



African Forest Forum

A platform for stakeholders in African forestry



**Training module on effective
engagement of African delegates in
international multilateral processes**



Training module on effective engagement of African delegates in international multilateral processes

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Correct citation: Oteng-Yeboah A. A. (2016). Training module on effective engagement of African delegates in international multilateral processes. Training Module. African Forest Forum. Nairobi.

Cover photo:

Left: Deciduous forest in Northern Benin. Photo credit: AFF

Centre: The Avenue of Nations of the Geneva United Nations Palace, with flags of the member countries. Photo credit: Tom Page via Wikimedia Commons

Right: *Danaus chrysippus*, also known as the plain tiger or African queen is a medium-sized butterfly widespread in Asia, Australia and Africa. Photo credit: Charles J Sharp via Wikimedia Commons

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ACRONYMS AND ABBREVIATIONS

ACIAR	Australian Centre for International Agricultural Research
AFF	African Forest Forum
AFWC	African Forest and Wildlife Commission
AHEG	Ad-Hoc Expert Group
AMCEN	African Ministerial Conference on Environment
AOSIS	Alliance of Small Island States
ASEAN	Association of South East Asia Nations
AWG-LCA	Ad Hoc Working Group on Long-term Cooperative Action
CAADP	Comprehensive Africa Agriculture Development Programme
CBD	Convention on Biological Diversity
CEE	Central and Eastern Europe
CIFOR	Center for International Forestry Research
CLIs	Country Led Initiatives
COFO	Committee on Forestry
COPs	Conference of Parties
COW	Committee of the Whole
CPF	Collaborative Partnership on Forests
ECOSOC	Economic and Social Council of the United Nations
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
GEF	Global Environmental Facility
GFW	Global Forest Watch
GRULAC	Latin American and the Caribbean States Least developed Countries
ICRAF	International Centre for Research in Agroforestry
IFF	Intergovernmental Forum on Forests
IMF	International Monetary Fund

IPF	Intergovernmental Panel on Forests
ITTA	International Tropical Timber Agreement
ITTO	International Tropical Timber Organization
IUCN	International Union for the Conservation of Nature
IUFRO	International Union of Forest Research Organizations
JUSSCANZ	Group of developed countries that are not members of the European Union ¹
LCA	Long term Cooperative Action
LDCs	Least Developed Countries
LMMC	Like-Minded Mega-diverse countries
MARPOL	International Convention for the Prevention of Pollution from Ships
MDGs	Millennium Development Goals
MEA	Multilateral Environmental Agreements
NEPAD	New Partnership for Africa's Development
NGOs	Non-Governmental Organisations
NLBI	Non-legally Binding Instrument
OPEC	Organization of Petroleum Exporting Countries
OXFAM	Oxford Committee for Famine Relief
POPs	Persistent Organic Pollutants
REDD	Reducing Emissions from Deforestation and Forest Degradation
SBI	Subsidiary Body on Implementation
SBSTTA	Subsidiary Body on Scientific, Technical and Technological Advice
SDGs	Sustainable Development Goals
SFM	Sustainable Forest Management
SIDS	Small Island Developing States
TST	Technical Support Team
UNCBD	United Nations Convention on Biological Diversity

¹ This group countries include Japan, the United States, Switzerland, Canada, Australia, New Zealand, Norway, Iceland, Andorra, Korea, Liechtenstein, Mexico, San Marino, Turkey and sometimes Israel

UNCCD	United Nations Convention to Combat Desertification
UNCED	United Nations Conference on Environment and Development
UNCTAD	United Nations Conference on Trade and Development
UNDESA	United Nations Department of Economic and Social Affairs
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNFCCC	United Nations Framework Convention on Climate Change
UNFF	United Nations Forum on Forests
WEOG	Western European and Other Groups
WTO	World Trade Organisation

EXECUTIVE SUMMARY

A recent assessment by the African Forest Forum on the participation of African negotiators in international multilateral processes on forests and related issues revealed that a great majority of the African forest experts have not participated in any international negotiations, have never experienced agenda item writing and discussion, nor had experience in searching for funds for travel and participation in negotiations. However, a majority expressed the desire to have experiences in negotiations, especially in the acquisition of negotiation skills and to overcome the kind of challenges that are seen as hindering the right acquisition of skills in negotiations and the paucity of successful negotiators from Africa.

Based on these indications a draft training manual has been designed. It is presented in 3 parts. The first part summarises the theory of negotiation considering the essential elements of negotiations, the kinds of skills needed in negotiations, how to build these skills, basic steps and characteristic attributes of a good negotiator. The second part considers in-depth processes involved in negotiations in multilateral environmental agreements (MEAs) and other agreements which also look at the basics of MEA negotiations including issues such as governance, national and group negotiation positions,

the plenaries, working groups and High Level Segment. The final part considers the Collaborative Partnership on Forests (CPF) membership and their roles and contributions to promote forest issues, among others. It is established from these analyses that for successful negotiations, various roles are required to be performed by countries and their representatives. Country Parties and members together with their member representatives have obligations to make adequate preparations, select participants carefully based on merit using their own criteria but usually basing the selection of participants on their ability and readiness to negotiate. Parties and members are required to guarantee funding through appropriate budgetary allocations. The participants have obligation to properly and fully represent these Parties, institutions and organizations. The negotiations and the negotiators are governed by a code of conduct which is enshrined in the agreed rules of procedure that are usually part of the negotiation documents. The expectations are that all participants will negotiate in an atmosphere of peace, understanding and cordiality with the ultimate aim of generating win-win outcomes that are based on compromises and mutual respect which promote the prevalence of consensus building.

CHAPTER 1

INTRODUCTION

The number and diversity of forest-related international instruments, agreements, and processes is staggering and indicative of a tremendous degree of shared global concern (UNFF, 2007). It is the multiple functions and cross-sectoral nature of forests that bring about this lack of global consensus and coordination regarding who should shape the future of global forests, what the goals for those forests ought to be, and how those goals can best be achieved. In the absence of a coordinated forest regime, numerous forest-related instruments have filled the void, each with a unique focus, such as climate change, biodiversity, or global trade. In some cases forest-related issues are embodied in founding agreements and policy documents. In others, forest related content has emerged later in the instrument's development, whether through decisions made at successive Conferences of the Parties (COPs) or work programs or guidelines. Overall, the focus on forests has continued to spread and disperse as part of a general broadening of mandates and growing preference for holistic approaches to sustainable development.

There is currently no comprehensive legally binding instrument on forests. International negotiations explicitly aimed at a global forest convention were initiated in 1990, proposed and endorsed by the G-7, the group of seven major industrialized states. At that time it was thought that it would be feasible to conclude a forest convention in 1992, when the United Nations Conference on Environment and Development (UNCED) would be held in Rio de Janeiro, Brazil. But during the negotiations in Rio it became apparent that the international community was far from reaching consensus on the contents of a forest convention. There was even disagreement about whether such a convention should be negotiated at all.

In the post- United Nations Conference on Environment and Development (UNCED) institutional follow-up with regard to forests, namely the Intergovernmental Panel on Forests (IPF, 1995 to 1997), the Intergovernmental Forum on Forests (IFF, 1997 to 2000) and the United Nations Forum on Forests (UNFF,

2000 to the present), the international will to arrive at a legally binding agreement has been increasingly on the wane. The decrease in willingness to come to a global agreement is not only limited to forests, but can also be noted in other areas of international environmental law, as illustrated by the recent controversies surrounding the acceptance of the Kyoto Protocol on climate change.

The majority of forest-related legally binding global instruments include very little directory language addressing sustainable forest management. The most notable exceptions are the trade agreements under the World Trade Organization (WTO) and the commitments

made under the International Tropical Timber Agreement (ITTA) for the sustainable trade of tropical timber. Of these two exceptions, the WTO commitments are accompanied by a greater capacity for enforcement. None of the instruments address the conundrum of balancing trade and global economic growth with environmental protection and local social benefit. Meanwhile, the pivotal issue of the appropriate transfer of resources from developed to developing countries in the form of technical and financial support continues to serve as a significant impediment to progress. This stifles implementation activities.

These broad policy challenges of balancing trade with environmental and social concerns, and balancing North- South financial obligations, are likely to remain as subjects of debate into the foreseeable future. African institutions involved in forestry remain generally weak and many countries are not in a position to put together teams that have adequate understanding of the complexity of the international agreements and discourses and therefore are not in a position to provide strong representation of their countries. Moreover, many of the issues that need negotiation require collective positions of the continent or regions of it, and yet some delegates proceed to meetings without knowledge of the country or regional positions on the issues at hand.

The potentially most important global conventions related to forests and which almost all African countries subscribe to

are the United Nations Framework Convention on Climate Change (UNFCCC), the Convention on Biological Diversity (CBD) and the United Nations Convention to Combat Desertification (UNCCD) in those countries experiencing serious drought and/or desertification, particularly in Africa. The Non-Legally Binding Instrument (NLBI), now called the United Nations Forest Instrument, brings together the provisions of all the MEAs and additional forest values especially economic and social values to the environmental issues of biodiversity, carbon sequestration, land and hydrological systems protection. These are fully described in the 4 global objectives of the NLBI, namely:

Global objective 1

reverse the loss of forest cover worldwide through sustainable forest management, including protection, restoration, afforestation and reforestation, and increase efforts to prevent forest degradation;

Global objective 2

enhance forest-based economic, social and environmental benefits, including by improving the livelihoods of forest-dependent people;

Global objective 3

increase significantly the area of protected forests worldwide and other areas of sustainably managed forests, as well as the proportion of forest products from sustainably managed forests;

Global objective 4

reverse the decline in official development assistance for sustainable forest management and mobilize significantly increased, new and additional financial resources from all sources for the implementation of sustainable forest management

THE CONTRIBUTION OF THE AFRICAN FOREST FORUM TO INTERNATIONAL MULTILATERAL PROCESSES

The African Forest Forum (AFF) has, through its Technical Support Team to Raise the Profile of Forestry (TST) facilitated or provided support to various regional and international forums, notably: United Nations Forest Forum (UNFF) Ad-Hoc Expert Group meetings (AHEG); Country Led Initiatives (CLIs) in support of UNFF, the preparatory meetings for African delegates to various sessions of UNFF and United Nations Convention to Combat Desertification (UNCCD); as well as made contributions, through the African Ministerial Conference on Environment (AMCEN) to UNFCCC. For example, a position paper African forests in present and emerging climate change arrangements and an opinion paper Getting Reducing Emissions from Deforestation and Forest Degradation (REDD) right for Africa were produced by AFF Secretariat in 2009 and shared widely, and later translated into several

languages. AFF also participates in meetings of the FAO organized by the African Forest and Wildlife Commission (AFWC) and Committee of Forestry (COFO). Meetings held with forestry stakeholders on the side-lines of these meetings have helped secure resources for implementing AFF's activities. AFF has sponsored strategically selected stakeholders to various international convenings, for example to the XIII and XIV World Forestry Congresses in 2009 and 2015 respectively, the UNFCCC COP15 in 2009 and the UNFCCC COP17, various AHEG and CLI meetings as well as to sessions of UNFF and UNCCD. AFF has also engaged New Partnership for Africa's Development (NEPAD) in the process of mainstreaming forestry into Comprehensive Africa Agriculture Development Programme (CAADP).

AFF has undertaken various studies on African institutions undertaking forestry work with the intention of identifying ways for strengthening them. These include academic, research, NGOs, CBOs, and public forest administrations in terms of their capacity to deliver on climate change issues, forest law enforcement and good forest governance; as well as on

mainstreaming decisions from multilateral environmental agreements (MEAs). Also as part of understanding the institutional landscape AFF has undertaken a review of professional forestry associations in sub-Saharan Africa. AFF will continue to work on these and other related issues, and guided by the broad objective “to continue to support African countries to effectively participate in regional and global processes, to facilitate the development of a more systematic and country-recognized and owned approach to achieving ‘common African positions’, and to facilitate domestication of international agreements in national policies and plans.” It is in this regard that AFF launched a study in 2014 with this objective.

The study identified the main challenges that African delegates face in effectively influencing policy in global negotiations as well as skills gaps.

The study revealed that African institutions involved in forestry remain generally weak and many countries are not in a position to put

together teams that have adequate understanding of the complexity of the international agreements and discourses and therefore are not in a position to provide strong representation of their countries. Moreover, many of the issues that need negotiation require deeper understanding of complex emerging global issues that call for collective positions of the continent or regions of it. Based on the findings, and to address the skills gap this training module on Effective engagement of African delegates in international multilateral processes, has been developed. The training module is presented in the following chapters.

CHAPTER 2

THE TRAINING MODULE

INTRODUCTION TO THE MODULE

The aim of this chapter is to provide guidance towards technical backstopping to African delegates and also build negotiating skills during regional and international convenings or debates on forestry and related issues. This is relevant to ensure that African delegates can overcome their handicaps in international negotiations. This module has been developed to respond to capacity needs identified through a recent AFF survey. The survey analysed; a) the input of African delegates to key international negotiations, especially sessions of UNFF, UNCCD, UNFCCC and UNCBD (see Annex A); b) the potential and conditions for sustainable mechanisms for effective African engagement in international forestry processes/negotiations (see Annex B), c) the challenges African delegates face in international negotiations (see Annex C), and d) identified the negotiation skills gap prevalent among African negotiators and training needs (see Annex D). It is important that African delegations to international negotiations and related debates are knowledgeable in the issues to be discussed and are able to articulate in them. The acquisition of such knowledge brings with it the confidence needed to negotiate knowing that all is well at the home turf and can thus contribute effectively to issues of sustainable forest management.

Why a training module?

There is evidence of lack of skills and other related issues that confront African delegations at international negotiating meetings. This is the problem. A training module is therefore foreseen as a step to reducing this handicap.

The concept of a module is to enable the treatment of all aspects of international negotiations that African delegates need to be appraised of in a manner that can

easily be mastered and used to train others. In this case, the individual topics and nuances that are commonly raised, used, debated and/or discussed in, at or during multi-lateral environmental (MEA) negotiations will be itemized, presented and reviewed with relevant questions, answers and comments to aid the user.

Who are the audience?

It is expected that the audience will be national delegates and officials who accompany them to these negotiations, and AFF technical staff because this is one area of their work and others who are required from time to time to represent their countries in multi-lateral environmental negotiations that discuss forests. Also included are African delegates who attend regional and international preparatory meetings convened particularly by AFF to prepare delegations from Africa for such meetings. However being a manual, its use is applicable to many other African delegations to meetings of MEAs, for one reason or another, which discuss forests and other related topics. In addition to those already or are to be engaged in international negotiations, it should also target academic and researchers who are normally not included in government delegations to these negotiations but have to handle these issues in their teaching and research.

What is the focus of the module?

It is intended that the focus is concentrated on forest-related negotiations, especially on forests and trees outside forests, with special reference to the United Nations Forest Forum (UNFF) and other members of the Collaborative Partnership on Forests (CPF). In this regard, the module provides the basic skills needed in negotiations as well as background information on the relevant organizations, initiatives and conventions that consider and discuss forests and forest-related issues in their

work programmes. This dwells mostly on the CPF membership. By the end of a course based on this module, participants will:

- ◇ understand the essential elements of negotiations and the participants' role in the process;
- ◇ understand the process of arriving at international consensus on issues, including the steps towards a negotiated text.

Elements of the training module

The topics are grouped into sections that form part of the modular documentation as follows:

- i) The theory of negotiation,
- ii) The process of MEA negotiations, and
- iii) The CPF and its membership

The theory of negotiation will consider the essential elements of negotiations, the definition of negotiations, forms of negotiations, kind of skills required in

negotiations, how these skills are built, the skills to be avoided, the basic steps in negotiation, the characteristics of a good negotiator and the etiquettes required in negotiations.

The process of MEA negotiations will consider, among others, such topics as the basics in MEA negotiations, governance and hierarchy, meetings of the bureau, development of national negotiating positions, the country or negotiation groups, key negotiators, opening ceremony, working groups, the high level segment and closing plenary.

The section on the CPF and its membership will consider in alphabetical order the following members: CIFOR, FAO, ITTO, IUCN, IUFRO, Secretariats of CBD, GEF, UNCCD, UNFF, UNFCCC, UNDP, UNEP, the World Agroforestry Centre and the World Bank.

PART I

THE THEORY OF NEGOTIATION: ESSENTIAL ELEMENTS AND BASIC STEPS

1

THE ESSENTIAL ELEMENTS OF NEGOTIATION

This section examines the following elements that are characteristic of these negotiations: what is negotiation, forms of negotiations, the skills needed in negotiations, how these skills are built, the skills to avoid, the basic steps required in negotiations, characteristics of a good negotiator and the etiquettes practised in negotiations.

What is negotiation?

Negotiation is a process by which people seek a solution to a common issue, resolve disagreements or reach a mutually beneficial outcome through compromises while avoiding arguments and disputes. It is a method by which people settle differences, and is unavoidable. In any human situation, there is bound to be disagreements as individuals understandably aim to achieve the best possible outcome for their position (or perhaps an organization they represent). However the principles of fairness, seeking mutual benefit and maintaining a relationship are usually the keys to a successful outcome.

Forms of negotiations

Specific forms of negotiation are used in many situations; for example international affairs, the legal system, government, industrial disputes or domestic relationships. However, general negotiation skills can be learned and applied in a range of activities. Negotiation skills can be of great benefit in resolving any differences that arise between people and among nations. Structured negotiation follows a number of stages from preparation through to implementation. Good negotiation also involves offering a viewpoint in an assertive manner, rather than taking an aggressive stance or passively listening to different views. In his inaugural address on 20 January 1960, John F Kennedy, the 40th President of the US stated, among others, 'Let us never negotiate out of fear, but let us never fear to negotiate' to encourage his countrymen to embrace the spirit of negotiation. Poor negotiation skills

are usually due to fear, to the assumption that negotiation skills cannot be learnt and to lack of knowledge on how to negotiate.

Skills required in negotiations

Interpersonal skills include verbal communication, effective speaking, strong nonverbal communication, personal appearance, listening skills, active listening, ability to reflect, ability to clarify points, ability to identify and quickly remove barriers to effective communication.

How do we build these skills?

This can be achieved through practice. In practice, two things are required. There is need to acquire knowledge of the subject matter or topic to be discussed and the need to communicate properly and effectively what has been acquired. Acquiring knowledge is through reading carefully to understand the subject or topic. Understanding a subject or text also underscores ability in comprehension and adequate grasp of the language used, which is English in the MEAs. This means that reading skills must be sharpened. Proper and effective communication must be done in an audible and unambiguous manner. The delivery must be simple and straight to the point.

What is to be avoided?

Misunderstandings must be avoided. This is a common cause of breakdown in negotiations and it is due to differences of viewpoint, background or cultures as well as many other factors. In negotiations, it is possible not to 'hear' what others intend to say due to lack of assertiveness on the part of the other person or ineffective listening.

THE BASIC STEPS IN NEGOTIATIONS

The basic steps in negotiations are: being well prepared, listening effectively; giving credit; compromise; and recapitulation.

Being well prepared (or ‘Be prepared’)

Being well prepared recalls the brilliant motto ‘Be Prepared.’ of the Boy Scout and Girl Guide which should be akin to the first commandment to any endeavour upon which we embark. Preparation is one of the most important aspects of negotiation. Neglecting this crucial component can result in a bad deal or a failed agreement which ought not to have happened. We must prepare ourselves through intelligent, reasoned planning. To do otherwise is not much different from trying to grope and fumble your way through a dark and unfamiliar room. Very few people like to do homework, but it is clear that if one is not prepared, then he/she might fail the test. It sounds like an overly simplistic thing to say, but the consequences can be disastrous. Which position would you prefer before entering a negotiation - to be utterly clueless or happily prepared? We must prepare as much as possible to understand the subject and main issues of the negotiations, one’s country’s interests, and the underlying interests of other countries (see Section 4.1.3). We should learn about the forum/ convention and its rules of procedure, both formal and informal.

This is very critical and therefore the need to elaborate on the How to prepare, for example in country meetings before negotiations to get guidance on national positions and after negotiations to review outcomes and strategize for the next round of negotiations are all provided in the section outlined. Technical knowledge of the subject is very critical and therefore reading advance negotiating text and getting inputs of other national experts is very important.

Listening effectively

Listening is the ability to accurately receive and interpret messages in the communication process. Listening is key to all effective communication. Without the ability to listen effectively messages are easily misunderstood—communication breaks down and the sender of the message can easily become frustrated or irritated. Listening is so important that many top employers provide listening skills training

for their employees. This is not surprising when you consider that good listening skills can lead to better customer satisfaction, greater productivity with fewer mistakes, better sharing of information that in turn can lead to more creative and innovative work.

Giving credit

It is good to give credit where it is due. This goes well with the proverb that says ‘Acknowledge someone’s contribution or ability’. It is important to give credit to people and organizations for their contributions. This helps to keep them honest, sends a strong signal that generous and honest contribution of credit is something to be valued, and brings a shine on the faces of quiet and obscure performers and contributors. It is also good to treat other participants courteously and honestly. Good relationships and trust are invaluable assets, particularly when thinking about the long term. Humour and diplomacy can be very persuasive.

Compromise

The negotiation process is not a straight line from A to B. It is as predictable as the weather which can rapidly change. The negotiator must have the right mind set before entering into negotiations. One has to keep an open mind to face any potential changes that might spring up when it is least expected. One has to remember that a rigid tree often breaks in the face of a raging wind while a flexible one, bends to survive and weather the storm. A rigid posture or position is often counterproductive. One has to be prepared to open the mind to new opportunities, by adapting to changing circumstances and adjust one’s strategy and tactics accordingly. One should not weigh oneself down to a specific position. A rigid stance will not give one any room to navigate a different course, or alter one’s options.

Recapitulation

This is done by restating or summarising the main points, knowing that there is a bottoming out point, where the negotiation might collapse like a house of cards. Keeping this possibility in mind, the intelligent negotiator

realizes that they must chew over their best possible alternatives, which is, the fall back position, should talks fail. We must realize that our counterpart is of a similar mind. So we need to discover their best alternatives to fully appreciate the relative strengths of both parties in comparison.

It is usually at this stage that the following can be contemplated: Build a package – define a problem, find some implementation options, flexibility to deal with discussion; form a core group; find trade-offs – use exception, create a narrow start, offer a broad brush approach, provide a compensation clause and; find a ripe moment to propose solution or option (negotiation by exhaustion).

CHARACTERISTICS OF A GOOD NEGOTIATOR

A good negotiator is one who has the following features:

- ◇ well-prepared, having taken the pains to read and understand the issues for negotiation, and ready to undergo the processes in negotiation;
- ◇ always seen showing patience, endurance and listens carefully to others; is consistent and committed to personal integrity;
- ◇ one who controls emotions and not easily thrown off balance; and has ability to handle stress well;
- ◇ one who is willing to reach acceptable compromise;
- ◇ able to break bigger issues down into simpler forms;
- ◇ one who looks for interest-based decisions that come from effective compromises;
- ◇ one who rejects weak solutions which cannot stand the test of time;
- ◇ one who is capable of seeing the bigger picture from the beginning;

- ◇ one who uses respect and diplomacy when presenting positions or commenting on another delegation's position;
- ◇ endowed with good language skills; endowed with strong and quick analytical skills; alertness and good memory;
- ◇ knowledgeable or well versed in his/her own country's/institution's interests and positions;
- ◇ knowledgeable and understands the positions and underlying issues of other states/nations/stakeholders and their coalitions;
- ◇ knowledgeable about previous negotiations and their outcomes;
- ◇ able to look for the win-win situations, and look for opportunities to support countries/ other stakeholders with different interests where possible whose support may be needed in the future;
- ◇ able to focus on substantive objectives and flexible on wording when his or her instructions allow. The focus is always on the interests of his/her country/institution and other stakeholders, to make progress rather than positions; and To make an impact, one has to strategize and make the intervention at the

ETIQUETTES TO OBSERVE IN NEGOTIATIONS

- ◇ Understand the rules of procedure. These are made available to all delegates, and should be mastered as much as possible to avoid being exposed as not knowledgeable about the meeting being attended.
- ◇ Judge the discussion point, follow up and stay on it. This will prevent ambiguous and unnecessary interventions.

- ◇ Obtain permission to speak. By the rules of procedure, it is the chairman's prerogative to give the floor to speak. One is not expected to speak when the sign has not been given. In many auditoriums, the opportunity to speak is wired electronically to the podium and controlled by the chair. If the chair has not signalled you, you cannot have access to the microphone.
- ◇ Identify and time your intervention strategically. The intervention must be clear and to the point without unnecessary elaborations and in a short period.
- ◇ Be articulate about your position and use appropriate language to communicate.
- ◇ Write down the position before speaking. It is best to write down what is intended to be communicated as this helps in enhancing clarity when delivering the position. Many meetings collect the interventions of delegates to assist the secretariat in compiling reports and drafting recommendations and decisions.
- ◇ When the floor is given, the delegate should sound polite and diplomatic while putting the ideas/position clearly.
- ◇ Give room for others to react and intervene. This is the spirit of negotiation which provides opportunity for all who wish to intervene to do so without fear or let.
- ◇ Never contradict statements made by the representative of a coalition to which you belong –usually these statements are made on behalf of all members of the coalitions.
- ◇ Use your intervention to support statement(s) made by coalition spokesperson; to elaborate upon that statement or present additional arguments; to explain why the issue is of particular concern to your delegation; to provide your support to previous speakers who have expressed a viewpoint with which you agree.
- ◇ When you agree, save time by referencing positions taken or arguments made by others. Note the areas in which you agree and mention them.
- ◇ When you disagree with what another speaker has said, refrain from naming that group or country (do not personalise positions); state your position affirmatively; raise difficulties posed by the other position for achieving agreed ends.
- ◇ Be flexible and willing to compromise. Most MEA decisions are made on consensus and this calls for flexibility and compromises.

PART II

THE PROCESS OF NEGOTIATIONS

2

CHAPTER 3

THE PROCESS OF NEGOTIATING MEAS AND OTHER AGREEMENTS

Multilateral environmental agreements (MEAs) are legally binding agreements between states relating to the environment, and are mainly produced by the United Nations. MEAs are a subset of the universe of international agreements. What distinguishes them from other agreements is their focus on environmental issues, their creation of binding international law, and their inclusion of multiple countries. Over the years, many MEAs have been negotiated and agreed at the international and regional levels. Some have a few parties while some have almost global participation. These agreements come in various forms: global or regional conventions such as the Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Waste within Africa; Appendix or Annex-driven conventions such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); or Framework conventions such as the UN Framework Convention on Climate Change (UNFCCC).

Environmental agreements can be divided into two inter-related and overlapping generations: a first generation, of single issue, use-oriented, and mainly sectoral agreements; and a second generation, that takes a more holistic approach and focus on sustainable development and sustainable use of natural resources.

First generation agreements primarily address the preservation and use of particular natural resources -- such as wildlife, air and the marine environment. Examples include the 1971 Convention on Wetlands of International Importance such as Waterfowl Habitat (Ramsar Convention), the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter (London Dumping Convention), and the 1973 International Convention for the Prevention of Pollution from Ships (MARPOL). These MEAs set out principles for dealing with threats to living

natural resources, global common resources, and the marine environment.

Many of the second generation of more 'holistic' MEAs evolved following the United Nations Conference on Environment and Development (UNCED). This Conference, known as the 'Earth Summit,' was held in Rio de Janeiro, Brazil in June 1992 with government representatives from approximately 180 states present. Two new conventions were opened for signature: the UN

Framework Convention on Climate Change (UNFCCC), which is sectoral in that it deals with climate and the atmosphere, but recognizes the broader impacts of climate change on ecosystems, food production and sustainable development; and the Convention on Biological Diversity (CBD) which seeks to bring together agriculture, forestry, fishery, land use and nature conservation in new ways. The UN Convention to Combat Desertification (UNCCD) was adopted after the Conference and aims to combat desertification and mitigate the effects of drought. These three conventions are often referred to as 'the Rio Conventions.' In international law and international relations, are also protocols that are generally treaties or international agreements that supplement a previous treaty or international agreement. A protocol can amend the previous treaty, or add additional provisions. Parties to the earlier agreement are not required to adopt the protocol. Sometimes this is made clearer by calling it an "optional protocol", especially where many parties to the first agreement do not support the protocol.

The other agreements such as those on UNFF, IUFRO, and IUCN (see sections

5.1.1 to 5.1.14) also have their own histories and their contributions to issues on the environment bring them closer to the main MEAs.

While UNFF is a UN body, IUFRO is a network/ NGO of Forest Researchers and IUCN is an international NGO and they form part of the Collaborative Partnership on Forests (CPF).

The main areas/issues of negotiations under MEAs and in forestry are:

- 1) protection of forests;
- 2) environmental protection;
- 3) governance;
- 4) forest law enforcement, governance and trade ;
- 5) sustainable management; and
- 6) means of implementation, i.e. financing, technology and human capacity.

All MEAs go through various phases namely: pre-negotiation, negotiation, adoption and signature, ratification and accession and finally coming into force of the agreement. Parties agree to specific rules regarding entry into force of the MEAs during the pre-negotiation or negotiation phases. Generally, MEAs require about 20 to 30 percent participation of potential Parties, while in some cases entry into force is linked with the mandatory participation of certain parties as in the case of the Kyoto Protocol.

THE BASICS IN MEA NEGOTIATIONS

The following are the basic routes for engagement in negotiations in MEAs and other similar agreements that have membership from states or organizations.

Governance and hierarchy of negotiations: an overview

The Conference of Parties (COPs) or its equivalent is the highest body that makes decisions. The next governing body after the COP is the Committee of the Whole (COW) which operates on behalf of the President of COP whose national duties in their respective countries may not permit daily attendance at plenaries. After the COW is the Subsidiary Body. There can be as many subsidiary bodies as there is need. There may also be 'Working

Groups' such as during plenaries of COPs and the subsidiary bodies to assist in the negotiations. All of these other bodies make recommendations which are finally approved by COP or its equivalent decision making body. The role of negotiators at these different levels of the negotiation ladder shape the kind of output required. Apart from the COP level negotiations which end up becoming decisions, all the other negotiation outputs are either recommendations or briefs. Each level of negotiation brings out the special negotiating skills of participants. The leadership at COP and the subsidiary bodies is vested in the 'Bureau' which is made up of representatives of a selected number of contracting Parties (in case of MEAs or Conventions which require ratifications) and members (in case of other agreements). Other entities could include intercessional Ad hoc working groups and technical bodies.

Using the UNFF as a case study, the Forum is equivalent to Conference of Parties (COPs) as the highest body that makes decisions. The Forum is a Subsidiary Body established by ECOSOC Resolution 2000/35. The main objective of the forum is the promotion of management, conservation and sustainable management of all types of forests and to strengthen long term political commitment to this end.

The Forum has universal membership comprising of all member states of the United Nations and Specialized Agencies.

The Bureau

The Bureau, in some settings, is the Standing Committee which acts on behalf of the Agreement (MEA) in between sessions. The Bureau acts inter-sessionally and during sessions. It organizes meetings and makes all arrangements about the meetings before, during and after. In MEAs, there are usually two levels of the bureau: the conference level bureau which is usually headed by an elected President who may be the host minister responsible for that area of the MEA (biodiversity, forests, etc.); and the subsidiary level which is headed by an elected Chair from the members that constitute

that body. Membership of the bureau is usually by UN regional representations. At the regional level, especially for Africa, it is rotated among countries according to sub-regions.

Using the UNFF as an example, The Bureau of the Forum consists of a chair, and four vice-chairs, one of whom shall also act as rapporteur in accordance with the principle of equitable geographical distribution. By its decision 2000/273, the Council decided that commencing from the 8th session of the Forum, officers elected to the Bureau shall hold office for a term of two years.

Development of national negotiation positions

This is usually done at home (national level) in the respective countries before the meeting begins. This involves extensive preparations, taking into consideration all the issues for negotiation including the agenda, the meeting documents which are the reading materials for the meeting, country positions on various issues, the rules of procedure as it concerns participant selection and the processes required for accreditation.

The country or negotiating groups

All MEAs have negotiating groups identified by UN geographical regions, namely the African Group, the Asia Group, CEE (the Central European group), GRULAC (the Latin American and the Caribbean States) and WEOG (Western European and Other Groups) including Japan, Australia, New Zealand, Canada, and United States of America.

Additionally, there are also Country Coalitions, namely: AOSIS (Alliance of Small Island States), ASEAN (Association of South East Asia Nations), EU (the European Union and its member states), JUSSCANNZ (group of developed countries that are not members of the European Union formed for negotiating purposes including Japan, the United States, Switzerland, Canada, Australia, New Zealand, Norway, Iceland, Andorra, Korea, Liechtenstein, Mexico, San Marino, Turkey and sometimes Israel), G 77 and China, LDCs (Least

Developed Countries), LMMC (Like-Minded Mega-diverse countries which include African countries), OPEC (Organization of Petroleum Exporting Countries), SIDS (Small Island Developing States), etc.

Knowing the key negotiators

It is important that the key negotiators are known by all delegations. They are: The President of COP or its equivalent, the Chair of the Committee of the Whole (COW), the Chair of the Subsidiary Body, the Leader or spokesperson of the Regional Group, the coordinator of the Country Coalition, and the leader of the country's delegation.

Opening Plenary

An MEA negotiating session or its equivalent usually begins with a plenary that involves all government delegations or members. Representatives of civil society, indigenous peoples, international organizations and others can be present as observers.

Once procedural matters have been addressed, the plenary begins considering the items on the agenda. The agenda is usually based on the outcomes of previous meetings and is circulated in draft prior to the negotiating session. The initial opening statements by countries and country groups assist the chair in identifying areas of potential agreement and areas where there may be disagreement. Rules of procedure are heavily relied upon during the opening ceremony. The rules of procedure are usually adopted in a decision by the first COP and sometimes revised according to special needs at later COPs. The rules of procedure usually apply to main subsidiary bodies, but do not automatically apply to contact groups, informal groups and drafting groups. These groups may be able to agree on their own rules.

Most MEA rules of procedure address similar issues. For example: the election of officers, such as chair and rapporteur; the role of the secretariat; the role of observers; accreditation and the agenda. An important part of rules of procedure relates to the conduct of business or ways of working. This includes for example

rules for: making statements; raising points of order (issues related to procedure) and rules for voting. These rules are very important, especially at the end of a negotiating session when final outcomes are being adopted.

Working groups and other groups for negotiations

At negotiating sessions, issues are often tackled in groups, for example working groups. The formal meetings of such working groups can be referred to as sessional working plenaries. Working groups may be established at a previous or current session of the convention or agreement, depending on what issues are to be discussed. They are usually open to all Parties (or members as the case may be) and observers. Issues may be referred to permanent subsidiary bodies, for example the Subsidiary Body on Implementation (SBI) under the UN Framework Convention on Climate Change (UNFCCC) or the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) under the Convention on Biological Diversity. Outcomes of these and other working groups are considered as recommendations to the COP.

Contact groups are established to negotiate on specific issues. They are usually not open to observers and the meeting times and locations of contact group meetings are usually listed in the daily programme of the meeting. Generally most contentious issues are resolved in contact groups yet this is where most African negotiators are found wanting. Mostly they do not attend as these are usually held after the main sessions often at night for long hours. This makes it difficult for small delegations.

Informal negotiations sometimes take place to try to reach agreement on difficult issues. They might involve just a few countries, are usually open to all Parties but are usually closed to observers. The times and place of meetings are not always publicized. As the schedule is usually communicated directly to the Parties it is important to note the establishment of any informal groups on issues which any country (party), region, or in this case Africa, may be interested in. Drafting groups are established

specifically to agree on text on a particular issue. They are usually closed to observers. The chair of a contact group or informal negotiating group can invite some Parties to form a “Friends of the Chair” group to try to resolve difficult issues. The invited Parties usually include those that cannot reach agreement. Contact groups and informal meetings are often held within the official meeting times, but in certain situations, the timing may be varied to enable quick and compromise solutions to be found. Meetings of ‘Friends of the Chair’ or drafting groups can be held at any time, including very late at night.

Other informal group meetings including the Africa group normally meet daily outside the formal meeting hours to discuss issues of common interest among countries and to develop common consensus. In this case, a leader within the group is selected to present the position as agreed upon by the group on behalf of the region. The Heads of delegation from the other countries support the position during their respective submission as member countries. This helps in strengthening the regional position.

The groups above forward the outcomes of their work to a larger group, such as a plenary of the sessional working group for review and then to a formal COP or its equivalent plenary, for approval. Delegates are of course free to mingle informally, and this sometimes bears fruit, especially in determining underlying issues of various parties and even soliciting support for key issues and positions of importance.

High level segment

Important negotiating meetings such as COPs often include a high-level segment which is attended by Ministers, Heads of State or Heads of Government and Heads of delegations. The high-level segment usually includes speeches by ministers and others, and also notices of bilateral meetings and sometimes major policy or funding announcements.

Difficult political issues that have not been resolved in the negotiations are sometimes forwarded to the high-level segment for resolution.

Negotiators have to prepare the speeches for their High level representative. It is important for them to prepare a speech that can be read within the allocated time usually 3-5 minutes. Secondly they have to ensure the speech focuses on the issues under discussion and state the position of their country on the issues. They also have to support or align with their negotiating groups positions. Negotiators also negotiate the declaration prior to its presentation to the ministers and therefore must know how to structure and craft a ministerial declaration.

The high-level segment usually concludes with the declaration or statement agreed by the ministers and others. It is important to note that this is usually a political statement, not a formal outcome under the MEA. Such declarations or statements do not have the same status as COP decisions or other outcomes agreed under the MEA, but they can carry significant political weight.

The Closing Plenary

The closing plenary adopts the report of the meeting and any outcomes that have been agreed on, for example COP decisions and resolutions. Unresolved issues may be forwarded to subsidiary bodies for consideration, prior to being reconsidered at the next COP or other meeting. There is a similar list of delegations wanting to make concluding remarks. Most of these remarks are made by leaders of regional negotiating groups. At this stage, individual country remarks are not often entertained or welcomed though accommodated. Another important agenda at the closing stages are venue for the next meeting and other housekeeping announcements by the secretariat. The final remark followed by a gable by the chair of the meeting, who could be the President (if COP) or chair of the subsidiary body, brings the meeting to an end with the use of a gavel. The importance of the closing plenary depends on whether it marks the end of a long negotiating process or just the end of one negotiating session. In either case, there is joy and it is usually greeted with wild cheers and warm embraces.

Accession, ratification and domestication of MEAs

Accession is the act whereby a state accepts the offer or the opportunity to become a party to an international agreement already negotiated and signed by other states. It has the same legal effect as ratification but is not preceded by an act of signature. Accession usually occurs after the treaty has entered into force. To accede, the appropriate national organ of a State – Parliament, Senate, the Crown, Head of State or Government, or a combination of these – follows its domestic approval procedures and makes a formal decision to be a party to the treaty. Then, the instrument of accession, a formal sealed letter referring to the decision and signed by the State's responsible authority, is prepared and deposited with the United Nations Secretary-General in New York.

Ratification is an act by which a State signifies an agreement to be legally bound by the terms of a particular treaty. To ratify a treaty, the State first signs it and then fulfils its own national legislative requirements. Once the appropriate national organ of the country – Parliament, Senate, the Crown, Head of State or Government, or a combination of these – follows domestic constitutional procedures

and makes a formal decision to be a party to the treaty. The instrument of ratification, a formal sealed letter referring to the decision and signed by the State's responsible authority, is then prepared and deposited with the United Nations Secretary-General in New York.

Domestication is an act by which States achieve the incorporation into their domestic laws the multilateral or bilateral treaties (international obligations) of which they are parties, so that the rights and duties contained in such agreements may become applicable and enforceable domestically in the States concerned.

PART III
COLLABORATIVE PARTNERSHIP ON
FORESTS

3

CHAPTER 4

THE CPF AND ITS MEMBERSHIP

The Collaborative Partnership on Forests (CPF) was established in April 2001, following the recommendation of the ECOSOC of the UN. It features 14 forest-related international organizations, institutions and convention secretariats. The CPF has two main objectives: to support the work of the UNFF and its member countries; and to foster increased cooperation and coordination on forests. Recently it made proposals to link forest targets and indicators to the SDGs which are the post 2015 development goals by, among others, building on existing targets and indicators of the international instruments related to forests. All CPF members are required to send inputs to UNFF Secretariat. The CPF is supposed to be the main technical and implementing arm of the UNFF and also provides a platform for coordination, and coherence of international forest policies. This is why secretariats of the MEAs are part of the CPF.

MEMBERSHIP

In the further consideration of the member organizations of the Collaborative Partnership on Forests, information about the location of headquarters, year of establishment, year of entry into force (mainly for conventions and other agreements), objectives and/or mandates, modus operandi including procedures of meetings and any other information relevant to their membership is provided below. The listing is provided in an alphabetical order:

The Center for International Forestry Research

The Center for International Forestry Research (CIFOR) is an international forestry research organization that conducts research on the use and management of forests in less-developed countries. CIFOR's research and expert analyses help policy makers and practitioners shape policy, improve the management of tropical forests and address the needs of people who depend on forests for their livelihoods. CIFOR's multidisciplinary approach considers

the underlying drivers of deforestation and degradation, which often lie outside the forestry sector including: forces such as agriculture, infrastructure development, trade and investment policies and law enforcement.

Although many link CIFOR's creation to the 1992 Earth Summit because it came into existence the following year, the discussions that led to founding CIFOR predated the Earth Summit by several years. In 1991, the CGIAR appointed the Australian Centre for International Agricultural Research (ACIAR) as the implementing agency responsible for establishing CIFOR and setting up a Board of Trustees. CIFOR's Establishment Agreement was signed by Australia, Sweden, Switzerland, and the United States. The Agreement was lodged with the United Nations and CIFOR's legal identity as an international organization was consolidated with a Host Country Agreement between the new Board and the Government of Indonesia in May 1993.

CIFOR has its headquarters in Bogor, Indonesia. It has three regional offices: in Burkina Faso (West Africa), Cameroon (Central Africa) and Kenya (East and South Africa). It has project offices in Ethiopia and Zambia (Africa), Vietnam and Laos (Asia), and Brazil and Peru (Latin America). CIFOR is one of 15 Centres within the Consortium of International Agricultural Research Centers (CGIAR).

It is a member of the CGIAR Consortium and leads the CGIAR's research program on forests, trees and agroforestry. The Centre works through research partnerships as a 'centre without walls', taking a holistic, interdisciplinary approach to solving general or widespread forest-related problems with the aim of contributing to the sustained well-being of people in developing countries, particularly in the tropics.

The Food and Agriculture Organization of the United Nations

The Food and Agriculture Organization of the United Nations (FAO) is a specialized UN agency for food and agriculture. Its establishment started with forty-four governments, meeting in Hot Springs, Virginia, the United States, who committed themselves to founding a permanent organization for food and agriculture in 1943. In 1945 during the first session of FAO Conference, in Quebec City, Canada, FAO was formally established as a specialized United Nations agency. It has its headquarters in Rome, Italy. The 3 main goals of FAO are: a) the eradication of hunger, food insecurity and malnutrition; b) the elimination of poverty and the driving forward of economic and social progress for all; and c) the sustainable management and utilization of natural resources, including land, water, air, climate and genetic resources for the benefit of present and future generations. Its strategic objectives are: help eliminate hunger, food insecurity and malnutrition; make agriculture, forestry and fisheries more productive and sustainable; reduce rural poverty; enable inclusive and efficient agricultural and food systems; and increase the resilience of livelihoods to disasters. It helps developing countries and countries with economies in transition to modernize and improve their agriculture, forestry and fisheries. The Forestry Department champions a broad vision of sustainable forest management through policy advice, forest assessments and technical support to governments, while fostering partnerships with civil society and industry in the implementation of national forest programmes.

The International Tropical Timber Organization

The International Tropical Timber Organization (ITTO) was established under the auspices of the United Nations in 1986 amidst increasing worldwide concern for the fate of tropical forests. While almost everyone was alarmed at the rate of deforestation occurring in many tropical countries, there was also considerable agreement that the tropical timber trade was

one of the keys to economic development in the same countries. The reconciliation of these two seemingly disparate phenomena is ITTO's story.

ITTO's origins can be traced back to 1976 when the long series of negotiations that led to the first International Tropical Timber Agreement (ITTA) began at the fourth session of the United Nations Conference on Trade and Development (UNCTAD) as part of that organization's Programme for Commodities. The eventual outcome of these negotiations was the ITTA in 1983, which governed the Organization's work until 31 December 1996, when it was superseded by the ITTA, 1994. Negotiations for a successor to this agreement were concluded in 2006, again under the auspices of UNCTAD. The ITTA, 2006 entered into force on 7 December 2011. The creators of the Agreement believed that a flourishing trade in tropical timber, if based on a well-managed forest resource, could be a key to sustainable development, providing valuable foreign exchange and employment while protecting natural forests from destruction, degradation and excision. The ITTA that eventually came into operation was no conventional commodity agreement. It was, in reality, as much an agreement for forest conservation and development as for trade. In effect, it preceded the concerns which featured in the 1987 Brundtland Report and at the Earth Summit in 1992. Its trade components were as much instruments for tropical forest conservation as ends in themselves.

The governing body of the ITTO is the International Tropical Timber Council, which is composed of all the Organization's members. ITTO has two categories of membership: producing and consuming. Annual contributions and votes are distributed equally between these two groups, which are called caucuses. Within each caucus, the dues and votes of individual members are calculated based on tropical timber trade and, in the case of producers, also on the extent of tropical forests within the country. Its headquarters is located

in Yokohama, Japan. The Organization also has regional offices in Latin America and Africa to assist with project monitoring and other duties. It promotes the conservation and sustainable management, use and trade of tropical forest resources. It develops internationally agreed policies and assists tropical member countries to adapt such policies to local circumstances and to implement them in the field through projects. As of 2009, it has supported more than 900 projects and activities with US\$330 million in funding.

The International Union for the Conservation of Nature

The International Union for the Conservation of Nature (IUCN) is a conservation network of states, government agencies, non-governmental organizations, scientists and experts. The network was established in October 1948 in Fontainebleau, France and its headquarters is located in Gland, Switzerland. The mission of IUCN is to influence, encourage and assist societies throughout the world to conserve the integrity and diversity of nature and to ensure that any use of natural resources is equitable and ecologically sustainable. IUCN is involved in data-analysis, research, field projects, advocacy, lobbying and education. Initially its operations were almost exclusively grounded in conservation ecology. Over the past decades, the organization has widened its scope and now incorporates aspects such as gender equality, poverty alleviation and sustainable business in its activities.

IUCN has observer and consultative status at the United Nations, and plays a role in the implementation of several international conventions on nature conservation and biodiversity. It is best known to the wider public for compiling and publishing the IUCN Red List of Threatened Species, which assesses the conservation status of species worldwide. Unlike other international conservation NGOs, IUCN does not directly aim to mobilize the public in support of conservation. It aims to influence the actions of governments and business by providing advice based in science, as well as through lobbying and partnerships.

IUCN latest initiative, launched at the World Parks Congress in Sydney (2014), is the Green List of protected areas. The Green List of protected areas will offer a rating system for reserves and parks and will recognize those that are setting a high standard for protected area management. The goal of IUCN's Forest Conservation Programme is to enhance and optimize the contribution of forests and trees to rural poverty reduction, the long-term and equitable conservation of biodiversity and the sustainable supply of forest-related goods and services.

The International Union of Forest Research Organizations

The International Union of Forest Research Organizations (IUFRO) is a not-for-profit, nongovernmental international network of forest scientists. IUFRO was founded as the "International Union of Forest Experiment Stations" in 1892 by three members: the Association of German Forest Experiment Stations, and the experiment stations of Austria and Switzerland. After World War I, the number of members increased considerably as universities, forestry education centres and other forestry institutions not only from Europe but also from other continents joined the network. World War II interrupted the activities of the Union. Until the 1970s IUFRO grew rapidly with many of the new members coming from developing countries. From the 1980s onwards, IUFRO has been increasingly addressing forest-related social, economic, and ecological problems of global importance. In 2000 the name of IUFRO was changed to "International Union of Forest Research Organizations." More recently this organization has stated that forests are under increasing degrees of stress as a result of climate change. Forests could release vast amounts of carbon if temperatures rise 2.5C (4.5F) above pre-industrial levels. Compiled by 35 leading forestry scientists, the report provides what is described as the first global assessment of the ability of forests to adapt to climate change. The headquarters is located in Vienna, Austria. It promotes global cooperation in forest-related research and enhances the understanding of

the ecological, economic and social aspects of forests and trees. It disseminates scientific knowledge to stakeholders and decision makers and contributes to forest policy and on-the-ground forest management.

The Secretariat of the Convention on Biological Diversity

The Secretariat of the Convention on Biological Diversity (CBD Secretariat) located in Montreal, Canada, supports the implementation of the convention which was signed in June 1992 and came into force on 29 December 1993. The Convention has three objectives: conservation of biodiversity, sustainable use of its components, and sharing the benefits from the use of genetic resources in a fair and equitable way. The CBD addresses forest issues directly through its expanded program of work on forest biological diversity, with the ecosystem approach as the primary framework for action, and through its other thematic programs of work and work on cross-cutting issues, including on traditional knowledge and protected areas. With the exception of one country, all member states of the UN have ratified the convention.

The Secretariat of the Global Environmental Facility

The Secretariat of the Global Environmental Facility (GEF) was established in 1991 and is based in Washington, USA. It provides grants to developing countries for projects and programs that benefit the global environment and promote sustainable livelihoods in local communities. The GEF serves as financial mechanism for the following conventions: Convention on Biological Diversity (CBD); United Nations Framework Convention on Climate Change (UNFCCC); UN Convention to Combat Desertification (UNCCD); Stockholm Convention on Persistent Organic Pollutants (POPs); and Minamata Convention on Mercury. As a financial mechanism for the three environmental conventions dealing with forests (UNFCCC, CBD and UNCCD), the GEF has been funding activities in the field of sustainable forest management since its inception. Of the GEF's six focal

areas, biodiversity, climate change and land degradation are particularly relevant to forests.

The Secretariat of the United Nations Convention to Combat Desertification

The Secretariat of the United Nations Convention to Combat Desertification (UNCCD) is based in Bonn, Germany. The convention was drafted on 17 June 1994 signed in October 1994 and came into force on 26 December 1996. It works with member countries to implement the UNCCD. This convention is the only international, legally binding framework set up to address desertification and is based on the principles of participation, partnership and decentralization. The UNCCD focuses on improving land productivity, rehabilitating land, and the conservation and sustainable management of land and water resources. The current membership of the convention stands at 195 with Canada in 2013 decision to withdraw, the first country to do so.

The United Nations Forum on Forests

The Secretariat of the United Nations Forum on Forests (UNFF) is based in New York, USA. In October 2000, the Economic and Social Council of the United Nations (ECOSOC), in its Resolution 2000/35 established the United Nations Forum on Forests (UNFF), a subsidiary body with the main objective to promote “the management, conservation and sustainable development of all types of forests and to strengthen long-term political commitment to this end” It is based on the Rio Declaration, the Forest Principles, Chapter 11 of Agenda 21 and the outcome of the IPF/IFF Processes and other key milestones of international forest policy.

The Forum has universal membership, and is composed of all Member States of the United Nations and specialized agencies. It provides support to the international policy dialogue on sustainable forest management. The Secretariat works with a wide range of international organizations and stakeholders to facilitate cooperation and coordination on global forest issues. It serves as the focal point on all forest-related issues for the UN

Department of Economic and Social Affairs (UNDESA) and also serves as the secretariat for the Collaborative Partnership on Forests (CPF). Following intense negotiations, the Seventh Session of the Forum adopted the landmark Non-Legally Binding Instrument on All Types of Forests on 28

April 2007. The instrument is considered a milestone, as it is the first time Member States have agreed to an international instrument for sustainable forest management. The instrument is expected to have a major impact on international cooperation and national action to reduce deforestation, prevent forest degradation, promote sustainable livelihoods and reduce poverty for all forest-dependent peoples. The NLBI was adopted by the UN General Assembly on 17 December 2007.

- In order to achieve its main objective, the following principal functions have been identified for the UNFF:
- to facilitate implementation of forest-related agreements and foster a common understanding on sustainable forest management;
- to provide for continued policy development and dialogue among Governments, international organizations, including major groups, as identified in Agenda 21 as well as to address forest issues and emerging areas of concern in a holistic, comprehensive and integrated manner;
- to enhance cooperation as well as policy and program coordination on forest-related issues;
- to foster international cooperation; to monitor, assess and report on progress of the above functions and objectives
- to strengthen political commitment to the management, conservation and sustainable development of all types of forests;
- enhance the contribution of forests to the achievement of the internationally

agreed development goals, including the Millennium Development Goals, now the Sustainable Development Goals, and to the implementation of the Johannesburg Declaration on Sustainable Development and the Plan of Implementation of the World Summit on Sustainable Development, bearing in mind the Monterrey Consensus of the International Conference on Financing for Development;

- encourage and assist countries, including those with low forest cover, to develop and implement forest conservation and rehabilitation strategies, increase the area of forests under sustainable management and reduce forest degradation and the loss of forest cover in order to maintain and improve their forest resources with a view to enhancing the benefits of forests to meet present and future needs, in particular the needs of indigenous peoples and local communities whose livelihoods depend on forests; and
- strengthen interaction between the United Nations Forum on Forests and relevant regional and sub-regional forest-related mechanisms, institutions and instruments, organizations and processes, with participation of major groups, as identified in Agenda 21 and relevant stakeholders to facilitate enhanced cooperation and effective implementation of sustainable forest management, as well as to contribute to the work of the Forum.

The IPF/IFF processes produced a body of more than 270 proposals for action towards sustainable forest management, known collectively as the IPF/IFF Proposals for action. These proposals are the basis for the UNFF Multi-Year Programme of Work and Plan of Action, various themes of which are discussed at annual UNFF Sessions. Country- and Organization-led initiatives also contribute to development of UNFF themes. Multi-stakeholder dialogues are an integral part of

the agenda at UNFF sessions, allowing major stakeholders to contribute to the forest policy forum. The UNFF is guided by a Bureau and serviced by a compact secretariat that also serves as a secretariat for the Collaborative Partnership on Forests.

In 2006, at its sixth session, the Forum agreed on four shared Global Objectives on Forests, providing clear guidance on the future work of the international arrangement on forests.

The four Global Objectives seek to:

- reverse the loss of forest cover worldwide through sustainable forest management (SFM), including protection, restoration, afforestation and reforestation, and increase efforts to prevent forest degradation;
- enhance forest-based economic, social and environmental benefits, including by improving the livelihoods of forest-dependent people;
- increase significantly the area of sustainably managed forests, including protected forests, and increase the proportion of forest products derived from sustainably managed forests; and
- reverse the decline in official development assistance for sustainable forest management and mobilize significantly-increased new and additional financial resources from all sources for the implementation of SFM.

The United Nations Framework Convention on Climate Change

The United Nations Framework Convention on Climate Change (UNFCCC) was signed on 9 May 1992 in New York City and came into force on 21 March 1994. Recently the Paris Climate Change Agreement was adopted. Its headquarters is based in Bonn, Germany. It provides the basis for concerted international action to mitigate climate change and to adapt to its impacts. The UNFCCC Secretariat supports all institutions involved in the climate change process, particularly the Conference of

the Parties. Among other things, the Secretariat is responsible for the publication, compilation and technical review of annual greenhouse gas inventories by Kyoto Protocol Annex I parties, including in the land-use, land-use change and forestry sector, and the consideration of policy approaches and positive incentives to reduce emissions from deforestation in developing countries.

The United Nations Development Programme

The United Nations Development Programme (UNDP) was established in 1965 and it is based in New York, USA. It is the UN's global development network, an organization advocating for change and connecting countries to knowledge, experience and resources to help people build a better life. It provides expert advice, training, and grant support to developing countries, with increasing emphasis on assistance to the least developed countries. The status of UNDP is that of an executive board within the United Nations General Assembly. The UNDP Administrator is the third highest-ranking official of the United Nations after the United Nations Secretary-General and Deputy Secretary-General. To accomplish the Millennium Development Goals (MDGs) and now Sustainable Development Goals (SDGs) and encourage global development, UNDP focuses on poverty reduction, HIV/AIDS, democratic governance, energy and environment, social development, and crisis prevention and recovery. UNDP also encourages the protection of human rights and the empowerment of women in all of its programmes. The UNDP Human Development Report Office also publishes an annual Human Development Report (since 1990) to measure and analyze developmental progress. In addition to a global Report, UNDP publishes regional, national, and local Human Development Reports. UNDP is funded entirely by voluntary contributions from member nations. The organization has country offices in 177 countries, where it works with local governments on their own solutions to meet national and development challenges and develop local capacity. Additionally, the

UNDP works internationally to help countries achieve the Millennium Development Goals (MDGs) and now Sustainable Development Goals (SDGs). It operates on the ground in 166 countries. UNDP is an implementing agency for the Global Environment Facility.

The United Nations Environment Programme

The United Nations Environment Programme (UNEP) was established in 1972 and based in Nairobi, Kenya. It is the voice for the environment in the UN system and acts as a catalyst, advocate, educator and facilitator to promote the wise use and sustainable development of the global environment. UNEP is the leading global environmental authority that sets the global environmental agenda that promotes the coherent implementation of the environmental dimension of sustainable development within the UN system and that serves as an authoritative advocate for the global environment. UNEP's mission is to provide leadership and encourage partnership in caring for the environment by inspiring, informing and enabling nations and people to improve their quality of life without compromising that of future generations.

UNEP's work encompasses the following:

- Assessing global, regional and national environmental conditions and trends
- Developing international and national environmental instruments
- Strengthening institutions for the wise management of the environment

UNEP's key initiatives to support a transformation of forest management and utilization include the UN-REDD Programme which is the United Nations collaborative initiative on Reducing Emissions from Deforestation and forest Degradation (REDD) in developing countries; the Global Forest Watch 2.0 (GFW 2.0) an interactive near-real-time alert system which can help governments, private sector, NGO's and communities to improve the management of forest resources.

Once fully operational it is envisioned that GFW 2.0 can be used to direct action to:

- deforestation hotspots and alert about breaches in contractual criteria;
- forest resource valuation and accounting that seeks to analyse the full contribution of forest ecosystem services to national economies, and
- the Great Apes Survival Partnership (GRASP) an innovative and ambitious partnership comprised of great ape range states faced with an immediate challenge that seeks to reduce the threats facing the same biodiversity-rich ecosystems which share the forests with the great apes.

UNEP is an implementing agency for the Global Environment Facility.

The World Agroforestry Centre also called The International Centre for Research in Agroforestry

The World Agroforestry Centre also called The International Centre for Research in Agroforestry (ICRAF) was established in 1978 and is based in Nairobi, Kenya. It is an autonomous, non-profit organization whose goal is to help mitigate tropical deforestation, land depletion and rural poverty through improved agroforestry systems. ICRAF's objectives focus on conducting strategic and applied research in partnership with national institutions aimed at developing appropriate agroforestry technologies for more sustainable and productive land use. The Centre seeks to strengthen national capacities to conduct agroforestry research by encouraging inter institutional collaboration and promoting the dissemination of information through training, education, documentation and communication activities.

It is the world's leading research institution on the diverse roles trees play in agricultural landscapes and rural livelihoods. As part of its work to bring tree-based solutions to bear on poverty and environmental problems, the Centre's researchers, working in close

collaboration with national partners, have developed new technologies, tools and policy recommendations for increased food security and ecosystem health.

ICRAF is governed by a Board of Trustees, which has equal representation from developed and developing countries. Since May 1991, ICRAF has become a full member of the Consultative Group on International Agricultural Research (CGIAR).

The World Bank

The World Bank was created at the 1944 Bretton Woods Conference, along with three other institutions, including the International

Monetary Fund (IMF). The World Bank and the IMF are both based in Washington, D.C., and work closely with each other. The World Bank's mission is to reduce global poverty and improve living standards. Its forest strategy is built on three equally important and interlinked pillars: harnessing the potential of forests to reduce poverty, integrating forests into sustainable economic development, and protecting global forest values. The World Bank is an implementing agency for the Global Environment Facility.

CHAPTER 5

CONCLUDING REMARKS

There are some issues that need not be overstretched when considering the preparations of countries to participate in regional and international negotiation meetings. These are considered the fundamentals to international negotiations. Such issues as selection and attendance of delegations, consideration and articulation of positions, funding for the participants are the immediate responsibility of the participating countries. The participating countries have obligations to prepare for their participation in these meetings and may seek help, especially in travel and living expenses for their delegations. All of these require early preparations which governments must ensure that they happen.

For delegations, it should not be lost on them that they are their countries' ambassadors. This means that their presence at these meetings demands a certain decorum that should reflect the body and spirit of their countries. With this in mind, the delegations will have to apply themselves punctually to the meeting schedules and venues in order to contribute effectively to the discussions, show seriousness in negotiations and come away with win-win outcomes. Absenteeism, truancy and other acts that depict disinterest in the negotiation meeting processes, lacking in discipline and unwillingness to follow rules of procedure must be eschewed.

ACKNOWLEDGEMENTS

We appreciate the kind financial support received from the Government of Sweden through the Swedish International Development Cooperation Agency (Sida) to implement an AFF project on “Strengthening sustainable forest management in Africa” that generated much of the information that formed

the basis for writing this Training Module. AFF is also indebted to the Swiss Agency for Development and Cooperation (SDC) for its support of another AFF project on “African forests, people and climate change” that also provided inputs into this document.

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ANNEXES

ANNEX A: INPUT OF AFRICAN DELEGATES TO KEY INTERNATIONAL NEGOTIATIONS

The study revealed that a majority of respondents have not participated in international negotiations and are anxious to participate. However, they have not been able to participate due to a number of reasons including funding, the selection processes and bureaucracy. Those that have participated at least in one or more meetings of UNFF, UNCCD, UNFCCC and UNCBD before did so because of their positions in the organizations they represent and connections they have previously established with the meeting organizing committees and funding sources. It is evident that some impacts were made at these meetings and in some cases these were through their own efforts.

For example one respondent remarked as follows: As FAO focal point, he contributes to backstopping global level agreement on forestry follow-up to UNCED; negotiations with individual developing countries to fund and cooperate more with CIFOR; ACP cooperation with the EU; negotiations for funding for FAO; backstopping country negotiations for CAADP for NEPAD. Another one also intimated that he participated in the Ad Hoc Expert Group meetings of UNFF to help develop agenda and clarity for the Forum.

ANNEX B: THE POTENTIAL AND CONDITIONS FOR SUSTAINABLE MECHANISMS FOR EFFECTIVE AFRICAN ENGAGEMENT IN INTERNATIONAL FORESTRY PROCESSES/ NEGOTIATIONS

A number of programme areas that have potential for engaging African forest negotiators in international forestry processes were identified as Forest Financing, Budgets and the Financial Rules of Procedure, Future International Arrangements on Forests (IAF), long Term Cooperative Action (AWG-LCA), Adaptation Financing, Adaptation Technology, Joint Partnership Initiatives

e.g. Oxford Committee for Famine Relief (OXFAM). Training in these areas can provide opportunities to outline conditions for sustainable mechanisms that can improve negotiation skills. IAF was particularly referred to by one respondent because it will influence how countries and the forest sector will relate into the future and influence policy development.

Based on the foregoing, the following recommendations were proposed:

- Africa should come up to the stage and enhance its visibility to be on a better footing for planning and implementation. Above all, Africans should phase out being recipients of international funds, but play a proactive role in contributing funds to the international fora.
- Africa should have a core group of negotiators to lead the continent in negotiations. In the budget one normally negotiates on their own without any support from another African country. Whenever they leave the government services, Africa will have no other negotiator as no follow-up plans to develop capacity in this regard have been considered.
- It is important for Africa to be selective, in that it should focus on what it has capacity to follow up on.
- The negotiations process is very intensive and institutionalised yet its progressive gains are too slow to show for organisations whose funds are based on projects. The process requires specialisation in that field as well as ability to attend other processes' meetings during the year ahead of the Conference of Parties (COP) so that COP participation is not only coming in at the end of a process. Most organisations at national level would consider such time commitment far-fetched and undermining "tangible" national processes.
- Adequate immersion in the subject matter and issues pertaining to the object of the negotiations, continuity and relevance of inputs should be enhanced.
- Consistent representation is a key aspect for sustained engagement.
- Building human capacity, availability of platforms with clear guidelines on key outputs, strong communication skills are key.

ANNEX C: CHALLENGES AFRICAN DELEGATES FACE IN INTERNATIONAL NEGOTIATIONS

The following were identified as the challenges African delegations face in effectively influencing policy in global negotiations:

- lack of resources to do enough research, underwrite costs incurred and inadequate human man power.
- inconsistency in the personalities that form national delegations due to frequent change of negotiators;
- inadequate financing for attendance;
- lack of sustainable funding to afford consistent representation;
- lack of access to agenda items in time;
- poor preparedness (in country) in terms of country positions over key issues affecting the respective country and Africa in general;
- lack of guidance by parent ministries leading to poorly briefed negotiators;
- inadequate preparation for the negotiations in terms of reading the required materials;
- language difficulties and influences in communication, ability of the team to articulate issues that would affect the agreement, the critical understanding of issues that the beneficiary at the lower level consider important. Taking positions that will not jeopardise support from bilateral development partners (e.g. political muscle to muzzle responsible forest management, corruption among top decision makers, etc.);
- inadequate information on the topic being discussed renders negotiators handicapped and do not reach an optimum decision;
- the challenge of going into negotiation with a fixed point of interest without a positive attitude towards a win-win situation for all parties involved;
- inability to stay focused through the period of negotiation;
- less bargaining power of negotiators;
- having differing viewpoints, different agendas, lack of subject matter knowledge, and fixation on issues or outcomes;
- non-participation of several national/ African delegates even when present (are casual participants or involved in viewing exhibition stalls and promoting their projects to international partners);
- huge workload due to intense and rapid processes in negotiations, intensity of reading during negotiations and haphazard session scheduling, and overcrowding of the agenda;
- lack of focus by countries – they want to cover the full agenda even if they lack capacity to follow up all of it;
- small delegations so that if many negotiations at once, Africa is absent from some critical ones;
- absenteeism, with African delegates often more interested in shopping;
- lack of knowledge of the emerging issues globally;

ANNEX D: NEGOTIATION SKILLS GAP PREVALENT AMONG AFRICAN NEGOTIATORS AND TRAINING NEEDS.

The following skills gap were identified:

- lack of knowledge of the emerging issues globally; and poorly briefed negotiators
- frequent change of negotiators;
- poor negotiation skills by delegates;
- less bargaining power of negotiators;
- unqualified negotiators; and poor preparations;
- inability to stay focussed through the period of negotiation;
- lack of continuity of negotiators.





African Forest Forum

A platform for stakeholders in African forestry



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