

The end game in Durban

How developed countries bullied and bribed to try to kill Kyoto
Executive summary



Please see the full report at www.wdm.org.uk/bullying for references and further evidence.

‘†’ below denotes that the source is a developing country negotiator.

The stakes have never been higher than they are now in the UN Framework Convention on Climate Change (UNFCCC). Yet certain developed countries, including the US and the UK, have resorted to unfair, undemocratic and even deceitful means to skew the climate change negotiations in their favour, colluding with each other in a bid to backtrack on the legal commitments and responsibilities they have previously agreed to.

The secretive and underhand way in which they negotiated and forced through the ‘Copenhagen Accord’ in 2009 and in the Cancún Agreements in 2010 will undoubtedly go down in the annals of global climate change negotiations as one of the UNFCCC’s most notorious and indeed shameful moments.

Secret Copenhagen Accord negotiations denied until text complete

Tactics employed in the UNFCCC now include meetings that take place outside the parameters of the formal negotiations, often without translation, with results being presented to other countries on a ‘take it or leave it’ basis. This is exactly what happened in Copenhagen, triggering a seismic shift in the conduct and outcomes of the UNFCCC, even though the Danish Chair of the meeting consistently denied that these meetings were taking place.

The Copenhagen Accord was brought to plenary during the very last hours of the summit, when delegations were offered just 60 minutes to read it. Led by Venezuela’s delegate the negotiators managed to stop the Danish chair, Rasmussen, from leaving by banging their nameplates angrily on their desks, insisting that he explain what was happening and where this document had come from. As Bolivia observed:

“Why are we given 60 minutes to look at this document now which will decide the lives of our people?”

Many delegates were also infuriated by statements from US President Barack Obama and UK prime minister Gordon Brown, reporting on a successful outcome, even before the full membership had been shown the text.

Rich countries resort to divide and rule tactics

Another effective tactic is splitting country groupings in a classic divide and-rule manner. One example of this has been the introduction of the term ‘vulnerable countries’ by the UK and the EU, which enables the EU to split the larger G77/China grouping, into those who may benefit by being classified as ‘vulnerable’ and those who will not.

Another much used approach has been dividing country groupings through one on one negotiations. Typically the developed countries will insist that poorer countries must play ball because they 'hold the success of negotiations on climate change in their hands'.

The combination of these tactics can make it very difficult for developing countries to resist the pressures being applied.

"At one point in Copenhagen there were 26 meetings taking place simultaneously. How can a developing country delegation of two possibly hope to cope?... We had to abandon our focus on REDD (Reducing Emissions from Deforestation and forest Degradation). These numbers are life and death. There is no intention to agree a fair scenario, whether voluntary or by obligation. It's so clear: we only need your signature here, we have figured out everything, we have designed the role of your country, there is no more time, please sign here now." †

"At the Copenhagen COP the Australian prime minister Kevin Rudd and the UK prime minister Gordon Brown organised a series of bilateral meetings with select developing country governments. We declined to attend because we did not want to be intimidated by these prime ministers... Hilary Clinton, secretary of state also held a meeting with the heads of state from the Alliance of Small Island States. I did not attend this meeting but was told that she treated the heads as naughty school children and talked down to them and said this is the US position - and you need to accept it." †

"We are negotiators, and our work piles up at home while we are out negotiating. Plus try to explain to people watching outside the dynamics of internal negotiations, these are two worlds apart. Developed countries sit down and delay, and just repeat inanities, and then they go out and tell the media that the developing countries are blocking the negotiations, and all the world believes it, even developing countries! After all it is printed, is it not? The power of the written word!" †

"Developing countries' negotiators who dare to speak their mind in defence of their country's interests, or even to prove that what the developed countries are saying is untrue, are taken out of delegations for one reason or another, or booted upstairs, or suddenly are transferred, or lose their jobs, as a result of external pressures, usually in the form of some kind of bribe (not necessarily money), or exchange." †

Preparation of negotiating drafts is also an area in which much power is wielded, both by chairs of working groups and by the UNFCCC Secretariat, who may even exert control over developing country facilitators, as witnessed by this negotiator:

"In many cases, where it should be a Party driven process, it is the 'facilitator' who steers the process. But mostly it is the Secretariat that steers the facilitator, especially if it is a developing country facilitator. In one case, a facilitator even came over to us and said: "while preparing the negotiating text, I have been pushing very hard to reflect your positions in the text, unfortunately the Secretariat wouldn't listen to me. I did all I could"." †

Bribery and blackmail rife before, during and after Copenhagen

The Copenhagen summit was also notable for the fact that the US and the UK openly stated that climate finance would be limited to those that signed up to the Copenhagen Accord. This is bribery and blackmail on perhaps the grandest scale imaginable.

Ed Miliband, the UK minister, was blunt about linking the funding of developing countries with accepting the Accord. The concerns he raised must be duly noted, he said, “otherwise we won't operationalise the funds.”

The US also wanted an arrangement through which Parties* can 'associate' with the Accord. It said there were funds in the Accord, and “it is open to any Party that is interested”. The Washington Post reported that the Obama Administration would deny climate finance to Bolivia and Ecuador, because they had objected to the Copenhagen Accord proposal.

The EU's Connie Hedegaard has also suggested that the AOSIS countries could be “our best allies” because they need finance.

These constraints have been rightly categorised as bribery and blackmail by a number of developing countries including Tuvalu and Bolivia:

“Can I suggest that, in biblical terms, it looks like we are being offered thirty pieces of silver to betray our people and our future? Mr President our future is not for sale.” (Tuvalu)

“One country, because of its economic power, is resorting to blackmail. This is not a negotiating process between countries who respect each other. It's an imposition.” (Bolivia)

It is also instructive to note that following their unsuccessful attempt to get the Copenhagen Accord endorsed at COP15, the US and its allies, including the EU, went on the offensive, to force countries into supporting the Accord, and, in the words of US official Michael Froman, “neutralize, co-opt or marginalize” others in the run up to COP16 in Cancún.

Negotiations skewed by need for climate funds and aid

Of course, it is also the case that there will have been many cash-strapped developing countries who will have felt obliged to agree to the demands of the US and its allies, especially when they were put so forcefully in public. They may have needed little or no further encouragement.

“In a pre-session meeting, an African negotiator, a very good negotiator, wanted to take a strong point of view, but at one point he apologised to his allies saying he's very sorry but he can't support them any further, as every one of his Ministries works with European Cooperation [European Commission Development and Cooperation – EuropeAid].” †

“Usually, however, coercion is more subtle and is hard to define as bullying or bribery. Some countries offer assistance for attendance at meetings, others make promises of support for climate change related activities. These have an affect on the mindset of recipient countries.” †

* Parties refers to countries that are party to the UN Framework Convention on Climate change

“There is the small stuff, like travels, scholarships, jobs, but the favors are also small stuff, or so it seems, until the implications come in, especially for developing countries' interests in general. And then, there is always the threat to cut off funding for a project, or something, if one gets too aggressive.” †

In this sense the UK's new Advocacy Fund, announced in September 2011, is troubling. Ostensibly aimed at increasing the ability of the world's most vulnerable countries to participate more effectively in international negotiations, it opens up a new avenue for such pressures to be exerted. Similarly, the EU has offered significant levels of financial aid for climate-related projects to Pacific Island States such as Vanuatu, in return for "joint positions on the international stage" as part of a "stronger Pacific-EU political dialogue on climate change".

Shoring up power in Cancún 'white rooms'

The continued use of these underhand tactics in the run up to and during COP16 in Cancún in 2010 has now seen 141 countries 'associate' with the Copenhagen Accord, and key elements of the Accord formally agreed to.

“In Cancún the rules of procedure were not respected, this happened from the very beginning. They created a whole new system of meetings, which at the beginning were open to all, but that didn't respond to the normal negotiating structures. They also started working on texts that were produced by the secretariat, and that were not at all party-driven. It created confusion, it was so hard to challenge this and to say procedurally this is really wrong. Maybe it would be OK if it led to good content, but it did not, it led to very bad content... Procedures were totally ignored. If this would happen in FIFA the whole world would be scandalised!” †

“If you weren't in one of these informals or hadn't been informed about where and when an informal would take place, your delegation would be completely out of the loop. As you can imagine, the big guys are always in the loop as they would always be informed.” †

Outright deception was even used to try to make sure that countries who disagreed with the US-led agenda were not present at key meetings, official or otherwise:

“Cancún was very bad, I am very angry. Everyone says it was so much more transparent than Copenhagen, but it was not. Bolivia was invited to participate in this 'white room' process but said no, we denounced it, because it was not a transparent process at all...it had no mandate from the plenary... [and on the last day] the Mexicans, through Socorro, requested a bilateral meeting with three senior negotiators from Bolivia, including Pablo Solón, promising that there would be no plenary during this bilateral. But three minutes after they left the hall, an official plenary to [adopt the outcomes of the Kyoto Protocol] started. It was a deliberate trick! We could only lodge reservations, and run to try and find our senior negotiators and get them back in to the room.” †

“They [those in white rooms] worked until the last night, through the night... A plenary was scheduled for 8am on the last day but it never started, we waited all day... I have never seen this before, so many people waiting around with nothing to do on the last day of a COP. But we found out where the others were, they were all in Figueres' office. We could see

them through the window from the restaurant. Her office was packed, they were there all day... Then suddenly, instead of a document with lots of options, there was an announcement that there was a text. They would only allow one copy per Party delegate, I had to go round many times to get enough copies for us to examine it, but I only saw developing countries going to get this text, which is very remarkable. It seemed that the developed countries did not need any copies. Following a G77 meeting (where several countries were critical of the contents of the text, but would not reject it officially) there was an 'informal plenary' – normally such a thing just doesn't exist. It started without previous announcement, and several important negotiators couldn't get into the room before the plenary actually started. Claudia Salerno from Venezuela complained publicly during this plenary for the treatment received, and Pablo Solón from Bolivia had to be pushed by a crowd from behind in order to get into the room." †

Critically, the final Cancún Agreement was rejected by Bolivia, but was nevertheless gavelled through by the Chair, who wrongly declared a consensus in spite of Bolivia's explicit objection.

Climate finance promises may be empty promises

There is also considerable concern about whether the various promises made concerning fast-start and long term financing are anything other than empty promises.

In particular, it seems that some of the pledges made include monies already previously committed. The UK, for example, committed £1.5 billion in 'fast start' funding in Copenhagen but it has since transpired that these same funds are being double counted and will be at the expense of the UK's aid commitments on health, education and water supplies. Fast start funds from the UK and the US also include funds already committed to the Climate Investment Funds in 2008.

Wikileaks cable: US on 'practical constraints of tight budgets'

US Deputy Special Envoy on Climate Change Jonathon Pershing said "*donors have to balance the political need to provide real financing with the practical constraints of tight budgets.*" (emphasis added) The implication is clear: these 'practical constraints' mean that not all the promised financing will be 'real'.

It is also important to note that donor countries are not committing themselves to providing this level of funding from public sources. They only aim to "mobilize" the US\$100 billion long term funding from a wide range of sources including private finance, especially carbon markets. It seems that at best the EU may only be planning to find 25% of the climate financing it is offering from public sources. The World Bank makes the same point in a new draft paper prepared for the G20 finance ministers' meeting in November 2011, saying that "the large financial flows required for climate stabilization and adaptation will, in the long run, *be mainly private in composition.*" (emphasis added)

Conclusions

If this back room manipulation and intimidation continues unchallenged, the stage looks set for industrialised 'Annex I' countries to wriggle out of their existing legally binding emissions reductions commitments and their historical responsibility for climate change.

As we approach another crunch negotiating summit at the UNFCCC Conference of the Parties (COP17) in Durban, South Africa, industrialised country governments need to give serious consideration to the real world implications of their current lack of ambition. They may view Durban as the 'end game' in their efforts to force the Copenhagen Accord on the rest of the world. But if they continue along these lines it may be the 'end game' for all of us, allowing climate change to continue unabated.

The Copenhagen Accord was and remains an illegitimate document. It was not negotiated by the UNFCCC Conference of the Parties and it is not supported by all of them. It is also important to note that the Cancún Agreements, which incorporate elements of the Accord, do not enjoy consensus support either; and that many of the countries that have supported one or both of these agreements may have done so grudgingly, feeling that they are unable to speak out because flows of development aid and climate finance may be cut if they do.

Yet speak out countries must. The Copenhagen Accord conflicts with both the UNFCCC and its Kyoto Protocol. It is unfair and unacceptable that a deal that is so bad for both climate change and developing countries should have been allowed to emerge from Copenhagen and Cancún by virtue of bullying, bribery and blackmail.

The best outcome from Durban would be one based on climate justice. It is time to stand up to the climate change bullies, and reject the Copenhagen Accord and the Cancún Agreements that implement it. The need for scaled up climate finances based on public funding should be addressed fairly and squarely, and developed countries must face up to the fact that legally binding emissions commitments will provide the spur needed for a rapid reduction in greenhouse gas emissions. The South African government must also ensure that COP17 in Durban is played by the rules, and that every country gets a real say in the negotiations.

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November 2011