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# Six Principles for Successful Multiparty Negotiations



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## **What managers can learn from COP28, which resulted in nearly 200 nations endorsing a landmark climate accord.**

COP28 in Dubai was a key milestone in global climate talks, convening nearly 200 countries for the first assessment since the Paris Agreement. Highlighting the urgency for action – with 2023 as the hottest year on record – it emphasised the need for united efforts amid complex negotiation challenges.

At COP28, a “**stocktake**” review showed failures in reducing emissions and aiding developing countries. Talks to enhance climate action, such as ending fossil fuel use and boosting funding, highlighted the difficulties of achieving agreement among nations.

The conference began with a landmark agreement on a loss-and-damages fund, but faced challenges over the controversial fossil fuel phase-out debate. On 13 December 2023, a historic consensus was reached on moving away from fossil fuels, demonstrating the power of united effort and negotiation in advancing climate objectives.

Drawing on the four principles from [Getting to Yes](#) (Fisher et al., 2011) and adding alliance formation and process facilitation, we aim to distill lessons from the complex, but ultimately successful dynamics of COP28 negotiations.

## **1. Separate the people from the problem**

At COP28, amid global tensions including United States-China disputes, the Russian invasion of Ukraine, as well as conflicts involving Israel and Palestine, participants managed to prioritise climate issues over political conflicts. This exemplifies the principle of separating people from the problem, a crucial negotiation strategy that emphasises focusing on issues rather than personal or national animosities.

The conference highlighted the importance of addressing “people issues” and “substance issues” distinctly to avoid negotiation derailments caused by emotions, biases and personal histories. Effective people-issues negotiation involves understanding and empathising with all parties' perspectives, addressing common emotional needs and building rapport, which took place during the year-long engagement prior to COP28.

Once negotiators built bridges over personal and political barriers, they could concentrate on the substance-issues negotiation and address climate change collaboratively.

## **2. Focus on interests, not positions**

At COP28, entrenched positions on fossil fuel reduction highlighted the divide between nations with the most to lose from climate change, like the United Kingdom, US, European Union countries and island states, vs. those with the most to lose from fossil fuel reduction, such as Saudi Arabia. Initially, the former group pushed for clear [fossil fuel phase-out language](#) against the existential threat of climate change, and the latter resisted such clear language for fear of losing the fuel for their economic development.

Developing and oil-producing countries do not ignore the dangers of climate change or the role of fossil fuels in global warming. Their resistance came from believing that the desired fossil fuel phase-out language would hurt them more, while making developed countries relative winners once again. This resistance stems from the relative success trap. This means success is measured not by what one achieves, but by how one's achievements compare to those of their counterpart. This trap often leads to feelings of entitlement, missed opportunities, competitiveness and unfairness that

make deals harder to negotiate.

Developed countries, while firm on their need for assertive fossil fuel phase-out language, ultimately appreciated the other nations' interests to craft mutually workable language. Developing and oil-producing countries reciprocated by moving from their preferred watered-down language position towards language that appealed to all parties' interests.

### **3. Invent options for mutual gain**

Developing options that work for all parties is exponentially harder in multiparty negotiations compared to bilateral ones. To facilitate consensus, a common practice is for a few of the more invested or bigger parties to convene separately to structure some options that can simplify the multiparty talks. The COP28 negotiations benefitted from US climate envoy John Kerry and his Chinese counterpart, Xie Zhenhua, leveraging a pre-agreed [template](#) to guide countries towards consensus.

Developing and oil-producing countries rallied once their concerns over the economic consequences of an abrupt energy transition were duly addressed. The loss-and-damages fund agreement tackled some of the economic interests of developing countries. More importantly, however, was the newly suggested option with language around transitioning away from fossil fuels.

These actions showed that developed countries were ready to help everyone progress together, allowing other countries to advance at their own speed. After addressing individual concerns, it became clearer to all that working together was crucial to fight the global threat of climate change.

Pre-negotiated templates or early agreements, while potentially efficient, can exclude stakeholders, reduce the value available, promote holdouts and undermine broader consensus. In the negotiations at COP28, Saudi energy minister Prince Abdulaziz bin Salman held a firm stance against the fossil fuel phase-down until the very end. It took backdoor conversations with influential nations like the US, China and the host to convince him to agree to the newly proposed text, probably after gaining some concessions.

### **4. Insist on using objective criteria**

One of the successful COP28 initiatives was the joint stocktake done before the meetings in the United Arab Emirates that created a pre-agreed sense of joint legitimacy. The [IPCC's findings](#) unequivocally link human activities,

notably greenhouse gas emissions, to global warming, undermining the case for climate change denial and reinforcing the need for cleaner energy.

In complex, multiparty negotiations, it's helpful to ground discussions in agreed-upon, objective criteria, in this case scientific evidence, to transcend individual biases, ignorance or opportunistic behaviour. As an example, President Sultan Al Jaber, the COP28 facilitator, was **criticised initially** as a climate denialist, but later aligned himself with the widely accepted stocktake findings and supported the fossil fuel phase-down. His change of heart underscores the power of legitimacy to change a negotiator's attitudes or help them save face to their constituents when negotiating towards mutually acceptable solutions.

## **5. Gather for consensus, not power alliances**

In multiparty negotiations, the formation of alliances or coalitions often signifies a power race, driven by the fear of exclusion and a deviation from win-win strategies. This tendency to form blocs can create rigidity and resistance, hindering understanding and creativity, as evidenced in the COP28 deadlock over fossil fuel phase-out language.

Negotiators may prioritise securing alliances for safety and power, making the use of win-win strategies challenging, especially in complex situations where parties have varied cooperation skills. However, strategic pre-negotiations with win-win-minded representatives, like the US and China did in November 2023 before COP28, can simplify negotiations and increase the likelihood of consensus. This approach, though not without its difficulties, shifts the emphasis from forming coalitions to finding common ground.

Consensus is about finding the best, sometimes the minimum, common denominator so that everyone can move in one direction together. Those who want to move faster fail to appreciate that others would prefer to move in a different direction, and that joining the consensus is already a massive 180-degree turn for them. Hence, any step in aligning direction is a major win. In the case of the fossil fuel phase-down, it becomes harder now for Saudi Arabia to backpedal completely. They can advance in very small steps, and one would not be surprised if they did, but future meetings already start from this point. Now that direction is not an issue anymore, it becomes a matter of how fast we can move.

## **6. Facilitate for credible outcomes**

A neutral facilitator is key to ensure a structured and fair process against the inherent chaos of multiparty negotiations. A facilitator can prevent win-lose dynamics and guide the parties towards consensus. However, their neutrality can be compromised if the facilitators attempt to leverage their role to advance their individual or organisational interests.

COP28, hosted by the UAE, an oil-rich nation, exemplified this dilemma. The UAE's position as both host and a major oil producer, with the chief of its national oil company at the helm of negotiations, sparked concerns about its ability to impartially facilitate discussions on phasing out fossil fuels. This situation attracted critical media attention, challenging the UAE's neutrality. Successfully addressing the fossil fuel phase-out language helped mitigate these concerns.

## **COP28: The multilateral climate crossroad**

The **UAE Consensus** achieved at COP28 epitomises the significant effort required for successful multiparty climate negotiations. This agreement marks a crucial baseline for future discussions, making it difficult for any nation to regress. Progress is being made.

Can the climate wait for the next rounds? We do not know, but pushing too hard and making enemies is surely slower than what we are doing now. Was it perfect? No. Can we live with the outcome? Yes, and we are now a bit closer to being able to live far into the future.

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