

IMPROVING UNFCCC NEGOTIATIONS WITH FACILITATION/MEDIATION APPROACHES: A TOOLKIT

Disagreements among countries can result in slow or a lack of progress in formal and informal negotiations within the United Nations Framework Convention on Climate Change (UNFCCC). While presiding officers work hard to bring their sessions to consensus, the meetings don't use modern processes that support effective collaborative decision-making. 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 presents ten tools: the first five can be used directly within a negotiation meeting by presiding officers; the last five 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 can live with. Decision making would be stronger if co-facilitators explained the choice for a party of strongly stating their opposition, then "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 #2 (Peringer, Rietig and Theys 2021).

2. Launch 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 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). Other recommended processes include: Talanoa dialogue circles (COP23 Presidency 2017); Indabas (IAF 2016); Appreciative Inquiry (Cooperrider 2008); Open Space (Owen 1992); World Café (Brown and Brown, 2005) 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.

3. Use “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 short time, an assembly can learn where to focus their discussion. Given that the UNFCCC does not use voting, we suggest the words “straw vote” not be used, but some UNFCCC-friendly term.

4. Make more use of chairing best practices, including questions, restating and summarizing.

Co-facilitators 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.

PRESIDING OFFICER ACTIONS

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

5. 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.

6. Engage facilitation experts to support parties in exploring issues and developing consensus.

Currently negotiations will pause to allow negotiators to discuss an issue among themselves. These informal huddles in the aisles of the negotiating room don’t promote inclusive careful thought. It would be useful for non-party professionals approved by the UNFCCC Secretariat to be at hand to assist contact groups and ‘informals’ by keeping a speakers’ list and supporting these meetings to be more inclusive and effective (Cloke 2013).

7. Support mutual learning among negotiators and non-national actors.

Learning among negotiators and non-national actors can facilitate the negotiation process and reaching an effective negotiation outcome (Rietig 2019). Knowledge exchange and skill development needs to be supported through developing facilitation manuals for presiding officers, holding facilitation workshops for all incoming presiding officers led by past presiding officers and facilitation specialists, increasing facilitation training within the UNFCCC secretariat, bureau and party delegations, and establishing an institutional memory of procedures and technical expertise to facilitate learning, capacity building and support negotiators new to UNFCCC meetings. It is important that negotiators share their countries' experiences with the implementation of NDCs and reflect on what other's experiences imply for national contexts to draw lessons and avoid 'reinventing the wheel'.

8. Enhance negotiators' procedural and substantive knowledge.

There is a high level of expertise among delegates who have been negotiating within the UNFCCC for a long time. This 'collective memory' of negotiation strategies and 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, Rietig 2021). 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 capacity 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 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 support 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).

9. Strengthen non-negotiation settings to explore common ground.

Non-negotiation spaces such as the 'Green Zone' at COPs offer a space for non-national actors and negotiators to meet in a setting that allows them to move past national negotiation positions and explore solutions in a more creative and informal setting. This supports exploring innovative climate action and cooperation outside negotiation 'scripts'. Such non-negotiation spaces have become filled with enthusiasm and energy as non-national actors and parties present success stories and discuss solutions at panel presentations and 'side events'. The Action on Climate Empowerment (ACE) Dialogues offer a more formal, moderated way of including non-national actors into solution-oriented discussions. They could be improved by clearly defining objectives and desired outcomes, attracting participants that can help achieve objectives/outcomes, as well as designing dialogues tailored to achieving such objectives/outcomes.

CONCLUSION

Introducing facilitation techniques will improve the 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.

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This brief was produced as part of the Better Climate Governance project. For more information about the project, visit www.betterclimategovernance.com or contact the team at connect@betterclimategovernance.com or Katharine.rietig@ncl.ac.uk.

Thanks go to Katharine Rietig, Christine Peringer and Sarina Theys for contributing to this policy brief.

Citation: Rietig, K., Peringer, C. and Theys, S. (2021). Moving forward together: Using facilitation, mediation and mutual learning approaches in UNFCCC negotiations. Better Climate Governance Project. Retrieved from <https://betterclimategovernance.com/policybriefs/>.