



EFFECTIVE PARTICIPATION AND CONDUCTING NEGOTIATIONS

**Workshop to Enhance the Capacity of
CMS Negotiators
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OVERVIEW

- What is effective participation?
- What are different negotiation approaches?
- Identifying negotiating group and coalitions.
- What are negotiation etiquettes?
- Strategies for negotiation, tactics and effect of negotiating language.
- Negotiation styles: competitive and problem-solving orientations.
- How are interventions made (plenary/groups)?
- Negotiations processes and expected outcome.
- Finally, who is a good & skilled negotiator?

For Effective participation...

YOU NEED TO...

- speak to individual delegates to identify areas for compromise or help you understand how to strengthen your country's arguments;
- identify an area where these delegates need your country's support. This will put you in a stronger position to negotiate;
- cooperate with other delegates to form a group that speaks out in support of each other and does not allow other groups to take over;
- explore any possibilities for reaching a common position, as that can strengthen the negotiating position of the group as a whole.



Approaches to MEA Negotiations

- **Proactive/Integrative Approach**
 - Submitting views in advance of negotiations
 - Tabling draft text, proposing alternative text
 - Seeking out and making alliances
 - Bridge gap between negotiating parties by proactively linking a range of different issues
 - The goal is to identify mutually beneficial interests.
- **Reactive/Distributive Approach**
 - Competitive, zero sum, win-lose
 - The dominant concern is to maximize one's own outcome
 - One party achieving goals at the expense of the other party.



Identifying Your Coalitions

Key Questions to ask yourself:

1. Is my country part of a coalition or regional group? Which one?
2. Who is the spokesperson for each of my coalitions?
3. When & where does my coalition meet to discuss common positions?
4. Are my country's concerns reflected in positions taken by my coalition?
5. If not, have I tried to express my country's national needs and concerns?
6. How can I make sure that my national concerns are being addressed?
7. If my country is part of more than one coalition, are there any inconsistencies between the positions taken by these groups?
8. 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?
9. When and where are those meetings being held?

What is the Role of Country Coalitions in the Negotiating Process?

- Coalitions have emerged in MEA negotiations in response to the **large number of States** that are Parties to these agreements.
- They help to **increase the manageability** of negotiations by decreasing the number of negotiating groups.
- For smaller developing countries, coalitions can **help increase negotiating leverage and reduce transaction costs**.
- Coalitions may also be successful in **advancing agendas or points of views** that might otherwise be overshadowed or neglected.
- Coalitions may also use their position to **break or modify a consensus**.



- At the same time, coalition membership can have its disadvantages. It may be **difficult to move between coalitions**.
- **consensus** even within a coalition **can be difficult** or impossible to achieve.
- Finally, once a consensus position is taken within a group, it may be **difficult to shift from that position**.





Identifying Negotiating Groups

There are a **number of major negotiating groups and regional interest** groups in MEA negotiations.

It is important to note that membership in one regional or interest-based negotiation coalition does not preclude membership in other coalitions.

Some of the **major negotiating coalitions** are:

EU, G77-China, Small Island Developing States (SIDS), Alliance of Small Island States (AOSIS), Least Developed Countries (LDCs), The African Group, Group of Latin and America and the Caribbean (GRULAC), Asian Group, etc.



EU

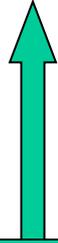


ASEAN

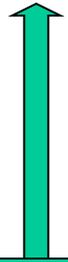


GRULAC

The African Group



USA



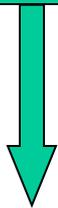
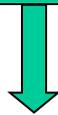
LDCs



Groups and Coalitions are a diverse lot ...



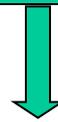
JUSSCAN



G77



OPEC



What are negotiation etiquette? (1)

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

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

What are negotiation etiquette? (2)

- **Never 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 statement made by 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 Processes and Expected Outcomes

- **Negotiation Process:** MEA negotiations start with plenary session
 - Complex technical and administrative issues are referred to contact groups or working groups.
- **Expected Outcomes:** negotiations may result in different outcomes, such as
 - Statement of the Chairperson
 - Resolutions
 - Recommendations and conclusions
 - Decisions.



Interventions in Plenary/Contact Groups (1)

- The President/Chair will take note of country flags that have been put up, and call upon countries in turn.
 - *“I have Uganda, Sudan and then Kenya; Uganda you have the floor”*
- Make a brief acknowledgement of the President or Chairperson.
 - *“Thank you Mr. President/Madame Chair”*
- Begin your intervention by lending support to the expressed position of your coalition representative
 - *“I would like to associate myself with the remarks made by Uganda on behalf of the G-77 and China, Bangladesh on behalf of the LDC Group, and Mali on behalf of the African Group”*
- Detail the importance of the issue at hand for your country or coalition.
 - *“Mr. President, this issue is very important to my delegation / to members of the LDC Group. We have found in recent years that . . .”*

Interventions in Plenary/Contact Groups (2)

- **Remain positive and remark on positive aspects of the negotiation.**
 - *“As my colleague from Brazil has already so eloquently expressed.....”*
- Stay focused and on topic – make a clear and concise statement.
 - *Mr. Chairman, my intervention will be brief. My delegation would simply like to highlight.....”*
- **If necessary, offer a different viewpoint to interventions made on behalf of other states or coalitions, in a diplomatic manner**
 - *“Mr. Chairman, one issue that perhaps the group has overlooked is.....”*
- **Conclude by commenting on the reasonableness of your position.**
 - *I have every confidence Mr. Chairman that with this issue addressed we will be able to move forward in a constructive manner.”*
- Thank the President/Chairperson for the opportunity to speak.



Negotiating Text - Bracketing

- Your country is eager to see all national reports submitted in early 2012 to assess progress toward implementation of a specific decision.
- You propose the following language:
 - ‘All Parties shall submit their national reports by March 1, 2012.’
- What might you expect other Parties to bracket?
 - [All] Parties [shall] submit their national reports by [March 1, 2012].
 - Parties [are invited to] [shall] [are urged to] submit reports [no later than May 1][by May 31][by June 1][at their discretion].



Language of a Negotiating Text

Option 1:

The Parties decide that developing countries shall submit reports by May 1, 2012.

Option 2:

The Parties invite developing countries to submit reports no later than April 1, 2012.

Option 3:

The Parties urge developing countries to submit reports no later than April 1, 2012.

Option 4:

The Parties decide that developing countries may submit reports at their discretion.

Option 5:

The Parties invite developing countries to submit reports at their discretion.

Tips



- **Prepare as much as possible** to understand the subject of the negotiations, your country's interests, and the interests of other countries. Learn about the forum and its rules of procedure, both formal and informal.
- **Look for the win-win situations**, and look for opportunities to support countries with different interests where possible. Their support may be needed in the future.
- **Treat other participants courteously and honestly.** Good relationships and trust are invaluable assets, particularly when thinking about the long term. Humour and diplomacy can be very persuasive.
- **Focus on substantive objectives and be flexible on wording** when your instructions allow. Focus on the interests of your country and other countries, rather than positions, to make progress.



Other tips to consider

- Watch the brackets; don't allow [shall] to become [should] or [may] unless it is in your country's interest.
- Guard against weakening language, such as “if necessary” unless it is in your favour.
- Don't get emotionally involved.
- Find a ripe moment to propose solution or option.

Who are the key Negotiators?

Within a Multilateral Process:

- Chairs of Subsidiary Bodies (Standing Committee), Chairs of 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 item 4(b)).
- *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).



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 countries and coalitions
- Has knowledge of prior negotiations and their outcomes.



A true victory in negotiation is one where all parties regard the outcome as fair and equitable with all interests having been addressed in some way.



Thank you for your attention

