

**How to Improve UNFCCC
Meetings and Negotiations:
A Mediator's Recommendations**

Kenneth Cloke

20 Ways to Improve UNFCCC Meetings (1)

1. Conduct in-depth, broadly inclusive, collaborative evaluations of the process used in Copenhagen, Paris, and other climate change meetings to identify what worked and what can be improved
2. Consult widely with diverse public and private sector organizations and individuals who have experience designing negotiation/dispute resolution systems and can provide ways of improving the entire negotiation process
3. Develop a comprehensive set of process recommendations for future talks, secure agreement to implement them prior to the session, and brief delegates on them before they arrive
4. Create international negotiation and conflict resolution protocols, model mediation language, and annexes to existing agreements that encourage a broad range of collaborative interest-based dispute resolution processes, including mediation, ombudsmen, facilitated dialogue, and other methods
5. Ask each delegation to future talks to include among their members one or more trained mediators, collaborative negotiators, ombudsmen, or small group facilitators who can assist in bridging differences as they occur
6. Assign one or more UN mediators or ombudsmen to every delegation, and to each small group and problem solving meeting
7. Appoint facilitators, ombudsmen, and mediators in advance for every meeting and asking them to recommend ways of improving the next one

20 Ways to Improve UNFCCC Meetings (2)

8. Send experienced negotiators, facilitators, ombudsmen, and mediators to meet with the parties in advance of conferences and negotiating sessions to help set targets and timetables, and encourage compromises that could lead to better and quicker agreements
9. Drastically simplify and reduce the rigidity and formality of protocols, rules and official processes, especially as they effect the negotiation and agreement writing process
10. Shorten large meetings and break participants up into small, diverse, informal teams to brainstorm alternatives, agree on common goals or shared values, and reach consensus recommendations on specific problems, led by facilitators and mediators
11. Offer free trainings throughout the process for individuals, delegations and teams in collaborative negotiation, facilitation, and conflict resolution
12. Reach agreement on a variety of next steps that can be taken when consensus is not reached, including dialogue, informal problem solving, collaborative negotiation, and mediation
13. Appoint fast-forming, diverse problem solving teams with experts from all nations, regions, groups, types of alternatives and ranges of opinion, with professional facilitators and recorders to aid them in their work
14. Periodically conduct process checks to make sure everything is on track and make improvements as needed

20 Ways to Improve UNFCCC Meetings (3)

15. Facilitate meetings of climate change experts and scientists to develop consensus-based recommendations, include them on problem solving teams, and convene meetings of diverse specialists to advise delegates on specific topics
16. Conduct frequent open dialogue sessions on critical topics without at first attempting to reach agreement, provide multiple opportunities for free-ranging small group discussions, and repeatedly elicit recommendations for better ways of reaching consensus
17. Focus not only on reaching a single comprehensive agreement, but also on reaching smaller, specialized, limited, tentative, provisional, national, regional and bloc agreements, then work to accumulate and amalgamate them into a single comprehensive draft
18. Allow facilitators to stop the process if it isn't working, discuss what isn't working openly, invite suggestions, and propose ways of improving it
19. Consider the entire multi-year agreement drafting process as a conflict *system*, and use conflict resolution systems design principles to develop better ways of responding to obstacles, impasses and conflicts as they occur
20. Continue to search for ongoing, diverse preventative measures that can be adopted by all parties and UN organizations, that will help reduce the severity of future problems

Why Collaborative Efforts Often Fail (1)

- Neglecting to involve those who are most immediately impacted by the problem
- Being too timid and not including strategic or systemic objectives
- Excluding critics with useful ideas from the process
- Allowing internal and external conflicts to continue unresolved
- Not improving skills in communication and conflict resolution
- Seeing collaboration as an *event*, rather than something that happens daily
- Not making collaborative improvements in the design of systems, processes, relationships, communications, and technology
- Not reducing or eliminating bureaucratic work that takes time and energy from collaboration efforts
- Not working strategically when facing emergencies or uncertainties
- Using collaborative language and not implementing it
- Thinking only tactically and incrementally about collaboration
- A belief by managers that they will not benefit from collaboration
- Failing to flatten hierarchies and institutionalize teamwork

Why Collaborative Efforts Often Fail (2)

- Not assisting outside stakeholders in understanding the need for collaboration
- Not making collaboration an objective of each member of the entire group
- Not changing the culture of aggressive competition to one of collaboration
- Not implementing the collaboration at all levels
- Inability to visualize what collaboration is intended to achieve, or using it to pursue unclear priorities or vague objectives
- Lack of adequate financial resources
- Lack of clarity about how to put it into practice
- Incorrectly seeing collaboration as simple or a cure-all
- Using it to attack systemic problems partially, piecemeal or episodically
- Using a “one size fits all” or “flavor of the month” approach
- Not addressing the underlying systems that created the problems and focusing instead on superficial or isolated problems
- Failing to transform existing cultures, processes, and relationships, and significantly alter day-to-day behaviors

10 Step Overview of Consensus Building

1. Contracting and Needs Assessment
2. Collaborative Process Design
3. Convening the Parties
4. Empathy and Trust Building
5. Exploration and Problem Solving
6. Consensus Building
7. Collaborative Negotiation
8. Mediation and Impasse Resolution
9. Communication Planning and Action Planning
10. Feedback, Evaluation and Continuous Improvement

Convening the Parties and the Process (1)

1. Initiate a discussion about whether to have a large group process
2. Prepare a proposal for the process
3. Identify a team with responsibility for preparing a “conflict assessment”
4. Select a professional facilitator to prepare a written conflict assessment and plan for the process
5. Identify a first circle of essential individuals to interview
6. Identify a second circle of participants who are also interviewed
7. Complete initial interviews, summarize without attribution and distribute
8. Prepare a draft conflict assessment and proposed ground rules
9. If a decision is made to proceed, identify appropriate representatives
10. Secure necessary funding, create a time-line and agree on publicity
11. Identify missing actors who can impact the success of the process
12. Identify proxies to represent hard-to-represent groups
13. Ask groups to name alternate representatives and agree on ground rules
14. Train facilitators and other leaders of the process
15. Conduct the process and evaluate it
16. Use facilitated caucusing and sidebar discussions where necessary
17. Prepare a final conflict assessment with consensus recommendations
18. Convene a meeting of the group to consider the recommendations

Clarifying Roles and Responsibilities (2)

1. Clarify the roles of facilitators, mediators, and recorders
2. Select and specify responsibilities of a facilitator or a mediator
3. Select and specify the responsibilities of a recorder
4. Form an executive committee
5. Consider the value of a chair
6. Set rules regarding the participation of observers
7. Set an agenda and ground rules
8. Get agreement on the range of issues to be discussed
9. Specify a timetable
10. Finalize procedural ground rules
11. Require all participants to sign the ground rules
12. Clarify the extent to which precedents are or are not being set
13. Assess computer-based communication options
14. Establish a mailing list
15. Accept an advisory role if that is all that is allowed
16. Clarify the presumed liability of the participants
17. Clarify confidentiality arrangements
18. Clarify legal obligations if the participants are simultaneously involved in pending litigation
19. Clarify the extent to which precedents are or are not being set
20. Create a dispute resolution procedure

Investigating and Deliberating (3)

1. Deliberate and express concerns in an unconditionally constructive manner
2. Don't trade interests for relationships
3. Engage in active listening
4. Disagree without being disagreeable
5. Strive for the greatest degree of transparency possible
6. Separate inventing from committing
7. Identify interests and invent options for mutual gain
8. Emphasize packaging
9. Test options by playing the game of "what if?"
10. Create sub committees and seek expert advice
11. Formulate joint fact-finding procedures and identify expert advisors
12. Organize drafting or joint fact-finding subcommittees
13. Incorporate the work of subcommittees or expert advisors
14. Draft preliminary proposals and use A single text procedure
15. Brainstorm and withhold criticism
16. Avoid attribution and individual authorship
17. Consolidate improvements in the text
18. Search for contingent options
19. Modify the agenda and ground rules (if necessary)
20. Consider responsibilities, obligations and powers of sponsoring agencies and organizations

Mediating and Deciding (4)

1. Welcome dissent and expression of differences
2. Search for synergies
3. Respond openly, honestly and collaboratively to disruptive behavior
4. Clarify confidentiality arrangements
5. Clarify legal obligations if the participants are simultaneously involved in pending litigation
6. Clarify the extent to which precedents are or are not being set
7. Try to maximize joint gains
8. Test the scope and depth of any agreement
9. Use straw polls
10. Seek unanimity
11. Accept an advisory role if that is all that is allowed
12. Clarify the presumed liability of the participants
13. Settle for an overwhelming level of support
14. Make every effort to satisfy the concerns of holdouts
15. Keep a record
16. Maintain a visual summary of key points of agreement and disagreement
17. Review written versions of all decisions before
18. Maintain a written summary of every discussion

Implementing and Improving (5)

1. Seek ratification by constituent representatives
2. Ask representatives to canvass constituents to obtain revisions and responses to a penultimate draft
3. Ask representatives to sign and commit to a final agreement in their own names
4. Include necessary steps to ensure that informal agreements are incorporated or adopted by whatever formal mechanisms are appropriate
5. Incorporate appropriate monitoring procedures
6. Set dates for check-ins
7. Include re-openers for issues that are changing
8. Identify dispute resolution procedures for future disagreements
9. Encourage organizational learning
10. Support organizational development
11. Ask for feedback for the facilitators and mediators and thank those who give it, especially when the feedback is critical
12. Evaluate the process as a whole
13. Identify areas for improvement in content, process and relationships
14. Acknowledge and appreciate everyone for their contributions
15. Celebrate!

16 Steps for Large Group Dialogues (1)

1. *Exploratory Contacts.* Preliminary calls or letters to knowledgeable individuals in the public, private, and civic sectors to examine the viability and timing of a dialogic approach to a specific issue.
2. *Issue Framing.* The development of a key policy, planning, or regulatory question, or set of questions, to which the dialogue will then seek to develop consensus answers.
3. *Product Framing.* An initial conceptualization of possible products, i.e., joint policy recommendations, delineation of issues and options, guidance to government, etc., and possible linkages to formal decision-making.
4. *Concept Paper.* The creation of a brief proposal and call for participation that is circulated to prospective participants and funders.
5. *Financial Commitments.* Multilateral pledges to help underwrite a dialogue and its associated costs.
6. *Co-Conveners.* For some projects, it is useful to identify and invite two respected and leading authorities to serve as “Co-Conveners.” Conveners often come to the issue at hand with different histories and viewpoints but are committed to a search for common ground and the exploration of break-through solutions. They lend their name and intellectual leadership.

16 Steps for Large Group Dialogues (2)

7. *Representation.* Ensuring that a broad spectrum of voices and viewpoints are invited to participate and that those invited are, as a condition of participation, committed to disciplined give-and-take discussions.
8. *Work Plan.* A detailed but flexible work plan that corresponds to the needs of the project and that outlines budget and timelines.
9. *Venue.* A meeting setting that is comfortable and business-like, usually with state-of-the-art audio-visual capabilities if such is available. For some projects, it is useful to organize brief field trips to examine first hand a relevant on-the-ground example of the topic under discussion, i.e., an industrial plant, an eco-system, a meeting with regulators, etc.
10. *Briefing Book.* A notebook of background materials is compiled and given to participants in advance of the first meeting. Usually, the briefing book contains issue summaries, a multi-disciplinary history of the issue, position papers, summaries of pertinent research, and other materials that help ground and prepare participants for discussions.
11. *Protocols.* An initial set of ground rules which are negotiated at the first meeting (or prior) and which create common rules of engagement regarding project organization, group decision-making, participation by others, ground rules for media contacts and the use of data and technical information, and table manners.

16 Steps for Large Group Dialogues (3)

12. *Working Groups.* Many dialogues often require smaller working groups and cross-sector teams that meet between plenary sessions. This allows more in-depth examination of specific sub-issues, contacts with wider audiences, and the development of proposals for the full group.
13. *Use of Experts.* Certain issues – climate change, chemical weapons destruction, and watershed restoration – may need a great deal of fact-finding and technical information and, in some cases, new modeling or research roundups. It is useful to work with all participants to define and secure the level of information that is needed to work on the issue at hand, to identify acceptable independent experts when those are appropriate, and to help secure state-of-the-art information.
14. *Individual Meetings.* Policy dialogues typically span a number of months and, in a few cases, more than a year. Facilitators and co-conveners may need to spend a considerable amount of time talking with participants between meetings to ensure that information is being exchanged, commitments to do between-meeting work are being honored, and to help solve procedural, substantive, or relationship problems that may arise.

16 Steps for Large Group Dialogues (4)

15. *Reporting and Roll Out.* Typically, most dialogues produce a set of recommendations, guidance to government, or a report on future directions. It is important that leaders play an active role in distributing such reports and ensuring the widest possible logical policy relevance and use. For example, diverse Dialogue representatives may testify in front of Congress regarding consensus recommendations.
16. *Feedback and Continuous Excellence.* All dialogues are participant-driven, that is, the deliberation group sets the agenda, charts course corrections, and makes key decisions regarding the substance and process of the issue under discussion. However, it is crucial that co-conveners and/or facilitators solicit ongoing evaluation of the work, both during and after the life of a specific dialogue.

[Source: Peter S. Adler and Kristi Parker Celico, Policy Dialogues, at http://www.beyondintractability.org/essay/policy_dialogue/?nid=1312]