

# Multilateral Environmental Diplomacy and Negotiations



**United Nations Environment Programme**



# Introduction

- The United Nations Environment Assembly is the Governing body of the UN Environment Programme, a high level decision making body on the environment;
- From 2012 has Universal membership (193 member states) as an outcome of Rio +20.

# Introduction

- UNEA brings to the agenda emerging environmental issues and provides a forum for deliberating on key areas;
- Its resolutions and calls for action provide leadership and catalyzes inter-governmental action on the environment.

# Outline of the presentation

1. The United Nations Environment Programme;
2. The United Nations Environmental Assembly;
3. Negotiating as a country and through groups;
- 4 Effective ways of negotiating in UNEA

# United Nations Environment Programme

- The Leading global environmental authority that sets the global environmental agenda,
- Promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations;
- Serves as an authoritative advocate for the global environment.

# United Nations Environment Programme

- It is the Secretariat of UNEA;
- Involved in all stages of negotiation from the pre-session, in-session and post session stages;
- preparation and organization of meetings in consultation with the Committee of Permanent Representatives, Meetings with Bureau Members;
- Governments are engaged in the course of preparation identifying the theme, the kind of outcomes, the Programme of work and budget etc.

# Key elements and success factors of a negotiator of UNEA

- Understanding the United Nations Environment Programme and the role of UNEA;
- Understanding the rules of procedure of UNEA;
- Preparations on all agenda items and contributing to the process from the pre-session, in session and later at the post session stage;
- Taking note of all aspects in sessions, and being able to participate in advance of the meeting in consultations.

# Pre-session negotiations

- Preparation of the session agreeing on the following:-
- The structure (Opening/High level)
- Consultations on the theme,
- Consultations on the proposed resolutions;
- Initial reviews of the programme of work and the budget
- The type of outcome;



# Pre-session negotiations

- Committee of Permanent Representatives - Negotiator engages Capitals individually;
- Open-ended Committee of Permanent Representatives engage capitals to prepare UNEA in a preparatory session;
- Regional group and other group consultations;

# In -Session Negotiations at UNEA

- Plenary;
- Committee of the whole,
- Drafting groups;
- Contact group on budget etc
- High level segment;
- Leadership dialogues

# In -Session Negotiations at UNEA

- The importance of engaging in the regional group to be able to influence the negotiators areas of interest;
- Attending regular group consultations to advise on new developments and review strategies for addressing difficult issues that may arise;
- Being ready for quick exchanges of views with the group, and to report on any information learned which might be useful.

# Post-Session Negotiations at UNEA

- Being able to follow up on the implementation of various resolutions;
- Being able to contribute effectively when the programme of work and budget reports are being presented;

# *Phases of Multilateral Negotiation in UNEA*

## **Pre-negotiation**

- Involves: problem identification, fact-finding, agreeing on the theme, issue-definition, issue-framing, organization of work etc.

## **2. Formal negotiation**

- Involves: consolidation of country views, expression of initial positions, pre-formula building, formula building, decisions on coalition building if necessary, pre-bargaining, bargaining & adoption.

## **3. Post-agreement negotiation**

- Involves: review of implementation, implementation at national level, etc.

## *Systems, Processes, Mechanics*

- ✓ **Functions** - Negotiate commitments, resolutions, and the Ministerial Declaration.
- ✓ **Outputs** - budget and programme of work, President's summary report, Ministerial Declaration,
- ✓ **Size** - Universal membership, size of delegation consider
- ✓ **Structures:** Committee of Permanent Representatives Open-Ended Committee of Permanent Representatives, Plenary & Committee of the Whole, Drafting groups or contact groups,
- ✓ **Process and procedures-** Pre-session, in-session, post-session,
- ✓ **Groups and Coalitions** – Regional or Contact Groups – African group, EU & G77, Friends of the Chair, etc



## *Preparing for Negotiations*

- **Do you know yourself?**
  - Your objectives, interests, strategy, proposals/options, alternatives?
- **What's your relationship with others?**
  - Play a dominating role?
  - Like-minded or opponent?
- **Do you know them?**
  - Their objectives, interests, strategy, proposals/options, alternatives?



## *How to Prepare Yourself*

✓ **As a member of your country's delegation, you need:**

- *To prepare by engaging the relevant authorities in the - country* long before negotiations take place.
- *To have a good understanding of your country's interests*
  - on the issues under negotiation, and
  - of other delegations or groups.
- *To identify the most significant agenda items* of priority interest to your country and focus closely on them.

✓ **A negotiation team should be identified and mobilised well in advance for negotiators to have sufficient time to:**

- become familiar with the agenda items and issues,
- brief important issues for government policy-makers.
- Be ready to propose items, and to draft alternative texts.





## *How to Prepare Yourself*

✓ Learn more about the negotiation you will attend:

- *Research the outcomes of previous negotiation sessions*

(e.g. Ministerial Outcome Documents, Open Ended meeting of the Committee of Permanent Representatives, AMCEN decisions)

- *Familiarize yourself with the Rules of Procedure to understand -How the United Nations Environment Assembly conducts its business in the course of negotiations.*

✓ Planning and organization ahead of time will improve your ability to negotiate successfully.

## *Reviewing the Agenda*

- ✓ **What are the **expected outcomes** for the negotiation?** Decisions? (e.g. resolution, PoW, Budget?)
- ✓ **Are there **draft texts** that will need to be advanced?** Locate and read them.
- ✓ **Are there **agreed Rules of Procedure**?**
  - How are decisions adopted?
- ✓ **Are there **existing coalitions** in the negotiating process?**
  - If so, which coalition is your country in?
  - Will your coalition meet in advance of the negotiation session to talk and agree on its strategy?
  - How will the coalition affect your country's position?



## *Composing the Delegation*

- **Mixture of talents and skills needed**
  - technical/scientific, diplomatic, legal
  - Identify a Head of Delegation
- **Submit names early for accreditation**
  - Important for funding and travel arrangements
- **Continuity is critical**
  - Serves to train and empower new negotiators through attending negotiation meetings



## *Composing the Delegation*

- **Larger delegations**
  - greater human and financial capital, can assign representatives to specific issues.
- **Smaller delegations**
  - fewer representatives, delegates ‘wear many hats’, rely on regional groups and coalitions



## *Key Negotiators*

### Within the Multilateral Process:

Chairs of Subsidiary Bodies (e.g. Contact groups,), Rapporteurs, Members of Expert Groups. More senior negotiators will be called upon to fill these positions of greater responsibility, due to greater familiarity with the issues being negotiated.

*Required to be impartial.*

### Within Coalitions:

Spokesperson for a coalition (e.g., Chair of the African Group), issue coordinator (e.g., G-77 Coordinator on agenda a specific agenda item).

*Must represent the interests of their constituencies effectively.*

### Within Delegations:

Head of Delegation, issue negotiator, facilitator (working between different groups or coalitions to help reach compromise).

# Identifying Negotiating Groups

- **Power-based**

- Umbrella Group-JUSCANNZ – (developed, non-EU)
- EU (27) (also ‘institutionalised’)
- G-77 and China
- LDC Group

- **Interest-based**

- Like-minded groups
- Environmental Integrity Group

- **UN Regional Groupings**

1. African Group
2. Western Europe and Others-WEOG [*EU, USA, NZ, Canada, Aus.*]
3. GRULAC (Latin American and Caribbean Group)
4. Eastern European Group – EEG/ Countries with Economies in Transition
5. Asia-Pacific Group (formerly Asian Group)

# Identifying Your Coalitions

## Key Questions to ask yourself

- ✓ Is my country part of a coalition or regional group?  
Which one?
- ✓ Who is the spokesperson for each of my coalitions?
- ✓ When & where does my coalition meet to discuss common positions?
- ✓ Are my country's concerns reflected in positions taken by my coalition?
- ✓ If not, have I tried to express my country's national needs and concerns?
- ✓ How can I make sure that my national concerns are being addressed?
- ✓ If my country is part of more than one coalition, are there any inconsistencies between the positions taken by these groups?
- ✓ If an issue I am following has been referred to a contact group or informal working group, who is representing my interests in that group?
- ✓ When and where are those meetings being held?



## Negotiation Etiquette

- Understand the rules of procedure
- Judge the discussion point
- Obtain permission to speak
- Time your intervention strategically
- Write down position before speaking
- Be articulate about your position
- Sound polite, diplomatic but put the idea/position clearly
- Give others room to react and intervene

*Negotiation is about give and take  
– be flexible and willing to compromise*





# Negotiation Etiquette

- **Do not contradict statements made by the representative of a coalition to which you belong** – these statements are made on your behalf.
- **Use your intervention to**
  - Support statements made by the Coalition spokesperson
  - Elaborate upon that statement or present additional arguments
  - Explain why the issue is of particular concern to your delegation.
  - Provide your support to previous speakers who have expressed a viewpoint with which you agree.
- **When you agree,**
  - Save time by referencing positions taken or arguments made by others.
  - Note the areas in which you agree.
- **When you disagree** with what another speaker has said, refrain from naming that group or country (do not personalise positions)
  - State your position affirmatively
  - Raise difficulties posed by other position for achieving agreed ends

## Negotiation Language

Understand the basic language of negotiations to know when you are making progress or when losing ground!



# Negotiation Language

- Key terms and phrases:

- **“May”** is permissive and discretionary on a part of a country and creates no obligation to carry out an action

- **“Must”** is required to take an action. **“Must”** is almost always legally binding.

- **“Shall”** means an action is required, and is almost binding. Unless **“shall”** is used with another word that weakens its strength – e.g. **“A Party shall endeavor to do x, y, or z”**

- **“Should”** means an action is not required, but is advised
  - e.g. a Party should try to do x, y or z

- **Beware!** A slight change in verb tense can make an enormous difference in the commitment that a country makes.

## *Negotiations Strategies & Tactics*

✓ Prior to negotiations, prepare a **brief on significant issues** containing:

- ✓ Key issues in order of priority, relative importance & weights
- ✓ What deliverables your Government expects?
- ✓ Relevant pre-session, and in-session working and information documents to be able to follow the discussion under different agenda item, with document numbers.
- ✓ Relevant previous decisions, conclusions or recommendations on the issue, esp. from immediately preceding session
- ✓ National goals on this issue, if known
- ✓ Assess positions of other Parties or interest groups & their preference, if known
- ✓ Identify options for linkage & trade-offs between your preference and that of others
- ✓ Outcome expected at session
- ✓ Recommendation for a national position

## *Develop an Negotiations strategy*

- **Build a package** – define a problem, find some implementation options, flexibility to deal with discussion
- Form a **core group**
- **Find trade-offs** – Use exception, create a narrow start, offer a broad brush approach, provide a compensation clause.
- Find the **right timing** to propose solution or option (negotiation by exhaustion)



## *Challenges and hindrances to negotiations*

### *Delegation-specific challenges:*

- Insufficient/deficient expertise regarding substance, process, institutional dimensions
- Inadequate preparation time
- Unclear negotiating instructions from national capitals;
- Lack of political support from national capitals; undue influence of other Government delegations and specific national interest groups.

# *Challenges and hindrances to negotiations*

## *Procedure-specific challenges:*

- ✓ Inability to reach agreement on important rules of procedure;
- ✓ Interminable debates regarding procedure that overwhelm the substantive negotiations;
- ✓ Inability or lack of understanding on how to use the rules of procedure in tactical ways.



## Challenges and hindrances to negotiations

### *Challenges specific to the **Negotiation Bloc**:*

- Negotiation blocs that are too large to ensure meaningful and coherent group positions;
- Polarized negotiating climate within bloc and between blocs;
- Undue influence of certain actors;
- Inefficient bloc decision-making machinery



## *Challenges and hindrances to negotiations*

### *Problems related to **the Chair**:*

- ✓ Weak and ineffective chairing;
- ✓ Insufficiently neutral chairing
- ✓ Lack of moral authority
- ✓ Insufficient political profile
- ✓ Inadequate substantive knowledge
- ✓ Inability to broker consensus
- ✓ Inappropriate or insufficient recourse to formal-informal consultations.



## *Challenges and hindrances to negotiations*

Problems inherent in the **plenary/contact process**:

- ✓ Insufficiently articulated options to assist in brokering compromise and facilitate bargaining in the tough phases;
- ✓ Excessive exercise of political influence or leverage of certain parties;
- ✓ Lack of political will to settle the tough issues in the eleventh hour
- ✓ Lack of sense of urgency and deadlines
- ✓ Psychological barriers to settlement

# *Challenges and hindrances to negotiations*

## *Problems with **the Secretariat**:*

- ✓ Inadequate secretariat support
- ✓ Inadequate substantive analysis
- ✓ Lack of guidance for member states regarding rules of procedure and practices that govern intergovernmental negotiations;
- ✓ Inappropriate political influence of the secretariat



## *Who is a good negotiator?*

- Well-prepared
- Shows patience and listens
- Controls emotions
- Is able to break bigger issues down into smaller ones
- Looks for interest-based decisions
- Rejects weak solutions
- Is able to see the bigger picture
- Uses respect and diplomacy when presenting positions or commenting on another delegation's position.
- Good language skills
- Strong analytical skills
- Knows well own country's interests and positions
- Knows positions of other States and coalitions
- Has knowledge of prior negotiations and their outcomes



*Conclusion*

What to remember:

***“FAILING TO PREPARE IS PREPARING TO FAIL”***

**By Benjamin Franklin**