The management of multilateral negotiations: lessons from UN climate negotiations

Dr Kai Monheim

Policy paper

February 2015

ESRC Centre for Climate Change Economics and Policy

Grantham Research Institute on Climate Change and the Environment

Executive Summary

The management of multilateral negotiations plays a crucial role in attaining global cooperation.

The 2009 Conference of Parties (COP 15) in Copenhagen, which aimed to deliver a first-ever comprehensive global climate deal, ended without agreement in part because of poor management of the negotiations by the Danish host and the UNFCCC Secretariat. Significantly altered management practices a year later at COP16 in Cancun, Mexico, were a major factor in an agreement being reached. Compromises made at the previous summit in Copenhagen, which provided a framework for agreement, also played a significant role. The power distribution between different parties and their interests remained mostly constant, so had less influence on the different outcomes at the Copenhagen and Cancún summits.

This policy paper looks at the significance of negotiations management for achieving successful negotiation outcomes by analysing evidence from 55 confidential interviews with senior negotiators from all coalitions involved in the UNFCCC process, high-level UN officials, lead host organisers and summit observers.

The evidence suggests that **the COP Presidency and UNFCCC Secretariat can make an important contribution to achieving a successful negotiation outcome** by:

- **Creating a transparent and inclusive process.** Transparency and inclusivity are crucial to ensure that all parties understand the negotiation process and its content. This enhances their ability to contribute and to compromise. It also reduces the possibility that parties attempt to obstruct negotiations because of procedural issues. Transparency and inclusivity also encourage all parties to feel they are being treated with respect by the organisers.

- **Ensuring the capabilities of the organising institutions and individuals**. Organisational cohesion within and between the Presidency and the UNFCCC Secretariat plays a key role in successful COPs. Individuals with key organisational roles, for example the President, the Head of the UNFCCC Secretariat and their advisors, must have expert understanding of the negotiation process, as well as being skilled networkers and communicators. This enables them to navigate complex negotiations more effectively and widens their access to delegates.

- **Securing broad acceptance of the COP President from key negotiators.** Building acceptance and trust in the authority of the COP President engenders a sense of goodwill among parties and empowers the President with sufficient leeway to take crucial decisions. It also reduces the potential for parties to block decisions.

- **Enabling constructive arguing.** Building a sense of trust towards the organisers and among the parties involved, and providing informal negotiation spaces enables constructive arguing. Organisers from host nations and the UNFCCC Secretariat can thereby facilitate constructive arguing that lets negotiators from different parties mutually reveal information about the interests that underlie their positions and provide a rationale for possible solutions. By doing so, constructive arguing allows those involved in negotiations to consider interests more comprehensively and to craft a deal that is acceptable to all. It can also make parties more amenable to new solutions and compromises.

The author can provide more detail on these results (email:k.monheim@lse.ac.uk), as does the book by Kai Monheim (November, 2014), *How Effective Negotiation Management Promotes Multilateral Cooperation: The Power of Process in Climate, Trade, and Biosafety Negotiations*, Routledge.

Introduction

This policy paper outlines **how effective negotiation management contributes to reaching agreement** at multilateral climate change negotiations.

It focuses on the UNFCCC climate change negotiations – the Conference of the Parties (COP) and preparatory negotiations - during the Danish and Mexican presidencies in 2009 and 2010.

The paper summarises the policy-relevant results of a three-year research project on multilateral negotiations at the Department of International Relations at the London School of Economics and Political Science and its Grantham Research Institute on Climate Change and the Environment, which provided generous support.

This paper first presents the core negotiation management levers of the host country and UNFCCC Secretariat. This is followed by a brief analysis of the role of national vested interests, the distribution of power, the effect that prior failure can have in building determination for a successful outcome at subsequent summits and in providing a framework for compromise.

Each section includes a text box with a brief summary of the empirical evidence on the UN climate negotiations, gathered primarily from 55 semi-structured in-depth interviews averaging one hour in duration with senior negotiators from all coalitions, high-level UN officials and lead host organisers, as well as summit observers.

For reasons of confidentiality the evidence is not attributed to individual interviewees. However, the aggregate numerical results are shown for each management factor.

1. Core levers for managing multilateral negotiations

1.1 Transparency and inclusiveness

> *"The fact that we knew what was on the table [in Copenhagen] contributed to our agreement to the proposal."*
>
> Lead negotiator to UN climate negotiations, 2011.

Scholars and practitioners of economic and environmental regimes have emphasised the importance of transparency and inclusiveness to successful negotiation outcomes (Köster, 2002; Mayr, 2002; Odell, 2009; Müller, 2011; Albin and Young, 2012; Davenport, Wagner et al., 2012). The empirical analysis presented in this paper is consistent with this and suggests that the organisers of UNFCCC Conference of Parties (COP) negotiations should consider the following to create a transparent and inclusive process.

Creating a transparent process

A key way in which the organisers from the host nation and UNFCCC Secretariat can improve transparency is by providing sufficient information on small group negotiations. These small group negotiations are an important part of large

multilateral negotiations. They reduce the complexity of having a high number of issues and parties. They often consist of between 20 to 60 negotiators only, which, if not properly managed, can leave other delegates feeling excluded. Transparency about the group's mandate, schedule and participants is therefore crucial.

Providing detailed information about the development of a compromise text further improves transparency. After tiring and demanding negotiations, this text is meant to enable agreement by satisfying the positions of as many parties as possible. Given its importance, the organisers need to raise awareness about the origin of the text, how it has evolved and the conclusions reached.

Transparency is also improved by the organisers diligently providing the necessary information about the overall negotiation progress and schedule. At a COP summit, thousands of negotiators are scattered over many different formal and informal groups for two weeks. Very few participants have an overview of all the key moves that occur. This means that information on negotiation progress and the next steps is essential for delegates' active involvement and buy-in.

Creating an inclusive process

Organisers improve the inclusivity of the negotiation processes by carefully designing the selection process for the small group negotiations. Countries want to participate in the most important small groups or at least be represented by other countries from their coalition. The organisers need to respond positively to this core demand.

Aside from small group negotiations, negotiations occur in several different forums at different professional levels; from experts up to heads of state and government. These 'layers' of negotiation require close integration to avoid the exclusion of delegations that, for instance, may not be represented at the leadership level.

Organisers should engage in extensive deliberation on the different parties' proposals when facilitating compromise. They need to reach out broadly to countries in the run-up to each summit to consider comprehensively all viewpoints.

Finally, organisers can improve the perception of transparency and inclusiveness by 'branding' negotiations as being transparent and inclusive.

Transparency and inclusiveness contribute to a successful negotiation process in the following ways:

- They increase the **knowledge of negotiators** about the negotiation process and content, thereby making them more confident about agreeing an outcome. Negotiators must have a clear understanding of the outcomes they are being asked to agree in a summit's final hours. This gives them the confidence to agree outcomes because it enables them to comprehensively report back to their governments on how the final agreement was reached. Alongside this, negotiators must also understand the negotiation process and feel it is legitimate. This promotes trust between parties and the host, which is vital in the turbulent and sometimes fractious environment of a summit. It also increases the acceptance of the final ruling on consensus by the summit President.

- They enhance parties' **ability to contribute** to a compromise and their ability to highlight their 'must-have' issues. This maximizes the input of different parties, helping to create a proposal that is acceptable to all. This can be critical in preventing more 'radical' parties from blocking the agreement. Finally, the ability to contribute increases negotiators' commitment to the output and enhances their willingness to agree with it.
- They diminish the likelihood of **negotiations being obstructed** on procedural grounds. Otherwise, delegates who are unsatisfied with a suggested outcome may use process as an instrument to block progress. They may try to undermine the organiser's efforts and promote the view that the process lacks transparency and is not inclusive. By contrast, having a transparent and inclusive process can make the political 'price' for blocking negotiations too high.
- They engender a sense of **respectful treatment**, which builds sympathy for the process and increases negotiators' willingness to agree. This becomes even more important when political leaders are present. Politicians are accustomed to being treated in a respectful way and are therefore particularly sensitive to any behaviour that could be perceived as discourteous.

Empirical evidence on the Danish and Mexican Presidencies: The evidence gathered here suggests that the Danish Presidency did not successfully create a transparent and inclusive negotiations process (100 percent of interviewees for this research said the process was not transparent; 97 percent found it was exclusive). The Danes had prepared a compromise draft behind the scenes, known as the 'Danish text'. It infringed upon parties' prerogative to develop their own negotiation text. Moreover, the exclusive composition of the small group of 30 leaders that hammered out the final deal offended the excluded 90 heads of state and government. Following, what was regarded by many parties as a secretive final session that included only the United States and BASIC (China, India, Brazil, South Africa) coalition of countries, many of the excluded parties made vocal objections to their compromise draft on the grounds of process. As a result, the summit only 'took note' of the draft and ended in deadlock without agreement.

Learning from Copenhagen, the Mexican Presidency and the UNFCCC Secretariat increased transparency and inclusiveness (76 percent of interviewees said the process at Cancun was transparent and 87 percent said it was inclusive). The organisers reached out widely to all countries, including those who had felt neglected at Copenhagen, such as the Latin American ALBA coalition (Venezuela, Nicaragua, Bolivia, etc.). The Mexicans refrained from drafting a compromise text and reiterated the mantra of 'no Mexican text'. An open-door policy avoided the small closed circles that had irritated so many at Copenhagen in 2009. Parties could always join the small informal rounds on key outstanding issues under the facilitation of the organisers. The transparent and inclusive process overseen by the organisers was a key factor in the adoption of the Cancún Agreements.

1.2 Capability of organisers

> *"Speaking with two tongues as Presidency wasn't helpful either. It created room for countries to play games with us."*
>
> Danish host organiser of climate negotiations, 2011.

Research in the fields of Bureaucratic Theory, Foreign Policy Analysis, and Transnational Studies indicates that bureaucracies and individuals influence the process and outcome of multilateral negotiations (Weber 1946; Allison 1971; Barnett and Finnemore 1999; Mitchell 2002; Depledge 2007; Biermann and Siebenhüner 2009; Jinnah 2012). The empirical evidence in this study supports these approaches. It points at several core elements concerning the capability of organisers.

Ensuring the high capability of organising institutions and individuals

The organisers of negotiations play an important role in whether or not a successful outcome is reached. For international climate change negotiations, the 'organisers' are the responsible branch of the host country's government and the UNFCCC Secretariat. Within these institutions, individuals with key roles are the head of the Secretariat, the host country Minister as Conference President and his or her lead advisor. It is crucial that these institutions and individuals have high capability in a number of key areas.

A high organisational, cultural and personal 'fit' to the specific negotiation circumstances is crucial. The organisational 'fit' of institutions requires, above all, the internal unity of the organising institution and clear responsibilities (for example, between the Climate Ministry and the Prime Minister's Office). Cultural 'fit', for instance, includes the ability of organisers to build bridges as a neutral facilitator. It also means not communicating in a manner that is perceived as too direct or dominant and being able to work behind-the-scenes to create an inviting and unthreatening atmosphere for negotiation. A successful personal 'fit' has been attributed to organisers that are, among other things, empathic, approachable, open to listen, modest and humorous, while still steering the negotiations with confidence.

Organisers also need to possess a high level of expertise in the dynamics of negotiations and must have a facilitation 'toolkit' developed from lengthy experience in multilateral negotiations. By contrast, an in-depth prior knowledge of the content under negotiation does not appear to be a crucial factor.

Finally, it is crucial to ensure good working relations between the Presidency and treaty Secretariat. While there may be lively debate about the appropriate negotiation management process among organisers, a generally non-competitive interaction between the principal facilitators without rivalry for publicity is essential for success.

High capability of the organising institutions and individuals contributes to successful negotiation outcomes in the following ways:

- The organisational fit and institutional alignment, (above all the internal unity of organisers) **enhances organisers' effectiveness** by allowing the host country and UNFCCC Secretariat to focus all their resources on the facilitation

of the negotiation process, rather than getting mired in their own disputes or misunderstandings. Animosities within the host government and with UN bureaucracy cost organisers valuable time. Indeed deep internal strife reduces the motivation of officials in the organising institutions. By contrast, a clear distribution of responsibilities and mutual trust between organising institutions empowers officials in their facilitation. Parties can then count on the word of an organiser and cannot exploit internal differences.

- Process expertise and high cultural and personal 'fit' **allow organizers to navigate the process** of these complex and fragile negotiations in a sophisticated way. They enable them to find appropriate tools for a given situation. Having a high degree of empathy enables a good reading of critical situations. Knowledge of core process rules is also essential for the lead organiser. For example, when the Conference President leads parties through the heated debate in the final hours of the negotiations a comprehensive understanding of the process rules can make a decisive difference on whether a successful agreement is reached. Having a high level of negotiation process expertise also makes matching up original strategy with negotiation reality much more realistic and provides more flexibility to respond to potential deviations. Lastly, a dominant or 'pushy' facilitation style can undermine the perception of organiser neutrality, which devalues their core role as an unbiased facilitator.

- High cultural and personal 'fit' also **widens the access of organisers to parties**. Showing empathy and being perceived as fair and understanding helps, as does cultural proximity/similarity. These cultural-personal factors can make negotiators more amenable to having a conversation and to sharing information with the organisers, which is essential for facilitation. By contrast parties can be made to feel alienated by the actions of organisers, perceiving them as disrespectful. This can make delegates hesitate or even refuse to engage with the organisers. Beyond the gathering of information from individual delegations by the organisers, wide access to delegations allows lead organisers to build bridges and forge compromises between parties who might otherwise not have exchanged views constructively.

> *Empirical evidence on the Danish and Mexican Presidencies: The Danish Presidency was initially led by the Danish Minister for Climate and Energy. She and her team had a high level of expertise in the process and content of climate negotiations, as was reported by around 50 percent of interviewees for this study. However, intense rivalries between this team and the Prime Minister's Office broke out in the run-up to the summit, which Danish officials frankly conceded in interviews for this research afterwards. They led to the resignation of the principal adviser to the Danish Minister for Climate and Energy, only a few weeks before the summit. The new leading team of the Danish Prime Minister and his chief adviser had a much smaller network among negotiators and less multilateral negotiation experience, as close to 100 percent of respondents complained. The most revealing moment was the statement of the Prime Minister as Conference President in the crucial hours of the closing night of Copenhagen. It was observed by interviewees that, having called for a vote on the compromise proposal the Prime Minister acknowledged, in front of all delegates, that he did not know "your rules". Tensions between the Danish hosts and the assertive UNFCCC Executive Secretary aggravated the situation and inhibited a joint rescue of the summit. Respondents unanimously mentioned this non-alignment as a crucial driver of the summit's failure.*
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> *This experience led the Mexican President to resolve rivalries among the ministries early on, as disclosed by Mexican officials for this research. He appointed the Foreign Minister as Conference President. She and her team received input on substance from the Environment Ministry. The Foreign Minister and her chief adviser mastered multilateral processes as seasoned diplomats. They had very empathic personalities with a non-directive attitude and sense of humour as was reflected almost unanimously by the interviewees, independent of their negotiation coalition. This fit of a 'high context culture' contrasts with the very direct and straightforward communication style of the Danish and gave the Mexicans wide access across negotiation groups to gain rich insights into the underlying motivations. This was essential to finding common ground. The relations between the host country and the UN were less conflictive under the new UNFCCC Executive Secretary in Cancún, as nearly 50 percent of interviewees indicated. Her cooperative behind-the-scenes support of the presidency contributed to Cancún's success.*

1.3 Authority of the Conference President

> *"Even though we didn't like some parts [of the final proposal] we said 'yes' due to the authority she had enjoyed amongst us."*
> Lead climate negotiator on the Mexican Conference President, 2011.

Scholarship on individual leadership indicates the influence of the authority held by the Conference President on negotiation outcomes, in addition to the capabilities of the organising institutions and its key individuals (Depledge 2005; Odell 2005; Tallberg 2010; Blavoukos and Bourantonis 2011). The empirical evidence of this research highlights this factor.

The importance of presidential authority

A fundament role of the Conference President is moving negotiations forward and bringing them to a successful conclusion in their delicate final hours. To achieve this, their authority must be accepted among the large majority of key negotiators.

The question is: how can the Conference President achieve this high level of authority and be trusted by delegates? Many negotiators base their trust in the Conference President on their perception of his or her capability and on the transparency and inclusiveness of the process he presides over. This shows how the levers of negotiation management interact.

As regards 'capability', delegates develop trust when, for example, the President masters the process without serious violations of core rules and personally interacts with delegates in an open and amicable way. Maintaining neutrality as President is a 'must-have' element in exercising this role.

A transparent and inclusive process also further bolsters their authority. Parties gain trust in the facilitation of the organiser when they are kept informed about the key steps being taken and have an opportunity to offer their perspective. Being taken seriously and being heard play critical roles. Reaching out to negotiators through extensive travelling, for instance, can build personal relationships and trust.

Overall, attaining a high level of authority is a fragile endeavour requiring a cautious and gradual build-up of political capital.

The authority of the Conference President contributes to a successful negotiation outcome in the following ways:

- Authority is gained by building trust. A Conference President who successfully builds trust **produces goodwill among parties** towards an agreement. Goodwill affects the scrutiny of the proposed text, so parties control their 'target' and 'reservation' points less strictly.[1] Trust can lead to the conscious lowering of 'reservation points' to enable agreement, i.e. ceding on issues against their interests. Authority can therefore help to set aside some of the substantial rejections of a negotiating country and keep negotiations on track. Finally, authority affects how delegates treat procedural mistakes or contested decisions by the Conference President. The effect of this goodwill can be critical in the make-or-break moment of a closing plenary session, when much depends on whether delegates accept the Conference President's decisions.
- Acceptance of the authority of the Conference President by parties **empowers the President with sufficient leeway to take crucial decisions**, for example, a decision based on the consensus view. Acceptance can be conveyed through standing ovations for Conference Presidents, which nurture the notion of support and offer sufficient emotional backing in a delicate moment. Public demonstrations of acceptance make the President feel strong enough to seize the opportunity to close a deal.
- Where a Conference President successfully achieves a high level of authority, this **reduces parties' potential to block agreement** and so increases the

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[1] Target point is what parties aim for as ideal pay-off in a negotiation. Reservation point is the lowest acceptable offer before they would 'walk away from the table'.

likelihood that agreement is reached. Authority affects the respect and caution with which negotiators interact with a Conference President. For example, parties are less likely to openly block the process if the President has competently dealt with procedural interventions so far. Interventions against a broadly trusted President would mean attacking an able and honest broker and so damage the reputation of the party attempting to block the process. By contrast, a President with a poor track record in this respect invites opposing parties to jeopardise his or her facilitation and block an agreement.

> *Empirical evidence on the Danish and Mexican Presidencies: Some respondents suggested that the Danish Minister for Climate and Energy had gained a fair amount of trust as first President of the Copenhagen summit, but many remained undecided on how to rate her authority level. The trust in her was undermined by the leaking of the 'Danish text' in the first week of negotiations and the Presidency's reaction to it. With the start of the pivotal high-level segment of the conference (when political leaders arrived), the perceived 'disappearance' of the Minister for Climate and Energy and the takeover by the Danish Prime Minister proved disastrous. Only a few months into office, the Prime Minister lacked sufficient experience of major multilateral negotiations and showed insufficient empathy for the situation. All interviewees asserted that the authority of the Prime Minister soon diminished. Delegates did not accept him in his role as Conference President, which deprived him of meaningful levers to steer the Copenhagen summit to an outcome that would be accepted by all parties.*
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> *The Mexican Foreign Minister successfully achieved a high level of authority amongst the parties. Her comprehensive experience of multilateral negotiations and strong empathy quickly created trust among delegates, some of who still felt exasperated by the experience of Copenhagen. Interviewees reported that her open and inclusive style elicited palpable relief from negotiators during plenary sessions at Cancún. Her style increased goodwill which led parties to forgive process mistakes. The almost unanimous support for her (95 percent of interview respondents, across all coalitions, expressed support) culminated on Cancún's last day when negotiators responded with a standing ovation after she released the compromise text. This broad authority with all parties was pivotal when the Foreign Minister faced the sole opposition of Bolivia to the final package during the night of the closing plenary session. In what was a borderline decision to overrule the explicit objection of one party, she ruled by consensus on the adoption of the Cancún Agreements that the parties eventually accepted.*

1.4 Negotiation modes of constructive arguing versus positional bargaining

> *"You try to understand each other. When bargaining, it is just a clash."*
> Chair of a UN climate negotiation Working Group, 2011.

Constructivist theory proposes that the negotiation mode (or style) of 'arguing' among parties encourages them to take interests and ideas more seriously in negotiations,

thereby facilitating a final agreement (e.g. Haggard and Simmons 1987; Goldstein and Keohane 1993).

Regime theory (Osherenko and Young 1993, 13; Mitchell 2010), conflict research (e.g. Wagner 2008) and general negotiation analysis (e.g. Sebenius 1992; Thompson 2009) all underline the importance of negotiation modes.

Enabling constructive arguing

The negotiation mode (or style) of parties determines how interests and positions can be shaped by convincing concepts.

If organisers are successful in enabling constructive 'arguing', this can make negotiators more open to a change of mind based on facts and logical insights. They are then generally ready to find a joint solution and reveal more of the interests underlying their positions. Such openness lets concepts enter the process more easily.

By contrast, if organisers are unsuccessful in opening up spaces in the negotiations for constructive argument and debate, parties will often 'bargain' for the distribution of an assumed fixed set of gains and burdens in what they consider a 'zero-sum' situation. They merely state their positions without a willingness to engage in open-ended solution finding and often claim a restrictive negotiation mandate.

Organisers can influence the negotiation mode of delegates in two ways. First (and as shown above), if negotiators trust the organising Presidency and UNFCCC Secretariat, they are less anxious about hidden agendas and secretive negotiations. This leads to more open-minded debate. In a situation where mistrust exists, many negotiators perceive it safer to close up and stick to their positions.

Second, by establishing informal, non-public, settings for discussion between parties ahead of the main summit, organisers can facilitate an open exchange on interests and a truer discourse on negotiation content. By taking these discussions outside of the official negotiation process organisers provide arguing space without the pressure of having to agree an outcome. This increases the likelihood of compromise being reached at the summit. At summits, smaller informal groups fulfil a similar function by allowing parties to engage in constructive arguing outside of plenaries where well-known positions are generally presented.

Overall, informal settings need to be handled carefully as any exclusiveness can destroy the trust of non-participating parties. An appropriate middle ground needs to be found between efficiency and legitimacy.

Constructive arguing contributes to a successful negotiation outcome in the following ways:

- Constructive arguing lets negotiators **mutually reveal information about the interests which underlie their positions**. This leads to a better understanding of positions and interests, including the 'reservation' points of parties, and helps to identify where agreement can be reached. In doing so, constructive argument leads to outcomes where all sides gain optimum benefit. The enhanced trust from this process of interest sharing also adds to a willingness to reach mutual agreement.

- Constructive arguing allows negotiators to **provide more rationales and factual information behind possible solutions** when they advocate and mutually consider their proposals. By contrast, negotiators often do not fully understand each other's suggestions when they merely attempt to bargain. This lack of understanding frequently inhibits the development of a joint solution for the complex problems being considered.
- Constructive arguing lets negotiators *comprehensively* **consider all interests** which underlie the positions of parties. While this at first costs valuable time, it ultimately improves efficiency and effectiveness. The comprehensive consideration of issues allows parties to trade concessions more easily. Their selection and prioritisation using a more integrative approach takes the diversity of interests into account and makes agreement, with maximum benefits for all sides, much likelier.
- Constructive arguing **opens negotiators to new solutions and compromises**. It often nurtures a readiness to deviate from national negotiation mandates and to lower the threshold of reservation points, which widens the scope for compromise. Moreover, the positive momentum gained by assuming a 'win-win' situation through constructive argument and debate encourages parties to find common ground, as they can see there is a much a lower risk attached to accepting a compromise.

Empirical evidence on the Danish and Mexican Presidencies: While parties argued more constructively during preparations for the Copenhagen summit (such as the informal Greenland Dialogue), they switched to more conflictive bargaining at the summit itself. This was highlighted in research interviews by many respondents. Parties were fighting for their positions in a high pressure situation fearing they could lose out in a far-reaching agreement. Very little progress was made until the high-level segment (with ministers and heads of state and government) opened. By contrast, research interview respondents noted that the US and BASIC countries argued more constructively in their exclusive small group meeting on the last day and achieved at least a political compromise on core issues. However, their last-minute proposal reached the other parties too late, and their delegates were offended by the lack of transparency and apparent exclusivity of the process.

During the Mexican Presidency, the organisers emphasised the use of substantive and frank exchanges between parties to enable constructive argument. They convened informal consultations on pivotal issues, such as on finance and on the monitoring of commitments, in the year ahead of the Cancún summit. Based on the same principle of enhancing understanding between groups and generating ideas, informal exchanges such as the Petersberg Dialogue also allowed open debate. In the research interviews conducted for this study, negotiators described how the conciliatory spirit of debate during preparations continued into the Cancún summit itself. In its second week, the inclusive consultations on core issues, led by ministers from developing and developed countries, contributed to constructive dialogue which revealed the different interests of respective parties. As research interview respondent asserted, these consultations helped parties to open up to each other and be more open about the interests underlying their positions, rather than merely fighting for greater gain or avoidance of costs in a 'tit-for-tat' fashion.

2 Context factors beyond negotiation management

2.1 Interests of countries

Even where negotiations are organised extremely well, the interests of countries are a key determinant of the negotiation outcome: even a perfect process cannot convince parties to act against their interests.

Nevertheless, it is often the case that the interests of parties neither fully converge nor entirely collide. In cases where there is a narrow overlap of interests, effective negotiation management fosters the converging of positions. Organisers can, for instance, widen the agreement 'zone' by facilitating the creation of new options or leading parties to redefine their preferences.

Again, therefore, effective negotiation management can help to facilitate agreement, even where the negotiation position of parties are not completely compatible. This is even more important in the consensus-based decision-making context of many UN negotiations. The consensus requirement is different from many other negotiation fora as in this case parties cannot easily reach majorities through coalition building or by neglecting dissenting countries who are not needed for an agreement.

> *Empirical evidence on Danish and Mexican presidencies: The analysis that informs this paper found that parties' interests remained mostly constant between Copenhagen and Cancún. The nature of stakes involved was so fundamental that interests did hardly change within one year: the tremendous global environmental, economic and social risks of climate change stand against the stellar challenge to fairly distribute the economic burden of mitigation and adaptation. The existential conditions of climate change and the respective domestic political constellations remained broadly unchanged for both the key large and small countries from 2009 to 2010. Therefore they cannot be used to explain the varying negotiation results.*

2.2 Distribution of power

Besides interests, the distribution of power between countries naturally plays a critical role in negotiations. Agreement is difficult to achieve without the support of the most powerful countries at the negotiating table, such as the US or China. However, even the support of the major powers can be insufficient to ensure an agreement in a consensus-based system. The rejection by small-to-middle sized countries can cause a compromise proposal to fail.

At the same time, small-to-middle sized countries can create important dynamics through constructive engagement. They exert a form of collective pressure through convincing discourse which can bring opposed or neutrally-minded countries on board. Overall, the allegedly 'weaker' countries can thus have a significant impact on the result of the negotiations.

> ***Empirical evidence on Danish and Mexican presidencies:*** *All principal countries supported the final climate compromise in Copenhagen, which had been crafted by the US and the BASIC group, as the largest emerging economies. Notwithstanding this late but unanimous coalition of great powers the summit only 'took note' of their suggestion. Despite very similar power structures, parties adopted the agreement in Cancún one year later. So, 'power' alone cannot explain why it had not been adopted already in Copenhagen where all large powers had already agreed on a compromise. The bridge-building activities of the subsequent Cartagena Dialogue of like-minded developed and developing countries added to this success.*

2.3 Prior failure and 'stepping stone' to agreement

The failure of past negotiations to reach an agreement can ratchet up the pressure for an agreement to be reached at a subsequent summit. The fear that further failure could lead to the negotiation process 'dying' has the effect of galvanising commitment to reach an agreement, particularly amongst smaller countries who fear that the 'death' of the UNFCCC process will cause negotiations to move to smaller meetings of powerful countries that will be beyond their influence.

A 'stepping stone effect', whereby compromises made at a past 'failed' summit provide a framework for agreement at future summits, can be observed in international climate change negotiations. This effect often stretches over at least two rounds of negotiations. A detailed rejected proposal may even be available as an orienting framework and blueprint for an eventual agreement.

Finally, prior failure can enhance mutual knowledge about the 'red lines' that cannot be crossed for negotiations to succeed and increases the likelihood of an agreement being reached.

> ***Empirical evidence on Danish and Mexican Presidencies:*** *The presumption was that the initial round of climate negotiations at Copenhagen would achieve a convergence of interest, asserted many respondents in interviews for this research. In fact it ended in stalemate as no comprehensive climate agreement was reached. Many respondents also conceded that the widely-reported failure to reach agreement had raised the public pressure on subsequent negotiations to succeed. They further described that the failure also served as a warning to them that the established multilateral negotiation forum was under threat. Regarding the 'stepping stone' effect, negotiation teams had worked for long hours in Copenhagen to resolve many details. Leaders eventually crafted the political compromise of the Copenhagen Accord. Many negotiators underlined in the research interviews how they could build on this foundation to reach agreement in Cancún.*

3. Conclusion

Wider research on the regimes of trade and biosafety reveals striking parallels in the dynamics of environmental and economic negotiations: they all demonstrate that

effective negotiation management significantly enhances cooperation and, in doing so, contributes to a successful process and outcome, from climate change talks at the summit in Cancún, to trade negotiations in Doha in 2001 (Jawara and Kwa 2003; Odell 2009; Bayne and Woolcock 2011), and biosafety negotiations in Montreal in 2000 (Bail, Falkner et al. 2002; Chasek and Wagner 2012).

The key factors that contribute to a successful negotiation process and outcome are:

- A largely transparent and inclusive process
- Highly capable lead organisers and institutions
- A Conference President with high authority
- A negotiation environment that facilitates arguing over bargaining as the negotiation mode.

By contrast, poor negotiation management can be a contributing factor in the collapse of negotiations, from climate change in Copenhagen to the breakdowns of the trade and biosafety negotiations in Seattle and Cartagena respectively in 1999.

These summits either completely failed to reach agreement or reached a political agreement only that was not accepted by all parties. The results cost many countries dearly in environmental, economic, and social terms.

The negotiation management 'best practices' presented in this policy paper is intended to contribute to the future facilitation of multilateral cooperation.

In case of interest, please contact the author, Dr Kai Monheim, for any questions and further details (email:k.monheim@lse.ac.uk), or refer to the book Monheim, Kai (November, 2014), *How Effective Negotiation Management Promotes Multilateral Cooperation: The Power of Process in Climate, Trade, and Biosafety Negotiations*, Routledge.

4. References

Albin, C. and A. Young (2012). "Setting the Table for Success - or Failure? Agenda Management in the WTO." International Negotiation **17**(1): 37-64.

Allison, G. T. (1971). Essence of Decision: Explaining the Cuban Missile Crisis. Little, Brown.

Bail, C., R. Falkner, et al. (2002). The Cartagena Protocol on Biosafety: reconciling trade in biotechnology with environment and development. London, Earthscan.

Barnett, M. N. and M. Finnemore (1999). "The Politics, Power, and Pathologies of International Organizations." International Organization **53**(4): 699-732.

Bayne, N. and S. Woolcock (2011). The new economic diplomacy: decision-making and negotiation in international economic relations. Farnham, Ashgate.

Biermann, F. and B. Siebenhüner (2009). Managers of global change: the influence of international environmental bureaucracies. Cambridge Mass., MIT Press.

Blavoukos, S. and D. Bourantonis (2011). "Chairs as policy entrepreneurs in multilateral negotiations." Review of International Studies **37**(2): 653-672.

Chasek, P. S. and L. M. Wagner, Eds. (2012). The Roads from Rio: Lessons Learned from Twenty Years of Multilateral Environmental Negotiations. Abingdon, Routledge.

Davenport, D., L. M. Wagner, et al. (2012). Earth Negotiations on a Comfy Couch: Building Negotiator Trust through Innovative Processes. The Roads from Rio: Lessons Learned from Twenty Years of Multilateral Environmental Negotiations. P. S. Chasek and L. M. Wagner. Abingdon, Routledge**:** 39-58.

Depledge, J. (2005). The organization of global negotiations: constructing the climate change regime. London, Earthscan.

Depledge, J. (2007). "A special relationship: Chairpersons and the secretariat in the climate change negotiations." Global Environmental Politics **7**(1): 45-68.

Goldstein, J. and R. O. Keohane (1993). Ideas and foreign policy: beliefs, institutions, and political change. Ithaca, Cornell University Press.

Haggard, S. and B. A. Simmons (1987). "Theories of International Regimes." International Organization **41**(3): 491-517.

Jawara, F. and A. Kwa (2003). Behind the scenes at the WTO: the real world of international trade negotiations. London, Zed Books.

Jinnah, S. (2012). Singing the Unsung: Secretariats in Global Environmental Politics. The Roads from Rio: Lessons Learned from Twenty Years of Multilateral Environmental Negotiations. P. S. Chasek and L. M. Wagner. Abingdon, Routledge**:** 107-126.

Köster, V. (2002). The Biosafety Working Group (BSWG) process: a personal account from the chair. The Cartagena Protocol on Biosafety: Reconciling Trade in Biotechnology With Environment and Development. C. Bail, R. Falkner and H. Marquard. London, Earthscan**:** 44-61.

Mayr, J. (2002). Environment ministers: Colombia. The Cartagena Protocol on Biosafety: Reconciling Trade in Biotechnology With Environment and Development. C. Bail, R. Falkner and H. Marquard. London, Earthscan**:** 218-229.

Mitchell, R. B. (2002). International Environment. Handbook of international relations. W. Carlsnaes, T. Risse-Kappen and B. A. Simmons. London, SAGE**:** 500-516.

Mitchell, R. B. (2010). International politics and the environment. London, SAGE.

Müller, B. (2011). "UNFCCC - The Future of the Process: Remedial Action on Process Ownership and Political Guidance." Retrieved 9 February, 2011, from http://www.climatestrategies.org/our-reports/category/55/302.html.

Odell, J. S. (2005). "Chairing a WTO Negotiation." Journal of International Economic Law **8**(2): 425-448.

Odell, J. S. (2009). "Breaking Deadlocks in International Institutional Negotiations: The WTO, Seattle, and Doha." International Studies Quarterly **53**(2): 273-299.

Osherenko, G. and O. R. Young (1993). Polar politics: creating international environmental regimes. Ithaca, Cornell University Press.

Sebenius, J. K. (1992). "Negotiation Analysis: A Characterization and Review." Management Science **38**(1): 18-38.

Tallberg, J. (2010). "The Power of the Chair: Formal Leadership in International Cooperation." International Studies Quarterly **54**(1): 241-265.

Thompson, L. L. (2009). The mind and heart of the negotiator. Boston, Pearson Education.

Wagner, L. M. (2008). Problem-solving and bargaining in international negotiations. Leiden, Martinus Nijhoff Publishers.

Weber, M. (1946). Bureaucracy. From Max Weber: essays in sociology. H. H. Gerth and C. Wright Mills, Oxford University Press**:** 196-244.