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**Article (Accepted version)
(Refereed)**

Original citation: Monheim, Kai (2016) *The ‘power of process:’ how negotiation management influences multilateral cooperation*. [International Negotiation](#), 21 (3). pp. 345-380. ISSN 1382-340X
DOI: [10.1163/15718069-12341341](https://doi.org/10.1163/15718069-12341341)

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Available in LSE Research Online: October 2016

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The 'Power of Process': How Negotiation Management Influences Multilateral Cooperation

Abstract: The management of a multilateral negotiation has frequently played a crucial role in developing global regimes but is often ignored in International Relations theory. The long-awaited UN climate summit in Copenhagen, for example, broke down in 2009 but negotiations reached agreement one year later in Cancún. This article argues that power and interests remained largely constant between Copenhagen and Cancún, and that the significantly altered negotiation management by the host government and the UN explains much of the difference. I develop an analytical framework to address *whether and how the management of a multilateral negotiation by the organizers increases or decreases the probability of agreement*. The empirical focus lies on the Danish and Mexican Presidencies of climate negotiations with extensive evidence from participant observation and 55 interviews with senior negotiators, high-level UN officials, and lead organizers. The argument adds to the scholarship on regime development by complementing structural with process analysis.

Key Words

International Organizations; United Nations; Climate Change; Negotiations; Regime Building; Multilateral Cooperation; Process; Agency

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Recent attempts to advance international cooperation have created a puzzle for strands of traditional International Relations (IR) scholarship. Why did the UN climate change negotiations in Copenhagen end without official agreement in 2009, while they succeeded one year later in Cancún? The largest summit ever, with 120 heads of state and government meeting in Denmark, was unable to achieve a binding comprehensive agreement on a major, looming global threat. The initial breakdown posed a serious risk to multilateral cooperation, and led to billions of dollars of costs from delayed action on climate mitigation and adaptation.

The puzzle which arises is that negotiation outcomes differed despite the fact that fundamental constellations of power and interests remained largely constant during these two years of negotiations. The US and all other major powers supported the final compromise package both in Copenhagen and Cancún. Nevertheless, it fell through in the first year, and agreement was only reached in Cancún, even so with a lower level of ambition. How could unchanged structural variables of neorealism and liberal institutionalism, however, capture a *variance* in outcomes? Other fields of IR consider the role of process more closely, such as strands of regime theory, constructivism, and bureaucratic theory. Overall though, we still lack a detailed account as to whether the summit in Copenhagen broke down due to clashing interests and lack of support by powerful countries, or due to ineffective negotiation management.

The article therefore asks *whether and how the management of a multilateral negotiation by the organizers of the host government and the treaty Secretariat alters the probability of agreement*. Is there a 'power of process'? Better understanding the dynamics triggered by negotiation management illuminates how multilateral negotiations, as a key element for attaining cooperation, evolve and conclude with varying success. The article builds on current scholarship, a set of exploratory interviews and participant observation at the Cancún climate summit to construct a *comprehensive negotiation framework*. The focus is on the impact of

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negotiation management, operationalized as transparency and inclusiveness, capability of the organizers, authority of the lead organizer, and negotiation mode.

The case pair of climate negotiations during the Danish and Mexican Presidencies was of high political importance: delegates negotiated about a comprehensive global agreement to slow climate change and address its worst consequences. These complex negotiations occurred in the international context of emerging developing powers which increasingly questioned the dominance of Western powers. Evidence originates from 55 interviews with senior climate negotiators, high-level UN officials, and chief Danish and Mexican organizers, complemented by summit observations between 2010 and 2012.

The negotiation framework is probed against this evidence by contrasting the negotiation management during both successive years of the Danish and Mexican Presidencies. For example, to what extent was the process during the Danish Presidency less transparent and inclusive than during the Mexican one? Did this factor correlate with agreement, as Copenhagen collapsed without adoption of the compromise proposal, while Cancún succeeded in attaining the Cancún Agreements? Process tracing then probes whether and how each negotiation management factor impacted on the outcome. The final part scrutinizes alternative explanations such as the role of interests and power, but also the risk for the UN climate process by another breakdown and learning from an earlier summit.

Eventually, the analysis of the climate case pair reveals an influence of negotiation management on the outcome of the two summits – of course without claiming that it was the only decisive factor. Supporting the hypotheses of negotiation management, this suggests three contributions. First, the findings highlight the role of negotiation management in IR by integrating structural and process explanations and by fleshing out the paths of effect on the outcome. Second, they add to particular strands of negotiation theories. These contributions

increase our understanding of the emergence of cooperation. Finally, the study grounds these theoretical considerations in extensive, first-hand data from the decision-makers of all key delegations and the UN, and adds this body of material on a pair of salient global negotiations to the field of IR.

The argument

This research develops a negotiation framework to analyze to what extent negotiation management adds to explain the outcomes of these multilateral negotiations in addition to structural approaches. It responds to the call of scholarship on multilateral cooperation to abandon overly parsimonious approaches (Keohane and Victor, 2011, Mitchell, 2010, Touval, 2010, Woolcock, 2011) and acknowledges regime theory's finding that a multivariate approach best accumulates explanatory power (Osherenko and Young, 1993, Underdal, 2002): there is a "need to look more at the process ('the how') as scholars have so far more focused on the conditions of regime creation ('the why')" (Jönsson, 2002). Odell, for example, regrets the lacking integration of negotiation analysis, international political economy, and constructivism, and the "still primitive" knowledge about international organisation negotiations (Odell, 2010, 628). With his synthesis of structure and process, Odell had earlier discovered process influence in the outcomes of ten bilateral economic negotiations (Odell, 2000). A novel compendium of environmental regime creation confirms the trend towards process by distinguishing between structure, process, and institutional provisions (Mitchell, 2010, Ch. 5). This negotiation framework therefore integrates structural and process explanations, and in addition, fills part of the gap on conditions and causal mechanisms of process left by regime theory (Figure 1).

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Figure 1: Integrating structure and negotiation management

Let us turn to the argument underlying the framework, which holds that *the effective management of a multilateral negotiation by the organizers increases the probability of an agreement (Figure 2): negotiation management is considered effective when negotiations are transparent and inclusive (Hypotheses 1), when organizers are highly capable (Hypotheses 2), when the lead organizer enjoys high authority (Hypotheses 3), and when the negotiation mode of arguing prevails (Hypotheses 4).*

Figure 2: Negotiation management and agreement

These hypotheses are now operationalized. The entire year of the Mexican Presidency of the UN climate negotiations before and during the Cancún summit is defined as one multilateral negotiation. The organizers are the lead officials of the host country and of the treaty Secretariat. The *dependent variable* is negotiated agreement, and *not* 'failure/success' or 'outcome efficiency', which are often subjective and blurry criteria. A few people consider Copenhagen a "success", for instance, while most perceive of it as a "failure". The determination of outcome efficiency can also be a highly imprecise exercise, although this may still be possible for European integration negotiations (Moravcsik, 1999, 271). Yet, multilateral climate summits are much more complex. The attribution of weights to preferences on countless issues for over 190 countries would be a misleading simplification. Instead, 'negotiated agreement' mirrors a less nuanced but more reliable frequent practice (Albin and Young, 2012, Bernauer and Mitchell, 2004, 95, Odell, 2009).

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The following four elements of negotiation management form the heart of the argument. Regarding their selection, they clearly stood out from myriad negotiation management factors (e.g. time of issuing a Chair's text) in the respective scholarship, and in the exploratory interviews in Cancún. Negotiation management includes drivers primarily influenced by the organizers, and not by negotiating countries, as the process influence of delegations mostly depends on their interests and power (Young, 1994, 152).

(1) Recent scholarship on economic and environmental regimes has increasingly emphasized how greater transparency and inclusiveness facilitate negotiations (Davenport et al., 2012, 45, 53, Müller, 2011, Odell, 2009, 284). A study on WTO negotiations in Cancún and Geneva in 2003 and 2004 discovered that agreement probability is influenced by procedural justice in a negotiation. In the ideal type of procedural justice transparency, fair representation, fair treatment, and voluntary agreement are all key elements to impact the attitude of delegates towards a final proposal (Albin and Young, 2012, 46-48). Practitioners of the biosafety negotiations shared these findings (Köster, 2002, Mayr, 2002). Importantly though, *full* transparency and inclusiveness would prohibit to reduce complexity of myriad parties and issues so that compromises can be efficiently reached in the short time available. The climate case will examine the hypothesized effect of *increased* transparency and inclusiveness on agreement probability.

What indicates *transparency and inclusiveness* of a negotiation? Information management on small group negotiations is a first aspect of transparency. These often consist of only 20 to 60 delegates and play a central role in reducing the complexity of parties and issues. Since the small group frequently addresses core areas, it becomes vital how well organizers inform the thousands of excluded delegates about its mandate, schedule, and participants. Transparency also varies with the handling of compromise text, which is meant to satisfy the

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key positions of as many countries as possible after endless negotiations. Given this text's importance, how broadly organizers inform about its origin, evolution, and conclusion becomes crucial. Transparency finally depends on how diligently organizers update parties on the overall negotiation progress and schedule. As thousands of negotiators are scattered over myriad formal and informal groups, hardly anyone has a grasp of all key moves.

Small group negotiations are also a first indicator of inclusion. Countries want to participate in these salient meetings or at least be represented by their coalition members, which renders its selection process decisive. Second, negotiations occur across several levels, from experts up to heads of state and government. The integration of levels affects how expert negotiators and politicians perceive their inclusion. Third, organizers engage in extensive deliberation on parties' positions and solutions: how broadly do they reach out to countries to consider their views when facilitating compromise? Finally, the framing of a process as transparent and inclusive influences the perception of parties. These indicators jointly assess the relative transparency and inclusiveness by contrasting negotiations in the same regime.

(2) Research in the fields of bureaucratic theory, Foreign Policy Analysis, and transnational studies indicates that bureaucracies and individuals influence the process and outcome of multilateral negotiations (Mitchell, 2002, 506). The negotiation framework builds on these approaches by proposing the negotiation management element of the capability of organizers. Bureaucratic theory and Foreign Policy Analysis have long argued for an autonomous impact of administrations (Allison, 1971, Barnett and Finnemore, 1999, 707, Weber, 1946). Transnational studies have specifically researched international bureaucracies and found that many had such (albeit varying) autonomous influence as knowledge brokers, negotiation facilitators, and capacity builders (Biermann and Siebenhüner, 2009). The growing role of treaty Secretariats was recently judged as a key development in multilateral negotiations

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(Jinnah, 2012). Finally, the interplay among hosts and the supporting supranational Secretariat can have a crucial impact (Depledge, 2007). So overall, internal strife and inappropriate facilitation by the respective bureaucracies may undermine their ability to foster agreement and partially explain a negotiation breakdown like that in Copenhagen.

Aside from bureaucracies, agency has been attributed to individuals in international politics (Byman and Pollack, 2001, Waltz, 1959). Accordingly, the skill and energy of advocates of cooperation has an impact on negotiation outcomes (Underdal, 2002). Individuals in a formal leadership position, such as the chair of a multilateral negotiation, the head of a treaty Secretariat, or the host country lead facilitator, have varied in their brokerage styles with respective impacts in several regimes, e.g. climate (Depledge, 2005), trade (Odell, 2005), and biosafety negotiations (Falkner, 2002). The style also depended on their origin in high or low context cultures (Cohen, 1997). While Moravcsik sees a greater effect by national than supranational leaders, such as in EU negotiations, he concedes that the mediating leeway of international bureaucracies and individual policy entrepreneurs is wider in the complex and chaotic settings of global negotiations (Moravcsik, 1999, 300).

Connecting to this literature, this research integrates the *capability of bureaucracies and their lead individuals* into one negotiation management factor (similar: O'Neill et al., 2004), detailing their interaction and causal mechanism. Organizers are understood *institutionally* as the responsible host country's bureaucracy and the supporting treaty Secretariat, and *individually* as Conference President, chief advising official of the national administration, and head of the treaty Secretariat.

Their capability is measured by criteria which are as objective as possible to ensure it is independent of the negotiation outcome, and not tautological and a post-hoc rationalization. The first set of criteria is the cultural and organisational or personal fit of organizers to the specific

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negotiation circumstances. Cultural fit applies to institutions and individuals and entails, for instance, the ability to: build bridges as a neutral facilitator, communicate in a not too directive and pushy way, keep a moderate level of activism, work behind-the-scenes, and create an inviting, unthreatening atmosphere. Organisational fit of institutions requires, above all, internal unity of the organizing institution with clear responsibilities. High personal fit is attributed to organizers that are inter alia empathic, approachable, open to listen, modest, and humorous, while still steering confidently (including good command of one key UN language, of course). The second indicator is process expertise of the organizers on the dynamics of negotiations and their available facilitation 'toolkit', flowing especially from long-time multilateral negotiation experience. This is thirdly complemented by expertise on the negotiation substance. The alignment of organizers such as between the host country and Secretariat serves as the final criterion and indicates the relative degree of conflict.

(3) Taking the scholarship on individual leadership further, the framework argues that the degree of authority of the lead organizer has a salient effect on negotiations beyond the element of capability of the key individuals. For Depledge in her 2005 in-depth study of climate negotiations, the presiding officer is the most important variable. Tallberg echoes this salience of brokerage by the chair in research across several regimes (Tallberg, 2010). The role of the chair's political capital (Blavoukos and Bourantonis, 2011) mirrors the suggested concept of authority. Chairs with authority exercise their leverage to observe, formulate, and manipulate, such as in the WTO (Odell, 2005). The consensus-requirement of many multilateral negotiations places abundant responsibility on them, for instance deciding during a turbulent final night on whether parties have reached an agreement.

As with capability, it is essential to measure *authority of the lead organizer* independent from the negotiation outcome, and to thus exclude tautology. Authority is indicated if delegates

accept him or her widely, i.e. when the large majority of key negotiators as opinion leaders trust the lead organizer. Interview responses by negotiators and Secretariat officials were examined to what extent they express acceptance of the lead organizer *at the time* of the negotiations. Responses were triangulated with participant observation in Cancún, the UN video footage of the Copenhagen closing plenary, and secondary sources. Owing to the subjective nature of 'trust', answers are counted in a binary (not continuous) way of 'overall trusted or not', and 'ambiguous/undecided'. The diversity of the sample (Table 1, below) controls for political biases. Overall, the influence on the choice of specific organizers by participating countries is obviously limited. Yet, each Presidency can of course carefully select the personality best suited for this specific task.

(4) The framework finally proposes that the negotiation mode of arguing facilitates the reaching of agreement. The term *arguing* is used here in the constructivist tradition as being largely synonymous with *integrative* bargaining and problem-solving (Odell, 2009, 277, 281, 282, Thompson, 2009). It builds on constructivist theory on the shaping of interests and positions of countries through ideas (e.g. Goldstein and Keohane, 1993, Haggard and Simmons, 1987). Regime theory (Mitchell, 2010, 117, Osherenko and Young, 1993, 13), conflict research (e.g. Wagner, 2008), and general negotiation analysis (e.g. Sebenius, 1992, Thompson, 2009) have all underlined the importance of negotiation modes as well. Generally, arguing enhances the generation and diffusion of ideas and thus foster agreement (Deitelhoff and Muller, 2005, Hopmann, 1995, Ulbert et al., 2004). A deliberative discourse can influence parties' perception of an issue, the related interests, and eventually negotiation position (Ulbert, et al., 2004, 34). Later in the negotiations, an integrative dialogue facilitates compromise by uncovering win-win options. In contrast, the mode of *positional* bargaining implies a demand- and threat-based exchange between parties to distribute pay-offs. Recent studies have addressed the prevailing

uncertainty about the conditions and impact of these discourse modes (Risse and Kleine, 2010). The synthesis of constructivist and rationalist IR strands (Hopmann, 2010), and even of non-IR negotiation analysis (Odell, 2010) has been one way of increasing insight. The common assumption remains, though, that arguing facilitates and positional bargaining undermines agreement (Deitelhoff and Muller, 2005, Hopmann, 1995, Thompson, 2009). This study will shed light on the still underexplored causal mechanism between discourse and outcome (O'Neill, et al., 2004, 163).

How can we measure *negotiation modes* using the evidence collected on these negotiations? The type of discourse and its underlying assumptions and goals serve as primary indicators. Arguing is indicated by a constructive discourse open to a change of minds based on facts and logical insights in order to find a joint solution. It largely reveals the underlying interests of the parties. Parties bargain in a positional way when they mostly negotiate about the distribution of a fixed set of gains and burdens while assuming a zero-sum situation. They merely state their positions without a willingness to engage in open-ended solution finding, and often claim a restrictive negotiation mandate. To separate true arguing from a mere exchange of positions, the interview responses were examined for evidence on objective indicators, as well as on internal motives that delegates expressed they had during the negotiations.

Further, evidence suggests that negotiation management affects the negotiation mode of delegates.¹ Again, negotiation management levers interact: if negotiators trust the organizing Presidency and Secretariat they are less anxious about hidden agendas and secretive negotiations. This leads to more open-minded arguing.² In a situation of mistrust many negotiators perceive it safer to stick to their positions. Further, informal settings, which

¹ EU/EU-country(9)-26.05.2011, UNFCCC-Secretariat(2)-04.12.2010, AWG/SB-Chair(2)-04.12.2010; Note: The numbers in brackets differentiate the interviewee from inside one organization: e.g. UNFCCC-Secretariat(2)-04.12.2010 is the 2nd interview with an official from the UNFCCC-Secretariat (cf. Table 1).

² AWG/SB-Chair(4)-14.06.2011

organizers initiate outside the official negotiation process ahead of a summit, provide arguing space without the pressure of an outcome.³ Their non-public set up and less crowded atmosphere additionally induce open exchange on interests and a true discourse on content.⁴ At summits, smaller informal groups fulfill a similar function.⁵ Overall though, an overly exclusive process can destroy trust and lead to positional bargaining among parties (references to social psychology: Albin and Young, 2012, 40).

The overall *scope condition* of the hypotheses is that the initial interests of participating countries neither mostly converge nor mostly collide at the start of the negotiations. In this case of a tipping point of an originally narrow overlap of interests, effective negotiation management can crucially facilitate the converging of positions. In contrast, largely aligned parties agree independent of negotiation management, while even a perfect process cannot convince parties to agree when their interests clash. Interests then suffice to explain behavior. Consensus-based decision-making (e.g. in UNFCCC negotiations as countries cannot agree on rules of procedure) further enhances the role of negotiation management. Otherwise, parties reach mere majorities more easily through coalition building and may neglect a few dissenting countries. Having laid out the argument on the impact of negotiation management, the following part sketches the research design for probing this framework.

Research Design

The climate case pair was chosen for its salience as a global economic and environmental challenge of high complexity during a constant political period between 2009 and 2010. The analysis of negotiation management by organizer delineates the cases by the period of each

³ AWG/SB-Chair(3)-07.12.2010, BASIC(1)-04.12.2010

⁴ G-77(1)-04.12.2010, UNFCCC-Secretariat(3)-08.12.2010, EU/EU-country(3)-03.12.2010

⁵ Denmark(2)-16.06.2011, G-77(3)-19.07.2011

Presidency. The empirical emphasis of this research on climate negotiations allows probing the micro-level hypotheses of the negotiation process using interviews with the actual decision-makers. The access to a wide range of participants and the opportunity for participant observation made the UN climate negotiations of 2009 and 2010 an ideal empirical focus case.

The following qualitative methods probe the hypotheses. The within-case analysis examines the two negotiation rounds of the case pair of the Danish and Mexican Presidencies. It first establishes the correlation between each negotiation management element and negotiation outcomes to assess their potential association. Process tracing then reconstructs the historical narrative of the causal chain to approximate probabilistic causality (Bennett, 2004, 22, 35, Bernauer and Mitchell, 2004, 96). The study sheds light on *several* causal paths that *jointly* increase agreement likelihood – as it is questionable to reiterate one causal chain in a linear way given the simultaneous work of myriad factors (George and Bennett, 2005, 212). The search for alternative variables completes the process tracing. To determine the 'value' of the variables, hypotheses were translated into observable implications for the operationalization (King et al., 1994, 28). For example, the influence of 'authority of the lead organizer' on outcome could be observed in interviews, where negotiators provided clues about their (dis-)trust of a Conference President, and how this affected their final decisions.

The 'before-after' research design of the case pair strengthens the confidence in the findings of the within-case analysis (Bennett, 2004, 166). It divides a longitudinal case into two sub-cases (for trade: Odell, 2009, 282). One variance between subsequent negotiation rounds, like an altered process, can thereby be better isolated for its impact on the change in outcome ('no agreement' versus 'agreement'), as the political structures may be fairly constant. Finally, the cross-case analysis of the wider study beyond this article probes the generalization of the

climate findings with trade and biosafety negotiations, whose results can only be indicated briefly at the end (Bernauer and Mitchell, 2004, 84).

What are the methodological caveats? First, the case pair is not selected according to the conformity of the dependent and independent variables with the hypothesis (George and Bennett, 2005, 24), as we can only determine the value of the myriad variables *after* a thorough analysis of evidence. Furthermore, the collapse-agreement sequence entails the impact of a prior breakdown and of preceding work on the ensuing negotiation. However, only this sequence holds the negotiation goal constant. For instance, the Cancún summit finally sealed official agreement on a number of issues so that any negotiation afterwards would address a novel goal, which creates a different interest constellation. Yet, in the most-similar case design of a longitudinal case, the compared cases maintain their core setting and may only differ by one aspect, like negotiation management (George and Bennett, 2005, 81). The alternative explanations then capture additional implications of this sequence.

The empirical base for the climate case pair is 55 in-depth anonymous interviews of one hour, on average, with COP-15⁶ and COP-16 participants (Table 1). The lead delegates reflect the heterogeneous perspectives, from the US to Bolivia and from India to the EU. Among the organizers were senior representatives of the Danish and Mexican Presidencies, inter alia one COP-President and all chief advisors. From the Secretariat of the UN Framework Convention on Climate Change (UNFCCC), the current and former Executive Secretaries and their top officials participated, as did the lead facilitators of the four main negotiation working groups. The semi-structured interviews contained open questions on the reasons for the different outcomes, and closed questions on structural and negotiation management variables. Table 2 documents the key outcomes: qualitative answers were translated into binary results, e.g. when the interviewee

⁶ 15th Conference of the Parties to the Climate Convention

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described the Danish Presidency's process as "not inclusive" it would be coded as "0" in this category (97% out of 36 respondents to this question [=N] found it "not inclusive", cf. Table 2). Responses were triangulated through two participant observations as researcher and one as member of a major delegation for the purpose of this study at the Cancún, Durban, and Doha climate summits between 2010 and 2012.

Table 1: Interviews on climate negotiations

Possible biases were addressed by the large and diverse set of interviewees, the sorting of evidence in the databank by institutional origin of respondent to check for systemic biases, the anonymity of responses, and participant observation. Only the primary evidence from these interviews provides the information needed for this research question, especially on subjective, micro-level dynamics of decision-making. The material provides a unique source for the otherwise non-public and mostly undocumented processes. The following pair of crucial climate negotiations scrutinizes the proposed hypotheses.

Climate negotiations during the Danish and Mexican Presidencies

Climate negotiations during the Danish and Mexican Presidencies reveal a striking impact of negotiation management on the course of multilateral cooperation. It played a significant role during both years, culminating in the summits in Copenhagen and Cancún in 2009 and 2010. Let us first situate these negotiations in their longer-term context and provide a brief overview of both Presidencies.

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Context of negotiations⁷

Climate negotiations have been evolving over two decades. After establishing the regime with the UN Framework Convention in 1992, most developed countries committed (in the Kyoto Protocol in 1997) to reduce emissions by 5.2% collectively between 2008 and 2012 (compared to 1990). Since then, parties have been negotiating about the further implementation of the Convention beyond 'Kyoto'. The Bali Road Map of 2007 guided negotiations to conclude a comprehensive agreement by 2009 in Copenhagen. The Danish government and the UN made it the highest profile summit in history, including 120 heads of state and government. Nonetheless, parties could not find consensus within these intense two weeks and merely took note of the Copenhagen Accord. After 30 heads of state and government had failed to find a compromise in a small group initiated by the Danish Presidency in the final days of the summit, an exclusive ad-hoc circle of the US and the emerging 'BASIC' powers agreed on a last minute proposal beyond the control of the Danish Presidency. The immediate announcement by US-President Barack Obama of this breakthrough alienated many of the excluded countries. Due to the consensus rule, a small number of parties, such as Venezuela, Bolivia, Nicaragua and Cuba, had sufficed to prevent the adoption of the compromise as an official "agreement" by the Conference. Most negotiators, organizers, and the media were bitterly disappointed after the high aspirations. Severe power struggles inside the Danish government and lack of multilateral experience among key organizers, such as that of Danish Prime Minister Rasmussen, had severely weakened facilitation efforts. The ensuing Mexican Presidency and the UN significantly changed the negotiation process, and so one year later countries adopted concrete measures in the Cancún Agreements in Mexico. At a delicate decision moment of the final summit night, Mexican Foreign Minister Patricia Espinosa as COP-16 President declared

⁷ For this overview, see also *Earth Negotiations Bulletin* by the International Institute for Sustainable Development. For the Cancún summit, *participant observation* serves as additional source.

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consensus. As only one country, Bolivia, rejected this time, the Conference as a whole went along with Espinosa's declaration of consensus. The organizers had successfully facilitated that the core elements of the Copenhagen compromise had become an official and operational UNFCCC agreement – while still not being legally binding with far-reaching emission cuts.

One key struggle during the Danish and Mexican Presidencies was over the fair distribution of mitigation obligations to keep global temperature increases below 2°C to stabilize the climate. Many developed countries insisted that large, fast developing economies like China, India, South Africa, or Brazil be equally bound by future mitigation commitments. The developing world in turn emphasized their right to development and underlined the historic emission 'debt' of the North. This impasse could not be resolved substantially. Moreover, developing countries urged for financial assistance for mitigation and adaptation. Cancún finally stamped the promise of US\$ 30 billion between 2010 and 2012, and US\$ 100 billion annually by 2020 as official COP-decisions with precise Green Climate Fund regulations. It also salomonically resolved the heated debate about measurement, reporting, and verifying (MRV) of mitigation and financial pledges. Cancún specified several other issues, from forest protection to technology transfer and capacity building for developing countries. Overall, interests initially overlapped narrowly with at least some interest in agreement by all sides, yet an eventual deal far from certain. Moreover, the climate regime is consensus-based. The conditions for a major influence of negotiation management were thus given.

Negotiation management

Transparency and inclusiveness (hypothesis 1). The Danish Presidency of the climate talks became a showcase for a lack of transparency and inclusiveness (Table 2). The unparalleled involvement of so many heads of state and government had raised pressure on the Danish

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government to reach an agreement. So, the Danes had prepared a compromise draft behind the scenes, infamously dubbed the 'Danish text'. It infringed upon parties' prerogative to develop their own negotiation text. Moreover, the exclusive composition of the small group of 30 leaders supposed to hammer out the final deal offended the 90 excluded heads of state and government in Copenhagen. It all peaked in the secretive ad-hoc session of major powers of the US and BASIC-countries on the last day beyond the control of the Danish Presidency. Consequently, many excluded countries vocally objected their proposal on process grounds and merely took note of it. The summit ended in deadlock.

Learning from Copenhagen, the Mexican Presidency and the UN climate Secretariat dramatically increased transparency and inclusiveness (*Table 2*). Organizers reached out widely to all countries, including those neglected before, such as the Latin American ALBA-Group. The hosts refrained from drafting their own compromise text and reiterated the mantra of "no Mexican text". Expert negotiators continued their pre-summit work in Cancún while heads of state and government were largely absent. An open-door policy avoided closed circles that had irritated so many in 2009. Parties could always join the small informal rounds on key outstanding issues under the facilitation of the organizers. Welcoming this transparency and inclusiveness, delegates adopted the Cancún Agreements.

Table 2: Extract from climate interviews

Having established this correlation, process tracing identifies *four paths of impact* of transparency and inclusiveness on outcome. First, a lack of transparency and inclusiveness inhibited sufficient knowledge of delegates about the negotiation process and content during 2009. Above all, the last minute US-BASIC compromise text was unknown to nearly all

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delegates in Copenhagen. The Presidency presented it at 1 a.m. in the last night granting 60 minutes to read it, which left parties furious over the lack of time to understand its content.⁸ In consequence, delegates were in great doubt whether they could agree to the compromise.⁹ The uncertainty caused stalemate given the "big fear of countries to lose with serious economic and other consequences."¹⁰ The lack of knowledge even undermined delegations' ability to report to their governments and seek permission to agree on a compromise. In Cancún, delegates had much firmer ground to base their decisions on: "The fact that... all knew what the President was doing and that she invited them all into the small room created confidence. People knew what happened and went along with it."¹¹

Moreover, scarce information about essential negotiation steps, for instance about the evolution of the 'Danish text', reduced mutual trust and created suspicion of the Secretariat and especially the Presidency.¹² Could countries be sure their interests were adequately considered? Negotiators opposed a proposal facilitated by organizers they didn't trust. Finally, the legitimacy of the COP-16 process added to the acceptance of the final ruling on consensus by COP-President Espinosa. Legitimacy had increased as the compromise was created through a process that ensured rule-based transparency and inclusiveness: parties saw and participated in the text's evolution. COP-15 produced the reverse dynamic. A rule-neglecting process was deprived of legitimacy which finally turned delegates against adopting the Copenhagen compromise proposal.¹³

⁸ ALBA(1)-17.06.2011

⁹ BASIC(3)-08.07.2011; similar ALBA(1)-17.06.2011

¹⁰ UNFCCC-Secretariat(3)-08.12.2010

¹¹ UNFCCC-Secretariat(2)-04.12.2010

¹² Denmark(6)-09.02.2012

¹³ UNFCCC-Secretariat(2)-04.12.2010

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Second, transparency and inclusiveness altered the delegations' ability to contribute to developing a compromise and to highlight their must-have issues.¹⁴ The openness during the Mexican Presidency maximized parties' inputs, helping to create a proposal acceptable to all parties, decisively including diverging 'radical' ones. Furthermore, the ability to contribute increased the identification by negotiators with the output.¹⁵ A sense of ownership¹⁶ emerged as parties were continuously engaged by the Mexicans.¹⁷ In contrast, a number of parties did identify much less with the text at COP-15 as it "had not been everybody's effort."¹⁸ This varying willingness to agree contributed to a repositioning of countries.

Low transparency and exclusiveness thirdly allowed parties to obstruct negotiations on process grounds in Denmark.¹⁹ Unsatisfied with the suggested Accord, delegations used process as a "procedural weapon to torpedo negotiations."²⁰ In contrast, the widespread conviction of a fair process at COP-16 took away the credibility for 'spoilers' when "playing the process card".²¹ For the Mexican Presidency, the transparent and inclusive process was designed to "undermine the obstructionists".²² Eventually, Saudi Arabia and the ALBA-countries no longer objected to the agreement in the final plenary in Cancún: "It was not possible to attack it as a result of a flawed process."²³ The political price for blocking became too high with only Bolivia willing to pay.²⁴

The final impact plays out mostly on a subjective level. Being a delegate in a transparent and inclusive process increased the sense of respectful treatment during 2010. Subjective

¹⁴ UNFCCC-Secretariat(5)-14.06.2011, BASIC(3)-08.07.2011

¹⁵ EU/EU-country(9)-26.05.2011

¹⁶ Mexico(4)-16.06.2011

¹⁷ Mexico(3)-15.06.2011

¹⁸ Mexico(5)-07.07.2011

¹⁹ Denmark(3)-11.08.2011, Mexico(5)-07.07.2011

²⁰ Denmark(1)-02.12.2010; similar: EU/EU-country(5)-17.02.2011, AWG/SB-Chair(1)-30.11.2010, Umbrella-Group(1)-20.04.2011

²¹ Denmark(3)-11.08.2011, also: G-77(4)-22.07.2011, G-77(3)-19.07.2011, Mexico(5)-07.07.2011

²² Mexico(3)-15.06.2011

²³ UNFCCC-Secretariat(2)-04.12.2010

²⁴ G-77(3)-19.07.2011

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opinion was central in the crucial decision moment when the outcome depended on the willingness of the individual negotiator.²⁵ The Mexican Presidency had conveyed a high sense of respect, where parties felt represented and consulted.²⁶ This dynamic was probably also true for most ALBA-delegations, which no longer objected to the agreement. "The change in stance of ALBA-countries came because [Mexican chief advisor Luis Alfonso] de Alba treated them so carefully..."²⁷ In contrast, the Danish Presidency conveyed a lack of respect: "People felt left out."²⁸ The Copenhagen Accord was "impos[ed]... on us... creating a sour taste in their mouth... We didn't matter anymore,"²⁹ complained a G-77 delegate. A BASIC-negotiator of the US-BASIC small group showed understanding for this perception as the Accord "had only been tossed onto them".³⁰ The willingness to agree reached its nadir when the text finally came out on Friday night: "Even though [the] substance was agreeable... Everybody was just really pissed and angry."³¹

Capability of organizers (hypothesis 2). We find a similar variance in the capability of the host countries and the supporting Secretariats (*Table 2*). The Danish Presidency started out with a team from the Climate Ministry that had high expertise in the process and content of climate negotiations. Yet, intense rivalries between the ministry and the Prime Minister's office broke out in the run-up to the summit. They led to the resignation of climate insider and principal advisor to Climate Minister Connie Hedegaard, Thomas Becker, only a few weeks before the COP. The new leading team of Prime Minister Lars Løkke Rasmussen and his advisor Bo Lidegaard had a smaller network among negotiators and less multilateral experience. One

²⁵ AWG/SB-Chair(4)-14.06.2011, G-77(4)-22.07.2011

²⁶ Denmark(3)-11.08.2011, UNFCCC-Secretariat(7)-03.08.2011, EU/EU-country(11)-10.12.2011

²⁷ Denmark(3)-11.08.2011

²⁸ AWG/SB-Chair(4)-14.06.2011

²⁹ G-77(4)-22.07.2011

³⁰ BASIC(2)-16.06.2011

³¹ UNFCCC-Secretariat(1)-28.04.2010

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revealing moment was the statement of Rasmussen as COP-President in the crucial hours of the closing night of Copenhagen. Violating core procedural provisions by calling for a vote on the compromise proposal, he acknowledged in front of 11 delegates that he did not know "your rules". As newly appointed Prime Minister, Rasmussen naturally had much less expert insight into the process than Hedegaard in her position as Climate Minister. Danish woes with the outspoken UNFCCC Executive Secretary Yvo de Boer aggravated the situation and inhibited a joint rescue of the summit.

The experience of 2009 led Mexican President Felipe Calderón to resolve rivalries among his ministries early on (*Table 2*). He appointed the Foreign Ministry as lead facilitator, while the Environment Ministry provided input on substance. Foreign Minister Patricia Espinosa and her chief advisor Luis Alfonso de Alba were seasoned diplomats who mastered multilateral processes. They were highly empathic personalities with a non-directive attitude and sense of humor. This contrasts with the straightforward Danish communication. It granted the Mexicans wide access across negotiation groups with rich insights into underlying motivations, essential to finding common ground. Finally, relations of the host country with the UN improved after the takeover of Christiana Figueres as new Executive Secretary in June. She supported the Presidency in a very cooperative, behind-the-scenes way.

Beyond the correlation between capability and outcome, process tracing uncovers *three impacts of capability* on agreement. First, internal and inter-institutional cleavages tremendously undermined the institutional effectiveness of the Danish Presidency and UN organizers. They cost organizers valuable time: Danish officials told of how long the resolution of their internal differences lasted, including during the endgame when every hour counted.³² The departure of

³² Denmark(6)-09.02.2012, EU/EU-country(7)-04.05.2011

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Becker left large parts of the Danish organization in "shock"³³. Relations inside the administration became almost hostile. The restructuring of the organization after Becker's resignation meant another tremendous loss of time,³⁴ and working-level contacts with the Secretariat had to be newly coordinated as well.³⁵ The growing differences between Secretariat and the new power centre of the Presidency undermined cooperation among organizers.³⁶ Further friction costs resulted from an internal divide between the UN in Bonn and the UN Secretary-General's team in New York with rivalries mirroring the Danish divisions of ministry versus Prime Minister. All this stood in contrast to 2010, where greater internal and external alignment of the Mexican Presidency and the UN, culminating in the close cultural understanding of Espinosa and Figures, saved valuable time.

In addition, the clear distribution of responsibilities and mutual trust empowered organizers in their facilitation. Parties could count on the word of a Mexican official with an uncontested mandate. In contrast, parties "played games" with the Danish organizers³⁷ and exploited Danish and UN-internal differences.³⁸ Further, the deep suspicion of the Danish Prime Minister's team towards the Secretariat inhibited the information flow between key organizers³⁹ and the Danish use of UN expertise. The UNFCCC Executive Secretary was "put aside"⁴⁰ and played a reduced role in 2009. Key negotiators hold that grave mistakes may have been avoided had Rasmussen relied more on de Boer's advice.⁴¹ In contrast, the diplomatic experience and unity of Espinosa's team in cooperation with the UN provided excellent instructions, which

³³ EU/EU-country(9)-26.05.2011

³⁴ EU/EU-country(9)-26.05.2011

³⁵ UNFCCC-Secretariat(5)-14.06.2011

³⁶ Observer(2)-08.12.2010, Denmark(2)-16.06.2011

³⁷ Denmark(3)-11.08.2011

³⁸ Denmark(2)-16.06.2011; similar: Denmark(5)-12.08.2011, UNFCCC-Secretariat(3)-08.12.2010, UNFCCC-Secretariat(4)-17.05.2011

³⁹ Umbrella-Group(4)-04.07.2011

⁴⁰ G-77(2)-13.06.2011

⁴¹ EU/EU-country(10)-16.08.2011

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proved essential:⁴² she was thoroughly briefed on all her options for the make-or-break moment to rule on consensus,⁴³ and thus could manage these crucial hours in a calm and determined way.

Second, Mexican process expertise and cultural-personal fit allowed organizers to better navigate the process of these complex and fragile negotiations.⁴⁴ The high empathy of the Mexican COP-President and her lead advisor de Alba provided a good reading of critical situations and their knowledge of core process rules was highly valuable in the heated final days. Espinosa mastered the process and eased moments of suspense with the right tonality.⁴⁵ One illustration was Cancún's last day. The storming applause for her by the overwhelming majority made delegates feel that they did "not want to ruin the party"⁴⁶. To the extent that the applause was partially stage-managed, it was an effective trick to use such group dynamics: "The management of the meeting was the reason why we got an agreement in Cancún."⁴⁷ Her effective balancing of restraint and leadership culminated in the decision to state consensus despite Bolivia's objection in the final plenary, which led to the Cancún Agreements.⁴⁸ It was a fine line between a violation of UN rules and a legitimate interpretation of consensus. Such a move is of "highest diplomatic art"⁴⁹, and comparable to the consensus decision on the Kyoto Protocol by diplomat Raúl Estrada.⁵⁰

In contrast, the scant process expertise and lower cultural-personal fit of Rasmussen allowed for some grave mistakes. Throughout the Presidency, the proximity of Rasmussen's team to the US undermined the essential prerequisite to be acknowledged as a neutral facilitator

⁴² Denmark(2)-16.06.2011,EU/EU-country(8)-05.05.2011, Umbrella-Group(3)-14.06.2011

⁴³ EU/EU-country(6)-16.03.2011

⁴⁴ EU/EU-country(10)-16.08.2011, Umbrella-Group(3)-14.06.2011

⁴⁵ BASIC(2)-16.06.2011, EU/EU-country(9)-26.05.2011

⁴⁶ BASIC(2)-16.06.2011

⁴⁷ BASIC(2)-16.06.2011, similar: Umbrella-Group(4)-04.07.2011

⁴⁸ Mexico(5)-07.07.2011

⁴⁹ EU/EU-country(6)-16.03.2011

⁵⁰ Observer(2)-08.12.2010

– a point frequently observed elsewhere that developed country ministers start with a *perceived* bias so that developing country ministers tend to have a better standing (e.g. Juan Mayr in biosafety negotiations, Raúl Estrada in climate negotiations). Scarcer process expertise and lower cultural-personal fit also contributed to his mishandling of the last night.⁵¹ He lacked the knowledge and situational empathy to adhere to the most basic rules. Rasmussen's call for a vote on the final text in the closing plenary against the fundamental consensus rule highly "irritated" parties.⁵² Or, as only a few delegations seemed to oppose the Accord, Rasmussen pondered aloud whether they may simply be ignored. "Then you can forget it. That's it," commented a delegate.⁵³

Finally, the lower cultural-personal fit of lead organizers in Copenhagen diminished their access to delegates. Negotiators scarcely disclosed information and objected to being brought together with adversaries.⁵⁴ The Danes and de Boer were often seen as not finding the appropriate balance between pushiness and restraint for the interaction with delegates. Contrary to this, lead Mexican advisor de Alba's low-key style created trust among people.⁵⁵ His charisma and charm⁵⁶ made delegates feel respected. Even very process-skeptical negotiators conceded that this laid-back and open-hearted approach widened his access including towards more closed-up delegations, and often built personal relationships.⁵⁷ Finally, keeping back and attentively listening to delegates also gave Figueres broad access.⁵⁸

⁵¹ Mexico(3)-15.06.2011

⁵² EU/EU-country(4)-27.01.2011

⁵³ Umbrella-Group (4) 04.07.2011

⁵⁴ ALBA(2)-09.12.2011, BASIC(2)-16.06.2011

⁵⁵ EU/EU-country(9)-26.05.2011

⁵⁶ Observer(1)-06.12.2010

⁵⁷ ALBA(2)-09.12.2011

⁵⁸ EU/EU-country(9)-26.05.2011

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Authority of the lead organizer (hypothesis 3). The chair of a summit fulfils elementary functions for moving negotiations forward and for bringing them to a successful conclusion in the delicate final hours. Broadly accepted authority among the large majority of key negotiators is therefore a vital precondition. Climate Minister Hedegaard had gained a fair amount of trust in her person as first President of the Copenhagen summit (*Table 2*). It was undercut by the leakage of the 'Danish text' in the first week and the Presidency's reaction to it. With the start of the pivotal high-level segment, the 'disappearance' of Hedegaard, as many perceived it, and the takeover of Prime Minister Rasmussen proved disastrous. A mere few months into office, Rasmussen lacked prior multilateral experience and showed insufficient empathy for the situation. The Prime Minister soon reached low authority levels. Hardly any lead delegate accepted him as Conference President, as indicated by some unquotable comments. It deprived him of meaningful levers to steer Copenhagen to an official agreement.

The contrast to Mexican Foreign Minister Espinosa was massive (*Table 2*). Her year-long multilateral experience and strong empathy quickly created trust among delegates. With increasing goodwill, parties forgave process mistakes that may have otherwise caused an outrage. The broad support culminated on Cancún's last day: negotiators gave minute-long standing ovations after she had released the compromise text. This authority was pivotal when she faced the opposition of Bolivia to the final package during the closing plenary. In what was a borderline decision to overrule the explicit objection of one party, Espinosa gaveled consensus on the adoption of the Cancún Agreements. It is difficult to imagine that parties would have accepted such a decision by Rasmussen given his record of process violations.

Connecting to this correlation between authority and agreement, process tracing reveals *three paths of authority's impact* on outcome. First, greater goodwill in Mexico sidelined some

rejections on substance and let parties relax reservation points.⁵⁹ Ultimately, negotiators have critical influence over their country's final decision: "There is no such thing as countries. There is 'people'."⁶⁰ Espinosa's good standing had altered the openness towards the proposal. Parties were confident that their interests were at least seriously considered.⁶¹ "Patricia was wonderful. Even though we didn't like some parts we said 'yes' due to the trust and authority she had enjoyed amongst us."⁶² Eventually, Espinosa even had the backing of close to all parties to overrule Bolivia, even of Venezuela:⁶³ "...the Latin American countries kept silent for their higher level of trust which they had into Espinosa."⁶⁴ In turn, delegations rejected the proposal in Copenhagen even though it may have been acceptable for them – as their adoption of the very similar proposal only one year later suggests: "At COP-15, no one helped Rasmussen. He tore down every bridge that one built. At some point, you just don't want any more."⁶⁵

Second, Espinosa's conviction of having a broad acceptance by parties provided her with sufficient *perceived* leeway to dare taking crucial decisions: "The feeling of the last night was absolute euphoria. Espinosa was like a rock-star."⁶⁶ Such broad, emotional support also empowered her to state consensus: "[The rebuilding of trust] was much needed... That was one reason why they [the Mexican Presidency] could do and did in Cancún what they did, as they had created the capital and goodwill needed to gavel a decision."⁶⁷ At COP-15, the hostile treatment of Rasmussen reduced his perceived leeway to take bold decisions. A Denmark-allied negotiator concedes that "a stronger chair could have possibly achieved an agreement in the last

⁵⁹ Umbrella-Group(3)-14.06.2011, G-77(2)-13.06.2011

⁶⁰ Umbrella-Group(3)-14.06.2011

⁶¹ Mexico(3)-15.06.2011

⁶² BASIC(2)-16.06.2011

⁶³ EU/EU-country(4)-27.01.2011

⁶⁴ G-77(4)-22.07.2011

⁶⁵ EU/EU-country(9)-26.05.2011

⁶⁶ UNFCCC-Secretariat(1)-28.04.2010, similar G-77(3)-19.07.2011

⁶⁷ G-77(3)-19.07.2011, Umbrella-Group(2)-02.06.2011

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night of COP-15. Rasmussen was unable to close the deal. He had a lack of authority."⁶⁸ He was too weakened to seize the moment when he received standing ovations by many in the room.

Finally, the level of authority influences parties' blockade potential through the respect and caution with which negotiators interact with the Conference President. Parties were less prone to openly block the process in Cancún, as Espinosa had competently dealt with procedural interventions: "She was so good that she could not be pushed around by countries but would put them back into their place if they tried."⁶⁹ A dishonest process intervention against Espinosa would have meant attacking a respected broker and damaged a country's reputation.⁷⁰ Taking process objections off the table in Cancún therefore significantly strengthened Espinosa, compared to Rasmussen in Copenhagen.⁷¹ Rasmussen's poor track record invited the few opposing countries to jeopardize the agreement on procedural grounds adding to the chaotic and heated atmosphere of the final night.⁷² It allowed them to act as guardians of process, and not saboteurs of substance.

Negotiation mode (hypothesis 4). Considering parties overall during the Danish Presidency, the more constructive arguing of preparatory negotiations gave way to positional bargaining in Copenhagen (*Table 2*). Parties were fighting for their positions in a high pressure situation fearing to lose out in a far-reaching agreement. They hardly made progress until the political high-level segment opened. In contrast, the US and BASIC-countries had a more integrative dialogue in their exclusive small group meeting of the last day and thereby achieved at least a political compromise on core issues. Yet, their last minute proposal reached the thousands of

⁶⁸ Umbrella-Group(1)-20.04.2011

⁶⁹ UNFCCC-Secretariat(1)-28.04.2010

⁷⁰ EU/EU-country(6)-16.03.2011

⁷¹ Umbrella-Group(2)-02.06.2011

⁷² Denmark(3)-11.08.2011

other delegates too late, who were moreover offended by the intransparent and exclusive process.

In preparing for Cancún, the organizers had therefore emphasized a broad and frank exchange between parties. They convened informal, issue-specific consultations during the year on pivotal negotiation issues. Based on the same idea to enhance understanding between groups and to generate ideas, were exchanges in fora like the Petersberg Dialogue. The atmosphere of this informal meeting of environmental ministers initiated by Germany and Mexico was good, and negotiations picked up speed in May.⁷³ The conciliatory spirit continued in Cancún (*Table 2*). In its second week, the inclusive consultations on core issues led by ministers from a developing and a developed country each contributed to a constructive, interest-revealing mode. Their political guidance helped expert negotiators to open up, so they finally exchanged more on the interests underlying their positions, instead of merely fighting for the greater gain or avoidance of costs in a tit-for-tat fashion.

Having established the correlation between negotiation mode and outcome, process tracing crystallizes *four paths of negotiation mode influence* on the outcome. First, arguing during the Mexican Presidency at the informal topic-specific consultations and the Petersberg Dialogue let negotiators mutually reveal more information about their underlying interests. This "real"⁷⁴ and "constructive"⁷⁵ dialogue became central for the eventual agreement. One example from COP-16 was the negotiation about the demand by Kyoto Protocol members that other developed countries, and also the big emerging economies, should join the Protocol. Protocol members told how it was "a key to unpack their [developing countries] concerns to find what is

⁷³ EIG(1)-09.08.2011

⁷⁴ EU/EU-country(4)-27.01.2011

⁷⁵ UNFCCC-Secretariat(1)-28.04.2010

behind their positions" not to join the Kyoto Protocol.⁷⁶ Delegations provided better information on their own ideas, truly considered those of others, and engaged in a back and forth on various proposals. "You try to understand each other. When bargaining, it is just a clash."⁷⁷ This understanding of interests was crucial to identify a broadly acceptable solution.⁷⁸ The Danish Presidency had equally aimed at fostering arguing, inter alia through organizing the Greenland Dialogue for a more candid dialogue between 30 key ministers and heads of delegations: "ministers started to really talk politics".⁷⁹ However, the deteriorating atmosphere in Copenhagen pushed parties back into sticking to positions and covering up their interests.

Second, the hostile mood in Copenhagen lessened the provision of facts and rationales behind positions in Copenhagen, which inhibited the full understanding of each other's suggestions and hence finding a joint solution.⁸⁰ During the Mexican Presidency, the issue-specific preparatory consultations helped to develop better concepts.⁸¹ Participants of the mitigation meeting, for example, stated how they discussed issues with much greater openness, enhancing the understanding of the complex challenges and solutions on all sides.⁸² Or, participants of the Cartagena Dialogue of like-minded developing and developed countries described that its frank and thorough discussion allowed "sorting out how certain ideas [were] actually meant".⁸³ It disclosed how negotiators had not fully understood each other's suggestions before.

⁷⁶ EU/EU-country(8)-05.05.2011

⁷⁷ AWG/SB-Chair(4)-14.06.2011, similar EU/EU-country(1)-20.01.2010

⁷⁸ EU/EU-country(1)-20.01.2010

⁷⁹ Denmark(2)-16.06.2011

⁸⁰ EIG(1)-09.08.2011, UNFCCC-Secretariat(5)-14.06.2011

⁸¹ EIG(1)-09.08.2011

⁸² UNFCCC-Secretariat(5)-14.06.2011

⁸³ EU/EU-country(11)-10.12.2011, EU/EU-country(3)-03.12.2010, Mexico(3)-15.06.2011

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Third, arguing in Cancún led to a more comprehensive consideration of issues, which broadened the support for the final compromise among all parties.⁸⁴ Facilitators in Cancún added to this. The AWG-LCA Chair integrated the numerous submitted proposals into one draft instead of successively listing many ideas on the same topic. This integration moved negotiations towards an agreement zone as parties better understood the congruence between their suggestions. The comprehensive consideration of issues allowed them to recognize and trade concessions.

Finally, the openness to new ideas in Cancún entailed the readiness to deviate from national mandates. "These are my instructions, and that's it" had been commonly heard before, prohibiting any mutual consideration of underlying interests. The recitation of positions in Copenhagen undermined the exchange of information for a constructive solution finding, and cost scarce time. Expert negotiators waited for the ministers and then leaders to arrive to take decisions. Due to this *positional* bargaining "no single point" was changed before the high-level segment.⁸⁵ In contrast, the openness to new solutions and the deviation from one's mandate through an open-minded dialogue at COP-16 increased the overlap between parties and thus the zone of possible agreement.⁸⁶

To conclude, the evidence so far supports the four initial hypotheses that negotiation management affected the climate negotiation outcomes through an objective and subjective level. Let us now consider alternative explanations.

Alternative explanations

⁸⁴ BASIC(3)-08.07.2011, UNFCCC-Secretariat(4)-17.05.2011

⁸⁵ EU/EU-country(9)-26.05.2011

⁸⁶ Mexico(3)-15.06.2011

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Before turning to interest and power, two non-structural explanations played a significant role, which originate in the given sequence of negotiations. First, the prior breakdown raised the chances of agreement. Copenhagen was meant to reach convergence, but ended in stalemate without an officially adopted agreement. The collapse raised the pressure for compromise and warned delegates to safeguard the regime's multilateral set up: negotiations could otherwise move entirely to smaller fora beyond their influence.⁸⁷ The Mexican Presidency repeatedly played this card of a second 'failure'. An ALBA-negotiator conceded that some countries agreed in Cancún as "they couldn't afford a new failure..."⁸⁸ The management shortcomings allowed the succeeding organizers to address the specific concerns expressed by delegates before. The raised pressure and changed negotiation management by the Dutch Presidency was also a driver at The Hague UN climate summit in 2000, which first collapsed, and then succeeded in Bonn in 2001 (Grubb and Yamin, 2001).

Second, a 'stepping stone effect' enhanced agreement likelihood. Expert negotiators had resolved myriad details in Copenhagen, and US-BASIC leaders eventually crafted the political compromise of the Accord. Parties had thereby played out most of their major political conflicts at COP-15. In Cancún, negotiators could build on this foundation to reach agreement.⁸⁹ This does not mean that several areas, such as finance, still needed to be detailed after Copenhagen.⁹⁰ Yet, several crucial bargains had been facilitated by the Danish Presidency by then, which made Copenhagen an important interim step towards Cancún, and certainly not a complete failure.⁹¹ In contrast, the breakdown from Copenhagen added only marginal bargaining information on 'red lines' for Cancún since the same key delegates had negotiated for several years since Bali and before: they mutually knew their core minimal demands very well by 2009. In sum, greater

⁸⁷ EU/EU-country(9)-26.05.2011, BASIC(4)-16.03.2012

⁸⁸ ALBA(1)-17.06.2011

⁸⁹ Mexico(3)-15.06.2011, Umbrella-Group(1)-20.04.2011

⁹⁰ EU/EU-country(10)-16.08.2011

⁹¹ Mexico(4)-16.06.2011

pressure for agreement and the availability of a previous compromise served as salient factors next to negotiation management.

Without doubt, the interests of countries are one key determinant of negotiations. Yet, interests remained constant for the climate case pair, given their fundamental nature. The tremendous environmental, economic and social risks of climate change stood against the challenge to fairly distribute the economic burden of mitigation and adaptation. An economic revolution is required for a low carbon transformation of the world's economies. These existential conditions and the respective domestic constellations remained broadly unchanged for the key large and small countries alike from 2009 to 2010.

I will briefly document this continuity of interests, starting with China as the world's largest emitter, with a 26%-share in 2010 (U.S. Energy Information Administration, 2012). Domestic stability is a central concern for the Communist Party to maintain the one-party system (Conrad, 2012). Accordingly, it prioritizes short-term, steep economic growth over the mid-term consequences of climate change.⁹² China therefore shies away from far-reaching international commitments on its massive emissions. However, it has begun to recognize the potential of low-carbon technology for "greening" its economy and for exporting high-tech products. In Copenhagen, an overly tight negotiation mandate resulted from these internal debates. The Chinese administration as a whole was not ready for a far-reaching agreement.⁹³ This did not exclude the possibility of approving of a less ambitious deal, as the US-BASIC compromise showed. So, Chinese interests and positions did not change substantially between both years: it supported the moderate final proposals at COP-15 and COP-16. The constant emphasis of the remaining BASIC-Group on an agreement with common but differentiated responsibilities reflected a similar moderate ambition. They were mostly concerned to maintain

⁹² BASIC anonymous (A), AWG/SB-Chair(2)-04.12.2010

⁹³ UNFCCC-Secretariat(4)-17.05.2011, Denmark(6)-09.02.2012, EU/EU-country(10)-16.08.2011

their economic development and faced less pressure to cut their emissions than their BASIC-partner China, having only an 8%-share in 2010 (thereof India with 5%) (U.S. Energy Information Administration, 2012).

Most developed countries also traded off short-term economic growth, domestic politics, and climate change. Their emissions make a few of them central for any agreement, especially the United States as the world's second largest emitter, with 17% in 2010 (U.S. Energy Information Administration, 2012). Economic competitiveness of their industries has been a vital concern for the US. Together with their Umbrella-Group partners, they insisted on "parity in the nature of the commitment".⁹⁴ The US could hardly 'sell' any deal domestically that would not have comparable obligations for other major economies.⁹⁵ The relocation of business overseas was one much-feared consequence.⁹⁶ Already the moderate goal of 17% mitigation below 2005-levels by 2020 had been "a very tortured sentence"⁹⁷ in Obama's climate bill during 2009. Yet, Congress rejected the bill and the climate-skeptical Republicans won in Congressional mid-term elections in the autumn. So, US-constraints for an international agreement tightened during 2010 and the delegation was unable to commit to far-reaching mitigation targets,⁹⁸ let alone a legally-binding agreement.⁹⁹ Two other Umbrella-Group members had high stakes in continuing oil sales. In 2010, Russia and Canada were the world's first and third largest oil exporters to the OECD with 19% and 7% of the market respectively¹⁰⁰ (International Energy Agency, 2012). The Umbrella-Group's preference for only a moderate agreement remained constant between Copenhagen and Cancún.

⁹⁴ UNFCCC-Secretariat(4)-17.05.2011

⁹⁵ Umbrella-Group(1)-20.04.2011

⁹⁶ Umbrella-Group(2)-02.06.2011

⁹⁷ Umbrella-Group(2)-02.06.2011

⁹⁸ EU/EU-country(4)-27.01.2011, similar: AWG/SB-Chair(2)-04.12.2010

⁹⁹ Umbrella-Group(5)-27.07.2011

¹⁰⁰ Crude oil, natural gas liquids, and refinery feedstock.

Very few delegations underlined their willingness for emission reductions irrespective of other nations, such as the European Union.¹⁰¹ In 2010, the EU was the third largest emitter with a 13% share (U.S. Energy Information Administration, 2012). As the head negotiator of a major European economy put it: "We did not look for equal pain... the 30% [reduction offer] stood"¹⁰² for negotiations in 2009 and 2010. It increased its signals to continue the Kyoto Protocol even further by Cancún. Similarly, extremely vulnerable developing countries, such the AOSIS-Group of small islands and various African countries were driven less by relative and more by absolute concerns. They fought for their physical survival as island states or countries exposed to extreme droughts: "...people are currently dying from this."¹⁰³ Yet, there was also a G-77-countries schism, which became evident during the Danish and Mexican Presidencies: the interests of the highly vulnerable developing countries differed from rapidly emerging economies.

Like AOSIS, the vocal ALBA-Group demanded far-reaching action and warned that current proposals would "burn the planet".¹⁰⁴ Some ALBA-delegations used the negotiations as a platform against global capitalism per se,¹⁰⁵ which explains part of their resistance to the US at COP-15:¹⁰⁶ "ALBA-leaders like Chávez and Morales did not want Obama to get a success out of here."¹⁰⁷ The lower-profile Cancún summit though reduced potential gains from using political ideology, and contributed to the switch of the ALBA-Group (except Bolivia) from rejection to support of a moderate agreement. The most powerful ALBA-country had substantial interests in only slow progress, despite its rhetoric: Venezuela was OPEC's second largest oil exporter, only surpassed by Saudi Arabia (International Energy Agency, 2012). Yet, while

¹⁰¹ EIG(1)-09.08.2011

¹⁰² EU/EU-country anonymous

¹⁰³ G-77(2)-13.06.2011

¹⁰⁴ ALBA(1)-17.06.2011

¹⁰⁵ UNFCCC-Secretariat(5)-14.06.2011, Denmark(3)-11.08.2011

¹⁰⁶ UNFCCC-Secretariat(4)-17.05.2011

¹⁰⁷ Umbrella-Group(2)-02.06.2011, similar: EU/EU-country(11)-10.12.2011, UNFCCC-Secretariat(4)-17.05.2011

major OPEC-countries undermined ambitious agreements in 2009 and 2010, they accepted the moderate proposal in Cancún despite their constant stakes. Overall, fundamental interests of all key players did not change from 2009 to 2010, and therefore cannot fully explain the variance in decisions on the highly comparable *proposed* outcomes in Copenhagen and Cancún.

The role of power offers scarce explanation either. There was neither a significant power shift between the summits nor a change in preferences of the big powers. Having started at different positions, the major countries of the US, BASIC-Group, and the EU supported the US-BASIC compromise in Copenhagen. This hegemonic constellation notwithstanding, the summit took only note of their suggestion, contradicting the strategy of the Danish Presidency to focus on the most powerful actors. The small-to-middle powers rejected the compromise proposal, also regardless of US-pressure on some Latin American countries.¹⁰⁸ In Cancún in contrast, all but one previously resisting countries decided in favor – despite very similar power structures and one year later than a power-based account would have expected.

So overall, the evidence indicates that interests and power structures *alone* do not explain the *short- and mid-term* development of climate negotiations. Finally, regime theory's variable of 'problem structure' would also have expected a different result: the complexity of the climate challenge makes any resolution, such as in Cancún, highly unlikely. What are the implications of these findings, and how representative is this case pair for other regimes?

Conclusion

The evidence from the climate regime suggests that effective negotiation management augments the probability of an agreement in multilateral negotiations. It supports the four initial hypotheses that *effective* management requires a relatively transparent and inclusive process

¹⁰⁸ G-77(2)-13.06.2011

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(Hypothesis 1), highly capable organizers (Hypothesis 2), a lead organizer with authority (Hypothesis 3), and more arguing than bargaining (Hypothesis 4). It enlarges the zone of possible agreement and creates the willingness of negotiators to agree. Regarding Copenhagen, an in-depth Danish study of the Presidency summarized the key drivers in a similar vein (Meilstrup, 2010, 134): “The behind-the-scenes story about internal fighting over strategy and process in the government, the clear divisions between Hedegaard’s and Rasmussen’s statements and the loss of lead negotiator Becker nourished news stories with a not so flattering picture of Denmark.”

The pressure from the prior breakdown and the availability of preceding compromises of Copenhagen were important drivers that worked in addition to negotiation management. Finally, it must be acknowledged that Cancún accepted a lower level of ambition. In contrast to negotiation management, the constant structural factors of interests, power, and problem structure appear less suited to explain the variance in outcomes.

The wider study behind this article indicates the plausibility of findings for other regimes and so its wider representativeness.¹⁰⁹ The scope here allows only a brief, concluding snapshot of these case pairs. The first salient trade negotiations after the creation of the WTO were held between 1999 and 2001 about beginning a new trade round. Preparatory talks in 1999 were already troubled with clashes over the succession of the WTO Director-General (Jawara and Kwa, 2003, 187, 190, Wolfe, 2004, 580). The US-hosted Seattle summit was equally turbulent, with massive anti-globalization protests outside and continuing hostilities inside. The summit eventually broke down after several days with bitter resentment against the dismal organization (Bayne, 2000, 136) and non-inclusive, intransparent, and biased facilitation of the US (Bayne,

¹⁰⁹ The trade and biosafety analysis of the wider study rested on extensive secondary literature, enriched by seven trade negotiator interviews and observation of the 2011 WTO ministerial summit in Geneva.

2000, 131, 139, ICTSD, 1999e, Odell, 2009, 285, Odell, 2005, 432).¹¹⁰ The emerging large developing countries no longer tolerated any outcome from such a process (Bayne, 2000, 135).¹¹¹ Seattle ended as a lost opportunity with forfeited benefits (ICTSD, 1999d). The following thorough change of negotiation management in Geneva, inter alia towards transparency and inclusiveness re-established lost trust (Jawara and Kwa, 2003, 194, Moore, 2003, 124, Odell, 2009, 289).¹¹² Organizers of the 2001 Doha summit also had greater process expertise and better prepared for the talks (Wolfe, 2004, 580). Supported by superb organization and facilitation, delegates eventually agreed to launch the Doha Development Agenda.¹¹³

Like climate and trade, the biosafety negotiations on the transboundary movement, transit, handling and use of Living Modified Organisms collapsed in 1999, before they reached the Cartagena Protocol in 2000. The Cartagena summit was meant to conclude the year-long negotiations in 1999. The pre-talks of the expert negotiators under chair Veit Köster had turned intransparent, exclusive, and chaotic though (Enright, 2002, 100, IISD, 1999), and Cartagena nearly reached a stalemate. Eventually, a compromise text was forwarded to political leaders at the summit, but not adopted given widespread hostilities and vocal protest against the intransparent and directive process. After Cartagena, the new leadership under skilful and empathetic Juan Mayr (Davenport, et al., 2012, 45, IISD, 2000, Nevill, 2002, 152) profoundly altered the negotiation format and guaranteed each party the participation in, or at least observation of, small group negotiations ('Vienna setting') (Samper, 2002, 67). Mayr informed all delegations diligently about schedule and progress (Mayr, 2002, 227). Tensions between parties decreased and so the Montreal summit eventually reached the widely praised biosafety agreement in 2000 (Bail et al., 2002, 516, Gupta, 2000, 224).

¹¹⁰ WTO(2)-16.12.2011, G-10-country(1)-15.02.2012, G-10-country(2)-16.02.2011, EU-country(1)-29.11.2011

¹¹¹ ACP-country(1)-15.12.2011, WTO(1)-16.12.2011

¹¹² WTO(2)-16.12.2011, EU-country(1)-29.11.2011

¹¹³ G-10-country(1)-15.02.2012, WTO(2)-16.12.2011

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What does this research contribute to IR? First and in the spirit of regime theory of inclusionary approaches (Keohane and Victor, 2011, Odell, 2010, Osherenko and Young, 1993, Woolcock, 2011), it provides a framework of multilateral negotiations, which highlights the role of negotiation management in IR by integrating structural and negotiation management variables, and their paths of effect on outcome. It adds to the understanding of why the initial climate summit collapsed, and why countries subsequently reached agreement. Systemic approaches are, in turn, well-equipped to account for longer-term developments, such as the limited progress on substantial climate protection. In this sense, structure and process complement each other over the short- to long-term cycle of multilateral cooperation. Second, it *supports and refines* specific strands of negotiation management theories. Third, this research *adds an abundant collection of first-hand evidence on a salient global issue to the field of IR*, which fed a database comprising all structural and negotiation management factors. It allows for a numerical and structured analysis of each of these variables, while accounting for the origin of respondents and related biases. In a nutshell, climate negotiations revealed a 'power of process' and that negotiation management can contribute to reaching multilateral cooperation on salient global challenges.

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