

# The end game in Durban?

How developed countries bullied and bribed to try to kill Kyoto

November 2011



**“If this would happen in FIFA the whole world would be scandalised!”**  
- Developing country negotiator



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## About the World Development Movement

The World Development Movement (WDM) campaigns for a world without poverty and injustice. We work in solidarity with activists around the world to tackle the causes of poverty. We research and promote positive alternatives which put the rights of poor communities before the interests of the powerful. Our network of local groups keeps global justice on the agenda in towns and cities around the UK.

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**Cover photo - Pete Souza**

US President Barack Obama, British prime minister Gordon Brown, French President Nicolas Sarkozy, Danish prime minister Lars L. Rasmussen, Swedish prime minister Fredrik Reinfeldt, and German Chancellor Angela Merkel at the UN climate talks in Copenhagen

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## Summary

Bullying and bribery are tried and tested techniques often employed by powerful countries in international trade negotiations, where short term economic interests tend to be the order of the day. It is disturbing to see that these same motivations and tactics have now been brought into the climate change negotiations, even though governments are supposed to be working collectively to bring the planet back from the brink of disaster.

Bullying tactics include overt threats, to remove financial aid flows for example, but can also be more subtle and hidden. In general, experienced intergovernmental negotiators, especially those adept at deploying the nuances of the English language, tend to be skilled in using and abusing procedural rules and linguistic niceties to advance their national priorities. But if necessary, some are clearly prepared to resort to outright deception to achieve their goals, as this report shows.

Tactics include the use of exclusive 'green room' type negotiations, more typically deployed in cut throat trade negotiations in the World Trade Organization (WTO). They often take place outside the parameters of the formal negotiations, with carefully selected groups of countries likely to reach agreement and create momentum behind particular proposals. Negotiations can be conducted in the corridors, in ad hoc meetings that not every country knows about, in alternative country 'groupings' or simply in alternative forums, also known as 'forum shopping'. Informal meetings also tend to be conducted in English, often without translation, putting those who do not speak English fluently at a severe disadvantage. The results are then presented to others on a 'take it or leave it' basis.

This highly inequitable approach was used in COP15, in Copenhagen, and then again in COP16, in Cancún. In Denmark, the 'Copenhagen Accord' was negotiated by just 26 countries and then presented to a furious plenary. Although many governments refused to accept the Accord at the time, political manoeuvrings in Copenhagen and since then, including outright bribery, have led to many countries 'associating' with it, and key components of the Accord gradually being incorporated into the subsequent Cancún Agreements.

The key question that must be asked, however, is this: how many countries would actually have signed up to the Copenhagen Accord voluntarily, if they were free to reject it without losing access to potential climate finance assistance? The answer could be: not many.

If this back room manipulation and intimidation continues unchallenged, the stage looks set for rich industrialised 'Annex I' countries to wriggle out of their existing legally binding emissions reductions commitments and their historical responsibility for climate change, agreed twenty years ago. Instead, they will start to shift the burden of responsibility for doing something about climate change onto developing countries that are not responsible for the crisis. They also aim to 'leverage' private financial resources to meet much of the funding they are committed to providing.

These "pernicious procedures" (as described by one developing country negotiator) are particularly effective because they are almost invisible to the rest of the world. This report, based on interviews with delegates and US cables released by Wikileaks, hopes to shed light on some of the underhand dealings going on behind the scenes in the UN Framework Convention on Climate Change (UNFCCC)

and calls on governments to reject the Copenhagen Accord and return to the negotiating table in Durban with an honest determination to work together on an equitable and effective way forward, based on climate justice.

Developing countries need to speak up collectively at COP17 in Durban, before it is too late. The developed countries that have pushed the Copenhagen Accord may well view the coming COP17 in Durban as the 'end game', wrapping up two years of political manoeuvring with an outcome that removes all of their existing legal commitments. But in so doing they could be creating the greatest 'end game' of our times, runaway climate change.

The best outcome from Durban would be one based on climate justice. It is time to stand up to the climate change bullies, to reject the Copenhagen Accord and the Cancún Agreements that implement it. The need for scaled up climate finance based on public funding should be addressed fairly and squarely, rebuilding trust between developed and developing countries. Developing countries should not be held to ransom, with finance only being made available in return for having reduced emissions; finance should be made available upfront to finance the costs of both mitigation and adaptation. 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 should 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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## Introduction

Intergovernmental negotiating stakes have never been higher than they are now in the UN Framework Convention on Climate Change (UNFCCC) negotiations. With the global climate crisis already unfolding, the implications for people across the world are stark. This is especially true for communities in regions where temperature rises will be higher than average such as Africa,<sup>1</sup> for low lying coastal areas and islands that are expected to be submerged, and for the vast majority of the world's population, who are already struggling with the escalating costs of food and energy and the havoc wrought by increasingly extreme weather events.

Given these circumstances it is completely unacceptable that short term domestic economic interests, rather than the common welfare of the world's peoples, are shaping the negotiating priorities of some of the industrialised countries responsible for climate change. Even worse, these rich countries are now reneging on their previous emissions reductions commitments and financial promises. In fact, they are resorting to every trick in the book to shift the course of the negotiations onto a less effective but more 'affordable' and for some more 'profitable' course.

Unfortunately, such a course will lead the world into runaway climate change. According to a recent report from the UN Environment Programme, the pledges currently on the table will result in emissions in 2020 that are "likely" to result in temperature increases of 2.5°C to 5°C up to the end of the twenty first century.<sup>2</sup> The same report observes that in order to make even a 2°C goal feasible, a full range of low emission technologies would have to be made available and broad participation in global efforts to reduce emissions would be needed. This in turn, the report says, requires countries to "increase the ambition of their 2020 pledges."<sup>3</sup>

In other words, if governments proceed on the basis of the outcomes of the Copenhagen Accord and Cancún Agreements, and the current pledges contained within these documents, the result will be calamitous. According to the Stern Report<sup>4</sup> a 5°C temperature rise is consistent with:

- Massive reductions in crop yields (up to one third in Africa).
- Sea level rise threatening major world cities including London, Shanghai, New York, Tokyo and Hong Kong.
- Ecosystem destruction and the extinction of many species.
- Rising intensity of storms, droughts, forests fires, flooding and heat waves.
- Increasing risk of abrupt large scale shifts in the climate system.

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.

A dramatic change in approach is urgently required. Bullying, bribery and vested interests need to be replaced with democracy, honesty and equity. A just and effective approach to the climate challenge,

acknowledging historical responsibility and based on swift and effective action, is still within our grasp.

## **Methodology**

The research underpinning this report was based on a combination of conversations with developing country delegates and NGOs, an analysis of US cables released by Wikileaks in September 2011, and a literature search. To inform this report, 44 individuals were contacted directly, and 19 replied with varying degrees of information. There were detailed inputs from five individuals who have negotiated for five different developing countries, spanning three continents.

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## Pernicious procedures

Bullying and bribery are tried and tested techniques often employed by powerful countries in international trade negotiations, where short term economic interests tend to be the order of the day. It is disturbing to see that these same motivations and tactics have now been brought into the climate change negotiations, even though governments are supposed to be working collectively to bring the planet back from the brink of disaster.

This bullying includes overt threats, to remove financial aid flows for example, but it can also be more subtle and hidden. In general, experienced intergovernmental negotiators, especially those adept at deploying the nuances of the English language,<sup>5</sup> tend to be skilled in using and abusing procedural rules and linguistic niceties to advance their national priorities. However, the evidence indicates that some are also prepared to use outright deception to achieve their goals.

Procedural manipulations can include determining when and where informal meetings happen, who knows about them, who is invited to or barred from them, whether there is any translation, and controlling agendas. Such meetings are used to negotiate and strike deals informally ‘in the corridor’, which are then presented to others on a ‘take it or leave it’ basis. Being the host country or chair of important gatherings also confers considerable power over many of the more formal procedures, as has been seen clearly at the recent summits in Copenhagen and Cancún.

Preparation of negotiating drafts is also an area in which much power is wielded, especially by the UNFCCC Secretariat, 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.”<sup>6</sup>

Bribery is also disturbingly prevalent within the negotiations. Rich countries are using developing countries’ impoverishment as a means of forcing them to agree to proposals that are not in their long term interest, as well as being less effective in addressing climate change. There is also considerable scope for personal and corporate gain, given the sums of money involved, since it is routine to talk of global climate finance flows in the order of billions of dollars per year.

### **Cable: on the changing nature of climate negotiations**

Al-Sabban of Saudi Arabia is reported as saying that countries need to rebuild trust and confidence through more transparent negotiations. An American official stated that: “He [Al-Sabban] reminisced fondly about the inclusive nature of the initial Kyoto Protocol negotiations, which he said should be replicated in Cancún.”<sup>7</sup>

If they go unchallenged, these tactics could allow industrialised countries to wriggle out of their existing legally binding emissions reductions commitments and their historical responsibility for climate change. But these are essential components of any successful and equitable regime to

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address climate change, especially since they allow governments to resist domestic lobbying in support of ‘business as usual’.

These “pernicious procedures” (as described by one developing country negotiator)<sup>8</sup> are particularly effective because they are almost invisible to the rest of the world.

This briefing hopes to shed some light on the underhand dealings going on behind the scenes in the UNFCCC, with a view to demonstrating that the climate change negotiations could fail because the economic interests of the most powerful countries are being allowed to hold sway.

### **The smallest kids on the block have the toughest time**

The size of a delegation may appear to be a relatively simple problem, and unrelated to the more dramatic aspects of bullying, bribery and blackmail, but it is the dilemma mentioned most frequently in conversation with participants. Most developing countries can field just two or three delegates to key climate change meetings, whereas countries and blocs such as the US and the EU can easily turn up with a delegation of 100 people or more. This instantly skews the negotiations in favour of the rich countries, especially when there are multiple meetings all happening at the same time.

Rich countries also have teams of lawyers backing them up, and their own offices and vital equipment such as photocopiers. In Copenhagen, for example, the EU had an entire hall of offices, with a bar and a social area; but the G77, representing 131 developing countries, had a tiny cubicle with three desks.

These differences might seem to be an inevitable result of the financial disparities between rich and poor countries, and are portrayed as being too costly to overcome. But why is it the case that simultaneous meetings are scheduled so frequently in the UNFCCC? And why should the US and the EU take such large delegations? Some participants in the climate change negotiations now believe that these ‘unavoidable’ clashes of meetings are deliberately designed to exclude those countries with smaller delegations, who are also more likely to disagree with the agenda being pushed through by the larger countries.

For example, one climate change negotiator comments that there is:

“enough evidence and experience at this moment to say these procedures are carefully crafted to avoid dealing with you ... None of this is a mistake or coincidence ... Examples? Yes, from Bali on ... everything related to the Kyoto Protocol has been very much kept in a very small circle and all tricks pulled to avoid non-Annex I countries coming in [bar a] few obedient countries to [represent developing countries].”<sup>9</sup>

The same negotiator gave an example from Copenhagen, when his country had to give up their agreed focus on the REDD (Reducing Emissions from Deforestation and forest Degradation) negotiations, to deal with the crisis developing around the negotiations on ‘numbers’ (emissions reductions numbers) in the Kyoto Protocol or its successor:

“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. 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

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figured out everything, we have designed the role of your country, there is no more time, please sign here now.”<sup>10</sup>

However, even when smaller and weaker countries do manage to access meetings and cover the bare minimum of negotiations, their proposals may be simply ignored. A more subtle technique is to listen and *then* ignore, as practiced by the Mexican hosts during the Cancún COP16, when some elements of the Copenhagen Accord were pushed through into the formal texts.<sup>11</sup>

For example, Bolivia has been going to great lengths to ensure that the peoples’ voice is heard loud and clear in the negotiations. Its government hosted the World People’s Conference on Climate Change and the Rights of Mother Earth in April 2010, to help to build a people’s movement for climate justice. This unique event was attended by over 35,000 people from 140 countries and five continents. Then, in the UNFCCC sessions before Cancún, Bolivia lobbied hard to introduce the main elements of the People’s Accord into the UNFCCC draft negotiating text. Its efforts went unrewarded however, because the chair of the relevant working group came up with her own text, which was not authorised by the Parties.<sup>\* 12</sup> This document, which then became the basis for negotiations, swept all proposals from Cochabamba off the table. New attempts to introduce these issues into the text were laughed away or ignored.<sup>13</sup>

### **Outspoken negotiators are moved out of the way**

Bringing in heads of state at the end of intense intergovernmental negotiations can also shift the prevailing dynamic dramatically, as negotiations move from debates between experts who understand the complex details and implications of the issues, to discussions amongst heads of state who have considerably less expertise and might be willing to do deals on climate change in return for favours in other areas.

For example, heads of state including Barack Obama, Gordon Brown and Angela Merkel were very influential in forcing the Copenhagen Accord through, in spite of the fact that it conflicts with the ongoing negotiations within the UNFCCC.

#### **Cable: a Saudi Arabian negotiator’s view**

*“UK Embassy officers ... report that Al-Naimi was sharply critical of the Copenhagen meetings and the climate change effort in general, in marked contrast to earlier meetings. He complained that heads of state were brought in to negotiate the final stages, which prevented Saudi Arabia from voicing its true opposition to several elements. He also questioned the legality of the Copenhagen process and its future direction.”*<sup>14</sup> (emphasis added)

#### **Cable: Philippines negotiating team cut**

*“Janeiro (Ref C). The Copenhagen-bound team, however, was both half the size of and 'NGO-light' relative to earlier delegations. Several experienced Filipino negotiators known for their hard-line G-77 views were cut from Alvarez's delegation, as were all representatives from Filipino NGOs, leaving only members of three international NGOs (the World Wildlife Fund, Oxfam, and Conservation*

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

International) on the roster ... representatives of local NGOs were convinced President Arroyo [of the Philippines] was behind the changes." <sup>15</sup> (emphasis added)

Another way of silencing negotiators, the ones not playing along, is for officials from one national capital to 'lean' on officials of another and cajole them into moving outspoken negotiators on. This threat is often particularly successful if a country is told it will get the 'blame' for climate change negotiations failing if its negotiator stays in place. Alternatively a bribe may be offered:

"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." <sup>16</sup>

Happily however, these threats are not always successful or carried through:

"Their climate change minister had a bilateral meeting with my deputy prime minister. According to the deputy prime minister, the climate change minister threatened that relations between our two countries would be affected if we did not back off on our position on land use change and forestry in the Kyoto Protocol. But we did not change our position, and so far we have not suffered any consequences." <sup>17</sup>

Wikileaks cables have revealed that the US also collects personal information about many negotiators from other countries, including other industrialised countries. One wonders precisely what they do with this information.

**Cable: us digs for dirt on climate change negotiators**

"Reporting officers should include as much of the following information as possible when they have information relating to persons linked to: ... titles; names, position titles and other information on business cards; numbers of telephones, cell phones, pagers and faxes; compendia of contact information, such as telephone directories (in compact disc or electronic format if available) and e-mail listings; internet and intranet "handles", internet e-mail addresses, web site identification-URLs; credit card account numbers; frequent flyer account numbers; work schedules, and other relevant biographical information." <sup>18</sup>

**Cable: US digs for dirt on countries and secretariats**

Climate Change, Energy, and Environment (ENVR-4)

Monitoring of and compliance with UN-sponsored environmental treaties; evidence of treaty circumvention. Information on adherence to member states' own national environmental programs, including protection, monitoring, and cleanup efforts. Efforts by treaty secretariats to influence treaty negotiations or compliance. <sup>19</sup>

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## Countries are excluded from important meetings

It can also happen that negotiators are deliberately excluded from meetings that they are trying to get into, even though their country has (or perhaps *because* it has) a pressing interest in the outcome of the meeting.

These 'green room' type negotiations, more typically deployed in cut throat trade negotiations in the WTO, often take place outside the parameters of the formal negotiations, with carefully selected groups of countries likely to reach agreement and create momentum behind particular proposals. Negotiations can be conducted in the corridors, in *ad hoc* meetings that not everyone knows about, in alternative country 'groupings' or simply in alternative forums, also known as forum shopping. The results are then presented to others on a 'take it or leave it' basis.

This is exactly what happened in Copenhagen, triggering a seismic shift in the way the UNFCCC negotiations were being conducted and where they were heading. Even though there were rumours circulating throughout the Bella Centre (where the negotiations were being held) about meetings to draft an alternative 'Danish text', a copy of which was leaked to the Guardian in the first week,<sup>20</sup> the Danish Chair of the meeting consistently denied that these meetings were taking place.

### **Cable: Philippines negotiator on Danish host's lies**

"Department of Foreign Affairs officials who had participated in the negotiations were much less sanguine about both the process and the outcome of the talks... [with one stating that] the Danish chair, former Minister for Climate and Energy *Connie Hedegaard*, "*directly and deliberately misinformed*" her and other working group negotiators by repeatedly denying that small-group meetings were taking place outside the plenary forum, even after their existence "*was all over CNN.*"<sup>21</sup> (emphasis added)

In fact the Danes themselves were responsible for convening the secretive meeting of leaders of the 26 countries that drafted the Copenhagen Accord. Still, they continued to deny the existence of both the meeting and the draft until the very last hours of the conference, when delegations were finally presented with the 'surprise' document and offered 60 minutes to read it. This was in spite of the fact that they had spent some two years trying to reach consensus on these same issues in the two working groups, with very different results.<sup>22</sup>

### **Cable: Gabon engaged in dangerous 'divide and rule' game**

In Copenhagen, Gabonese President Ali Bongo Ondimba worked with British Prime Minister Gordon Brown, Australian Prime Minister Kevin Rudd and "the Norwegians" as well as meeting with French President Nicolas Sarkozy on 16 December. According to Wikileaks, Rudd helped get Gabon into the final negotiating session despite not being listed as one of the '25' participants; and the Gabonese "focused their efforts" in turn on the G-77 discussions. The Gabonese government's increasing profile on climate change is being rewarded with substantial climate finance from France, Japan and Brazil.<sup>23</sup>

The Danish chair, Rasmussen, was so desperate to close a deal that he then stood to leave even though ten to twenty flags were up, showing that there were governments wanting to speak. Led by Venezuela's delegate the negotiators managed to stop him with an angry protest, by banging their

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nameplates loudly on the 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.”<sup>24</sup>

Many delegates were also infuriated by statements from Barack Obama and Gordon Brown, reporting on a successful outcome, even before the full membership had been shown the text.<sup>25</sup>

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## Setting out to kill Kyoto

In fact, the way in which the Copenhagen Accord was drafted, with a view to killing off the Kyoto Protocol, illustrates precisely what bullying and bribery in the UNFCCC really mean in practice. It will undoubtedly go down in the annals of global climate change negotiations as one of its most notorious and indeed shameful moments:

“The summit was a culmination of attempts by rich countries to steamroller the G77 into accepting a deal not in their interests, according to the G77’s coordinator ... The failure of negotiators to agree a significant deal in Copenhagen was not due to two weeks of frenetic diplomatic wrangling, it was the culmination of years of attempted bullying and bribery by rich nations, in order to steamroller the developing world into accepting a deal that was not in their interests.”

Bernarditas de Castro Muller, South Centre<sup>26</sup>

The United States was at the heart of this move to destroy Kyoto, which sets binding emissions reductions targets for those industrialised countries responsible for climate change.<sup>27</sup> It was involved in the original negotiations that shaped the Protocol, and even signed it in 1998. However, it subsequently became the only signatory that did not ratify it.<sup>28</sup>

The US argued, and continues to argue, that larger developing countries must make commitments too. However these countries are not responsible for the climate change crisis and have *per capita* emissions levels that are a fraction of those in the US.<sup>29,30</sup> Furthermore, it has already been agreed that their first priority must be the eradication of poverty.<sup>31</sup> Nevertheless, the US continues to force its agenda on the rest of the world, couching its objectives in the equitable sounding language of ‘symmetry’.

The Copenhagen Accord:

- Replaces binding emissions reductions with voluntary pledges that could create a disastrous gap between what is required and what will actually happen.
- Is inconsistent with UNFCCC principles, especially on common but differentiated responsibilities.
- Effectively negates the historical responsibility of developed countries.
- Implies that developing countries will also commit to undertaking mitigation actions.
- Recognises the need to keep temperature rises to 2°C but has no commitments to achieve that goal.
- Fails to set a date by which emissions will peak.
- Only commits countries to ‘jointly mobilizing’ funds from a variety of sources, including public and private.
- Significantly underestimates the finance that will be required to meet the costs of mitigation and adaptation.<sup>32</sup>

## Picking countries off one by one

Collectively, developing countries have been able to resist some of the unjust demands made by the more powerful and often aggressive rich countries. This was the case in the final plenary in Copenhagen, when they refused to accept the Copenhagen Accord<sup>33</sup> (and has also been an increasingly important dynamic in World Trade Organization Ministerial meetings).

However, rich countries have other techniques to get round this. One of the most effective is splitting country groupings in a classic divide and rule manner. An example of this was the introduction of the term 'vulnerable countries' by the UK and the EU.<sup>34</sup> This is a term commonly deployed to demonstrate how committed certain developed countries are to the welfare of less fortunate nations. However, in practice it is used to split the larger G77/China grouping into those who may benefit by being classified as 'vulnerable' and those who may not.<sup>35</sup> Since the term itself is also undefined, it confers even greater leverage, since it allows donor countries to make political decisions about who they consider to be 'vulnerable' and therefore eligible for climate finance.

Similarly, in another manoeuvre ultimately destined to shift the course of the Copenhagen negotiations, French President Nicolas Sarkozy struck a bilateral deal with Ethiopian prime minister Meles Zenawi, who was also spokesperson for the African Union at the time. The French government then presented Ethiopia as speaking for Africa when they agreed a joint statement, broadly reflecting the European negotiating position and laying the groundwork for the Copenhagen Accord. This was entirely misleading. Africa has maintained its position that the EU should cut emissions by at least 45 per cent by 2020, that US\$400 billion is needed in short term finance, and that the increase in global temperatures must not go over 1.5°C.<sup>36</sup>

Another much used approach has been splitting groupings through one on one negotiations. In Copenhagen, for example, the Australian prime minister Kevin Rudd and the UK prime minister Gordon Brown organised a series of bilateral meetings with select developing country governments. Typically the developed countries will insist that the poorer countries must play ball because they 'hold the success of negotiations on climate change in their hands'. This blame game is a powerful incentive, as no one wants to be held responsible for failure to deal with the climate change crisis. One to ones also offer opportunities for discrete deals to be struck.

*"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."<sup>37</sup>*

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These bilateral meetings continued after the end of COP15, as the US and others strove to push the Copenhagen Accord forward:

**Cable: US and Colombia one to one meeting**

"Environment Minister Carlos Costa ... welcomed the close coordination and openness of U.S. negotiators and indicated the USG [US Government] could count on Colombia... Costa also suggested the USG announce joint scientific research of the impact of climate change on and the potential for carbon sequestration in Paramo highlands -- a delicate high altitude Andean ecosystem and a potentially critical carbon sink. Costa offered that such an announcement (even if vague) would elevate Colombia's profile and provide the GOC [Government of Colombia] with political cover to push back on unhelpful proposals from G-77 members ... Minister Costa noted that Colombia forms part of a sizeable group of middle income developing countries with low carbon emissions. He urged these countries not be overlooked for financial support."<sup>38</sup> (emphasis added)

## **Bribery and blackmail rife in Copenhagen**

It seems that bribery and blackmail were rife before, during and after Copenhagen, particularly with respect to forcing the Copenhagen Accord through as a UNFCCC agreement. Copenhagen was especially notable for the fact that some politicians, from the US and the UK especially, 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.

### **US and UK resort to bribery and blackmail in Copenhagen**

Bribery is illegal under UK law.<sup>39</sup> It is also illegal for a US resident to bribe a foreign official.<sup>40</sup>

Ed Miliband, the UK minister, was blunt about linking the funding of developing countries with accepting the Accord. Those that supported the Accord had to register this support. The concerns he raised must be duly noted, "otherwise we won't operationalise the funds"<sup>41</sup>

The US 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". This implied that Parties that did not register their endorsement of the Accord would not be eligible for funding.<sup>42</sup>

More specifically, 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. Both were due to receive funding under the Obama administration's Global Climate Change Initiative, to the tune of US\$3 million and US\$2.5 million respectively. According to the Washington Post, US special climate envoy Todd Stern said "There's funding that was agreed to as part of the Copenhagen Accord, and as a general matter, the U.S. is going to use its funds to go to countries that have indicated an interest to be part of the Accord," although he added that this was not a hard and fast rule.<sup>43</sup>

**Cable: AOSIS could be 'best allies' because they need finance**

In conversation with US Deputy Special Envoy for Climate Change Jonathan Pershing, in February 2010, Connie Hedegaard, the EU's Commissioner for Climate Action suggested that the AOSIS [Alliance of Small Island States] countries' support for incorporating the Copenhagen Accord into the UNFCCC process could be sought given their need for financing. She suggested that they "could be our best allies".<sup>44</sup>

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## Negotiations skewed by the 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 no further encouragement to sign up to the Accord, given their over riding need to maintain flows of desperately needed aid.

“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].”<sup>45</sup>

Even before COP15, rich countries were attempting to get bad long term agreements signed, with offers of short term money. Lesotho, then head of the Least Developed Countries group, was told that decisions on the extension of US\$7 million in aid would be dependent upon its cooperation. Palau was similarly told negotiations on a funding package with the US would be contingent upon supporting the US’s emissions reduction target. The UK told Bolivia that its access to short term climate financing could be determined by its cooperation, and informed Bangladesh that it would only get money for adaptation if it agreed to the finance going through the World Bank.<sup>46</sup>

The positions of entire country grouping can even be skewed by this need to maintain aid flows, as happened in Copenhagen. At that time, Ethiopia was the second largest recipient of US foreign assistance in Sub Saharan Africa, receiving nearly US\$1 billion per year.<sup>47</sup> In 2009-2010 it also received £214.3 million from the UK in bilateral aid.<sup>48</sup> It has also been observed that the Ethiopian government (like many other governments) uses aid as a means of shoring up its own political party, meaning that it was unlikely to do anything to disrupt those financial flows.<sup>49,50</sup> Small wonder then that the Ethiopian Prime Minister Meles Zenawi effectively tricked the other African countries it was acting as spokesperson for, by ditching their previously agreed position and issuing a joint statement with French President Nicolas Sarkozy instead, supporting the European position.<sup>51</sup> This ‘African leadership’ was welcomed by Gordon Brown and Barack Obama, but met with shock and dismay by other African leaders.<sup>52</sup> However, this still did not stop US under secretary of state for democracy and global affairs Maria Otero from subsequently reminding Zenawi, just before a meeting of the African Union where he was likely to be under renewed pressure from his African peers, that signing the Copenhagen Accord was “a point of departure for further discussion and moving forward on the topic.”<sup>53</sup>

Another cable reveals the facts that the Maldives government, as well as seeking a real resolution to climate change that would protect their country, was openly seeking climate finance from the US, and that the US encouraged the Maldives to aim for chairmanship of key country groupings (which enables a high degree of control over agendas):

### **Cable: Maldives actively seeking climate finance**

Meeting with US Deputy Special Envoy for Climate Change Jonathan Pershing, Maldives Ambassador-designate Abdul Ghafoor Mohamed “referred to Copenhagen as a stepping stone toward a legally binding agreement; Maldives is prepared to accept any form of treaty/accord that would lead to concrete action. He said he saw a reluctance within the United States Congress to take action. He would like Maldivian President Nasheed to have the opportunity to speak before Congress in

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order to provide a sincere voice for the urgency of climate change. Pershing asked if Ghafoor had a sense of why only 105 of 192 countries had associated themselves with the Accord. Ghafoor replied that, following the commitments of the U.S., China and India at Copenhagen, and despite opposition from a small, vocal minority of countries, there had been a political shift; many countries from CARICOM [Caribbean countries], the African Union (led by Ethiopia), and AOSIS [Alliance of Small Island States] will come to associate with Copenhagen and engage on subsequent agreements. These coalitions must be coaxed and not pushed into making decisions and meeting deadlines. Pershing noted that chairmanship of organizational meetings was vital."

Ghafoor "added that Maldives would like to see that small countries, like Maldives, that are at the forefront of the climate debate, receive tangible assistance from the larger economies. Other nations would then come to realize that there are advantages to be gained by compliance." Adaptation projects totalling some US\$50 million were discussed, and Pershing encouraged Ghafoor to provide detailed costs to increase the likelihood of bilateral assistance.<sup>54</sup>

Similarly, the EU has offered significant levels of financial aid for climate related projects to Pacific island states such as Vanuatu, reportedly in return for support for European positions within the UNFCCC negotiations. An independent investigation revealed that €90m (£76m) was scheduled to be allocated to projects such as disaster preparedness and moving hospitals to higher ground in return for "joint positions on the international stage" as part of a "stronger Pacific EU political dialogue on climate change".<sup>55</sup>

### **Smaller bribes and 'assistance' are also effective**

Conversations with negotiators reveal that the pressure or motivation to conform to developed country agendas can be more subtle, but still very effective:

"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."<sup>56</sup>

"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."<sup>57</sup>

Another negotiator commented that it can be hard to determine whether or not bribery is taking place in countries where corruption is already rife, but that he had certainly noticed an "amazing proliferation" of projects in his country in the run up to Copenhagen, and believed that the aim of this was to influence the beneficiaries.<sup>58</sup>

In this sense, funds such as the UK's new Advocacy Fund,<sup>59</sup> announced in September 2011, are troubling. Ostensibly aimed at increasing the ability of the world's most vulnerable countries to participate more effectively in international negotiations (on a range of issues including climate change and trade), they also have the potential to allow subtle pressures to be exerted.

Thus for example, international development secretary Andrew Mitchell claims that governments should be creating a level playing field rather than "dictating to the world's poor".<sup>60</sup> All well and good, but in the same breath he goes on to say that the paralysis at the heart of the WTO's Doha

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talks<sup>61</sup> must stop, in order to combat poverty, even though it is developing countries who have expressed extreme concern about the impact that the Doha talks will have on their lives and livelihoods. This is a not very well veiled message indicating that recipients of these funds will be expected to concur with the EU position on the WTO's Doha Round.

“The EU for example made sustained attempts to influence and pressure developing nations, something that only served to increase their cohesion. They bribed where they could, promising the same recycled financing and maybe more to come if countries bent to their demands. And they bullied when they could not bribe. The UK financed workshops in selected vulnerable countries and deployed climate envoys. One of its envoys told “intransigent” negotiators that the UK would mobilise a group of vulnerable countries to pressure the major developing countries, such as China, Brazil and India, into committing to emissions reductions, contrary to their obligations under the climate treaty.”  
Berneditas de Castro Muller, South Centre<sup>62</sup>

### **An intimidating use of language and procedural niceties**

Another subtle but powerful way of controlling the political discourse is through an intimidating use of linguistic and procedural niceties. This has certainly been employed during the UNFCCC meetings.

For example, following controlled but clearly furious interventions from delegates from countries such as Tuvalu and Sudan, in response to the Danish President's attempt to have the Copenhagen Accord rubber stamped at sixty minutes' notice, a row about emotions and the use of strong language erupted. One delegate commented that bullying was revealed in its “full glory” during the final plenary in Copenhagen, courtesy of the UK and US representatives, who claimed to be offended by the use of terminology about betrayal and genocide.

Yet it is hardly surprising that developing country negotiators are angry, when they see developed countries trying to relieve themselves of financially inconvenient emissions reductions targets, by killing off the Kyoto Protocol and replacing it with voluntary pledges and very uncertain sources of financing. It is thus entirely inappropriate to equate references to genocide with “wrecking the conference”:

“UK secretary of state for energy and climate change, Ed Miliband, said this institution faced a profound crisis, and had a choice of supporting a document produced in good faith with fast start funds and \$100 billion funding (in 2020) and ensuring responsibilities on mitigation, or referring to the holocaust and wrecking the conference. He said passing the document as an information document was inadequate and urged it to be adopted.”<sup>63</sup>

Developing countries have every right to be frustrated by the cavalier way in which the future of their peoples is being subordinated to the economic interests of economically powerful countries.

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## 'Neutralise, co-opt or marginalize'

Following their unsuccessful attempt to get the Copenhagen Accord endorsed at COP15, the US and its allies, including the EU, then went on the offensive, to force countries into supporting the Accord, and to "neutralize, co-opt or marginalize" others in the run up to COP16 in Cancún.

### **Cable: US and EU discuss plan of action to implement Copenhagen Accord**

"Both officials [Froman and Hedegaard] agreed we must focus now on operational steps to implement the Copenhagen Accord. Froman said the U.S. will work in the next few weeks on getting countries to sign up for (associate themselves with) the Accord, and to inscribe their targets. The U.S. would be happy, he suggested, with the seven emerging market countries in the Major Economies Forum (MEF),<sup>64</sup> saying others would then follow. We also need to work on financing, he added.

"Froman emphasized that we need to determine the right process and grouping of countries to go forward. This could be the Greenland group of 28 countries from Copenhagen, MEF members, or countries signing the Accord, he speculated. The U.S. is not wedded to a particular grouping, he said, but there seems to be *broad consensus that relying on the two UNFCCC working groups is insufficient*. Hedegaard agreed, suggesting that an informal MEF grouping might be effective. It would be critical that this have legitimacy, she said. The Greenland group is an option, she said, but others might resent this designation.

"It is vital to get G-77 agreement to whatever grouping we use, Hedegaard continued. Both agreed it will be important to talk to incoming G-77 chair Yemen, with Froman adding it will also be important to be in close touch with Mexico as COP16 chair. In fact, Froman added, we need all major groups (the EU, MEF, BASIC, G-77, the island countries) to agree to a negotiating mechanism. Hedegaard responded that *we will need to work around unhelpful countries such as Venezuela or Bolivia*. Froman agreed that we will need to neutralize, co-opt or marginalize these and others such as Nicaragua, Cuba, Ecuador. Hedegaard noted the irony that the EU is a big donor to these countries, while Cuba, for example, is actively discouraging others from signing on to the Accord."<sup>65</sup> (emphasis added)

## Countries 'associate' with Copenhagen Accord unwillingly

This bullying and bribery, although resented by many, has been effective in getting countries to 'associate' with the regressive Copenhagen Accord, and support elements of the Accord being 'operationalised' at COP16 in Cancún, Mexico. 114 countries are listed on the original Accord, and the UNFCCC's website gives an updated total of 141 countries.<sup>66</sup> However, the many objections voiced in Copenhagen, combined with information contained in cables released by Wikileaks, demonstrate that many countries may have signed the Copenhagen Accord unwillingly.

The key question that must be asked is this: how many countries would actually have signed up to the Copenhagen Accord voluntarily, if they were free to reject it without losing access to potential climate finance assistance?

It is clear that some countries, Sudan for example,<sup>67</sup> believe that countries are being bribed into acquiescence; and leaked US cables reveal discomfort about the Accord:

**Cable: the US on Pakistan's distaste for the Accord**

"It is probable that Pakistan will eventually accede to the Accord if the BASIC countries decide to do so, but any GOP [Government of Pakistan] action on this issue will certainly come at minimum speed and with maximum distaste." (Internal comment from USA Embassy in Islamabad.)<sup>68</sup>

**Cable: Saudi view on pressure in Copenhagen**

"Saudi Arabia's lead climate change negotiator Dr. Mohammad Al-Sabban ... said *developing countries felt their Danish hosts forced them to decide on the Copenhagen Accord with practically no notice* ... In specific response to the U.S. request for support for the Copenhagen Accord (ref H), Al-Sabban said Saudi Arabia was still studying the accord to determine its position. The SAG cares about the environment, but it also must care for its citizens, he said ... Al-Sabban said climate change negotiations should remain under the UNFCCC and not be pursued under alternative frameworks."<sup>69</sup>

**Cable: trade trumps environmental objections in Fiji**

"Mr. Navoti [a director at the Fiji Ministry of Foreign Affairs (MFA)] stated that the government was deliberating on whether to associate with the Copenhagen Accord. He said that *the recommendation by the Ministry of Environment was to not associate with the accord*. The MFA however is stepping up within the government to promote association with the accord, he said... Given the urgency of the January 31 deadline, Navoti had reason to believe that PM Bainimarama would sign the document himself, as there was no time for the cabinet to debate the matter ... Mr. Navoti disclosed that China and Japan had also delivered demarches to Government of Fiji requesting the country associate with the Copenhagen Accord."<sup>70</sup>

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## Masters of spin: manipulating the political discourse

Another important means of determining the way in which the climate change negotiations have progressed is through control of the political discourse both within the halls, through the influence of the UNFCCC Secretariat and various host nations, and publicly through the media.

The exceptionally arcane and acronym laden language used in climate change negotiations can be a mystery to anyone not engaged and following negotiations on an almost constant basis. This lack of accessibility makes it easy for negotiators, especially those fluent in English, to twist meanings, hide their intentions and spread false rumours.

“Nothing is too ridiculous that somebody, somewhere, will not believe it - that is the strength of this kind of bullying.”<sup>71</sup>

It also increases the influence of the media, and those who control the media, since they effectively interpret what is happening for the rest of the world.

These two factors have been employed to maximum effect by developed countries in the climate change negotiations. One correspondent commented pointedly on this use of the media, observing that it is largely controlled by the developed countries:

“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!”<sup>72</sup>

A document on the Obama’s administration’s strategic communications objectives in the run up to COP16 in Cancún (accidentally left on a European computer and leaked to the Guardian newspaper) backs this assertion up in no uncertain terms. The US wanted to:

“reinforce perceptions that the US is constructively engaged in UN negotiations” [specifically in order to]... “Deepen support and understanding from the developing world that advanced developing countries must be part of any meaningful solution to climate change including taking responsibilities under a legally binding treaty” [and]... “Create a clear understanding of the CA’s [Copenhagen Accord’s] standing and the importance of operationalising ALL elements.”<sup>73</sup>

In order to do this, the US aimed to: continue to conduct interviews with print, TV and radio outlets; increase the use of off the record conversations; strengthen its presence in international media markets during trips abroad; and take greater advantage of new media opportunities such as podcasts, bypassing traditional media outlets.<sup>74</sup> Revealingly, it also aimed to reduce criticism from civil society by engaging with civil society in “intimate meetings” (which then make it more difficult for those participants to be critical):

“Prior to the 9-11 April meeting in Bonn it would be good for Todd to meet with leading NGOs. This should come in the form of 1:1s and small group sessions... Larger group sessions... will be useful down the line, but more intimate meetings in the spring are essential to building the foundation of support. Or at the very least, *disarming some of the harsher critics.*”<sup>75</sup> (emphasis added)

### Shoring up power in Cancún ‘white rooms’

As a result of these tactics, the US and its allies finally succeeded in having key elements of the Copenhagen Accord ‘operationalised’ within the UNFCCC, at COP16 in Cancún, in 2010. Critically, weak and voluntary pledges made under the Accord were incorporated (although they could vary in the future); and developing countries were cajoled into agreeing to look at how they could also reduce emissions. A new Green Climate Fund was also established, to transfer climate finance from developed to developing countries, but no figures were put on the finance that would be channelled through it and the key role of trustee was handed to the widely discredited World Bank. Outline REDD proposals (Reducing Emissions from Deforestation and forest Degradation) were also formally agreed.<sup>76,77</sup>

The acceptance of a system of voluntary pledges, combined with Japan’s announcement that it would not sign up to a second commitment phase of the Kyoto Protocol, means that the continued existence of the Kyoto Protocol was fatally undermined in Mexico. A second phase of the Protocol is still on the table in the run up to COP17 in Durban, but prospects were further diminished by Russia and Canada also rejecting a further commitment period under the Kyoto Protocol.<sup>78</sup>

However, although many of the negotiators present in Mexico professed relief that the Cancún summit did actually reach an agreement, thus keeping the ailing negotiations alive, the Cancún Agreement was in fact negotiated in a similarly illegitimate way to the Copenhagen Accord, again more in keeping with the ruthless negotiations that take place in the World Trade Organization.<sup>79</sup> However, since the Mexicans chaired the summit rather more cleverly than the Danes in Copenhagen, it was correspondingly harder to challenge and stop.

“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<sup>80</sup> the whole world would be scandalised!”<sup>81</sup>

Tactics included further small *ad hoc* meetings (this time dubbed ‘white rooms’), informal consultations, and, when ministers started to arrive, ‘confessionals’. In these confessionals countries were grilled, individually or in groups, about their positions, by pairs of ministers carefully selected by the Chair. Then, during the last half of the second week, these ministers who had been designated as ‘Friends of the COP Presidency’ started calling meetings referred to as ‘open ended informals’ to

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look at text that they had themselves prepared on the basis of the confessionals and various other sources (including previous texts produced by the facilitators appointed by the AWG-LCA<sup>†</sup> chair).

“We did not directly negotiate the ministers’ texts in the sense of actually sitting down and negotiating directly on the text, but rather were asked to comment on these texts, then the ministers and secretariat would go back and revise on their own, then present a revised text again. In the meantime, there would also be smaller settings to which they would invite only certain parties. So essentially, 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.”<sup>82</sup>

“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,<sup>83</sup> 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.”<sup>84</sup>

“They 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. For some of that time there were many key people visible, but at one point they simply disappeared. 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’<sup>85</sup> 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.”<sup>86</sup>

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<sup>†</sup> The Ad Hoc Working Group on Long-term Cooperative Action, set up after the Bali conference to work implementing the UNFCCC up to and beyond 2012.

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Once again in the UNFCCC a document materialised from a non-inclusive non-transparent process, which had not been mandated by the membership, and was put to the final plenary on a 'take it or leave it' basis, with no amendments permitted.<sup>87</sup> Critically, it was rejected by Bolivia, but nevertheless gavelled through by the Chair, who declared a consensus in spite of Bolivia's objection. Once again, bullying was used in a very public way, this time to declare a consensus that did not exist.

Ultimately, the Cancún Agreement undermined the Kyoto Protocol, even though negotiations about a second phase of the Protocol remain on the table. It also creates a range of new obligations for developing countries.<sup>88</sup>

In fact during negotiations in Cancún and Panama it has become increasingly clear that the US aims to overturn the concept of common but differentiated responsibility as set out in the UNFCCC, which clarifies that it is industrialised countries that are responsible for creating and therefore addressing the climate change crisis.

### **Climate finance promises may be empty promises**

There is also considerable concern about whether the various promises made<sup>89</sup> concerning 'fast start' finance "approaching" US\$30 billion in the period 2010-2012 and long term financing of US\$100 billion per year by 2020 (which are themselves a fraction of the amount that even the World Bank has calculated as being necessary)<sup>90</sup> are anything other than empty promises.

The fast start financing period is due to expire next year. Of the US\$30 billion pledged it seems that, by May 2011, only some US\$12 billion had even been ear-marked by the various national processes or structures needed to process the financial transfers, and of that only a fraction had in turn been delivered to recipient countries. Furthermore, researchers have observed that it is not clear that the Cancún requirements are being met, i.e. that these funds will be balanced between funding adaptation and mitigation; new and additional; and prioritised for the most vulnerable developing countries.<sup>91</sup>

In addition, it seems that some of the pledges made include monies already previously committed. It appears that even Japan's promise to deliver the admittedly sizeable sum of US\$15 billion as the Hatoyama Initiative replaces its existing US\$10 billion Cool Earth Fund.<sup>92</sup> This alone means that 30% of the pledged fast track funds are not new and additional. Fast start funds from the UK and the US also include funds already committed to the World Bank's Climate Investment Funds in 2008.<sup>93</sup>

Similarly, the UK committed £1.5 billion in fast start funding in Copenhagen but it has since transpired that these same funds are being double counted and finance spent on climate change will be at the expense of the UK's aid commitments on health, education and water supplies.<sup>94</sup> Furthermore the majority of these funds are being channelled as loans through the widely discredited World Bank, which is positioning itself as the leading institution delivering climate finance and fostering carbon markets, in spite of the fact that it is simultaneously financing the expansion of the fossil fuel industry.<sup>95</sup>

According to Wikileaks cables, some proportion of the US funds promised will also be 'indirect'. The cable is quite specific that this is a euphemism for double counting "program funds from various agencies and funds for food security".<sup>96</sup>

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Wikileaks also reveals that some lead climate change negotiators are not adverse to discussing creative accounting and that a discussion has been underway as to what funds could be included in the promised climate finance flows:

**Cable: US on 'practical constraints of tight budgets'**

US deputy special envoy on climate change Jonathon Pershing, in conversation with EU Commissioner Connie Hedegaard, is reported to have concluded that: *"it would be valuable to agree on what funds would be included in each country's reporting, and said donors have to balance the political need to provide real financing with the practical constraints of tight budgets."* The implication is clear: these 'practical constraints' mean that not all the promised financing will be 'real'.<sup>97</sup>

One correspondent also comments:

"At least have a little respect for my mind by giving me some new money and not some money that I would get anyway, or some loan that they will have to give you anyway. But of course they will not offer it to me, or any knowledgeable negotiator, but rather to somebody higher up who would not know that he/she would get it anyway. Unless those higher up listen and respect their negotiators, then it does not work."<sup>98</sup>

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' these funds from a wide range of sources including private sources, especially carbon markets.

A recent UN report observes that some of those (few) countries that have reported on their fast start finance commitments so far have also included information on private investment, private sector financing and public private partnerships. Submissions also suggested that funds were being provided not only as grants but also as concessional lending and technical cooperation. Some additional instruments were also reported including export-import credits and insurance for renewable energy and clean technology investments.<sup>99</sup>

Looking at the EU's figures is also instructive. 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 European commission, for example, has calculated that, with respect to the EU's contribution to the US\$100 billion long-term financing pledged in Cancún, "A mix of public finance, carbon market finance and private finance, and some of these sources leveraged by development banks, will be required to deliver this amount of funding."<sup>100</sup>

Some estimates are provided. Auctioning carbon emission permits to EU industry under the EU's Emissions Trade Scheme (ETS) between 2013 and 2020 is anticipated to raise more than €20 billion per year. Industry is calculated to provide another €3 billion in investment per year during the same period, and development banks such as the European Investment Bank are seen as another potential source of capital. Should these calculations prove accurate (and some might say they are very optimistic given the current state of the carbon markets<sup>101</sup>), that would leave something less than 7 billion Euros to be funded from public sources per year.<sup>102</sup>

A new paper prepared for the G20 finance ministers meeting in November 2011 by the World Bank on 'mobilising climate finance', is also quite clear on this point. It says: "The dominant scale of global private capital markets and growing constraints on public finance in many developed economies also suggest that the large financial flows required for climate stabilization and adaptation will, in the long run, *be mainly private in composition*. Public policy and finance nonetheless play a crucial dual role: first, by establishing the incentive frameworks needed to catalyze high levels of private investment in mitigation and adaptation activities, and second, by generating public resources for needs which private flows may address only imperfectly." (emphasis added)<sup>103</sup>

Yet the same World Bank report also confirms that carbon markets are failing, saying that, "The value of transactions in the primary CDM market declined sharply in 2009 and further in 2010... amid chronic uncertainties about future mitigation targets and market mechanisms after 2012."<sup>104</sup> This certainly indicates that these private sources of finance may not deliver the "scaled up, new and additional, predictable and adequate funding" described in the Copenhagen Accord.

The situation is already such that the World Bank is asking for a bail out to prop up these failing markets. Far from rejecting carbon markets as a source of climate finance because of their volatility and unpredictability, the World Bank goes on to propose that some of the existing climate finance already pledged should be used to support these markets:

"Given the heavy toll of a potential market disruption in terms of both capacity and confidence, governments could make innovative uses of climate finance to sustain momentum in the market while new initiatives are being developed. They could, for example, dedicate a fraction of their international climate finance pledges to procure carbon credits for testing and showcasing new approaches, such as country program concepts, new methodologies, CDM reforms and new mechanisms."<sup>105</sup>

The most recent climate change negotiations, in Panama in October 2011, indicate that the issue of climate finance is itself increasingly contentious.<sup>106</sup> In Panama, the developed countries went out of their way to try and keep any mention of finance out of the discussion and the final texts, as this negotiator describes:

"In Panama it was absolutely clear that the US had no intention of allowing any text on finance to go through, even though it is a major concern for the developing countries and they tabled proposals. The Chair argued that since there were no texts from the developed countries it would be unbalanced to proceed with just those proposals from the developing countries! In this way the developed countries and the Chair almost succeeded in stopping any language on climate finance coming out of Panama. But in the end the developing countries fought back, saying that if that was the case they would also block everything on mitigation. In the end the developed countries did submit something on finance but it was an empty submission. They push so hard for what they want though. So much time was allocated to discussing markets for example. But issues that we are interested had much less time and even when there were slots it was not possible to utilise them properly. Take shared vision for example. This is very important. You may have a goal of 2°C, but if you don't define how the burden will be shared you cannot achieve that goal. They just don't want to talk about it."<sup>107</sup>

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Issues developed countries attempted to block in Panama included finance, adaptation and addressing the 'economic and social consequences of response measures' (negotiating language for the trade impacts of measures taken to counter climate change).<sup>108</sup>

Perhaps the real intention is to have the *idea* of climate finance on the table as an inducement, but to avoid any real, specific commitments.

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## Conclusions

Certain developed countries, including the US, the UK and others, have behaved shamefully in the climate change negotiations over the last two years. Using unfair, undemocratic and even deceitful means to skew the climate change negotiations in their favour, they have colluded with each other in a bid to backtrack on the commitments and responsibilities they previously agreed to in the United Nations Framework Convention on Climate Change in 1992, and its Kyoto Protocol, which entered into force in 2005.

This report shows that during and since COP15 in Copenhagen, these countries have resorted to bullying, bribery, blackmail and outright deceit, sometimes openly and sometimes behind closed doors, in order to persuade reluctant developing countries to 'associate' with the Copenhagen Accord, which was drafted by an exclusive group of 26 countries meeting in secret on the margins of the UN's supposedly democratic negotiating process. Some have even resorted to deceitful tricks to try and silence objecting countries at the end of each COP.

The question is: how many countries would have associated with the Copenhagen Accord voluntarily if there was no risk of losing out on climate finance and existing bilateral aid flows?

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

Yet speak out countries must. The Copenhagen Accord conflicts with both the UNFCCC and its Kyoto Protocol. It starts to move away from the principle of historical responsibility, by insisting that developing countries begin to look at how they can mitigate their emissions, even though it had previously been agreed that their overwhelming priority must be poverty reduction. It replaces binding emissions reductions requirements with voluntary pledges for Annex I countries, which will inevitably limit the extent to which these countries reduce their emissions. And it makes potentially empty promises about climate finance transfers "approaching" US\$100 billion, since donor governments appear to be looking to private sources for the majority of these funds (even though carbon markets are currently weak).

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 the Copenhagen and Cancún COPs. It is also untenable that a country's objection to a consensus document can be ignored, as happened in Cancún. This latter development, however, clearly demonstrates that it will need more than one or two lone voices to derail the Copenhagen Accord strategy now. Developing countries need to speak up collectively at COP17 in Durban, before it is too late.

The developed countries that have pushed the Copenhagen Accord may well view the coming COP17 in Durban as the 'end game', wrapping up two years of political manoeuvring with an outcome that

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removes all of their existing legal commitments. But in so doing they could be creating the greatest 'end game' of our times, runaway climate change.

The best outcome from Durban would be one based on climate justice. It is time to stand up to the climate change bullies, to reject the Copenhagen Accord and the Cancún Agreements that implement it. The need for scaled up climate finance based on public funding should be addressed fairly and squarely, rebuilding trust between developed and developing countries; 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 should also ensure that COP17 in Durban is played by the rules, and that everyone gets a real say in how to proceed.

"We are not dealing with charity, but above all with a moral and legal obligation resulting from the commitments adopted in the Convention."

Letter from Cuba to the Chair of COP16 in Cancún.<sup>109</sup>

### **Climate justice**

The way we understand climate justice is that wealthy nations should acknowledge their historical responsibility, that for 250 years they have been emitting green house gases that have generated a climate change that is affecting all the world, particularly it is generating climate disasters in those vulnerable impoverished nations and sectors that have emitted almost nothing to the atmosphere. And that is not fair, it is an injustice. It must also be remembered that many countries have been impoverished because of centuries of colonialism carried out by the same nations and sectors mainly responsible for climate change. So a social and ecological debt has been generated.

Now acknowledging historical responsibility means that wealthy nations should:

- Reduce their levels of material consumption
- Make a transition to a zero carbon economy
- Provide funds, as a way of paying some of the social and ecological debt, for impoverished nations to make a transition to a zero carbon economy and for impoverished people to cope with climate change impacts, some people call that adaptation, I call that survival.
- Devote efforts to rehabilitate ecosystems in the Northern countries.

Likewise we in the southern countries have to:

- Demand the cancelation of the social and ecological debt so we can make that transition to a zero carbon economy, survive climate disasters and improve living conditions of impoverished sectors.
- Reduce material consumption of the wealthy classes.
- Rehabilitate our ecosystems.

Ricardo Navarro  
CESTA, El Salvador

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<sup>8</sup> Confidential conversation between climate change negotiator and author.

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