Agreement making and implementation: An analysis of international negotiations

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Abstract. Global negotiations are the hallmark of the UN and one of its main raisons d’etre. At the same time it is true that frustration about global negotiations has been mounting for a long time and the discrepancy between negotiating input and negotiated output – tangible international agreement – is being lamented on the occasion of practically every major UN conference. Even more alarming is the fact that a large percentage of the international agreements reached by way of negotiations does not seem to get implemented promptly. A case in point is made by the much-hailed Millennium Declaration which reiterates several objectives already solemnly adopted at the World Summit for Social Development in Copenhagen in 1995. The very existence of the UN structures as a tool for international agreement making can be considered as a global public good of an intermediate nature. Therefore any efforts at making the UN negotiating process more effective, can be seen as a direct contribution towards the better provision of global public goods. Negotiations come in all kinds of forms and shapes. This chapter explores the various relationships between the format of negotiations in the economic, social and environmental areas and their effectiveness in terms of international agreement making which, in turn, is related to their capacity of producing global public goods. Since the mandates for multilateral negotiations usually result from a political compromise and have so far not been defined in any significant way as production processes for global public goods, the outcomes tend to be mixed – some outcomes benefiting local or regional constituencies, some outcomes pertaining to the category of global public goods. Since the qualification of any negotiating process as a way of directly and exclusively producing a global public good would have strong implications for the sharing of the implementation costs, especially when taking into account the principle of shared, but differentiated responsibility, I doubt that we would soon come to a stage where the production of a global public good is directly aimed at in a clearly defined negotiation process. The chapter also examines various obstacles to productive negotiation processes and suggests some ways to overcome them, taking into account in particular the need to strengthen the negotiating position of the developing countries within multilateral settings.

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A concrete example

Perhaps starting with a concrete example would be illustrative: Since I am intimately familiar with them, I will take the energy negotiations of the Commission for Sustainable Development (CSD) which were concluded in April 2001.

The Commission on Sustainable Development was created to oversee the implementation of the commitments arrived at at the United Nations Conference on Environment and Development (UNCED) in 1992 in Rio de Janeiro. The Commission has a limited, rotating membership of 53 and meets once