for three centuries, is also a rare major historical figures to have personally written his life story; he could easily have been a great author, because he wrote with terse elegance. Once, when his son Humayun (who went on to become emperor) sent him a badly written letter, Babar gave him the simple advice: "Write without elaboration; use plain, clear words".

In our age of information overload, 24x7 news networks offer the fastest news, and serious journals furnish a huge range of analysis; has diplomatic reportage become devalued? Several aspects need to be addressed. First, diplomatic reports no longer need to cover hard news or developments that are in the public domain. Second, published analysis seldom covers news from the perspective of one's foreign ministry and home government. Third, forward-looking analysis, which anticipates developments, is the strong point of diplomatic analysis. Of course, there is no certainty that one will be right in such prognosis — but it is the duty of the diplomat to offer his best assessment of how a situation is likely to develop. Fourth, honesty is vital. If one tailors one's reports to match what the home authorities wish to hear, one is derelict in professional obligation. A foreign ministry that encourages candor will receive it; one that

discourages messages contrary to its worldview will receive slanted analysis, leading to gross misjudgment, down the road.¹

What does the government require of its officials assigned abroad? First. It needs good anticipation of events, as best as possible. If an election is to take place in neighboring country or one that is a major power, it needs prediction on the likely outcome — preferably with a probability indication. Second. It needs to be alerted to the emergence of new leaders in foreign countries. In the late 1980s, UK received a good ‘heads up’ on the emergence of Gorbachev as a possible future leader, at a time when he was still in the second echelon; this made some difference in UK’s links with him. India similarly invited Chinese leader Hu Jintao more than a decade before he became China’s supreme leader. Third. No government likes being surprised, least of all in relation to an adverse development. Envoys and embassies are paid to anticipate problems in bilateral and international relations.

Practical Issues

We might be able to distil some basics of writing skills if we keep in mind the distinction between internal papers and the documents made public. The documents that are **internal** to the foreign ministry and embassies include: analytical notes; dispatches, policy recommendations; discussion briefs; ‘speaking points’; cipher telegrams; and records of discussion. Then there exist **public** documents: speeches, joint communiqués, press statements, parliamentary replies and the like. The needs for each category are distinct, even divergent.

Document characteristics

Characteristic	Internal	Public
• Brevity	Essential; a short document commands attention better than a long one.	May need to be discursive, to meet context needs (e.g. speech).
• Precision	Vital, clarity needed for policy-makers.	Depends on circumstance; sometimes vague language required, i.e. deliberate ambiguity.
• Credibility	Essential	Contents of document should be believable.
• Truthfulness	Required	Must not be untruthful, but may economize on truth.
• Completeness	Mandatory	Depends on circumstance.
• Language	Should be effective	Should meet standards of public communication, hopefully in non-bureaucratic and simple style

lops its own style; one cannot lay down a universal template of good writing. A few general observations:

- The in-depth, single theme dispatch used to be the forte of good diplomatic systems, before the ITC revolution and the spread of the internet. The old form survives in a few systems, as a valuable vehicle for sustained analysis. It is most effective when it addresses issues relevant to the home country, and presents a forward-looking analysis.
- Cipher telegrams are invariably distributed widely within the MFA, usually on the basis of a standard template. Senior officials must scan scores each day. An ambassador who develops a reputation for terse, precise messages commands enviable attention. The cipher telegram is

a powerful weapon, but also double-edged — it can hurt badly the originator of the message if it is overused, or badly drafted.

- Speaking points must be terse and tailored to the requirements of the senior personality for whom they are prepared.
- MFAs need briefing notes in great diversity and at very short notice. This is where IT and computers are a great help. One must ensure that one's embassies are fully kept in the picture with sets of the briefing papers that are mainly prepared at headquarters (some Western countries have transferred to embassies the task of preparing such briefing notes, with additions by the MFA departments, as needed).
- Drafting of speeches is a special art; one must adapt to the style used by a particular leader. The internet offers much opportunity for picking up ideas, but one must avoid plagiarism, which is easy to detect, and can produce huge embarrassment.
- Any document that will be made public demands great care, whether it is a reply to a parliament question, an official statement by the government, or a press note. Points of fact need careful checking, as also any quotation or reference. When a document goes through multiple drafts, it is vital to date or number the drafts, to avoid confusing a draft with a final text.
- Internal notes that lead to decisions need exceptional care, because they will influence the choice of action. Balance and judgment are among its special ingredients.

Credibility and Listening

Communication skill is a combination of many disciplines—including inter-cultural understanding. For any person engaged in international activity, be it in business or in civil society activities or as a professional diplomat, ability to understand others involves cross-cultural skills, in a very practical way. Since each actor addresses a listener or an audience, usually belonging to a different cultural ethos, the reception of one's message is part of the act of communication. So while one works on the techniques of delivery and style, it is the reaction that one evokes that is the key element in that process.

A banker or a salesman depends on his audience in much the same way as the teacher or the diplomat, each is judged by the recipient of the message. This is what 'credibility' is all about. And winning credibility becomes that much harder when it is combined with a need to bridge cultural differences.

Intrinsically, inter-cultural communication is not different from communication in one's own context. It is just that the risks of misunderstanding are magnified, and one needs to be especially sensitive to the reaction, which may take the shape of indirect signals. A 'yes' may mean no more than a polite: 'I have heard you'. And a shake of the head from side to side may even signify assent!

While inter-cultural communication is a whole area to learn and understand, for the purpose of verbal skills, we should remember the need to listen, and to understand.

Practical Advice

Communication skills grow with practice. There is seldom one single way of getting one's point across in a speech or a press conference, but some

methods are more effective than others. The advice offered here is a guide, to be developed as suited to one's talent.

1. Who is the audience? What is the level of sophistication of the arguments that should be used, as also the level of information that should be supplied? To judge this wrong weakens the message. One easy mistake is to give too much information. Place your message in a context that appeals to the audience.
2. Ask yourself: what do I want to say? This will help to shape the message. In a short speech (e.g. five minutes) it is best to stick to two or three points. In a longer speech the arguments can be developed in some detail, but it helps the audience if the speaker sets out his goals, and presents them in a format that helps them to recall the essence of the message. Remember, the audience does not have the full text! (Do not distribute the full text before the speech is completed).
3. Avoid clichés, or phrases that are stereotyped. A short sentence is better than one full of clauses and conditions. A direct, affirmative statement is better than one couched in negative terms. And even when dealing with sensitive issues, one must not appear defensive or lacking in self-confidence.
4. Give a concrete example where this illustrates the point you are making, offering something that may interest the audience. Using a good quotation at the right place is also a good way of holding the attention of the audience.
5. Avoid abbreviations or acronyms that your audience may not understand (example: 'LOC', 'FTA', 'MOU'). Make a conscious effort to drop typical home terms when you speak before a foreign audience that may not be familiar with your syntax.
6. Stick to the time that is allotted. This makes life easier for the organizers and pleases the audience.

7. Voice modulation, change of pace and use of appealing language are among the methods that good speakers use to hold the attention of their audience. One good way of improving one's own technique is to study other good speakers and borrow some of their methods. Eventually one should aim to develop one's own style, but that comes with practice and experience.
8. Learn to think on your feet, to respond to changing mood among the audience, and to points made by other speakers.
9. Treat a questioner with respect and seriousness, even if the point made is repetitive or insubstantial. Use it to make the points you want to convey.
10. Make it a habit not to use the words of the questioner to frame your response; that forces you to find an answer that suits your own position.

Drafting of Resolutions

The drafting of resolutions—and indeed the drafting of any formal text that incorporates decisions of a multilateral meeting—involves both an understanding of substantive issues and language skills. We focus here on the language skills that help in learning this craft; the substantive issues will vary from case to case, but the skill to use and manipulate the language is a constant.

Many agencies do not work with resolutions, but statements, declarations and the like. These do not lay down a standard structure, and are therefore easier to handle. But if one has mastered resolution drafting, that skills make it easier to handle all other written decision texts.

Basics

Resolutions as encountered at the UN, and elsewhere have special characteristics.

The essentials are:

- The format is that of one single (very) long sentence. That means that there is only one full stop in the resolution, at the very end of the final paragraph. All other paragraphs end with a semi-colon.
- A resolution has two parts, the *preambular* and the *operational*.
- Each paragraph of the preambular part begins with a verb in the present continuous tense, such as: 'Recalling'; 'Taking into account'; 'Noting'.
- Each paragraph of the operational section begins with a simple verb: 'Requests'; 'Decides'; 'Recommends'; 'Urges'; 'Further decides'..

Preamble and Substantive Paragraphs

One might argue that the most important part of the resolution is the operational segment, since it deals with actions. This is partly true, but the preamble is far from unimportant, in that it sets the stage for the actions that are proposed in the latter section. For instance, in the case of the famous Resolution 242 of the UN Security Council covering the consequences of the 1967 Arab-Israel War, it is the preamble that stipulates the principle of non-acquisition of territory by force; for the Palestine and Arab protagonists that is the element that underscores Israel's obligation to vacate all the occupied territories. In that same resolution, it is in the substantive part that the word 'the' is dropped before the phrase 'occupied territories', which has been interpreted by Israel to mean that *all* territories are not to be vacated. This is a classic instance of 'constructive ambiguity' that we discuss later.

Usually each substantive paragraph is more contested than the preamble section. Most of the active debate on controversial resolutions is on this part of the document.

Language

The skill of drafting involves the use of language to attain one's objectives. Each word carries its direct meaning, as well as implicit subtle nuance. Phrases and 'code words' carry deeper embedded meaning that is contextual, which may be specific to a situation in time and space. Using and manipulating these is the essential skill of draftsmanship, where one must work with others in a multilateral setting, to win consensus support for the text one wants. In the relatively few cases when the resolution is taken to a vote, one attempts to garner maximum support for the text that one prefers, either as the original draft or as amendments to a text proposed by someone else. The UN General Assembly is one place where it is customary to vote on resolutions; in most international and regional conferences, and at the WTO, texts are primarily accepted by consensus, and instances of voting on a final text or declaration are few (at such bodies, countries that strongly object to a particular text usually enter their reservation through a statement made after the text is adopted by the general body).

De-Constructing a Resolution

If we analyze the content of a resolution text we find several elements that form its core, and each of these can be modified to suit a particular purpose.

- A. Time element: If in paragraph 3 the notion of slow evolution to self-rule is to be expressed, the word 'progressively' could be replaced by 'gradually'. We can identify a hierarchy of words that move from fast to slow actions, which constitute the time element. We might come up with the following words and phrases:

urgently

rapidly

in a time-bound manner

progressively
continually
as soon as feasible
in stages
in a phased manner
consistently
gradually
when feasible
depending on circumstances
in accordance with established procedures
in keeping with well-recognized principles
at an appropriate time
eventually

One can add almost endlessly to such a list, since languages offer many options, and one can create ones own.

- B. Conditionality: Another way in which an operative paragraph can be diluted is by adding conditional clauses, as for instance in paragraph 4 that speaks of the Iraqi provisional administration ‘without prejudice to its further evolution’—the intent here being to allow for future changes in this provisional administration. Other typical conditioning phrases are: ‘as feasible’; ‘to the extent possible’; ‘provided other conditions are fulfilled’. Such conditions may be specified in different ways. (See Exercise II)
- C. Action Imperative: The verb with which the operative paragraph begins can indicate a range of action imperatives, from decisiveness to vagueness. In paragraph 5 the word ‘affirms’ can be replaced by a weaker word (which could be ‘suggests’ or ‘recalls’) or a stronger word (which might be ‘requires’), to suit one’s needs. This too is one of the key ways of manipulating the text. (See Exercise III)

D. Combining Clauses: Different elements can be linked in preambular or operational sections of a resolution, to suit one's needs. Such connections are based on logic, as well as on the direction that one wants to give to the document; or wants one set of actions to be made contingent on another set of issues. The range of options available is vast.

Creative Ambiguity

Deliberate vagueness in language is a device used in documents to bridge over differences of substance; it is left to the concerned parties to interpret such decisions as it suits them. This produces temporary agreement and may postpone the real problem. A classic example is UNSC resolution 242 on the consequences of the 1967 Arab-Israel War and the issue of vacation of occupied territory by Israel, as seen above.

Besides deliberate vagueness, the language of a decision always leaves room for interpretation, because no form of words can cover all future eventualities. For instance, UNSC resolution 1441 of 2002, used in a way to set the stage for the attack on Iraq by the US and its allies, charged Iraq with being in 'material breach' of past decisions of the Security Council (see the text below). This phrase comes from UK-US legal terminology and implies 'significant violation', but it does not set a measurable standard or level. This matter then becomes a matter of political interpretation.

One may ask, is not diplomacy all about precision? Not always, since there are instances when *imprecision* is the practical way of getting agreement. No form of words can cover all future eventualities, so that language that does not tie down every point of detail also provides flexibility. We call this '*creative ambiguity*'. The method is used typically to paper-over differences, and to obtain an agreement

despite divergences in viewpoint; of course the unresolved issues usually emerge later on to create new complications. (See Exercise VI)

Take one example (UNSC Resolution):

1. *Decides*, that Iraq has been and remains in material breach of its obligations under relevant resolutions, including resolution 687 (1991) in particular through Iraq's failure to cooperate with the United Nations inspectors and the IAEA, and to complete the actions required under paragraphs 8 to 13 of resolution 687 (1991);

2. *Decides*, while acknowledging paragraph 1 above, to afford Iraq, by this resolution a final opportunity to comply with its disarmament obligations under the relevant resolutions of the Council, and accordingly decides to set up an enhanced inspection regime with the aim of bringing to full and verified completion the disarmament process established by resolution 687 (1991) and subsequent resolution of the Council;

In taking recourse to ambiguity, one would do well to recall the advice of Singapore's legendary diplomatic negotiator Tommy Koh: 'Use constructive ambiguity as a last resort. Why? Because it does not really settle the problem. It only postpones the disagreement to another day.'¹

Exercise I

A particular text can be manipulated in an endless number of ways, to suit one's wishes. This can be seen through an example. UN Security Council Resolution 1511 of 16 October 2003 said:

3. *Supports* the Governing Council's efforts to mobilize the people of Iraq, including by the appointment of a cabinet of ministers and a preparatory

¹ Tommy Koh, "The Practice of Negotiations", pp. 114-5.

constitutional committee to lead a process in which the Iraqi people will progressively take control of their own affairs;

4. *Determines* that the Governing Council and its ministers are the principal bodies of the Iraqi interim administration, which, without prejudice to its further evolution, embodies the sovereignty of the State of Iraq during the transitional period until an internationally recognized, representative government is established and assumes the responsibilities of the Authority;

5. *Affirms* that the administration of Iraq will be progressively undertaken by the evolving structures of the Iraqi interim administration;

6. *Calls upon* the Authority, in this context, to return governing responsibilities and authorities to the people of Iraq as soon as practicable and *requests* the Authority, in cooperation as appropriate with the Governing Council and the Secretary-General, to report to the Council on the progress being made;

We can try and manipulate the above text to make it stronger, weaker or more conditional, to see how the process of drafting operates.

Exercise II

Adding Conditions

Phrase	Effect	Comment
<i>as far as practical</i>	does not clarify who will decide	
<i>subject to ...</i>	makes the action contingent on something else	

Exercise III

Action imperative

Phrase	Effect	Comment
<i>Requires</i>		
<i>Demands</i>		
<i>Suggests</i>		
<i>Recommends</i>		
<i>Requests</i>		

Exercise IV

One may try and identify the instances of imprecise language that one has encountered in resolutions and in the final statements of conferences, to build up such a compendium of deliberate ambiguity.

Imprecise Language (Creative Ambiguity)

Phrase	Effect	Comment

ⁱ The experience of dictatorships is telling in this regard, as revealed by diplomatic archives.