

# MOVING FORWARD TOGETHER: USING FACILITATION, MEDIATION AND MUTUAL LEARNING APPROACHES IN UNFCCC NEGOTIATIONS

**Facilitation and mediation approaches are crucial means to overcome disagreements among countries that result in slow or a lack of progress** in formal and informal negotiations within the United Nations Framework Convention on Climate Change (UNFCCC). There are a number of mediation and facilitation tools and approaches that would enhance the voices of parties and improve the speed and effectiveness of UNFCCC negotiations. This Brief addresses some of the techniques that can be used within a negotiation meeting by presiding officers alone and others that require support by the UNFCCC Bureau and Secretariat.

## Presiding Officer Actions:

These chairing techniques will be effective when carried out well and with the highest standard of impartiality which, as stated in the UNFCCC Guide for Presiding Officers, is already the “cardinal principle” required of presiding officers.

### 1. Use an interpretation of consensus that distinguishes consensus from unanimity

The UNFCCC Guide for Presiding Officers points to an understanding that consensus does not mean unanimous support, but rather means that all have had an opportunity to participate in coming to the best possible decision that all or the vast majority of parties can live with. Presiding Officers could explain the choice of “standing aside.” This allows nations to represent their countries but not stop others from moving forward when there is broad support for a motion or proposal. This recommendation is explored in more detail in Policy Brief #1 (Peringer, Rietig and Theys 2021).

### 2. Provide regular brief reminders of the urgency of the negotiations

Negotiations would have a greater sense of urgency if presiding officers at all levels more regularly conveyed the importance of their work to parties. For example, by showing, at the beginning of sessions, the trajectory of rising global GHG emissions, playing short videos of demonstrations by citizens or devastating climate change impacts, highlighting positive achievements by cities/ regional governments/countries, or find other ways to represent the issues and voices outside the negotiation room.

### **3. Use small group dialogue processes to build consensus on divisive issues**

The process of sequential speaking in a group of 197 parties is not the best way to support learning between parties and build consensus. Facilitation techniques can help use party input to sort the easily resolved from the more difficult issues e.g. “Bricks and Bullets” helped negotiators work through obstacles to agreement in the development of the Minamata Convention on Mercury (Templeton and Kohler, 2014). Processes include: Talanoa dialogue circles; Indabas; Appreciative Inquiry; Open Space; World Café etc. Each format has its merits depending on the goals of the assembly at that time. Use of these techniques at crucial moments in the proceedings could lead to innovative proposals and improve the speed and quality of decision-making.

### **4. Take “straw votes” to assist chairs and negotiators to understand quickly where they are on the path to consensus**

Rather than hear from each party on an issue, or even each group, presiding officers could use the mechanism of a “straw vote.” This means that parties are asked to indicate by raising their flag (i.e., putting their country name card on end) their support of a proposal. This is used to establish how much support a proposal – or part of a proposal -- has in the room. A presiding officer needs to stress that this is not in any way to make a decision, but rather it operates like a mirror. In a very short time, an assembly can learn where to focus their discussion. Given that the UNFCCC does not use voting, we suggest the term “straw vote” not be used, but some UNFCCC version of this practice.

### **5. Make more use of questions, restating and summarizing**

Chairs could assist negotiators to build toward consensus by more use of the following techniques:

- *Integrating questions:* In order to reduce “us-them” positioning, a presiding officer can ask parties: “*What about the others’ positions do you support?*” “*Where do you sense we may all be in agreement?*” “*What would have to be changed to make another’s proposal work for your country?*” A question can also keep the room focused, e.g., “*How can we design this process in a way that meets the needs of transparency and efficiency?*”
- *Restating:* A presiding officer can ask a party to restate what another party has said in order to ensure that other positions have been fully heard and understood;
- *Summarizing:* It is helpful for an assembly to be reminded of where they are in a process, what has been agreed and what pieces are not resolved. Depending how it is used this can reinforce the progress made, clarify where consensus is emerging and point to where more focus is needed.

## **UNFCCC Bureau Action:**

As the body responsible for negotiation process management, the UNFCCC Bureau could take the following actions:

### **6. Use content experts to identify and develop options – even within a session or overnight**

Invite internationally leading experts on agenda topics to be observing and standing by with recommendations to resolve technical matters as they arise. The parties could call upon them or the presiding officer could present their ideas when needed.

### **7. Use facilitation experts to support parties in exploring issues and developing consensus**

Currently informals have breaks to work out an approach to an issue. These informal huddles in aisles of the negotiating room don't promote inclusive careful thought. It would be useful for non-party professionals approved by the UNFCCC Bureau to be at hand to assist small groups by keeping a speakers' list and supporting these impromptu meetings to be more inclusive and effective.

### **8. Implement strategies to advance mutual learning**

There is a high level of expertise among delegates who have been negotiating within the UNFCCC for long periods of time. This 'collective memory' of negotiation strategies, as well as more or less successful chairing approaches is lost when delegates change their job postings. Furthermore, parties experiment and gain experience with the implementation of different Nationally Determined Contributions (Rietig 2019). Sharing successes and failures as well as drawing lessons from these experiences would allow other parties to avoid 're-inventing the wheel' and instead build capacities more quickly and effectively. This is important both for procedural and substantive matters.

- Parties could develop mentoring schemes within their own delegations and in their negotiation group to ensure the successful and sustainable transfer of knowledge from long-standing negotiators to new team members
- The UNFCCC Secretariat could set up and host a 'wiki'-type database of central procedural and technical terms and insights into how these have been applied in the negotiations to build up an institutional memory to facilitate the work of new negotiators and delegates from countries that would particularly benefit from capacity building and negotiator training.
- Training manuals and workshops for chairs could improve the institutional memory (Walker and Biedenkopf 2020)

## RECOMMENDATIONS:

- **UNFCCC presiding officers regularly use these approaches:**
  - An interpretation of consensus that distinguishes consensus from unanimity;
  - Regular brief reminders of the urgency of the negotiations;
  - Small group dialogue processes to build consensus on divisive issues;
  - “Straw votes” to assist chairs and negotiators to understand quickly where they are on the path to consensus;
  - More use of integrating questions, restating and summarizing.
- **Use content experts to identify and develop options – even within a session or overnight**
- **Develop facilitation manuals for presiding officers**
- **Hold facilitation workshops for all in-coming presiding officers led by past presiding officers and facilitation specialists**
- **Pilot new approaches in different parts of UNFCCC negotiations and evaluate the impact**
- **Increase facilitation and mediation training within the UNFCCC Secretariat and party delegations**
- **Develop an independent team of professional facilitators and mediators to support contact groups, and informals at UNFCCC negotiations**
- **Establish an institutional memory of procedures and technical expertise to facilitate learning, capacity building and support negotiators new to the UNFCCC meetings.**

## Conclusion

Techniques developed in the fields of facilitation and mediation make the best use of negotiation time, improve outcomes and increase negotiator satisfaction with the process. Some of these approaches are currently used by some presiding officers within the UNFCCC, some are used in other United Nations negotiations and others are used more commonly in civil society settings. All are worthy of application to the UNFCCC to support the planet’s increased effectiveness in adapting to climate change and achieving net zero carbon emissions by 2050.

## References

Peringer, C., Rietig, K. & Theys, S. (2021). Policy Brief #1 “Re-Interpreting Consensus: A new approach to improving UNFCCC negotiations.”

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**For more information about the project, visit [www.betterclimategovernance.com](http://www.betterclimategovernance.com) or contact the team at [admin@betterclimategovernance](mailto:admin@betterclimategovernance) or [Christine@peringer.ca](mailto:Christine@peringer.ca).**

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