



**PRE-CMS COP 10 WORKSHOP TO ENHANCE THE
CAPACITY
OF CMS/AEWA NEGOTIATORS
ENTEBBE, UGANDA**

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Planning and Preparing for Multilateral Negotiations

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Schweizerische Eidgenossenschaft
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OVERVIEW



- What systems, processes & mechanics of multilateral environmental negotiation exist?
- How does a national negotiator get ready for negotiation?
- How does one learn more about the specific negotiation?
- Why is it important to review the agenda of the meeting ahead of negotiation?
- Why identifying key issues to be negotiated?
- Why networking with colleagues?
- Why is inter-ministerial coordination important?
- How can a delegation be selected?
- How can one develop a negotiation strategy?

Steps and Phases in Multilateral Negotiation



1. Pre-negotiation

- Involves: problem identification, fact-finding, rule setting and organization of work, issue-definition & issue-framing, etc.

2. Formal negotiation

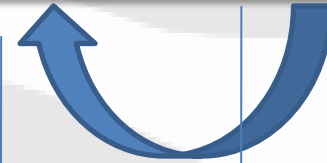
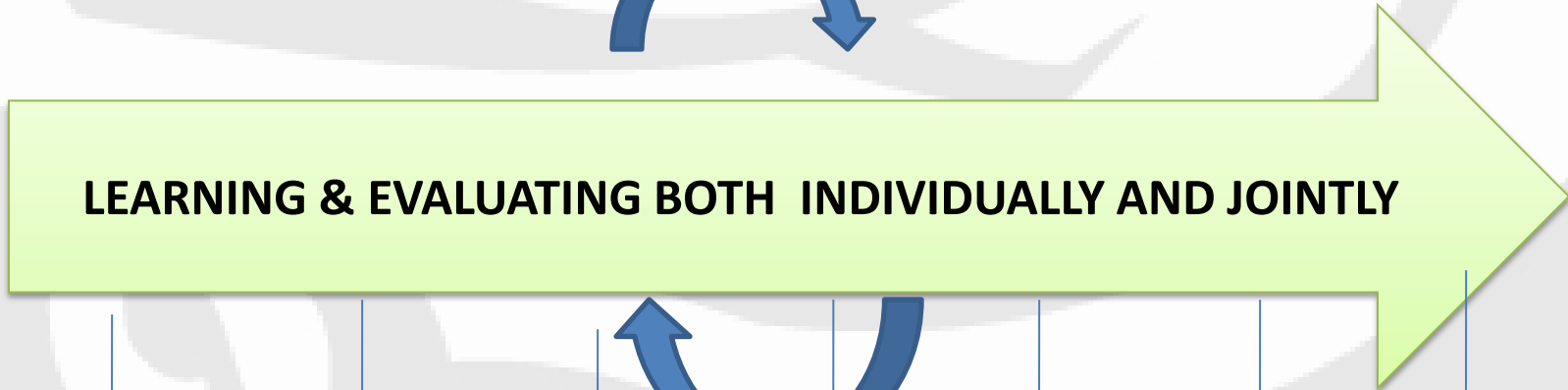
- Involves: consolidation of country views, expression of initial positions, pre-formula building, formula building, coalition building, pre-bargaining, bargaining & adoption, etc.

3. Post-agreement negotiation

- Involves: signature, ratification, operationalization, review of implementation, new instruments, implementation at national level etc.



A forward-moving, but cyclical process



Diagnosis

Initiation

Proposal

Formula

Detail

Endgame

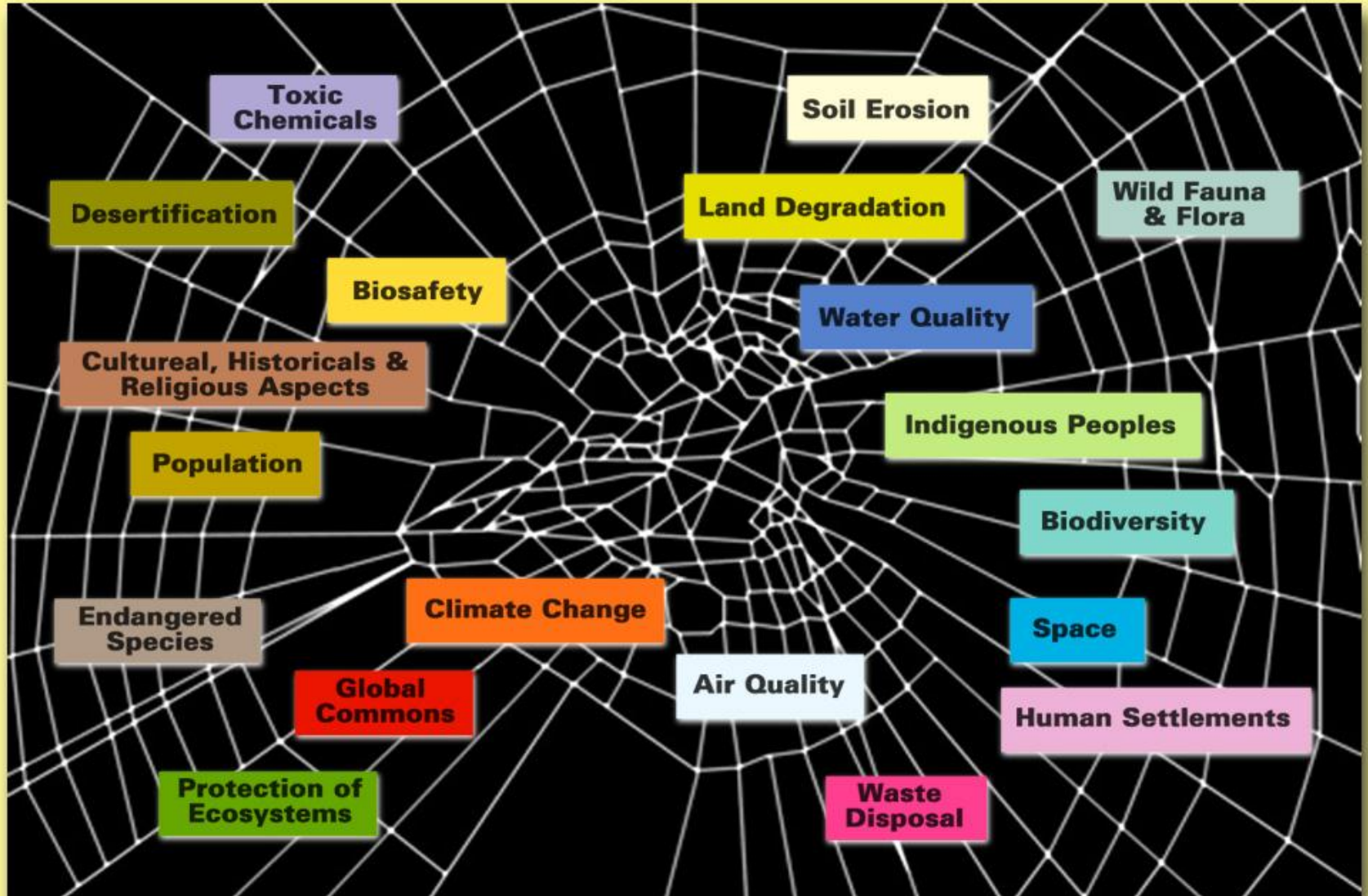
Implementation

System, Processes & Mechanics of Multilateral Environmental Negotiation



- ✓ **Functions**
 - Negotiate a treaty or MoU or review progress of implementation (COPs/MOPs/MOS)?
- ✓ **Outputs**
 - Binding instrument or Non-binding instrument or Decisions or Guidelines?
- ✓ **Size (actors, interactions)**
 - Multiple actors, multiple roles, multiple negotiations & therefore interactions
- ✓ **Structures**
 - Formal: Plenary sessions, Standing Committees
 - Informal: Contact groups, corridor work- caucuses
- ✓ **Process and procedures**
 - Opening and statements, organizational matters, decision-making (consensus, voting)
- ✓ **Issues, impact and information** – Strategic & complex:
 - Ecological networks, trade, protected areas, climate change, CB, local communities
- ✓ **Groups and coalitions** – Regional or Contact Groups
 - EU & G77, Friends of the Chair, SIDs, Species range states Coordination

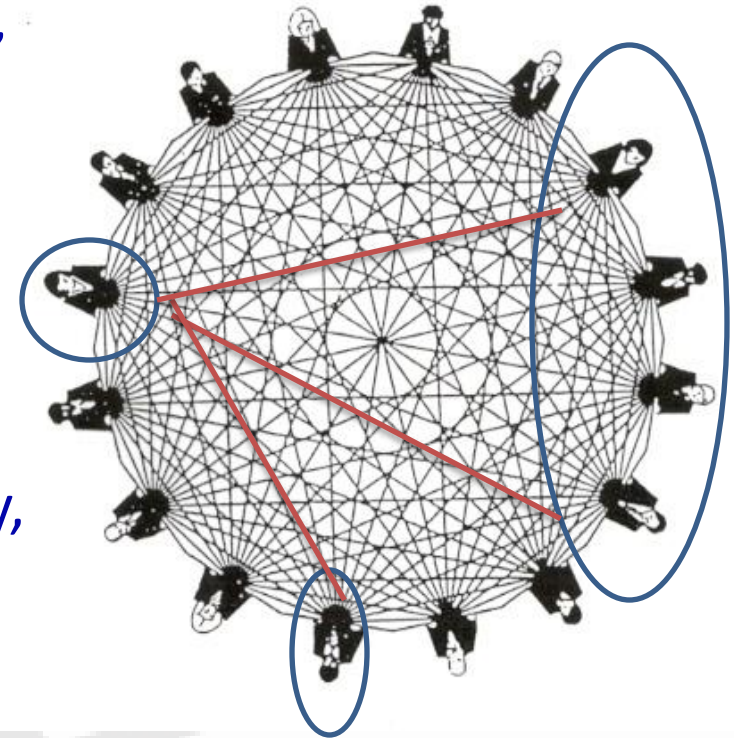
ENVIRONMENTAL INTERDEPENDENCE



Challenges in managing & coordinating structures in preparing for negotiation



- Do you know yourself?
 - Your objectives, interests, strategy, proposals/options, alternatives?
- Do you know others vis à vis?
 - Play dominating role ? Like minded or opponent?
- Do you know them?
 - Their objectives, interests, strategy, proposals/options, alternatives?



How does one get ready?



- ✓ As a member of your country's delegation, you need:
 - *To prepare thoroughly in-country* long before the actual 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 negotiating *team should be identified and mobilised well in advance* for negotiators to have sufficient time to:
 - become familiar with the agenda items and issues,
 - highlight and brief important issues for government policy-makers.

How does one learn more about a specific negotiation geared to attend?



- ✓ Open the website, e.g., CMS/AEWA and check summary of its objectives and list of Parties
- ✓ Look on the website for the Convention or Agreement text, skim the obligations sections
- ✓ Check Earth Negotiations Bulletin online
 - see if ENB has a summary of the decisions taken at the last COP/MOP www.iisd.org
 - ENB also provides introductory overviews of many MEAs.
- ✓ Read the last session's conclusions and/or decisions
- ✓ Find meeting agenda on e.g. CMS or AEWA website, preferably an annotated version

Review the Agenda



- ✓ What are the **expected outcomes** for the negotiation?
 - *Decisions or resolution?, International legal instrument?*
- ✓ Are there **draft texts** that will need to be advanced?
 - *Locate and read these draft texts*
- ✓ Are there **agreed Rules of Procedure**?
 - *How are decisions taken? By consensus, 2/3 majority, 3/4 majority? etc.*
- ✓ Are there **existing coalitions** in the negotiating process?
 - *If so, which coalitions is your country in?*
 - *Will your coalition meet in advance of the negotiating session to talk and agree on its strategy?*
 - *What position would your country have to influence its position?*

Identify Key Issues



- ✓ **Locate Agenda** for each session
 - Highlight significant issues for your country
- ✓ **Find documents** that will be considered at upcoming session on Convention website
 - Review all documents related to agenda items of priority interest to your country
 - Review all draft texts that need to be advanced
 - If you cannot locate documents, contact the Secretariat and seek assistance
 - Note what do those documents indicate about progress toward Convention/Agreements objectives?

Network with your Colleagues



- ✓ Who attended the last negotiating session?
- ✓ Are there mission reports available from each former delegate?
- ✓ What issues have been particularly significant and/or controversial and why?
 - ✓ Is it ecological networks, migratory species, climate change, biodiversity targets, NBSAPs, migratory landbirds, etc?
- ✓ What issues did your colleagues follow at the last session?
 - Did they take any positions you should be aware of / that you will be expected to be familiar with, and defend?
 - If there are open texts, which delegations supported which language at the last negotiation?
- ✓ Which other delegations are particularly active?
- ✓ Which countries tend to share your country's views?

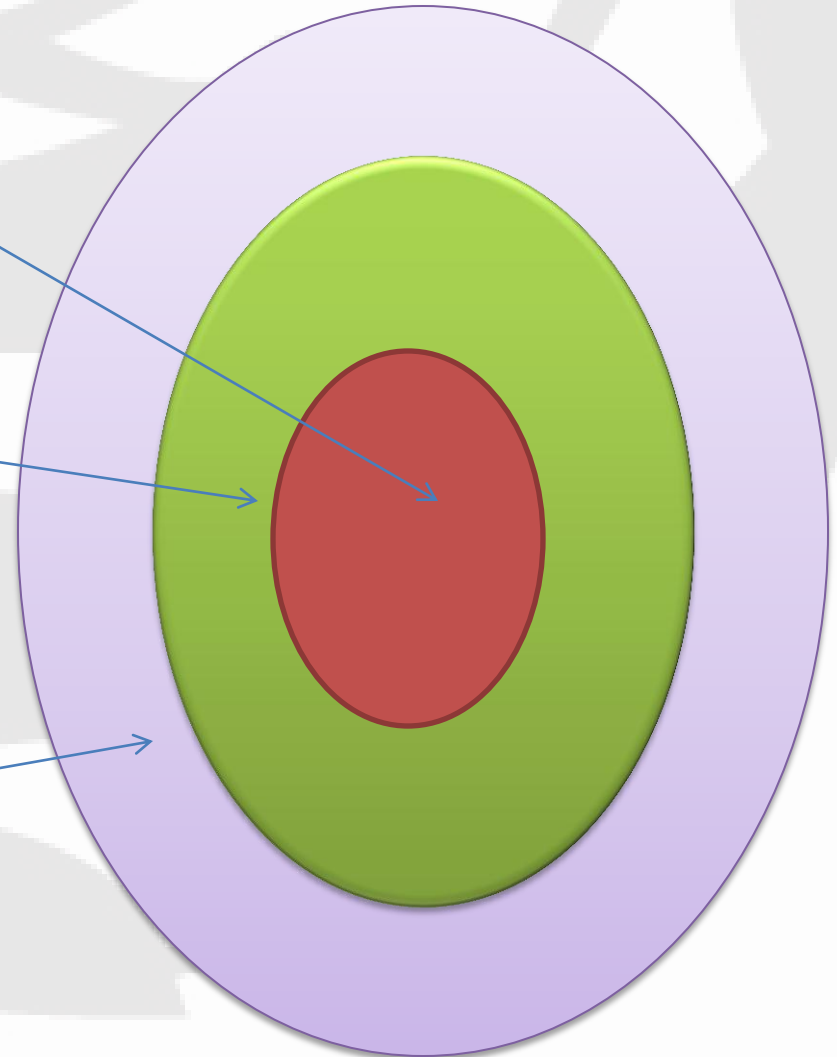
Identify and consult with other concerned & relevant stakeholders



Concerned stakeholders inside
and outside government

Key private sector groups

All interested stakeholders

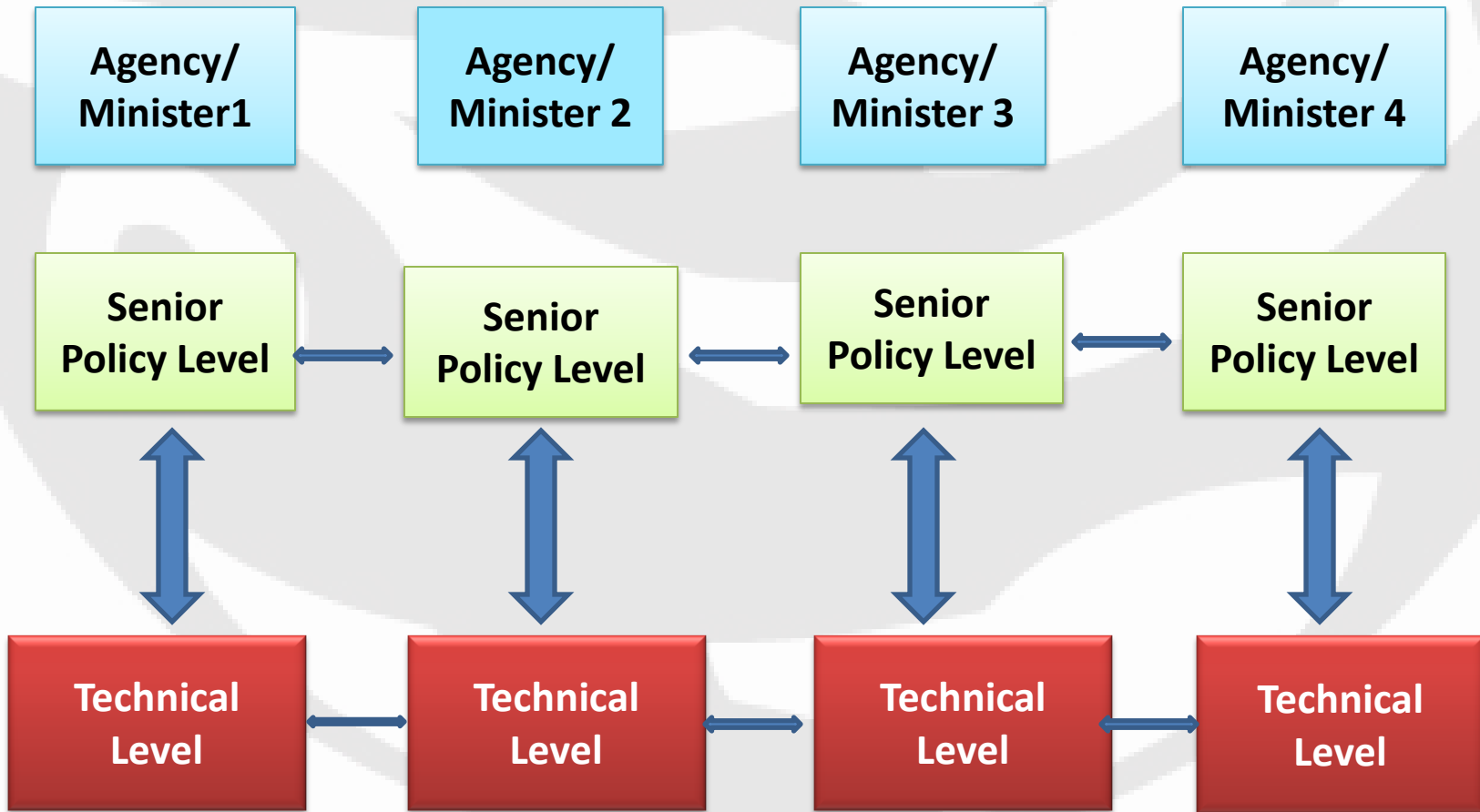


Inter-ministerial coordination



- ✓ **Identify & consult** with concerned stakeholders
 - Government agencies, NGOs, Private Sector etc.
- ✓ How?– Any **procedure for consultation** in place?
 - Existing structure? Ad Hoc Task Force?
 - Any lead agency? Is it demand-driven? political will?
 - Any vertical coordination?-Technical & Senior Policy
 - Any horizontal coordination?-Across ministries/depts.
 - Effective **vertical + horizontal coordination** needed to create lateral leadership and management through:
 - o Building and managing teams
 - o Maximizing incentives to cooperate
 - o Producing clear roles & engaging creative thinking
 - o Maintaining group continuity

Need for effective horizontal and vertical coordination in planning & preparing for negotiation



Preliminary questions to ask



- ✓ What *kind of negotiation* are you going to attend?
 - COP, MOP, MOS?
 - Meeting of Subsidiary Bodies/Committee (StC, ScC)?
 - Ad Hoc Open-ended Working Group?
 - Expert Workshop? etc
- ✓ Where does the session *fit* within the **MEA's institutional structure**?
 - (Biodiversity COP - every 2 years, SBSTTA meets before COP)
 - (Climate COP - each year; SBI & SBSTA meet twice a year)
 - (CMS COP- every 3 years, StC- every year, ScC- once in 3 years)
- ✓ **How are decisions taken?**
 - Consensus? 2/3 majority? 3/4 majority? Double majority?

Selecting national delegation



- ✓ Composition of delegation & roles
- ✓ Mixture of talents and skills needed
 - Technical/scientific, diplomatic, legal
 - Identify Head of Delegation
- ✓ Submit names early - Accreditation
 - Impacts funding
 - Impacts travel arrangements
- ✓ Continuity is critical
 - Serves to train and empower new negotiators through attending negotiation meetings

Prepare a Negotiation Template-Brief



- ✓ Prior to negotiations, prepare brief on significant issues containing:
 - Agenda items and itemize key issues in order of priority, relative importance & weights
 - Relevant convention/agreement articles and provisions
 - Relevant documents for discussion under that 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 & tradeoffs between your preference & that of others
 - Outcome expected at session
 - Recommendation for a national position

Developing a Negotiating Strategy



Issue	Definition	Problem	Impact Analysis- Interests	Possible Action

Further detailed Strategy



Decision	Position	Offensive Strategy	Defensive Strategy	Possible Reaction

Oral Statements



- **Plenary**

- ✓ You or your delegation may prepare a **brief written statement** for your head of delegation to present orally
 - ✓ in the opening plenary, if appropriate, or
 - ✓ at the opening sessions of subsidiary bodies on particular issues of national interest.
- ✓ Statements should **highlight issues** of particular concern for your country, and be concise.
- ✓ **Check calendar** for high-level segments for Ministers (CBD, CITES, UNFCCC, UNCCD. Not CMS).

- **Contact Groups**

- ✓ Statements require **more flexibility**

TO CONCLUDE



WHAT TO REMEMBER !

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

By Benjamin Franklin