GLOBAL INSIGHT

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From Addis Ababa to Paris: Understanding the Complexities of a Negotiated Global Development Agenda

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Abstract

With 2015 widely considered a crucial year for international negotiations, it is imperative for practitioners and non practitioners alike to familiarise themselves with the growing complexities of international diplomacy and negotiations. Starting from the Financing for Development negotiations in Addis Ababa, the Sustainable Development Goals to be adopted in New York, the World Trade Organisation Ministerial meeting in Nairobi, to the Conference of the Parties (COP21) negotiations in Paris, these will all have a lasting impact on the aspirations of millions of people across the world. This policy brief takes one through the complexities of international negotiations.

1. Introduction

While the domestic populations of many developing countries expect much of their political leaders, too little attention is often paid to the fundamental constraints these leaders face in delivering on their national mandates. While they undoubtedly possess a certain amount of agency, with some exercising more agency than others, the fate of their promises often lie in international negotiations conducted outside of their own national capitals. In this increasingly complex world, it is important for African nation states to build up their capacity to effectively negotiate, while it is also increasingly important for social scientists, activists, nonprofit organisations and other civil society formations to understand the underlying dynamics and how they are affected by them.

The year 2015 continues to be a significant year in international negotiations[2] as nation states seek to find agreement on issues such as financing for development, the sustainable development goals, multilateral trade talks, and climate change.

This has taken international negotiators from Addis Ababa for the third financing for development meeting, to New York for the sustainable development goals, then later in the year to Nairobi for the first WTO ministerial meeting to take place on African soil, before a final stop in Paris for the climate change negotiations. While it is not the same teams expected to form the core of the various negotiations, a certain level of coordination is expected as all the negotiations are interrelated and have major impacts on the development prospects of millions of people across the globe.

The following policy brief uses the work of former German Ambassador, Dr. Alexander Mühlen on international negotiations to introduce the main tenets of an international negotiation while applying the framework to ongoing multilateral negotiations affecting international development. It thus serves the purpose of informing relevant state and non state actors on the essential tools needed for successful negotiations. This is of great importance given the lack of understanding on the internal dynamics of international negotiations and the existing gaps between practitioners and non practitioners in the area of public diplomacy.

2. Sketching the Negotiation Process

According to Mühlen, a negotiation can be defined as a mostly verbal discourse by two or more partners on a controversial subject with the purpose of finding an agreement. This can be achieved if a common interest and the determination to cooperate exist or are found or enlarged as the result of a process. [3]

Effective negotiators ensure that they know their own positions, but also their negotiating counterpart's negotiation position. In a multilateral negotiation, negotiators must know the negotiation positions of more than one actor in order to be more effective and advance their interests more effectively, and this is the context of ongoing negotiations on global development, where countries have to negotiate over

a broad spectrum of topics and interests. Essentially, this takes a considerable amount of preparation, which includes good scenario planning, research, and instinct. Those countries which come less prepared to the negotiation table often get the lesser deal.

International negotiators also have to be able to reconcile their desires with the reality, and thus should know the maximum positions, and also the minimum positions of their own team and of their counterparts. [4] One cannot expect to get results by making unrealistic demands on the opponent or negotiating counterpart, however, this does not prevent a calculated attempt to pressure the opponent to make greater concessions than might have been expected. Alexander Mühlen traces a negotiation as going through certain critical phases, namely; confrontation, competition, and cooperation.

The phase of confrontation is mostly characterised by the different negotiation teams giving their opening positions, which usually clash and show very little, if any common points and similarities. This was visible in the early days of the Doha development agenda, which saw developing countries successfully linking trade with development in a manner which made many developed countries uncomfortable with the changing trade terrain.

The competition phase is characterised by the negotiation teams trying to 'outsmart', coerce and outmaneuver each other through argument and bargaining. This has been the case in ongoing climate change negotiations, with negotiators trying to outmaneuver each other as they slowly make their way to Paris for what may be a historic agreement. At the heart of this competition is the principle of common but differential treatment, which essentially ensures that developed countries are legally bound to make emissions cuts and adopt various other measures, while developing countries voluntarily commit to reducing emissions while transitioning towards a greener economy.

However, the fundamental difference is that developing countries are not legally bound since they were not historically responsible for the current CO_2 levels.

The cooperation phase is characterised by the negotiation teams refining their positions in a compromise that aims to leave all participants relatively satisfied. This was the case in the recent financing for development meeting in Addis Ababa as negotiators were up until the early hours of the morning trying to produce a text which, while imperfect could be nonetheless swallowed by the different teams of negotiators. These phases do not necessarily always have to follow that sequence, but can move in and out of certain phases as is often the case.

While baring similarities, multilateral negotiations encompass additional aspects to the bilateral context. 'Negotiations between more than two partners are known to be more complex and demanding than bilateral meetings. There are more people involved, items and interests are more diverse, results more difficult to obtain. For a long time, multi-laterality, particularly in the international context, was the great unknown of negotiating.' [5]

3. Consensus vs. Majority Systems in International Negotiations

The manner in which final decisions are taken has a huge bearing on the strategies and level of interaction involved. One must thus always distinguish between decisions made through consensus, and those made through majority systems[6], which often will entail a vote. The WTO's decisions are largely made through a consensus based system, although the WTO does also allow for a voting system, although this has not been used to reach agreements. The climate change talks and the decision making on the post 2015 development agenda will also be decided through consensus, essentially giving every country a veto regardless of size or strategic importance.

In consensus based negotiations, instead of two participants, three, five, twenty, or one hundred and fifty partners will have to communicate. Everyone will have to talk to everyone, about substantially all matters that are important to them. Even items that are of interest to one or very few participants must be discussed in consensus forums in order not to risk rejection, and each of these different discourses constitute a separate front in the negotiations. [7]

Some delegations, due to sharing common interests in certain areas will form negotiation groups, as demonstrated within the WTO negotiations, where countries are using coalitions to bargain on certain specific areas of the WTO negotiations. If interests happen to change, then groups or coalitions are likely to change. When it comes to the post 2015 development agenda, certain countries have also joined larger groupings at the negotiation table. This has seen an Africa position emerging, which is then used to influence the position of the G77 plus China as the largest numerical grouping in the negotiations.

The time consuming consensus system, with its multitude of parties and items, has developed a peculiar arsenal of methods. As in many cases no substantial agreement is easily possible, thus the professional task largely consists of drafting uncontroversial texts. This is often achieved by three standard methods, i.e. including all that is harmless, excluding all that is problematic, and negotiating the rest. Quite often, even so-called 'substantial compromises" consist in exercises of word and formula twisting, trying to hide the remaining divergences.[8] This often arises when the actual negotiation text is being drafted before everyone agrees to the agreement or resolution. While consensus forums tend to be more interactive, processes differ for majority forums.

The objectives of a majority forum are not to make compromises with all counterparts. The most obvious case is that of the simple majority: 50 percent of the present + 1 vote which tips the balance, meaning that the rest can actually be ignored[9], thus not having to be included in the same way as a consensus forum. The formula for reaching a decision thus has a major impact on how negotiators plan their negotiation strategies, in terms of calculating who they should engage with more, and who can be 'ignored' in the negotiation process. Factoring this in, one can understand why ongoing international multilateral negotiations on trade, financing for development, the post 2015 development agenda, and climate change are being conducted through a consensus system. It would indeed be unreasonable at this stage to expect sovereign countries to leave their fates to a global voting system.

The following is regarded as being of great importance in ensuring a successful negotiation:

- Only if two (or more) parties meet who are prepared to make concessions, can a result that is fair to all sides be reached.
- If one side does not cooperate, it is wrong to give in or to make unconditional offers.
- The other side may be tested, using the trial and error method, by limited, conditional offers.
- It is possible to learn how to influence the process. [10]

Having adequate information on your counterpart(s) is important in influencing the process, while it is also important to understand the differing power relations within the negotiating process, and how this influences the process. Those who are able to learn about, and then influence the other side's bottom lines will have a great advantage in the negotiation process. Within this context, it adds a lot of value to know and understand your counterparts' strengths and limitations within the negotiations. Having now outlined the general contours of the various negotiations taking place in 2015,

the final section will provide some concluding remarks and suggestions for deepening understanding on the complexities of international negotiations.

4. Concluding Remarks and Recommendations

This policy brief has outlined the complexities of ongoing international negotiations. It also established the existing gaps between negotiation teams, analysts, academics, nonprofit organisations, and various civil society formations. The following recommendations are thus relevant for practitioners and non-practitioners alike:

- In order to close this gap and increase knowledge exchange on the underlying dynamics at play, it will be important for practitioners and non practitioners alike to create more spaces for mutual knowledge exchanges. This will assist civil society to be more informed about the ongoing dynamics, placing them in a position to be able to better critically engage with their counterparts. It will also be increasingly important for nonprofit organisations to do a better job of accessing the sidelines of ongoing negotiations taking place, in order to have better insight.

- The Institute for Global Dialogue associated with UNISA in collaboration with the Global and Continental Governance Branch of the Department of International Relations and Cooperation (DIRCO) recently had the pleasure of putting together a closed roundtable with Ambassador Mxakato-Diseko and her negotiation team on key United Nations development related processes unfolding. Held under Chatham House rules, this was a great example of the type of interaction needed between the state, which leads international negotiations, and civil society which is affected by their outcomes. The challenge is to continue this type of relationship in order to build a more informed civil society,

able to not only engage on domestic affairs but also able to critically engage on the complexities of international negotiation processes.

- In order to better prepare new entrants into the Department of International Relations and Cooperation (DIRCO), it is also essential to expose emerging diplomats to a variety of simulation exercises reflecting the complexities of international diplomacy. The more detailed and reflective of reality the simulations, the better it is for the new trainees. This does not amount to reinventing the wheel. Many organisations have already designed simulation games as seen through the Model United Nations and the Model World Trade Organisation. However, what is important is to also send emerging diplomats to simulation games being conducted not only in South Africa, but to various capitals around the world. This will expose them to an international environment and help them to sharpen their skills set.

- These simulation games can also be used by foreign policy think tanks, university departments, and various civil society formations to gain insight into the dynamics at play. In the case of the above examples, participants use actual resolutions and positions within the UN and WTO, while being asked to negotiate based on the positions and roles assigned to them. This allows one to gain insight into the negotiation positions and challenges of different nation states, which is a clear asset for any researcher and future diplomat. As negotiators continue to get closer to Paris to negotiate under the United Nations Framework on Climate Change (UNFCCC), it will be the job of researchers to unpack the processes unfolding to the broader South African community, a process which will be accomplished better with closer interactions with the responsible negotiation teams.

Notes

1. Dr. Philani Mthembu is Senior Researcher at the Institute for Global Dialogue (IGD)

2. Mackie, J. Williams, R. 'The Dawn of the Post MDG Era?' in Challenges for Africa-EU Relations in 2015, Issue No.6, ECDPM, January 2015

3. Mühlen, Alexander, International Negotiations: Confrontation, Competition, Cooperation, Makerere University Printery, Kampala, 2006, p25

4. Mühlen, International Negotiations, p71

5. Mühlen, International Negotiations, p83

6. Mühlen, International Negotiations, check chapter IV

7. Mühlen, International Negotiations, p87

8. Mühlen, International Negotiations, p89

9. Mühlen, International Negotiations, p91

10. Mühlen, International Negotiations, p68

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2. General Assembly, *Addis Ababa Action Agenda of the Third International Conference on Financing for Development,* Resolution69/313, 17 August 2015

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5. Mühlen, Alexander, *International Negotiations: Confrontation, Competition, Cooperation*, Makerere University Printery, Kampala, 2006

6. Open Working Group, *Open Working Group Proposal for Sustainable Development Goals,* United Nations, New York, 2013

7. SDSN Leadership Council, *Key elements for Success on Climate Change Mitigation at COP21 in Paris,* Sustainable Development Solutions Network Working Paper, March 9, 2015

8. Sunshine. R. *Negotiating for International Development: A Practitioner's Handbook*, Martinus Nijhoff Publishers, Dordrecht, 1990

9. *UN Financing for Development Negotiations: What outcomes should be agreed in ADDIS Ababa in 2015?,* Eurodad, Jubilee South Asia Pacific Movement on Debt and Development, Latindadd, Third World Network, 2015

10. United Nations General Assembly, *Report of the Intergovernmental Committee of Experts on Sustainable Development Financing,* A/69/315, 2014

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