



EUN-NET Training Sessions – Relevant Material

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EUN-NET Training Material¹

Course Leader guide to simulation exercise

This simulation exercise was created with funding from the Jean Monnet Network EUN-NET. It is part of a training module for practitioners working in, or interested in, EU-UN affairs. The simulation develops an understanding of the importance of information and information asymmetry in the process of negotiation. It is not designed to accurately model EU Council procedures, rather create an awareness of the two-level game.

1. Learning objectives

- Understand the dynamics of negotiation in a ‘two-level’ game in which information asymmetry is key to generating outcomes.
- Develop the capacity to argue in favour and against polemical positions that challenge simulation participants’ normative views.
- Transferable skills to enable participants to understand the way non-EU states negotiate with the EU at the UN.
- This puts into practice the theory learnt in Module 2.

2. Structure of the game

Summary: Participants are divided into teams of three. One team represents the EEAS, and remaining groups represent different EU member states that have been chosen because of their national positions. The simulation is based on a draft text for an EU common position on LGBTI rights, an issue that polarises positions inside the EU and across the UN membership. The objective of the game is to agree a final text through multiple rounds of negotiations, with each participant serving a unique role as a member of the EEAS/MS, and of one of the three paragraphs.

The starting point is a draft common position comprised of three paragraphs and including many alternative text options using square brackets [], with the negotiation focusing on either deleting, amending or proposing alternative text that acceptable to all. As this is a simulation of drafting in a UN city, the common position must be agreed unanimously.

The discussion of the draft takes place in the drafting committees: one member of each state is assigned to each drafting committee, and together with an EEAS member who serves as chair, short discussions are held. Negotiations are interrupted as participants periodically reconvene in their

¹ Developed by Jordi Mas and Robert Kissack, IBEI. Contact: rkissack@ibei.org

national (or EEAS) group to discuss progress and develop an awareness of the positions of other actors in the negotiations. The intersection of paragraph group and national group lies at the heart of overcoming information asymmetry.

Depending on time, the number of rounds may vary. Typically, we recommend three rounds of group meetings and two national meetings, with 'Green Room' meetings before and after and a final whole-group plenary to adopt the text.

Stage 0: Preparation

There are two models for preparation. If training session participants are known in advance, some time prior to the event team allocations can be made. Depending on the amount of time available, group preparation includes identifying the national position on LGBTI rights for the member state represented (or the EEAS). *This relies on all people attending the training session – the simulation cannot work with less than three people per group, and participants cannot transfer between teams easily because of the informational advantage they will have.*

The second method is to allocation teams on the day. Participants are then given 15-20 minutes to use the Internet to learn something about the national position they represent. Additionally, they use this time to become acquainted with the draft text. *This method of preparation is less ideal, but nevertheless can work if groups are supported during the preparation time. In a two-hour slot, the number of negotiation rounds are reduced accordingly.*

The recommend allocation of groups are: EEAS, Poland, Germany as the essential three; then Latvia and NL, then Cyprus, Spain, Italy. Germany is less pro LGBTI rights than the NL, placing NL and Poland as competing member states without other states does not work well. As the EEAS is pro-LGBTI rights, and Germany lies closer to the median EU MS position, this has performed better in testing. Additional MS are added to balance the positions along the preference spectrum, and also account for religious differences, size and geographic balance.

Two websites that can help explain the spectrum of national interests:

European Union agency for fundamental rights: <http://fra.europa.eu/en/theme/lgbti>

ILGA-Europe: <https://www.ilga-europe.org/rainboweurope>

For the instructor

The simulation needs to be tailored to the objectives of the course. With sufficient time in advance to the simulation day, the instructor must take several decisions:

- Will groups be allocated in advance or on the day?
- If in advance, are all participants certain to attend?
- Which MS to include (determined by group size)?
- Number of drafting committees and time organisation of the session.

For the participants

When participants are told about the training session they should also be informed about the simulation exercise. The accompanying participant information sheet should be circulated. It is at the discretion of the trainer if groups should be allocated – if so, preparatory work will be expected of participants. The accompanying document has suggestions for where information on this issue can be found.

Stage 1: Start of the simulation

The recommended structure of the session is:

0-10 minutes:

Informal 'Green Room' in which all participants are orientated to the simulation, and the EEAS coordinate the paragraph groups.

10-20 minutes:

Paragraph Groups Meeting 1 - preliminary discussions of the draft text of each paragraph.

20-30 minutes:

National Groups Meeting 1 - strategy and reflection for the promotion of national goals across the entire text.

30-40 minutes:

Paragraph Groups Meeting 2 - detailed negotiations on draft text.

40-50 minutes:

National Groups Meeting 2 - strategy and reflection for the promotion of national goals across the entire text.

50-60 minutes:

Paragraph Groups Meeting 3 - draft text agreed.

60-70 minutes:

Break

70-80 minutes:

EEAS circulate the completed text to all national groups.

80-95 minutes:

Meeting of all national groups in plenary to finalise text, with the objective of reaching unanimous agreement. It is possible that the simulation finishes without reaching a common position.

95-120 minutes:

Reflection, feedback, discussion.

The organizer of the simulation distributes a copy of the draft to the different groups (which they have already seen). The Green Room is used to orientate participants to the simulation, and ideally identify allies and rivals. The EEAS in this period may or may not assert itself, depending on the strategy taken. It is recommended to use a Google Doc or other cloud-based shared document system to allow the EEAS to edit the statement.

The first paragraph meeting is usually a round of identifying red-lines and other boundaries, such as accepted and non-acceptable text. National meetings should allow each MS to map its position across the three paragraphs vis-à-vis other negotiators. The second paragraph meetings should allow national representatives to structure deals within the paragraph. The second national meeting has the objective of developing cross-paragraph bargains, and paragraph meeting 3 puts them (ideally) in place. The final meeting of the plenary agrees (or not) the text.

Stage 2: Drafting process

The drafting process is the second stage of the simulation. It lasts usually for three rounds, depending on the length of the simulation and degree of prior preparation.

The participants must move between national groups of three and paragraph groups of three to eight, depending on the total number of participants.

The EEAS is responsible for drafting the paragraphs, and therefore must be able to keep accurate record of the proposed changes. When the number of participants is not a multiple of three, additional participants should augment the EEAS team. During national meetings they too are looking for ways to strike deals (and have in theory an informational advantage if they have more members than any other group). They too update the text – some form of computer and powerpoint screen is very useful.

It is worth considering making the second national meeting (40-50 minutes) a Green Room if it facilitates the development of cross-paragraph deals.

Stage 3: Final meeting

After the break, the EEAS should have the final text edited and then circulated to all groups, either electronically or in printed version, if that is possible in the venue. Either way, a power point of the text is also useful. In the final session, the text is put to the whole group for agreement. Any bargains across paragraphs should be agreed here.

Stage 4: After the simulation

It is important to reflect on the key aspects learnt during the simulation.

- Two-level game (different win-sets, internationally and at home).
- Socialization (Paragraph groups).
- International bargaining (Paragraph Group vs. National Group).

Self-evaluation is strongly recommended.

3. The working draft position

Below is the working draft position that the simulation is based on. Participants may modify it in any way they see fit, deleting text, proposing new text, adding or deleting paragraphs, etc.

Draft of the HR/VP



Council of the European Union

Brussels, XX, XXXXXX 201X

4231/1/19

REV1

SOC 4

GENDER 8

ANTIDISCRIM 15

FREMP 16

NOTE

From: High Representative of the Union for Foreign Affairs and Security Policy

To: Foreign Affairs Council

Subject: EU common position to the UN Human Rights Council
- Draft Council Conclusions

[The EU] [The EU and its member states] welcome(s) the last report on LGBTI rights issued last January by the UN Human Rights Council. The report calls for an end to violence and discrimination against lesbian, gay, bisexual, transgender and intersex people and highlights that the international community needs to do further steps decriminalizing the LGBTI collective worldwide. The EU is strongly committed to the UN values, shared by all its member states. The EU [requests] [demands] [presses] the UN to [remind its members of the importance of human rights] [take decisive action in identifying states in which LGBTI people are targeted and refer them to the HRC and UNCHR] [take the necessary steps ensure

all UN members respect international human rights commitments and promote the equality and dignity of all human beings irrespective of their sexual orientation in their national legislation]. At the same time, the EU fully respects the cultural sensitivity of other countries, their national identities, values and constitutional traditions, and the importance of respect for religion [and accepted religious teachings against homosexuality].

The UN should continue to ensure that everyone, irrespective of their sexual orientation or gender identity, is treated equally. Discrimination or violence on these grounds is simply not acceptable and must be punished. The EU [warns] [reminds] [would like to bring to the attention of] all UN member states that the first article of the Universal Declaration of Human Rights states that “All human beings are born free and equal in dignity and rights”. Consequently, the EU encourages the [members of the] United Nations [community] to [promote] [adopt] [take into consideration] the adoption of [the principles of] non-discrimination [laws] in [their domestic legal system] [national laws] country legislation. Particularly, the EU is concerned with discrimination against the LGBTI community in the field[s] of [employment] [and family law, and ensuring the recognition, union, marriage, and step-child adoption of same-sex couples in the internal law of its member states]. We urge the UN to do the necessary steps, [inter alia] letters from the UN Secretary General, referral to the United Nations Commissioner on Human Rights, referrals to the Human Rights Council, and appeal to member states to sanction non-complying states to revert this situation.

The European Union is based on the principle[s] of [rule of law] [respect for diversity] [an appreciation of the plurality of societies] and it believes strongly in need for toleration [within states] [and between states]. The EU is extremely committed to assisting states in developing their [human rights legislation] [domestic legal systems] in [accordance to domestic cultural and societal values] [the acknowledgement that religious, cultural and national values differ between states] [and that] [but] these differences [do] [do not] encompass the field of sexual orientation. The EU is [firmly] committed to [supporting] [financing] civil society organizations that represent [LGBTI groups] [minority groups] [in raising awareness of universal rights] [in accordance to respect for and compliance with national laws].



EUN-NET Training Material²

Participant guide to simulation exercise

The objective of the simulation exercise is to apply knowledge of international relations to a realistic scenario in world politics, namely reaching agreement between sovereign states over a human rights issues.

Although the simulation is played out in the context of the European Union, the general principles are applicable to all types of inter-state bargaining, namely the establishment of national preferences, the degree to which international-level (or in this case, EU-level) constraints exist, the importance of information in negotiations, and the role of information asymmetry in bargaining processes. Furthermore, the simulation is based on a real and salient human rights issue, namely gender orientation, non-discrimination and human rights promotion.

1. Detailed overview of the simulation

The simulation takes place in the context of an EU coordination meeting in a UN city (imagine either New York or Geneva) in which EU member states have the objective of reaching an agreement over a *common position*³ to present in a **United Nations** forum on the LGBTI (Lesbian, Gay, Bisexual, Transgender, and Intersex)⁴ rights issue. The EEAS are coordinating the meeting, but because this is a collective decision to speak on behalf of the member states, the statement must be agreed by **unanimity**, i.e. *no one agrees anything until everyone agrees everything*.

Given the limited number of participants, the simulation only represents the roles of few actors EU MS. One group adopts the role of the **EEAS** team (see below). The other groups represent **Germany, Italy, the Netherlands, Spain, Cyprus, Poland, and Latvia**⁵. There are no advantages or disadvantages to belonging to one group or another, although the role of the EEAS is slightly different. The countries have been chosen because they represent a broad spectrum of positions and relative sizes.

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³ The objective, although framed in EU-terms, is generalisable to many international negotiations in which states seek to find a consensus position in order to exert influence through their collective power.

⁴ The term may be found in different initials: LGBT, GLBT, LGB, LGBTQ, etc.

⁵ Not all MS are represented in every simulation.

The theoretical framework on which the simulation is based is the two-level game. Each group representing a member state must firstly determine their **national position** which includes goals, red-lines, and issues that can be traded-off. At the same time, negotiations are structured at the level of each paragraph of the draft text (at the beginning of the simulation there are three paragraphs - according to the strategies of the groups, this number might increase or decrease). There are also **paragraph drafting groups**, comprised of one member from each national group, responsible for the drafting of each paragraph. During the simulation, participants will alternate between their national group and their paragraph group. Information about the preferences of all actors is diffused through the meetings, as participants learn about what sort of final deal is possible.

Hint 1: It is likely that in order to secure a national goal in the text of one paragraph, a concession might be needed in the text of another paragraph.

Hint 2: The draft text contains many alternative wordings, represented in [square brackets]. The various text options may (at present) be seen as contradictory, and part of the negotiation process is to determine which text each group would like to **keep, delete, reinforce, etc.** **Groups may also propose new text.** Whether there is consistency within paragraphs and between paragraphs will be determined by the negotiation.

The priority of the EEAS group is to ensure that an agreement is reached, as well as guiding the meeting to reach an agreement in line with previously agreed statements (thus preventing, as best as possible, an 'unrealistic' common position). The EEAS group members chair the drafting meetings, and may use their initiative to help facilitate agreement through private, bilateral talks with member states, etc.

Ideally, the simulation is run with a minimum of three participants per group. Groups that have a fourth member can decide how best to use that person. The objective for all states is to agree a common position in a highly polarizing issue in EU politics, namely discrimination based on sexual orientation. The rationale for this goal is to promote a strong position in line with EU goals concerning (1) the promotion of human rights globally; (2) defending LGBTI rights; (3) demonstrating support for the United Nations, including the Human Rights Council.

During the simulation, there is a timetable of events which the trainers will guide the groups on.

0-10 minutes:

Informal 'Green Room' in which all participants are orientated to the simulation, and the EEAS coordinate the paragraph groups.

10-20 minutes:

Paragraph Groups Meeting 1 - preliminary discussions of the draft text of each paragraph.

20-30 minutes:

National Groups Meeting 1 - strategy and reflection for the promotion of national goals across the entire text.

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Paragraph Groups Meeting 3 - draft text agreed.

60-70 minutes:

Break

70-80 minutes:

EEAS circulate the completed text to all national groups.

80-95 minutes:

Meeting of all national groups in plenary to finalise text, with the objective of reaching unanimous agreement. It is possible that the simulation finishes without reaching a common position.

95-120 minutes:

Reflection, feedback, discussion.

It would be good to bring laptops or tablets to the simulation.

2. Next steps for each group

This section provides guidelines on what each group should do to prepare for the simulation.

Participants should research the LGBTI rights perspective on the external policy of the Member States they represent in the simulation (this may be in their foreign ministry, or ministry of overseas development), while the EEAS group will explore the EU's own position. Some knowledge of other actors' positions might be useful too, to determine potential allies. Some sources are provided in Annex 2, although additional ones may be consulted.

Additionally, be sure to consult the draft text that is attached at the very end of this document. It is the 'departure point' of the simulation.

Annex 1: Context of the simulation

LGBTI rights at the UN

In recent years, awareness in the United Nations on violence and discrimination directed at lesbian, gay, bi, trans, and intersex (LGBTI) people around the world has grown. First attempts to introduce discussions on LGBTI rights started during the 90s but it was not until recent years that the UN and its main bodies have pursued actions on the cause. On June 2011, the UN Human Rights Council requested for the first time a study on violence and discrimination on the basis of sexual orientation and gender identity. The report, titled '[Born Free and Equal](#)', was issued on November 2011 (see also the [annual report](#)).

The study raised questions not only on the lack of same-sex relationships recognition in several countries, but also on discriminatory practices such as in employment, education, or acts of violence because of sexual orientation or gender identity. The mere inclusion of the issue in the UN Human Rights Council supposed a huge step for the LGBTI community, as this implied that LGBTI issues were considered in the UN a matter of human rights. This meant that the UN recognized that their sexual orientation was not a personal choice, which is how often LGBTI are criminalized.

Several steps towards the recognition of LGBTI rights have been conducted in the last years. On September 2014, Human Rights Council 27th session passed a second resolution to mandate a

second report with the intention to update the latest conclusions (see the HRC report of 2016 '[Living Free and Equal](#)' and also the report '[Standards of Conduct for Business](#)'). In 2017, an independent report released for the [UN General Assembly](#) and the [Human Rights Council](#) aims at identifying the causes of violence and discrimination against people due to their gender identity and sexual orientation.

The LGTBI issue is in the agenda of the UN. The big difference from the last years is that the United States, who massively backed the issue in 2014 and 2016 under Barack Obama mandate, is surely going to change its position.

The EU and the UN

The European Union holds an observer status in the United Nations since 1974. It is allowed, among other rights, to speak in the UN General Assembly and to submit proposals and documents. Although the EU itself does not have voting rights –its member states do–, one of its main goals is to coordinate the position of its member states so that their collective weight can have more impact in all major UN conferences. The job of coordinating the EU decision among the different foreign ministers of the EU member states takes place in the Foreign Affairs Council (FAC).

Last EU treaty reforms have taken the direction to enhance the EU's cohesion in world affairs, namely to articulate a unitary European position in international organizations such as the UN. Since the establishment of the EU's common foreign and security policy in the Maastricht Treaty (1992), the EU has shown an increase in its cohesion in the UN General Assembly votes. In other words, in a high percentage of cases the EU member states issue the same vote orientation in the UN. However, there are still differences among member states in some controversial issues. One of the key challenges of the EU is to articulate strong and compelling positions and at the same time to respect all the complexity and diversity of its member states positions.

LGBT rights in the EU

The last Treaty of the European Union, signed in 2007 in Lisbon by all the EU member states, **forbids any discrimination** on the grounds of sexual orientation. Specifically, article 10 of the Treaty on the Functioning of the European Union states that "the Union shall aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation". However, internally, the member states have undertaken very different steps towards the protection of gender identity and sexual orientation.

Its protection is tightly linked to the **religious cleavage**, one among several divisions that one can establish between EU member states. Some countries, such as Poland or other Eastern European countries, maintain a strong influence of the Catholic Church in policy decisions compared to others, such as the Netherlands or Sweden. Other European states, such as Spain or Germany, are influenced largely by their domestic politics: their position swings depending on the party on power and the composition of the parliament.

Annex 2: Useful sources

General documents

EU Council binding toolkit.

http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/137584.pdf

Specific country sources

Each country must browse information on its specific country. National news, official documents and ministries webpages may be used for completing the strategy paper.

Other webpages

General information

PEW Research: Where Europe stands on gay marriage and civil unions (30 June 2017)

<http://www.pewresearch.org/fact-tank/2017/06/30/where-europe-stands-on-gay-marriage-and-civil-unions/>

European Union agency for fundamental rights:

<http://fra.europa.eu/en/theme/lgbti>

ILGA-Europe: Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe:

https://www.ilga-europe.org/sites/default/files/2016/full_annual_review.pdf

ILGA-Europe:

<https://www.ilga-europe.org/rainboweurope>

UN information

Independent Expert:

<http://www.ohchr.org/EN/Issues/SexualOrientationGender/Pages/Index.aspx>

News on Sexual Orientation:

http://www.ohchr.org/en/NewsEvents/Pages/NewsSearch.aspx?SID=Sexual_Orientation

HRC LGBT Webpage:

<http://www.ohchr.org/EN/Issues/Discrimination/Pages/LGBT.aspx>

HRC Speeches and Statements:

<http://www.ohchr.org/EN/Issues/Discrimination/Pages/LGBTSpeechesandstatements.aspx>

UN resolutions on sexual orientation and gender identity:

<http://www.ohchr.org/EN/Issues/Discrimination/Pages/LGBTUNResolutions.aspx>

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all UN members respect international human rights commitments and promote the equality and dignity of all human beings irrespective of their sexual orientation in their national legislation]. At the same time, the EU fully respects the cultural sensitivity of other countries, their national identities, values and constitutional traditions, and the importance of respect for religion [and accepted religious teachings against homosexuality].

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The European Union is based on the principle[s] of [rule of law] [respect for diversity] [an appreciation of the plurality of societies] and it believes strongly in need for toleration [within states] [and between states]. The EU is extremely committed to assisting states in developing their [human rights legislation] [domestic legal systems] in [accordance to domestic cultural and societal values] [the acknowledgement that religious, cultural and national values differ between states] [and that] [but] these differences [do] [do not] encompass the field of sexual orientation. The EU is [firmly] committed to [supporting] [financing] civil society organizations that represent [LGBTI groups] [minority groups] [in raising awareness of universal rights] [in accordance to respect for and compliance with national laws].